Resettlement - 1995

Jan. - October
Hanekom releases shortlist for land claims commission

The Ministry of Land Affairs released a shortlist of nominations for the planned commission on the restitution of land rights yesterday.

Minister of Land Affairs Derek Hanekom last year invited the public to nominate candidates for appointment as land claims commissioners. A selection panel appointed by Hanekom compiled the list of 16 candidates.

It includes attorneys Wallace Mgoho of the Cape Town Legal Resources Centre, Wouter Hugo Jordaan from Kuruman and Marchand de Kok from Bloemfontein.

Academics listed are Professor Aubrey Clifton Redlinghuis of the University of the Western Cape, Cheryl Walker of the University of Natal and Dr Peter Mayende of the University of Transkei.

Non-governmental organisation officials on the list are Jocette Cole, director of the Cape-based Surplus People's Project, Johannes Rametse, coordinator of the National Housing Forum, Emma Mashinini, a trustee of the Transvaal Rural Action Committee and Harald Winkler of the Border Rural Action Committee.

Others on the list are Mary Simons, Dr SK Mateseke, Joe Sekhona, the Rev Mamabolo Radefadi, Raphaelu Werner Kirchhoff and Bantu Boniface Mmunya.

The public can attend interviews with the candidates next Thursday and Friday in Pretoria.

Written comments should be faxed to (012) 341-4198. — Sapa.
Short list released for land commission posts

PRETORIA — The Land Affairs Ministry yesterday released a short list of nominations for the planned Commission on the Restitution of Land Rights.

Land Affairs Minister Derek Hanekom last year invited the public to nominate candidates for appointment as land claims commissioners.

A selection panel compiled the list of 16 candidates, including academics, lawyers and officials of non-government organisations.

It includes attorneys Wallace Mgoqi of the Cape Town Legal Resources Centre, Wouter Hugo Jordaan from Kuruman, and Marchand de Kok from Bloemfontein.

Academics listed are Prof Aubrey Cliftton Redlinghuis of the University of the Western Cape, Cheryl Walker of the University of Natal, and Dr Peter Mayende of the University of Transkei.

Non-government organisation officials are Josette Cole, director of the Cape-based Surplus People's Project, Johannes Rantete, co-ordinator of the National Housing Forum, Emma Mashinini, a trustee of the Transvaal Rural Action Committee, and Harald Winkler, a field worker for the East London-based Border Rural Action Committee.

Others on the list are researcher Mary Simons, educationalist Dr SK Maseko, SA Communication Services assistant director Joe Seremane, SA Council of Churches official Rey Mamabolo Radidlad Raphaus, Johannesburg land surveyor Werner Kirchhoff, and Bantu Bondface Masiyana of the Queenstown Education and Training Forum.

The public is invited to attend interviews with the candidates on January 12 and 13 in Pretoria. — Sapa.
Land Claims court nominees named

By BARRY STIEK
Political Staff

A FORMER banned UCT academic, Ms Mary Simons, is among the 16 on a short list of candidates for appointment as Land Claims Commissioners, the government announced yesterday.

Others on the short list include Professor Aubrey Bedlinghaus, Surplus People's Project's director Ms Josette Cole and iKapa interim administrator Mr Wallace Mogo. Also nominated were attorneys Mr Wouter Jordan from Kuruman and Mr Marchand de Kok from Bloemfontein, Ms Cheryl Walker of the University of Natal and Dr Peter Mayendo of the University of Transkei.

The National Housing Forum's Mr Johannes Rantete, Transvaal Rural Action Committee trustee Ms Emma Masinini and Mr Harald Winkler were also nominated.

Others on the short list include educationist Dr S Matale, Mr Joe Seregmane, the Rev Mangabololo Raphesa, Johannesburg land surveyor Mr Werner Kirchhoff and Mr Buntu Mfenyana.

They will be interviewed publicly on January 12 and 13 in Pretoria.
Reedress for Group Areas Victims

The commission proposed that a bill be passed by Parliament that would ameliorate the effects of Group Areas Act and uplift the lives of the affected individuals and families. The commission strongly recommended that the rights to property be respected, and the right to have a home be protected. It also recommended that the right to employment be respected, and the right to education be enforced. The commission also advocated for the establishment of a fund to assist those affected by the Group Areas Act.
‘Group areas victims should be recompensed’

PRETORIA. — Victims of the defunct Group Areas Act should be compensated by the return of their property or by suitable financial reparation, the South African Law Commission has recommended.

In a report on group and human rights released here, the commission said the “historical denial of land rights” required special measures to deal with access to land.

“However, it is also recognised that some of the present owners purchased and developed property in good faith. A balance must therefore be struck.”

The commission also supported affirmative action, considering it a manifestation of equality before the law.

At the same time warned against “the danger implicit in the view that affirmative action is of a retributive nature”.

The commission proposed that a number of rights presently absent from the Bill of Fundamental Rights also be protected, including the right to marry and the right to have a family.

The commission strongly supported the protection of women’s rights but contended that their interests were best served by the coexistent application of the general equality clause in the constitution.

It again said groups or minorities could best be protected by upholding the rights of all individuals and by applying the prohibition on discrimination.

On the application of the Bill of Fundamental Rights, the commission recommended that these rights should mainly regulate the relationship between the state and the individual.

General principles on the relationship between individuals should rather be embodied in specific legislation, the commission said. — Sapa.
Group Areas victims should be compensated - law commission

Victims of the defunct Group Areas Act should be compensated by the "return" of their property or by suitable financial reparation, the South African Law Commission recommended yesterday.

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Regulate

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More reports

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Candidates vie for land commission's shortlist

BY TENDAI DUMBUTSHENA

The five commissioners who will consider land claims filed by the dispossessed will be chosen from 15 candidates interviewed in Pretoria this week.

The public and press were invited to witness the interviews with the 15 candidates, all vying to be on a final shortlist of eight from which Land Affairs Minister Derek Hanekom will select five commissioners.

Chaired by Barley Sibisi, adviser to Mr Hanekom, the panel interviewing the candidates comprised Louise Tager, Mojanku Gumbi, Boakle Jack, Antika Chassens, Nic Olivier and Apple Sicekane.

Candidates were chosen on their ability to understand the legal intricacies of land claims, their mediation skills and their knowledge of the history of land dispossession since 1913, the cut-off point for claims lodged with the commission.

The commissioner and his deputy will sit in Pretoria, the others in Cape Town, Bloemfontein and Maritzburg.

The land commission, expected to be in operation by March, will process claims from communities and individuals who suffered land expropriation at the hands of former governments.

By mediating in claims, the commission also hopes to reduce the number of disputes reaching the land claims court.

The Restitution of Land Rights Act, passed at the end of last year, allows the commission to seek other forms of compensation when land cannot be restored.

All claims must be lodged within three years of establishment of the commission.
Land: Hanekom will choose

Minister of Land Affairs Derek Hanekom is expected to advise the Cabinet tomorrow of his choice of five commissioners charged with mediating the claims of people deprived of their land on racial grounds.

Buhle Sibisi, an adviser to Hanekom and chairman of the panel which screened nominees for the Land Restitution Commission, said yesterday the panel had whittled the 15 candidates down to eight names.

The 15 candidates are:
- Wallace Mgoqo
- Professor Aubrey Clifton Redlinghuis
- Josette Cole
- Wouter Hugo Ndlovu
- Johannes Matshakhe
- Rabelove, Marchand de Kok
- Mary Simons
- Cherry Jane Walker
- Dr SK Mtshoke
- Emma Masithi
- Joe Seremane
- Harald Ernst Winkler
- Dr Pekh Gili Ntsikelo
- Mensho Raphela
- Bunti Bopo
- Zace Mfanyana
- Werner Kirchhoff.
Land reform:
Who'll talk?

PRETORIA. — Land Affairs Minis-
ter Mr Derek Hanekom has forbid-
den officials in his department to
discuss the land reform pilot pro-
gramme with the press, a source has
claimed.

The unnamed source said that, be-
cause of the sensitive nature of the
programme, media statements
would be made by Mr Hanekom
"when he is ready."

But Mr Hanekom quickly moved to
deny the claim, saying that "no such
directive was ever issued".

According to a blueprint drafted
last year, each province must nomi-
nate districts where a wide range of
tenure reforms can be tested.

This would include private land
acquisition, security of tenure for
farmworkers and labour tenants,
and leasehold land use. — Sapa
Nod for land commissioners

PRETORIA. — The cabinet yesterday endorsed Land Minister Mr. Derek Hanekom's choice of commissioners to consider claims of people who lost their land under apartheid. Mr. Hanekom named Mr. Joe Seremane, of the SA Communications Service, as chief land claims commissioner. — Reuters
Guidelines for claims still to be drawn up

Land rights commission set up

BY JO-ANNE COLLINGE

Minister of Land Affairs Derek Hanekom yesterday announced a five-member Commission on the Restitution of Land Rights comprising people associated with organisations which fought forced removals.

The position of chief land claims commissioner will be filled by Joe Seremane, best known for his human rights work in the South African Council of Churches. The regional commissioners are, Western Cape — lawyer Wallace Ngodj of the Legal Resources Centre; Eastern Cape — Dr Peter Mayende, who formerly held the Pan Africanist Congress's land portfolio and now works for Idass, KwaZulu/Natal and Free State — academic Cheryl Walker, a major contributor to the Surplus Peoples Project which helped raise awareness of forced removals in the early 1990s; and Gauteng, North West, Northern Transvaal and Eastern Transvaal — Emun Mashinini, former trade unionist and a leading figure in the Anglican Church's social justice programmes.

Congratulations the successful candidates, who were chosen from an initial 202 nominees.

Hanekom said it was now up to the commission to "draw up guidelines, procedures and requirements for the lodging of land claims" by those who were dispossessed of their land.

"I believe that I would shortly, after consultation with the commission, be in a position to advise the president on a date for the official launching of claims, as required by legislation," he said.

It is the commission's task to try to settle claims by mediation and facilitating talks between parties involved. Only if this course of action is followed does the claim go to the land claims court, which has yet to be set up.

Brendan Pearce of the National Land Committee, which works closely with victims of forced removal, said his organisation was "happy with the people who have been tasked with this responsibility (of settling land claims) and is looking forward to having a constructive relationship with them".

Until regional land claims offices are set up, all queries should be addressed to Daan van der Westhuizen, Commission on Restitution of Land Rights, Provisus Building, Church Street, Pretoria.
Unpaid bill keeps land out of reach

Loise Cook

AN AMOUNT of R60 000 owed to Namibia's Khorixas municipality is the only obstacle in the way of the remaining 400 members of the Riemvasmaak community returning to their land in the Upington district.

Only 100 members of the 569-member community, forced to move 20 years ago, had so far returned after government restored their land to them as part of the land restitution process, officials said.

The group, which had been moved to Khorixas in Namibia, is waiting for the green light from authorities to move back. But negotiations to get the municipal debt written off had so far failed, Riemvasmaak co-ordinating committee chairman Freddie Bosman said yesterday.

Sources said that Land Affairs Minister Derek Hanekom had refused to pay the money as part of restitution costs.

He said government was already paying about R1,5m in transport costs.

Namibia's regional and local housing ministry director Frans Viljoen confirmed that the money could not be written off.

Bosman said a pledge to repay the money after resettlement would create problems because most members of the community faced unemployment.

"The group had initially been given free accommodation and services by the Khorixas municipality. This lapsed when Namibia gained independence."

Sources said government had budgeted about R12 000 per family for resettlement aid. R10m was allocated last year for pilot land reform projects.

The Riemvasmaak community won their land restitution claim last year. The first group returned to the Upington district at the weekend.
Land commissioners named

PRETORIA — The Cabinet yesterday endorsed the appointment of commissioners to the Commission on Restitution of Land Rights, said Land Affairs Minister Derek Hanekom.

Sapa reports that the commission has been established to redress injustices caused by the dispossession of land rights during apartheid.

The appointments were made for the Western Cape: Cape Town's Siphiwe Zille as commissioner; Cape attorney Wallace Mgoqi as regional land claims commissioner for the Western Cape; Transkei University's Peter Mayende (Eastern Cape); Natal University's Cheryl Walker (KwaZulu-Natal and Free State); and Transvaal Rural Action Commu-

tee trustee Emma Mashinini (Gauteng, Northwest, and Northern and Eastern Transvaal).

Hanekom said it was now up to the commission to take the process further by drawing up guidelines and procedures for lodging land claims and related measures. The commission will have the full support of his ministry and my department, Hanekom said. "Provision has already been made for the appointment of staff of the Land Affairs Department to serve the commission in an administrative and professional capacity. The commission's regional offices were also being selected and would be made public once the issue was settled.

He said there had been over 200 names received at the closing of nominations on December 31.

Some candidates had been unable to serve on a full-time basis if the workload required expansion of the commission later on, he said. "We would approach some of the other members on the short list," INGRID SALGADO reports that Mashinini said she hoped there would be co-operation and assistance from all parties involved.

There were a number of people who had been "par-"

Pupils replace peer's Titan

OWN CORRESPONDENT

LONDON — The Marquess of Bath has had his stolen £2m Titan replaced by a series of children's impressions.

The Defares, depicting Rest On The Flight To Egypt were given to Lord Bath by pupils at Clough Hall School near Huddersfield.

The peer was devastated by the break-in at his home in Wiltshire this month.

Teacher Shirley Scott was telling her children about the biblical story shortly before she heard of the theft. She decided to organise a competition to reproduce the Titan.

She told reporters: "I just hope the paintings can lift Lord Bath's spirits a bit."

Lord Bath sent a message to the school, thanking them for their "lovely gesture."

THE SA Army had no immediate plans to grant the fledge- ing SA National Defence Union recognition as proper channels of communication already existed, an army spokesman said yesterday.

Col Brian du Toit said: "As far as I know there are no negotiations with the Union at this point although there have been negoati

Army has no plans to recognise union

BONILE NGQIYAZA

Proper channels exist."

Spokesman of Maj Muff Anderson said yesterday the Defence Ministry had yet to finalise its position on unionisation.

She said the SANDF was still operating in terms of the Defence Act clause according to which unionisation was "just out of the picture."

Military analysts and observers warned that, after the elections, the struggle to unionise the military would become a major item on the national political agenda as it pitted the military establishment against the constitution.

Van Niekerk said last year his union had received more than 3,500 membership applications.
Another boost for land reform

STAFF REPORTER

A further step towards land reform and rural development has been taken with the president's appointment of the Rural Financial Services Commission.

Minister of Land Affairs Derek Hanekom announced yesterday that President Mandela had appointed the commission on January 13 with Dr Conrad Strauss, group chairman of Standard Bank Investment Corporation, as its chairman.

Hanekom said: "The government needs to ensure that financial services in rural areas are accessible to the majority of the population, not only to finance land acquisition, but also to provide finance for the productive use of the land and rural development in general."

Interested parties have until the end of March to make submissions to the commission. The idea is that it will complete its work this year.

Other members of the commission are Dr Deon Brand (Department of Finance), Dr Helens Dohy (Wits Business School), advocate Steven Goldblatt (Johannesburg Bar), Fanite Hugo (Land Bank), Bonile Jack (National African Farmers Union), Deon Jonker (Department of Agriculture), Dr Mike Lamont (Reserve Bank), Totole Memela (Siyabonga Farmers), Daphne Mathe (National Sorghum Breweries), Kgolokh Dilaa (private consultant), Jack Reath (South African Agricultural Union), Dr-Nick Vink (Development Bank) and Peter Wrighton (Premier Group).

The commission will be looking into government policy on providing financial services, the demand for financial services in the existing institutions and the legislation and structures required to expand services and monitor the services.

Submissions should be sent to: The Secretary, Commission of Inquiry into the Provision of Rural Financial Services, 1234, Halfway House, 1985. Fax number: (011) 313-3405.
Land claims agents prey on victims of apartheid

CLIVE SAUYER
Political Correspondent

PEOPLE who lost land because of apartheid are being preyed on by private agencies charging exorbitant rates to submit claims on their behalf.

Warning against these agencies, land affairs minister Derek Hanekom said legislation allowed people to submit their claims directly and free of charge.

The commission on restitution of land rights, appointed last week is to draw up guidelines for lodging land claims.

"After consultation with the commission, I shall advise the president on date for the official launching of claims," Mr. Hanekom said.

Regional offices of the commission were being set up.

There would be an information campaign to inform people how and where to submit their claims.

Individuals and communities could submit claims.

Prospective claimants needing guidance should contact the commission on land rights at ☎ (012) 341-7900, Mr. Hanekom said.

They could also contact the national land committee or legal resources centre.
Land laws probe ordered

A comprehensive investigation into all existing laws pertaining to land administration had been initiated under Professor Nic Olivier of Potchefstroom University, the Minister of Land Affairs, Mr Derek Hanekom, said yesterday.

Various problems had come to the fore regarding land administration functions of the former TRVC and self-governing territories, he said.

"The difficult task is to unravel or unbundle the existing laws, the roles and functions of different authorities, and to strike a right balance between coherent national land reform measures and effective day-to-day administration of land matters on the ground," Mr Hanekom said.

Restitution rip-off alert

A warning against advertisements offering to submit land restitution claims "at exorbitant rates" was issued yesterday by the Minister of Land Affairs, Mr Derek Hanekom.

The new Commission on Restitution of Land Rights had been structured in such a way that people could submit their claims directly and free of charge, he said.

The commission would, as a matter of urgency, draw up guidelines for the lodging of land claims and other related matters.

A date for the official launching of claims would be announced after consultation with the commission, Mr Hanekom said.
Hanekom warns claimants

CAPE TOWN — Land Affairs Minister Derek Hanekom warned yesterday that opportunists were attempting to levy exorbitant fees from people submitting claims under the Restitution of Land Rights Act.

The Act, which provides for the restitution of land rights to those who were dispossessed due to discriminatory legislation, was enacted by Parliament last year.

Hanekom said yesterday private advertisements had been placed recently in newspapers offering to submit claims on behalf of claimants "at exorbitant rates".

Hanekom said the restitution process had been structured in such a way that claims from both individuals and communities could be submitted directly and free of charge to the Restitution of Land Rights Commission.

Members of the commission were appointed earlier this month and were currently drawing up guidelines, procedures and requirements for the lodging of land claims, he said.

"The commission will be accessible to everyone and will be able to assist claimants in documenting their claims," A campaign would be launched soon to inform people how and where to submit their claims, Hanekom said.

The official launching of the claims period, which will last for three years, would be announced shortly following consultation with the commission and once the president had been advised, he added.

Hanekom, meanwhile, told Parliament yesterday that a task team had been appointed to undertake a comprehensive investigation of all existing land administration laws.

Speaking in the second reading debate on the Land Administration Bill, Hanekom said the team would be headed by Perlchroom University professor Nic Olivier.

Various problems had emerged concerning land administration functions performed by the former TBVC and self-governing territories, Hanekom said.

The occupation of state-owned land in these areas, the granting of permits and lease contracts, the subdivision of land and general township administration functions were among difficulties that would be addressed by the task team.
Move on land administration
CLIVE SAWYER (27)
Political Correspondent

The first moves to sort out the tangle of South Africa's land administration laws are under way.

Land Affairs Minister Derek Hanekom has appointed a team headed by Potchefstroom professor Nic Olivier to recommend land administration practices to suit the constitution and new land policies.

Speaking in the national assembly yesterday on the Land Administration Bill, Mr Hanekom said the bill would delegate powers over land administration to provincial and local governments.

Some land matters could be performed effectively only on a local or provincial level, he said.
Cień plans to repossess their land

Were taken from farm shops after the 1912

immigrant will have to compensate farmers for land returned to their owners

BY Kathrin Manimala

he said the people's farming had not the equal productive soil and the local farmers are not willing to produce rice as they have in the past. The prime minister and the farmers have been developing crops but the farmers are not interested in the crops as they have been forced to grow crops that are not profitable. The situation is that the government is not willing to listen to the farmers and is not willing to help them. A special commission was set up to enquire into the matter. The committee was told to look into the matter in depth and report back to the government.

The prime minister was also told to look into the situation and report back to the government. The government is not willing to listen to the farmers and is not willing to help them. The situation is that the government is not willing to listen to the farmers and is not willing to help them.
Seizure of property possible — ANC

Compensation not solely based on market value.
Employers of illegal workers face action

GOVERNMENT would take strict action against employers using illegal immigrant labour, Home Affairs Minister Manto Tshabalala-Msimang said yesterday.

But the problem of illegal foreigners was not just a local issue and steps to enter into discussions with neighbouring countries had also been taken, he said.

His department intended to do “everything in its power to curb the influx”. However, there was a distinction between foreigners who “contribute to unemployment and the high crime rate” and refugees or immigrants who possessed residence or work permits. The latter were in SA legally and fully entitled to the rights stipulated in their permits.

Reapportionment of illegal immigrants would continue but would be executed in a “fair and humane” manner.

Tshabalala-Msimang expressed concern at steps taken by Alexandra residents this week to expel foreigners from their township.

The residents claimed they were operating in the name of the ANC and SA National Civic Organisation but both organisations denied this and condemned the action. The Inkatha Freedom Party Youth Brigade this week expressed its support for the evictions.

Bill may allow land seizure

CAPE TOWN — The seizure of property was possible in a future Bill of Rights if the seizure was done in the public interest, met the objectives of the constitution and was accompanied by just compensation, the ANC said in its preliminary submission to the home affairs committee yesterday.

A just compensation would be determined through a balance between the public and affected parties’ interests and not be based solely on the market value of the property.

The constitution will make it clear that seeking to achieve substantive equal rights and opportunities for those discriminated against in the past “should not be regarded as a violation of the principles of equality, non-racism and non-sexism”.

“Unless special interventions are made, the patterns of structured advantages and disadvantages created by apartheid and patriarchy (will) replicate themselves from generation to generation,” the submission read.

The ANC mooted the creation of a new system of just and secure property rights. It also suggested the creation of special agencies to ensure equal opportunities between women and men.

“The Bill of Rights must guarantee language, cultural rights and religion and respect diversity.”

Workers would be granted rights to independent trade unions, collective bargaining and the right to strike which should be supplemented by a workers’ charter.

The ANC proposes the granting of social and economic rights through the provision of homes, education, employment and access to facilities without discrimination on the basis of race and gender.

All parties agreed that the interim Bill of Rights had limitations as it was written to deal with the transition and was thus not expansive enough. — Sapa.
He has seen the law aid the poor

WHEN Wallace Mgqo takes up his first land rights restitution case, it will not be the first time he takes up the cause of the landless people.

For more than 15 years, the Langa social worker-turned-lawyer has been involved in "advancing the cause of the homeless and protecting the sanctity of family life".

Interviewed at his office at the Legal Resource Centre, Mr Mgqo said he believed that in his new position — which he assumes on March 1 — he would merely continue the task he had begun during the tumultuous days of the pass laws.

At that time, Mr Mgqo, who had just graduated from Unisa as a social worker, worked at Kraaifontein and Modderdam where he helped squatters in their endless battles to save their makeshift shelters from being demolished.

As a field worker of the then Community Flats Committee for Interim Accommodation, which was later taken over by the Western Province Council of Churches, Mr Mgqo helped to mobilise the squatters into fighting for their rights.

Mr Mgqo never lost faith even though the battles to improve the squatters' plight proved difficult in the face of heavy-handed state actions.

To improve his effectiveness, he took to law studies.

"This was after a court ordered Stellenbosch authorities to rebuild a shack they had illegally demolished"

"As I watched those bullies re-erecting the shack, I believed that the law had a potential of coming to the assistance for the poor."

After graduating from UCT in 1984, Mr Mgqo served articles with a Cape Town firm and in the following year joined the Legal Resource Centre.

His focus on community development was immobilised when the Uitkyk squatter community near Kraaifontein changed the name of their camp to Wallacedene after about 60 families had been spared demolition, thanks to his intervention.

Today, the 46-year-old lawyer is set to further his battle to — in his own words — "advance the cause of the homelessness and protecting the sanctity of family life" within the framework of a democratic government.

Mr Mgqo believes change will be hollow without the resolution of the land question, and that the restoration of land to the dispossessed is critical to the national healing process.

Responding to the criticism from Inkatha and Pan Africanist Congress that the new law dealt only with cases involving land taken away after 1913, Mr Mgqo said though it might be a minus factor, it would go a long way to appease aggrieved people.

It would also restore some balance in a completely hopeless situation and create a foundation for the future generation to represent the new democratic ethos.

He said: "We should counterbalance this with the need to meet land hunger and introduce a notion of justice and fairness."

"There can't be a section of people with disproportionate rights to the land while another section has no virtually no rights."

"It's obviously in the public interest that scales have to be balanced."

Background To The News

VUYO BAVUMA, Political Staff

Now that the Land Commissioners have been elected, the struggle for the return of land seized during the apartheid era is set to be settled in court. WALLACE MGQOI, Land Commissioner for the Western Cape and Northern Cape, talks about his new job.
Commissioners getting ready for claims defence

Land: A past to redress
A DRAFT land policy document unveiled at the weekend identifies equitable land distribution, secure tenure and sustainable use as priorities, BARRY STREEK reports.

THE Department of Land Affairs has unveiled a far-reaching land reform programme, including the sale of state land, in an attempt to make land more accessible to the majority of South Africans.

The draft Framework Document on Land Policy was released at the weekend by Minister of Land Affairs Mr Derek Hanekom.

The document said all state land “should be audited and its location and usage be publicly and easily known.”

The management of state land should be rationalised to promote effective decisions about its use. This would also allow it to be sold to promote redistribution or to raise funds for the RDP.

While the document did not name particular areas it is understood that Tribal Trust land, state-owned farms and areas of land used by the South African National Defence Force are under consideration.

However, a policy that used land for redistribution or as a resource to raise funds for the RDP required clear policy decisions and procedures, the document said.

Mr Hanekom said his department hoped to submit a draft White Paper on land reform to Parliament by the end of September and produce a final White Paper at the end of October.

The document said fundamental change should be brought about “to improve the opportunities of all South Africans to access land for beneficial and productive use.”

Equitable distribution

The central goal of land policy is to create “an equitable distribution of land, secure tenure and sustainable land use.”

The priority of land reform was to meet the needs of “the poor who are most in need of land,” the document concluded.

The success of land reform depended on “the establishment of co-operative support ... from government working with the private sector and non-government agencies.”

The document said incentives for urban and rural housing should be similar. Government loans or grants accessible through the Department of Agricultural Affairs should be compatible with those available through the Department of Land Affairs.

The department’s overall strategy was to redress past injustices, create opportunities for those in need to obtain land and provide secure tenure for all occupants.

The programme had to include financial support to individuals, groups and communities to acquire, plan and develop state-owned land and land in the market on an equitable basis.

It is clear that the present mortgage base of credit is a major barrier to the poor entering the land market. At the same time, group credit schemes have shown that the poor are very effective and efficient borrowers,” the document said.

Tangible security would contribute to personal security and social stability as well as higher levels of investment and more sustainable use of land and other resources, the document said.
Process to return land begins

CLAIMS COURT

Campaign will inform claimants on procedures:

By Ismail Lagardien Political Correspondent

The process of returning land — to its rightful owners — confiscated by successive white governments in South Africa since 1913 begins in earnest on March 1. Commissioners have been appointed to assist with documenting claims for land and an information campaign will be launched next week to inform prospective claimants of the procedures, guidelines and requirements for the lodging of claims.

Minister of Land Affairs Mr Derek Hanekom said this week that his department was presently looking into "some practical problems which may have policy implications".

He noted in particular the issue of determining the value at which private land should be acquired in restitution cases. "Government's role in the restitution process is essentially one of guiding the process to ensure it moves with speed and efficiency and does not become bogged down with vested interests," said Hanekom.

"My department will be responsible for administrative support to the commissioners as well as in implementing the decisions of the Land Claims Court on a regular and sustainable basis with the participation of all affected parties."

Another state-assisted support programme is the pilot land reform programme which includes the establishment of mechanisms for state-assisted entry into the land market for the most disadvantaged sectors of rural society — especially women. Hanekom said these projects would be implemented over the next two years in each province of the country. Pilot districts in each of the provinces are expected to be made within weeks, he said. A portfolio of support programmes forms the basis of the pilot scheme. Included in this are a planning grant, the making available of credit and a homestead basic needs grant.
Ancestral land 'honi'

KING WILLIAMS TOWN
— Four families who left here last month for their ancestral land in the Northern Cape have returned.

The families were among about 100 people who left their homes at Welcome wood when their ancestral land at Riemvasmaak in the Northern Cape was returned to them 30 years after their forced removal.

The families said they could not stand the heat and it was too expensive to start again from scratch. — Sapa
FORMER director of the SA Council of Churches, Mr. Joe Seremane, has been appointed Chief Land Claims Commissioner.

Four regional commissioners have also been appointed. Mr. Wallace Mgoqi, an attorney with the Legal Resources Centre (Western and Northern Cape); Dr. Peter Mayende, a Doctor of Philosophy from the Transkei University (Eastern Cape); Ms. Cheryl Walker, a sociology lecturer at Natal University (KwaZulu-Natal and Free State), and Mrs. Emma Mashini, former general secretary of the now defunct Commercial, Catering and Allied Workers' Union of SA (Gauteng, North-West, Northern and Eastern Transvaal).
Land claims ‘will not carve big budget slice’

Political Correspondent

MINISTER of Land Affairs Derek Hanekom has moved to calm fears that land restitution claims will carve a huge slice out of the national budget.

While thousands of people were affected by claims for land seized from them under apartheid, the actual amount of land involved was “quite limited”, he said.

At a press briefing today, Mr Hanekom said money had been set aside in this year’s budget for land claims.

But just how much money would be needed would become clear only when the restitution process was under way.

Accurate budgeting for the process would be possible only in the 1998/99 year.

Mr Hanekom said it was possible that settlement in some land claims in cities could be expensive.

But legislation provided for alternative ways of settling these claims.

The act covers only claims for land seized after 1913.

Mr Hanekom said this did not mean there was no provision for people who had lost land during the colonial era.

A separate redistribution programme would seek to deal with the needs of communities denied access to land on racial grounds.
Table 13.6  
Average monthly per capita and household income by decile

Table 13.7  
Distribution of income quintile by race (Percentage)

Table 13.7.1:  
Distribution of income quintile by province (Percentage)

Table 13.7.2:  
Distribution of income quintile by race and location (Percentage)

Table 13.7.3:  
Distribution of income quintile by source of income (Percentage)

Table 13.8:  
Household income sources by race (Percentage)

Table 13.8.1:  
Household income sources by province (Percentage)

Table 13.8.2:  
Household income sources by race and location (Percentage)

Table 13.9:  
Household income from non-employment sources by race (Percentage)

Table 13.10:  
Main source of income by race (Percentage)

Table 13.11.1:  
Main source of income by province (Percentage)

Table 13.11.2:  
Main source of income by race and location (Percentage)

Table 13.11.3:  
Main source of income by quintile (Percentage)
Whistle and ticket controversy ends

KVazulu Recruits refuse medals

Land claims will not better the Budget says Hanekom

Derek Hanekom. Minister for land claims.

The President in his address to the nation last week referred to electricity as the key to the industrial development of the country. He announced that the government would allocate 20% of the budget to the electricity sector. He also stated that the government would provide free electricity to low-income households. The address was well-received by the public, who praised the President for his commitment to improving the economy and reducing inequality.
3 000 land restitution claims submitted to govt

ADRIAN HADLAND

CAPE TOWN — Government had received 3 000 applications for the restoration of land taken away as a result of race-based laws, Land Affairs Minister Derek Hanekom said yesterday.

Introducing new appointees to the Restitution of Land Rights Commission, Hanekom said the applications would be passed on to the commission for its consideration.

“I am elated that we have finally arrived at the stage where the commission can begin its task.”

In the face of this immense job, the new commissioners were “feeling a bit overwhelmed”, Hanekom said.

The 3 000 claims consisted of several categories of application, which would make the commission’s task slightly easier.

Deputy land claims commissioner Wallace Mgoqo said it was morally imperative to begin land restitution as quickly as possible.

The process would give the affected citizens a “sense of believing” in government’s commitment to justice, he said.

The commission’s first duties included setting priorities for its work and establishing regional offices.

Hanekom said significant funds would be made available to the commission in next month’s Budget.

While hundreds of thousands of people were likely to be affected by the restitution process, the land involved was not that extensive and should not cost the country too much, he said.

Other members of the commission include chief commissioner Joe Seremane, Peter Moyende, Cheryl Walker and Emma Mashinini.
For here it is the law that is judged, not individuals. **Justin Pearce** reports

### Their Rejuvenation

**J** ohn Krieger and Albie Sachs

Kate O’Regan: It’s a damn good thing that there’s someone on this court who knows what groceries look like.

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**What the judges say about hanging**

On the face of it, the Constitutional Court is loaded in favour of abolition of the death penalty. At least five of the 11 judges are on record as expressing abolitionist views. The Weekly Mail & Guardian could find no record of any of the 11 having declared at home in favour of the death penalty.

Judge John Hlophe endorsed the 1989 National Assembly of the Society for the Abolition of the Death Penalty in South Africa, saying “convicted as I am, I disagree with the occasional death sentence which degrades a society that resists to it, it warmly support efforts to abolish it.”

Judge Kate O’Regan, when interviewed for membership of the court, was asked whether she belonged to the Society for the Abolition of the Death Penalty. She replied that while she was not a member, she did indeed endorse the aims of the society. Judge Albie Sachs said in his interview that he had “campaigned strongly and with conviction for the abolition of capital punishment”.

Constitutional Court president Judge Arthur Chaskalson and Judge Richard Calliaqua, who is also known to be opposed to the death penalty, are in the latter’s absence. This alliance of opinion has caused some concern. The South African Police Services and South Africa’s Attorney General raised the issue of potential bias in the arguments they submitted to the court, but did not call on these judges to stand down.

But it is inevitable that judges will have, as they sat in their professional lives, have expressed views on many of the matters before the court. Whether they can rise above their set views and base their decisions on the arguments before them.

Their role, after all, is to test the law against the constitution, not against their personal opinions.

**Interview by Mark Gevisser**

In legal circles, there is much talk cut whether the new Constitutional Court is going to be "prece" or "substantive" — in laymen's terms, whether it is going to simply test laws against the constitution, or whether it is going to take an "activist" role by making substantive decisions on matters of substance.

Judge O'Regan — along with the other women member of the court, Judge Yvonne Mokoena — going to play an activist role in equalizing the status of women. She has a healthy scepticism about "the closeness between judicial decisions and social change" — she'd be overstating it if I were to say that the court will have a dramatic impact on women's lives. But that doesn't mean I don't think that our work shouldn't be involved in interpreting and applying the substantive values of the constitution.

No one doubts her intelligence, but many believe she was selected over the older and more experienced Professor June Sinclair for what is cynically termed the "white woman's spot" because of her politics: she is a member of the ANC.

She is uncomfortable with the notion that "judges must be political eunuchs"; that the idea of political neutrality must translate into meaning that we as judges mustn't have political views. But while she is clear that "our role does have obvious political implications", she admits that she finds it difficult negotiating the wholly new concept of judicial distance. We are adjudicators, rather than law-makers or policy-makers. And so we have to claim a status as being dispassionate and neutral, no matter what our individual backgrounds are.

As an academic, she is used to talking ideas through, throwing them around. Now, when someone asks her what she thinks of the death penalty, she has learnt how to deflect the question by drawing it back and asking them what they think. It's a nifty way of ushering the issue without sounding rude.

Perhaps that is what distinguishes her from some of her older male colleagues. As a young woman, she cannot afford to sound rude. When the 11 judges went on a visit to Germany, German officials kept on mis-treating her for the longhair. "I was subjected to a constant barrage of German," she laughs. "Really, all you can do is smile and explain. It's quite funny, really." Imagine Judge Yvonne Mokoena or Judge Albie Sachs seeing the humour in being mistaken for a longhair.

She may look, to some, like a longhair, but she holds one dechored of the power to determine whether the state has the right to kill people. Perhaps even the former supreme court judges who are now members of the Constitutional Court, who have had alleged murderers before them in the dock, feel the weight of their first decision. But Judge O'Regan is a first-time judge, still finding her feet. And yet she seems to the observer, thoroughly collected; as if she has absorbed the thousands of pages of argument, planned her questions and worked out the answers.

One does not get the sense that she has legal training using her own brain as she takes the kids home from school.

"There's someone on this court who knows what grocery shops look like, who knows about lift clubs from school and what children's worries are, and who's involved in society in a way that others aren't.

Granted, the majority of South Africans have never heard of a lift club. But the majority of South Africans are working mothers and, in very real ways, Judge O'Regan represents them.
vindswept veld ... which the army has made into a base

not talking about another form of apartheid. I am just trying to reflect the feelings of the community. We are Tswanas. We cannot have two different peoples on the same piece of land.

The Bushmen saw their homes bulldozed in 1968. The people were dumped on a barren piece of land hundreds of kilometres away near Kuruman. Most of their livestock died. And they were forced to watch as a group who had sided with their oppressors in the Namibian bush war were allowed to live on land that

TOP: Not all like 'tourist bushmen'. Children play soccer between Schmidsdriif's row's of khaliki tents on khaliki ground. LEFT: Modern utensils, ancient methods. Some live alone in a desperate attempt to end their years in some dignity.

was denied to them. The Nxum Nkwe and Khwe have also been used in ways that intensify antagonisms between them and local residents. When workers downed tools on the farms around Schmidsdriif last year, the bushmen were used as replacements. The soldiers were used to track down Umkhonto weSizwe recruits when they deserted an army base near Kimberley last year. And they are regularly deployed to track poachers who hunt buck and other wild animals that thrive on the army base.

But for the Xuu and Khwe residents of Schmidsdriif, this hostility from the Bushmen is simply a sign that history will repeat itself, that the big will always oppress the small. "We joined the army for jobs and to survive. We were not the only black people who fought with the SANDF. But they only see us. It is because we are the small people. That is why they single us out," says Mahongoe.

The anxiety that accompanies the Bushmen's land claim has exacerbated social problems in the community. Alcoholism and bitter family fights are on the increase. Elderly members of the community are particularly confused and powerless. Some, in an apparently desperate attempt to live out their remaining years with some dignity, have left the rows of monotoneous khaliki tents and live alone in isolated shelters on the banks of the Vaal River.

Until recently, the army has volontari for its "bushmen problem". The battalion was officially closed down last year, and although most of the soldiers joined more than 15 years ago, only some 300 have permanent contracts. This group will be integrated into other army regiments, but few have formal education qualifications. Although they have served as frontline fighters, they will go into the SANDF as underdogs.

The other 200-odd are classified as temporary workers. They will be cut from the military's wage bill in a few months, depriving many dependent s of their only significant cash income. They also cut back to a pension fund only three years ago and now have negligible forms of social security to rely on.

Late in 1995, the military set up the Xuu and Khwe Trust which is now trying to find alternative land for the people who, in the words of a white army officer at Schmidsdriif, find themselves "caught between the devil and the deep blue sea".

This organisation — made up of social workers, lawyers, anthropologists and elected representatives of the Xuu and Khwe — has negotiated a deal with the Namibian government that will allow those who can show they are citizens of that country or are married to bona fide Namibians to apply for permission to go home. But only 200 of the 4500 people at Schmidsdriif say they will explore that option.

For the rest, the trust has earmarked a white farm near Kimberley as a place where the people can re-settle, although problems around how the deal will be financed has slowed down the process. Hanekom's push to settle the land issue has galvanized an apparently resolute from the Ministry of Defense. Asked what would happen to the Xuu and Khwe now that the land affairs minister has promised the Bushmen a speedy return, Defence Ministe r Jourens said: "We are doing everything in our power to find an alternative place for them."

His deputy, J Coetzee, visited the camp last year and made a similar commitment. The residents are not entirely disbelieving. "They fought an election with statements about a better future for everyone so we have to give them a chance," says a soldier called Jason Mirinda.

"Even if they come here and say 'look, stand back for a while. We've got our own problems to solve first. Then we will do this and that for you.' That will be okay.

But the people of Schmidsdriif have heard similar promises before. Nearly two years ago, before Hehej took over the ministry, a military spokesman was asked what would become of the Xuu and Khwe after the April elections. His words were uncomfortably familiar. "The army is well aware of its responsibilities... It will do everything in its power to ful fill this responsibility and obligation."

Says Mahongoe: "Many of us believe these promises are just propaganda. But we will wait and see. Snares die onskerheid wheet ons op — in the meantime, uncertainty eats us up."
"Blood on Our Land" by Wally Nettle

In 1977, the wind was up to the knees in the riverbanks of the Kosi. The NLC called upon the government of the land. The government of the land. The NLC called upon the government of the land. The government of the land. The NLC called upon the government of the land.

Restorations

By SANDF

Grounds used on ancestral arms at death


card

by SANDF

and the community

The government of the land. The NLC called upon the government of the land. The government of the land. The NLC called upon the government of the land.

1972 they were again

ARMED FORKING

the government of the land. The NLC called upon the government of the land. The government of the land. The NLC called upon the government of the land.

Khoisan in up

The government of the land. The NLC called upon the government of the land. The government of the land. The NLC called upon the government of the land.

Land claim

The government of the land. The NLC called upon the government of the land. The government of the land. The NLC called upon the government of the land.

The government of the land. The NLC called upon the government of the land. The government of the land. The NLC called upon the government of the land.

By SANDF

Grounds used on ancestral arms at death

The government of the land. The NLC called upon the government of the land. The government of the land. The NLC called upon the government of the land.

THE OUTSTAFF
Land Act
‘not enough’

THE work of the Land Claims Court and the Commission on Restitution of Land Rights would be jeopardised if it did not include additional redistribution programmes. Land Affairs Minister Mr Derek Hanekom said yesterday.

The restitution of Land Rights Act was not enough to address all the wrongs and imbalances in land distribution, he said at the launch of the commission in Cape Town yesterday.

In particular, the commission could only redress injustices caused by forced removals and the dispossession of land based on race-based laws from 1913 onwards — Sapa.
Commission to start hearing land claims

CAPE TOWN — The land claims commission was expected to start hearing about 3,000 claims on April 1 by people alleging dispossession of their land by racist measures, Land Affairs Minister Dereck Hanekom said yesterday.

The Commission on the Restitution of Land Rights is due to sit for three years.

Addressing a news briefing in Cape Town, he said most of the claims were by city dwellers removed from their land or property by the Group Areas Act and other apartheid laws.

Details of a pilot land reform and financing project in the nine provinces would be released next Tuesday.

Government did not, however, want restitution or land claims to "hang over the market for ever" and effective land use should be a priority.

The commission would try to settle disputes through mediation and negotiation. It would hear cases of people who lost land rights as result of racially discriminatory laws from 1913 onwards, he said.

The commission's brief was limited and would not deal with broad ancestral claims preceding 1913.

Generally, claimants could have their land rights restored, be offered alternatives or compensated.

Financing was an essential component of land reform and a rural financial services commission had been set up to help the poorest claimants. It would also assist people who could not raise bank loans because they did not own property.

Land reform would mostly be a local government function. It had to address land needs and concentrate on the most desperate cases.

Agricultural Minister Kraai van Niekerk said in Pretoria yesterday that "blackmailing the agricultural industry with socialist measures such as a land tax" while asking it to scrap so-called socialist marketing schemes was unacceptable.

He said it was time to clear up uncertainties arising from statements on land tax and the redistribution of land.

Van Niekerk said accelerated economic growth was the only way to enable more people to benefit from the country's agricultural resources.

It was time for realism on what was viable and what was not. Agriculture in SA could succeed only if it was assured of minimum government intervention.

"Using land tax to achieve political aims would be a blatant disregard of economic realities," Van Niekerk said.

— Sapa.
The commission's land was limited and would not
lead — in vain — to problems with people who moved to the land without
proper examination and understandings. The commission, which had to settle disputes
that arose because they did not own property, would not help the people.
If they held the land people who could not raise the
money became debtors. The commission was not always fair or
consistent. It decided disputes or compensation
orders. The commission could also lend land.
Eventually, the commission could help them land.

Court
March on
Pacifica
Surprise
Pacifica
Court officials and PAC clash on 3000 claims to be heard in April

Politics
Friday February 24 1993 SOWTAN

Date set for land claims kick-off

112
A year has passed and the Mfengu still can’t go home

Shadley Nash

EZEKIEL MSIZI cast his steady gaze over the paddock where a dozen or more cows were being milked with hi-tech electronic equipment. “We want to come home. The white farmers’ time is up,” he said.

Msizi’s impatience signals growing discontent in the ranks of the Mfengu community over the fact that they are unable to occupy their old farms — even though they have been celebrated as the first group of displaced people to regain title to land that was expropriated from them under apartheid.

Sixteen years ago the white farmers’ cattle in the fancy paddock would have belonged to Msizi and other members of the Mfengu community who owned the land. Now, even though the community has regained ownership of the land, white farmers are still milking cows there in terms of a controversial leasing agreement.

The land was bequeathed to Mfengu people by Sir George Grey in 1841 for taking up arms on the side of the British against the Xhosa during the Sixth Border War. They carried out a vibrant subsistence farming life before the National Party government, in terms of its “black spot” removals programme, sent in the police to drive the community off to distant Keiskamma-hocks, an overgrown resettlement area in the former Cisiel homeland.

They were one of the first displaced communities to get their land back. In a deal which took three years to negotiate and which was hurriedly sealed before last April’s election. The deal saw about two-thirds of the 8 000ha of plush farmland nesting in the foothills of the Cape Fold mountains returned to the community.

However, a year later the community has not yet managed to take back their land.

Kobus Pienaar, an attorney from the Legal Resources Centre in Port Elizabeth who acts for the Tsitsikamma Development Trust, says the frustration of the community is “understandable. This community is like a pressure cooker without a valve that can explode if the trust does not see to the allocation of land promptly.”

The trust consists of nine members chosen from the Mfengu community and seconded technical advisers. It is taking flak from many rank-and-file community members because of its failure to effect a programme to put the people back on their land.

In terms of an agreement brokered by the government, farmers and the Mfengu last March, the community received some 6 000ha, comprising 19 white-owned farms. An addendum to the agreement stated that the trust would allow the farmers to remain on the land until January 21, 1996 and that it could enter into lease agreements with the farmers which would provide some R1-million a year in income for the Mfengu. This is at the centre of the community dispute.

The leases agreement gives the white farmers tenure for varying periods, but not for longer than 10 years. The idea behind extending the leases was that the Mfengu would have a regular cash flow to enable them to develop infrastructure as well as a development plan that would allow an orderly return to the land.

But for Msizi the solution is more simple than that: “They [the farmers] have to leave. We want to come back to the land of our forefathers”.

Plans are afoot for a community summit to be held next month which will be mediated by a senior regional government official. The summit will attempt to resolve the growing tensions in the community and establish ground rules to allow the Mfengu to return home finally.
3000 want land back

Political Staff

MORE than 3,000 land claims from people who had lost their land through apartheid laws had already been received by the government, the Minister of Land Affairs, Mr Derek Hanekom, said yesterday.

The claims, mostly from the urban areas, would be examined by the Commission on Restitution of Land Rights, which will operate from April and try to mediate and settle all claims.

Mr Hanekom said at a media briefing in Cape Town that dissatisfied claimants could appeal to the Land Claims Court.

In some claims, particularly in the urban areas, there could be no restitution of land, but there could be compensation or redistribution.

Details of nine reform projects will be released on Monday.
April launch for land court

The land claims commission was expected to start hearing about 3,000 claims on April 1 from people alleging dispossession by racist measures, Land Affairs Minister Derek Hanekom said this week.

The Commission on the Restitution of Land Rights is due to sit for three years.

Addressing a media briefing in Cape Town, he said most of the claims were by city-dwellers removed from their land or property by the Group Areas Act and other apartheid laws.

Details on a pilot land reform and financing project in the nine provinces would be released next Tuesday.

"Land reform takes place in the context of the reconstruction and development programme to bring justice and equity," said Mr Hanekom.

The government, however, did not want restitution or land claims to "hang over the market for ever", and effective land use should be a priority.

The commission would try to settle disputes through mediation and negotiation.

It would hear cases of people who lost land rights as result of racial discriminatory laws from 1913 onwards.

The commission's brief was limited and would not deal with broad ancestral claims preceding 1913.

Generally, claimants could have their land rights restored, be offered alternatives or be compensated.

Financing was an essential component of land reform and a rural financial services commission had been set up to help the poorest claimants.

It would also assist people who could not raise bank loans because they did not own property.

Land reform would mostly be a local government function. It had to address land needs and concentrate on the most desperate cases. Infrastructure help had been offered to dispossessed people moving back on to their land. — Sapa.
EASTERN Cape Agriculture minister Tertius Delport warned Land Affairs Minister Derek Hanekom at the weekend that his land reform programme would cause problems.

Speaking at the Agricom conference on agriculture, Delport urged Hanekom's department to make the land reform programme "more practical".

Criticising the proposed introduction of a tax on agricultural land, Delport said tax was not a Land Affairs function.

He said the RDP in the Eastern Cape was being implemented in various ways. These included stabilising commercial farmers and establishing 2,000 small-scale farmers over the next five years.

He warned that the RDP could become a "self-devouring monster" if it did not extend beyond welfare. This was why many previous job creation projects had failed.

"The RDP should rather focus on creating economic growth — jobs will follow automatically."

Gauteng Agriculture minister John Mavuso said reform envisaged in his province would apply to agricultural as well as peri-urban and urban land.

Western Cape agricultural minister Lampie Fick said certain RDP goals had already been achieved without any RDP funds having been involved, including training and the upgrading of irrigation.
R315-m for land reform

By Ismail Lagardien
Political Correspondent

EFFECTIVE land reform begins in earnest today when Minister of Land Affairs Mr Derek Hanekom is expected to announce nine pilot projects at the cost of R315 million.

The land reform projects — one in each province and for which R35 million in grants a region has been budgeted — will be run over the next three years and is aimed, primarily, at giving black people access to land and at bringing equity to the land market.

Priorities needs

The pilot projects are a test by which the Ministry of Land Affairs would be able to see how people on the ground would prioritise their needs and how they would go about using the grants that have been made available.

Mediation services and training will be put into place in the areas that had been selected to support the initiative, Ms Sue Lund of the Ministry of Land Affairs said yesterday.

"Having chosen one district in which to run the programme we're going to see whether in fact its a viable mechanism.

We've put in a monitoring and evaluation system which will look into place as soon as the money gets allocated to the areas.

We will be able to test where the difficulties are and where the problems are," Lund said.

National level

If the mechanism proves to be viable it will be upscaled to national level — probably within a year.

The essence of the reform projects is the involvement of the local communities in the envisaged projects.

Communities will employ their own agents and will be assisted by a district pilot manager.

This, according to Lund, will bring the Government and civil society closer together in defining the needs and process of land reform and redistribution.
Seeds of land distribution planted along Garden Route

TYRONE SEAL
Political Staff and Reuter

THE seeds of land distribution will be planted along the Garden Route and in neighbouring districts, where the government will spend R35.1 million over three years to give historically disadvantaged communities access to land.

Today Land Affairs Minister Derek Hanekom will launch the Land Reform Pilot Project to test proposals for a national programme of post-apartheid land distribution.

The project uses land redistribution as part of a rural development strategy to address poverty and introduce equitable access to the land market.

The project description notes the demand for production land is great, state resources to address the demand for land are limited and there is a limited supply of land.

Depending on the success of the project, which includes detailed, channels for financing and planning from government to rural communities, the project could begin to spread across the country before the end of the year.

During the three years each of the nine provinces will operate a R35.1 million budget, giving the pilot project a national budget of R315 million.

Each of the provinces will deal with one district only.

In the Western Cape the South Cape district has been defined as the southern heights and coastal plain from Swellendam and Witsand in the west to Nature's Valley and the eastern provincial boundary of the Western Cape.

Magisterial districts included are Knysna, George, Mossel Bay, Riversdale and Heidelberg, and the eastern part of Swellendam.

Apart from the magisterial districts, the land reform district includes 60 identifiable towns and settlements at Witsand, Suurbraak, Slangrivier, Melkhoutfontein, Barrydale, Kwanokhotula, Albertinia, Bussplaas, Herberstadale, Klein Brak, Brandwacht, Great Brak, Ruitersbos, Vermaaklikheid, Blanco, Thembalethu, Herold, Wilderness, Sedgefield, Smutsville, Barrington, Horns, Nekkies, Covy and Plettenberg Bay.

This area includes at least 16 state forests, which are administered by the Department of Water Affairs and Forestry.

More than 2 500 ha of agricultural land owned by the provincial administration is either leased or under-utilised.

Project manager Susan Lund said yesterday that it was impossible to predict how many people would benefit from the project, but a rough calculation of the subsidies available suggested that about 13 000 families could be given access to land.

Ms Lund said the community of each pilot project district would decide how to develop and utilise the land and whether to invest in private or community ownership.

Each of the testbed districts includes state land available for redistribution and private land available for sale.

She said each community would have to make a direct contribution in addition to loan and grant finance.
SA's land redistribution programme was launched yesterday with R316m from foreign donors and reconstruction and development programme (RDP) funds.

The Land Affairs Department said the amount would be payable over three years and each province would receive R33m. Details would be announced today by Land Affairs Minister Derek Hanekom and Minister without Portfolio Jay Naidoo.

Land Affairs has a business plan for its redistribution programme which will monitor aspects, including cash flow, funding and links between land reform and RDP guidelines. It sets out monitoring procedures and gives women a greater role in decision-making on land redistribution.

Land steering committees in each province would be appointed and a district pilot office and district land reform forum would be established. These structures would represent all stakeholders in pilot projects. The department said it would make state land available where possible.

About R167m would be spent during this financial year. Of this R133m would come from RDP funds and R44m would be made up of grants from foreign donors.

Land affairs spokesman Helmut Schleuter said government aimed to redistribute at least 36% of private and state agricultural land over the next five years. Restitution cases would be dealt with by the proposed land claims court and would fall outside the redistributed land scheme.

Land Affairs pilot project manager responsible for the redistribution programme, Sue Lund, said the process would enable local communities to decide how they wanted to use their land.
Land Reform Test

By: Jasen Chrisse

Death videos in court

NEWS

Horrifying footage shows Carmelit slain alleged police ambush

Wednesday March 1, Tazo Swamian
GOVERNMENT is planning a state credit guarantee scheme to give hundreds of thousands of landless people in rural areas access to the land market.

Land Affairs Minister Derek Hanekom said yesterday the aim was to mobilise private sector loan finance for land acquisition in cases where would-be purchasers had no collateral. The scheme was similar in conception to the mortgage indemnity scheme planned for the housing sector.

His Ministry was also preparing legislation providing for the community trust ownership of land, so that land held under customary tenure could be used as collateral. A draft Bill would be published "within months". The matter was urgent because some communities returning to land from which they had been removed wanted communal tenure and title.

Financial institutions were unwilling to recognise customary property systems because they did not allow for foreclosures. "The idea is a property regime which the banks will accept."

The credit scheme had been referred to the Rural Financial Services Commission for endorsement. Negotiations with financial institutions would follow.

The scheme will play an important role in government's land redistribution programme, under which communities will play an active part in land acquisition.
R35m land project in south-west Cape

By BARRY STREEK
Political Staff

A R35.1-MILLION land reform programme in the south-western Cape was launched yesterday by the Minister of Land Affairs, Mr Derek Hanekom, and the Minister without Portfolio, Mr Jay Naidoo.

The programme was part of a R35.1m pilot redistribution project involving dispossessed and landless communities in the nine provinces, Mr Hanekom said.

The three-year pilot programme, launched by Mr Hanekom and RDP minister Mr Naidoo in Cape Town, was the beginning of a broader process of redistributing land to those in the direst need, or who had been denied access by former racist policies.

State land, including at least 16 state forests and more than 2 200ha of agricultural land, would now come under the control of the communities in the area.

Mr Hanekom said at a press conference: "The beneficiary groups will identify their own needs, develop their own plans and make decisions on the allocation of funds within the department's policy framework."

Similar R35.1m grants have been made for eight other pilot land reform projects in the other eight provinces.

The Western Cape project will be in the district consisting of the southern heights and coastal plan from Swellendam and Wit-\n
sand to the west of Nature's Valley and the eastern boundary of the province.

The magisterial districts include Knysna, George, Mossel Bay, Riversdale and Heidelberg and the eastern part of Swellendam.

In addition to the magisterial districts, the area has 50 identifiable towns and settlements.

The minister said R10.2m of the grant was a "land acquisition assistance grant". A further R18.6m was a "homestead basic needs grant" for beneficiaries of the land grant, with a maximum of R12 600 per household, to cover such items as water supply, sanitation, internal roads and homestead land.
Govt flexible on land redistribution

LAND Affairs Minister Derek Hanekom yesterday said government was not "married" to the target of redistributing 30% of land in five years, as mooted in the reconstruction and development programme (RDP).

"But land reform is important and needs to be tackled head on," he said. Hanekom and Minister without Portfolio J J Naidoo announced details of various land redistribution pilot programmes throughout the country. Hanekom said expropriation in restitution cases would remain an option of last resort.

Poverty-stricken people and communities with "the most dire land needs" had been selected as beneficiaries. He said the pilot programme was merely the start of a broader process of redistribution.

The areas selected for the first redistribution projects included Potgietersrus, Pietersburg, Tarkastad, Queensdown, Cacadu and Cathcart.

Areas around Bloemfontein, Thaba Nchu, Dewetsdorp, Botshabelo and Brandfort had been selected in the Free State. In the Northern Cape, Warrenton, Barclay West, Kuruman and Postmasburg had been chosen.

In KwaZulu/Natal, targeted areas would include Estcourt, Colenso and Wearn. In the Western Cape the areas are Knysna, George, Mossel Bay, Riversdale, Heidelberg and Swellendam. At least 16 state forests administered by the Water Affairs and Forestry Department, were included in this region.

Gauteng's pilot districts were the right-wing areas of Wonderboom, Cullinan and Bronkhorstspruit.

Redistribution areas in the Northwest and in the Eastern Transvaal had not yet been identified.

Naidoo said a task team involving the Land Affairs, Public Works, Water, Forestry and Agriculture departments had been appointed to probe the development and investment aspects of redistribution. He said, land reform was a "major tool" in redressing skewed land ownership and the various pilot projects were a "cog in the wheel" of the overall programme.

He also said money, over and above the R310m currently allocated, would be put into the programme from RDP funds. This would happen only after the 1995/96 financial year.

Naidoo said the administrative costs of land reform were likely to drop in time — these had been capped at 15% of the overall bill.

"Success will depend largely on the provision of adequate and appropriate support services, including agricultural extension, housing, infrastructural development, conservation and regional planning."
The land issue

The restoration of land to people from whom it was systematically taken is, in the Southern African context, not a simplistic, vengeance-driven or punitive exercise, argues Sowetan Political Correspondent Ismail Lagardien.

Land Affairs Minister Mr Derek Hannekom.

as possible, the districts had to include as many of the following conditions and characteristics as possible:
- State owned land,
- Private land for acquisition,
- Farmworkers requiring tenure security,
- Labour tenants requiring tenure security,
- Rural conditions,
- Urban-urban conditions,
- Small conditions,
- High rates of poverty,
- Small town conditions,
- Small groups of potential beneficiaries,
- Larger groups or communities as potential beneficiaries,
- Potential for leasehold land use,
- Communities seeking restitution,
- Organised communities or groups with articulated land needs, and
- Unorganised communities.

On a national level the conditions that had to be ensured included an emphasis on uprooting poverty "with demonstrable benefits to the poor" in rural, peri-urban and small town areas.

As part of its contribution to the process, the Land Affairs Department will institute the management and administrative structures which form part of the business plan and which will monitor expenditure at the point of delivery and throughout the process.

These structures — including Land Reform Steering Committees in each of the nine provinces — will appoint facilitators, approve plans, supervise implementation while ensuring the Government’s macro policy is adhered to.

Crucial to the process is what is known as the Pilot Programme Logic, which stresses that the use of state resources for land distribution must ensure that:
- Access to land will assist the poor and break poverty,
- The intended land use will be sustainable and productive,
- Access to credit, information and technology is made available to all,
- Land prices are fairly negotiated between the beneficiary of state assistance and the seller,
- All local stakeholder contribute to solving land problems;
- Local decision-making capacity around the application of limited resources is strengthened;
- Disputes over access to land are mediated;
- Secure forms of tenure are instituted; and
- Resources applied are affordable to the state and have positive returns to the national economy.

Rebuilding the strength of the country through the redistribution of resources is a tenet of land reform — and a strong emphasis is laid on fairness and equality along the way.

Hannekom explained this week that while effectively all good agricultural land in South Africa was owned by whites and was acquired, by them through unfair and unjust means, it was important not to repeat the injustices of the past.

"More than 80 percent of all agricultural land is presently owned by a rather small group of about 60,000 white farmers.

"There were many distortions in the land market and we believe that we can address land reform in such a way that it doesn't create new distortions, but that it creates new opportunities for people who are eager to take advantages of such opportunities."

The return of land always formed one of the central tenets of black liberation in South Africa. Without the return of the land to the indigenous people — from whom it was systematically taken over centuries — it can be said that liberation, from white dominance and apartheid, would be incomplete.

Having said that it might be important to note that the restoration of land, in the Southern African context, is not a simplistic vengeance-driven or punitive exercise.

It can best be explained as an attempt to reverse some of the effects of laws which since 1913 removed black people from land and property they had occupied since the earliest recorded history.

Indeed, in Uprooting Poverty, Manahela Ramphele and Francis Wilson write: "It is conflict over land, particularly between black and white, that has run like a seismic fault through the body of South Africa, dividing people along a line that, even today, three centuries after the first permanent settlement by well-armed white invaders, threatens to engulf the country in the flames of civil war."

The process of restitution began this week with the launch in Cape Town on Tuesday of the Pilot Land Reform Programme by the Land Affairs Minister Mr Derek Hannekom.

A hallmark of the programme is the thorough planning that has gone into it. The project strives to include civil society and the affected communities, is accompanied by a coherent business plan; has strict guidelines for expenditure at the point of delivery and emphasises a positive outcome that can be sustained in the long-term.

Announcing the launch, Hannekom said the greatest challenge was "to achieve an equitable and fair land distribution to promote and secure the effective use of land as a resource in a sustainable way."

He said: "Our Pilot Land Reform Programme is a concrete first step in our land redistribution programme, which is part of a rural development strategy to address poverty and introduce equitable access to the land market."

"Our approach to land distribution is a demand-led or needs-driven process rather than one imposed from above by the state. The beneficiary groups will identify their own needs, develop their own plans and make decisions on the allocation of funds within the Department's (of Land Affairs) policy framework."

The pilot programme, he said, would be a test and if proved successful could be applied to each district or locality across the country over time.

Strict criteria for selecting the present districts — one in each province — were laid down and each had to include at least five possible transfers (to communities, tribes or individuals). In order to span the net of restitution as widely..."
 districts was not known. The southern Cape district includes about 16 State-owned forests. The beneficiary communities will decide what to do with the forests.

Provincial land reform steering committees will oversee the implementation of the plan, involving a detailed process of identifying beneficiaries and helping them with training and development of the land.

Funding of R270m over the next three years will come from the RDP programme, with another R45m from international donors. A “basic needs” grant of R12,500 per household will be available to beneficiary communities.

Hanekom says the challenge facing government is to achieve an equitable and fair land distribution, to promote the secure, effective and sustainable use of land. The pilot plan is the first step. He says the project’s success depends on adequate, appropriate support services such as agricultural extension, housing, infrastructural development, conservation and planning.

There is no immediate target in terms of time or quantity for the redistribution process. The objective is to give access to those who need land and are eager to work it. Hanekom says the programme could have a significant effect on food production.

Programme manager Susan Lund says most commercial land in the identified districts is privately owned. Some farmers want to sell their properties while others are keen to participate in the project and make a contribution to its success.
Trouble where the tarred road ends

Sugar cane fields are at the centre of a conflict involving a Natal community which says it has been left out of the land-restitution process. **Weekly Mail Reporter**

The electricity poles disappear on the road to Ezimwani just before the tarred road turns to dust, but sugar cane cloaks the surrounding hills almost to the first house of this rural village in the Embo-Thimuni tribal area.

Zwelithi Muthwa (74) says it was not always that way. He points to a place overgrown with sugar cane where he attended school in his youth, and to another where he used to herd his father's cattle. "I was born in this place. The white farmers were never so close to us when I was a child. Then they kept increasing in numbers and coming closer. I was herding cattle on that hill and then they chased us off the grazing land," he says.

Muthwa and others in his Umbumbulu community south of Durban say they have been left out of the land-restitution process — and just about everything else that has to do with the reconstruction and development programme (RDP). Now they are demanding their own reckoning with history.

"Sometime in the early part of this century, a certain man came here and asked my grandfather, who was acting regent at that time, if he could plant tobacco, but that land was never paid for," says another resident, Amandus Mikhize.

"After that they started to grow sorghum — what they call 'kafrir corn' — and then sugar, and then they just kept selling it to other sugar farmers," Interjects Ephraim Shezi (64).

The current "owner" of the surrounding Klipspruit Farm is CG Smith's Illovo Sugar company. But Smith is selling up, and has divided his 1,500ha farm into plots on offer to existing white farmers and emerging black farmers alike.

Three 200ha plots have already been sold to established white farmers and an advertisement in the Zulu-language newspaper *Ntanga* drew some 183 applications for 15 plots of land set aside "to support the RDP by encouraging black farmers to buy land", according to farm manager John Louw.

The project has drawn a mixed reaction from the farm's 140 employees. Some will be retrenched; others will be reallocated to CG Smith's Senzale Sugar farms; and others are enthusiastically contemplating purchasing the 70ha to 105ha plots if they can find the money for the R63,000 deposit.

"I have been working for CG Smith for 16 years and I know everything there is to know about raising sugar. If I buy one of those plots, I will make at least R120,000 profit just from harvesting the cane that is already sitting there. The only problem is the money," says Simon Cele.

"If they can give me the money for a deposit, they mustn't worry about it, because I've been farming 200 to 300 hectares every year successfully. But I only have R50,000 and I will need that to run the farm, to pay labourers and to buy equipment," adds the prospective entrepreneur.

Illovo says it is dedicated to the project's success, however, and it is negotiating with banks to help the applicants access the funds. Louw says the management is aware many applicants cannot raise funds for the deposit and adds: "They are in Pretoria right now and are flying all around to find a solution."

But conflict looms for these emerging farmers, whose plots will surround Ezimwani and its sister community of Ezakheni. Residents say there have already been incidents of cane burning and tussles over cattle grazing in the sugarbeets. Muthwa warns: "They will regret it if they buy the land, because they are buying it from people it doesn't belong to."

The soon-to-be farmers are unaware that the land they have set their sights on will be contested. Farm supervisor and land sales adviser Patrick Mthlwa is also hoping for a piece of the action, but he says he was not informed of the community's claims: "No one has told us anything about it, we just saw that the land was for sale and wanted to buy it."

Protest Sokhela, Illovo's cane development consultant, says he has not heard of the land claims and that he has traced the title deeds back to 1873 and 1875 — before the cut-off date for current land legislation. "We had wide consultation and many of the applicants are members of the community. We have spoken to the local MP, Roy Mbangwe, and the chairman of the mill-cane committee, Jerry Hlola, is on our selection committee. Nobody from the community has come to talk to us about a conflict of interest."

There is no Roy Mbangwe on the provincial legislature list, however, and Mikhize says the cane committee which Sokhela consulted "favours Illovo because it is their structure, set up to get the cane to the mill". Mikhize says none of the community members can afford to buy the 70ha minimum plots on sale, and the calls for land restitution are echoing throughout Ezimwani.

"Everybody here knows this land doesn't belong to CG Smith. This land belongs to the people. We do not even have enough land to put up a community centre or build any facilities for the people," adds local school teacher Tom Mikhize, a member of Chief Langalasembo Mkhize's Embo-Thimuni Development Committee.

However, he was part of a delegation that approached kwaZulu/Natal MEC for Economic Affairs Jacob Zuma last August for help in getting development started in the community: "We are always sitting on the fringe of this beautiful land. We are also on the fringe of development. We fall outside the boundaries of projects by Eskom, Telkom and Umgano Water. We told Zuma we needed help even to get a road to the primary school. Right now the students are having to carry the furniture to the school on their heads."

The community has grown impatient in the past six months as Zuma has not come to visit them. He adds, even though he had visited Illovo just down the road. "We saw him come to where the tarred road ends. But he didn't come any further."

Zuma could not be reached for comment.
Less Restriction in Agriculture Needed

Workers' Union

necesary in SA mes

land plan

Farmers' Union

Redesign
**Farmers' union rejects land plan**

LOUISE COOK

THE Transvaal Agriculture Union has rejected government's land pilot programme, describing it as "structured poverty".

In terms of the programme, details of which were announced last week, the Land Affairs Department has allocated R316m to displaced communities to redistribute 450 000ha of land nationally. Of that total, about 230ha is privately owned.

TAU vice-president Willie Lewies said land redistribution was forced on communities by the state. "It does not reflect reality based on farmers' experience in dealing with local communities."

Research had shown that jobs, schools and available water had rated higher with local communities than the acquisition of land.

DP Land Affairs spokesman Errol Moorcroft said his party supported the programme's basic provisions.

However, it might be necessary to allocate land on an individual basis since communal systems of agriculture in Africa had proved to be "disastrously ineffective and destructive to resources", he said.

The SA Agriculture Union was not available for comment.
Search for
land court
candidates

STAFF REPORTER

The search is on for a president of the Land Claims Court and two additional judges for this tribunal, Chief Justice M M Cestjet has announced.

The Judicial Service Commission has called for the nomination of candidates by April 7. Nominees will be interviewed in public by the commission, which will then submit its recommendations to President Mandela.

Judges of the Land Claims Court will adjudicate complicated disputes arising from claims for restoration of land by those who were dispossessed under apartheid laws.

Cases which cannot be settled through mediation by the Land Claims Commission will come before this court.

Any candidate nominated must be a South African citizen and he or she must be either:

A judge of the Supreme Court, or a qualified advocate or attorney who has practised as such for at least 10 years, or who has lectured law at a university for an equivalent period.

A person "who, by reason of his or her training and experience, has expertise in relation to land matters and laws."
State Mr Warren Christopher arrives in the region in a bid to revive them. Even before the meeting at the talks, the Angolan government called yesterday for the UN to set and enforce a deadline for peace.

President José Eduardo dos Santos asked the UN to set a date for full compliance with a treaty the two sides signed in November, and to impose sanctions for violations.

Mr Dos Santos said the rebels have fooled UN peacekeeping monitors by switching from conventional warfare to hit-and-run “low-intensity combat” — despite the agreement which was to have ended 20 years of civil war.

“Unita has begun ambushes, kidnappings and sniper attacks,” Mr Dos Santos said.

Government General Higinio Carneiro said over 300 Angolans have been killed by Unita guerrillas since the treaty signing. Despite promising some 7,000 armed UN troops to shepherd Angola back to peace, the UN has so far put less than 40 unarmed UN monitors into the Southern African nation's battle zones.

UN chief Dr Boutros Boutros-Ghali warned this week he would not recommend the deployment of peacekeeping infantry to Angola until government and rebel forces fully comply with the ceasefire.

Anxious to avoid a repetition of Somalia, where fighting erupted on what should have been a humanitarian mission, the UN has said it will only send troops if it can verify the truce is holding.

The first infantry units are scheduled to be deployed in May, but Dr Boutros-Ghali said on Monday the move will be delayed unless government and rebel troops are sent back to barracks and demining operations get underway. — Sapa-AP

Maize harvests hit by drought:

HARARE: Southern African states face dwindling supplies of maize — the staple food — in the 1995/96 marketing year after drought sharply reduced harvests this season, regional food experts said yesterday.

Officer seized in Lesotho

MASERU: Soldiers in Lesotho had seized a senior defence force officer and were holding him hostage, state radio reported yesterday.

Riemvasmakers going home

WINDHOEK: The repatriation of hundreds of Riemvasmakers from Namibia to South Africa began yesterday after a delay by floods in the desert areas where they were forcibly moved to in 1974.

— Sapa-AP
White farmers warned against selling land at inflated prices

POLITICAL STAFF

LAND AFFAIRS Minister Mr Derek Hanekom said yesterday there had been cases recently of white farmers being bought out for more than the market price of their properties.

Later a Land Affairs source said criminal charges could follow if it was found valuers put a higher than market value on the farms, and civil claims against the farmers concerned could also follow.

The source said there were 2 000 valuers in the country but only a fraction of these had been used in valuing properties.

Speaking during a mini-debate in the National Assembly, Mr Hanekom said he was pursuing the matter with Public Works Minister Mr Jeff Radebe and a report would be issued in due course.

"We dare not, and will not, allow unscrupulous persons to abuse the system, and take away scarce resources from the primary beneficiaries of our land reform programme," he said.

Speaking during the mini-debate on restitution for land taken under the Group Areas Act, PAC MP Mrs Patricia de Lille asked why state land was being sold to foreigners while there was a shortage of land. She called for a moratorium on the sale of land to foreigners.

Replying, the minister said he could understand the resentment in the eyes of many South Africans who did not have access to land when they saw foreigners come to South Africa — especially when they had a questionable past.

Mr Hanekom also disclosed yesterday that some 80 communities had applied for financial aid, in terms of the Provision of Certain Land for Settlement Act.

He was replying to a question from Senator E.K. Moodie.

He said that negotiations had been completed with 10 communities and negotiations with the others had not yet progressed to a stage where financial assistance could be granted.

The 10 communities which had been accommodated consisted of about 2 192 families. Seven communities were getting additional RDP funds for basic infrastructure.
Millions uprooted in terms of group areas legislation

Cape Town — At least 75,000 properties were bought from "disqualified" owners during the apartheid era in terms of the Group Areas Act.

Land Affairs Minister Derek Hanekom yesterday told the National Assembly that it was estimated that 3.5 million people were removed in terms of the Group Areas Act and a further 2 million faced the constant threat of being forcibly removed.

These figures excluded the many removals by way of pass laws, those living in informal settlements who were repeatedly removed or those in the former homelands removed through so-called betterment schemes.

— Political Correspondent
POLITICS

Forced removal legacy ‘hangs over millions’

□ Justice sought for property owners

TYRONE SEAL
Political Staff

ABOUT 3.5 million people were forcibly removed in the apartheid era, while another 2 million faced a constant threat of removal, Land Affairs Minister Derek Hanekom told parliament.

Answering questions by Patricia de Lille (PAC) about Group Areas Act expropriation and compensation, Mr Hanekom quoted figures from the Surplus People Project’s “most recent and exhaustive analysis”.

He said a major part of the Department of Land Affairs’s mission to bring justice to people who were forcibly removed under apartheid laws was the question of about 73,000 properties expropriated in terms of Group Areas Act without reasonable compensation.

Mr Hanekom said the legacy of forced removals still affected millions of South Africans.

“Shocking as these figures may be, they do not include the large numbers of removals through the pass laws; they do not include people living in informal settlements who were removed many times over, they do not include the immense numbers in bantustans removed through so-called betterment schemes; and, they do not include the efforts to divide most South Africans through separate regional structures. “Also, they do not account for the huge numbers of removals before 1990.”

Mr Hanekom said on Group Areas Act compensation that about 73,000 properties had been acquired from people who had been “disqualified” from owning property particular group areas.

However, no earthly compensation — even if it were market-related — can undo the suffering and anguish wrought by such despicable laws,” he said.

Owners of property expropriated had been compensated in terms of the market value of the property the day before the area had been proclaimed a group area.

It was hypocritical of the National Party to expound free market principles and to purport to be a defender of property rights while it had, during the apartheid era, made a mockery of these principles, riding roughshod over people’s basic rights and destroying their property rights with impunity.
Land redistribution kicks off

31,000 ha of 'white' land earmarked for purchase by poor, but enterprising black farmers

A funding initiative is being launched to help black farmers purchase farms put up for sale by whites. The initiative is seen as being part of the RDP.

MXOLISI MGXASHE
Weekend Argus Reporter

A MULTI-MILLION rand project has been launched to buy 20 Eastern Cape farms – belonging to whites – covering 31,000 ha, to kickstart the redistribution of land to black farmers.

A former philosophy and theology lecturer at St Augustine’s University in North Carolina in the United States, Dr Guma was commenting on the small, medium and micro-enterprise conference being organised by the Ministry of Trade and Industry in Durban next Tuesday.

The Marshall Plan was a massive injection of funds from the United States and was designed to reconstruct a devastated Western Germany after World War II.

“Since the RDP has a significant impact on the small, subsistence-level black farmers in the poverty-stricken rural areas, it is necessary that the government intervenes in these affairs by creating a financial culture that will enable these farmers to buy farms from white farmers.

“The government and the financial institutions should introduce innovative ways of providing enterprising small farmers with adequate financial and technical assistance because they just cannot afford the huge collaterals demanded by the banks,” Dr Guma said.

Dr Guma left his teaching job in the United States last year to help found the R7.5 million Sakhile Development Trust Projects which is buying 20 farms for black farmers in Eastern Cape. The farms cover about 31,000 ha of land.

Several development and financial institutions, including the Development Bank of Southern Africa, Agri-Africa in Maritzburg, the Independent Development Trust and the Agricultural Credit Board, have already committed themselves to supporting the project.

A feasibility study of the project, financed by the Development Bank of Southern Africa, was conducted by Agri-Africa Evaluation. It was expected to be concluded this weekend.

The 20 farms will be subdivided into about 40 manageable farms to ensure viability and efficiency.

Sakhile’s next step will be to recruit the prospective commercial farmers who need not have access to capital, as long as they demonstrated viability, potential, seriousness and hard work, Dr Guma said.

The management board, drawn from Sakhile’s trustees, managers and the farmers, will run some of the farms for purposes of research and parceling to the farms of the farm workers who will also have a reasonable amount of participation in the running of the project.

Dr Guma said Sakhile was conceived in 1992 in the new context of apartheid restrictions against black ownership of white farms, which would be rearing large and small livestock and produce dairy products and cultivate lucerne, orchards and a wide variety of crops.

The management board, drawn from Sakhile’s trustees, managers and the farmers, will run some of the farms for purposes of research and parceling to the farms of the farm workers who will also have a reasonable amount of participation in the running of the project.

We are trying, in our humble way, to make the RDP reposition itself in a positive way to the needs of the people in the poverty-stricken rural areas, so that their dreams do not turn into nightmares.

“And it is my hope that the 2,000 participants in the Tuesday conference in Durban will address the issues raised in Sakhile’s objectives, so that the purchase of white-owned farms for the struggling black subsistence farmers becomes part of the broader debate on land acquisition which I must submit, should reflect the demographic composition of the country. The R28 million project is to be taken seriously,” Dr Guma said.
Land project launched

WEENEN: The government's land reform was a concrete step in addressing social disparities and was not a simplistic, punitive and unproductive exercise, President Nelson Mandela said yesterday.

He was speaking at the launch of the kwazulu/Natal Land Reform Pilot Programme at kwanzobambe.

"We seek a solution that is acceptable to all, an approach that eliminates the suspicion, mistrust, and anger that have characterised land disputes over the years," he said.

Mr Mandela said the pilot programme was a concrete step in the government's land redistribution programme, which, in turn, was critical to rural development.

It would also address poverty, unemployment, malnutrition and economic depression.

SAPA
Mandela launches project

PRESIDENT Mandela yesterday launched the first land reform project in the Estcourt-Weenen district of KwaZulu-Natal.

He said the project — one of the Presidential Projects announced last year — and eight similar ones in other provinces, would open the way for a systematic land reform and development. He said the project was a test. "Its lessons will be applied to each district and locality across the country over time." He said R35 million would be ploughed into the project over the next three years.

The Government, in addressing land and hunger, would not embark on a simplistic, punitive and unproductive exercise, but would always pursue a land redistribution policy based on effective and productive use of land as a resource in a sustainable way, Mandela said.

“Our pilot land reform programme is a concrete first step in our land redistribution programme. This in turn is central to rural development, which will address poverty, unemployment, malnutrition and economic depression that characterise so much of our rural areas. "As such, land reform is an integral part of the Reconstruction and Development Programme." Mandela urged the Estcourt-Weenen community to register for the local government elections.
Mandela gets land reform project going

Weenen — President Mandela yesterday launched a R35-million land reform programme in KwaZulu-Natal aimed at returning land to blacks who had been dispossessed during the apartheid era.

“We are today launching a project that will benefit your rural community of 45 000 people. It will help bring jobs and a better standard of living,” Mandela told a crowd of about 1 000 at a sports field in KwaZulu-Natal’s Midlands.

He said the project aimed to correct the wrongs that colonial invasion had inflicted on South Africa’s communities.

Mandela said the Government wanted to find a solution to South Africa’s land disputes which was acceptable to all, and which eliminated suspicion, mistrust and anger.

He added that the Government’s land redistribution policy insisted on the effective and productive use of land.

“Our pilot land reform programme is a concrete first step in our land redistribution pro-

The project is one of nine — one in each province.

Mandela said R35-million would be ploughed into the Weenen project over the next three years.

Land Affairs Minister Derek Hanekom told reporters that rural blacks in the district had legitimate rights to land which they had been evicted from over the years. They had been engaged in talks with white farmers for several months, culminating in yesterday’s launch.

He said State-owned land and private farms which were up for sale would be used for the project.

“There needs can’t be denied. There’s an incredibly urgent need for land, and (white) farm-
era have come to accept that they can be part of the solution,” he said. — Reuters.
Looking for a solution: Vision for America is a blind end.
Land reform: An in-depth look at an issue with no easy solution...

'Ms Land' has a grand plan to reshape SA

Sue Lund has calmly negotiated the 'landmines' of the land issue to write a balanced five-year plan for land distribution, writes Eddie Koch

Ten years ago she was an idealistic young student who wanted to change the world.

Today, still looking wide-eyed and innocent, Sue Lund is doing just that. She is the author of South Africa's single biggest social engineering programme since apartheid.

As designer and manager of the country's land redistribution programme, a first step in the government's five-year plan to parcel out 30 percent of the country's arable land to the rural poor, her job is to reshape a terrain that has been skewed by centuries of colonial and segregationist policies.

It is an office of power; one fraught with complexity and danger, which she occupies with unexpected calm and predictable modesty. "I really don't see why you should be interviewing me. There are lots of other women involved in land issues. You should do an article on all of us."

That collective approach, she insists, is the great strength of the land redistribution programme. Its single chance of success in the face of overwhelming odds derives from a team of assistants who honed their skill in years of fighting forced removals in the countryside during the 1960s.

Which is where the 33-year-old woman's path to an office near the Union Buildings in Pretoria begins. In the mid-1980s, Lund left home in Pietmaritzburg and went to Rhodes University intent on becoming a journalist. She ended up devoting most of her time to the United Democratic Front, the End Conspiration Campaign, and the Grahamstown Rural Committee, which she helped form to fight the forced removal of "black spot" settlements in the Eastern Cape.

"It was an exhilarating time. We were all doing everything and reading about Lenin, Cuba and revolutions at the same time... It was easy to get distracted into land issues."

During one of these distractions—a meeting at her home with people from the Thornhill resettlement camp in Transkei to discuss how they could reoccupy their land — a bunch of policemen burst through the door and detained her under state of emergency regulations.

That was her first spell behind bars. The next came a year later. She was detained again under the emergency in November 1986 and released after 11 months with orders barring her from working with communities that had been forcibly removed.

"You know, you sit in prison thinking about life and it strengthens your resolve." So when she got out she left for England where she studied at the University of England for two years and was awarded an MA in rural development planning with distinction. That academic experience was used to design the complex programme of land reform in South Africa.

Was it influenced by Lenin, Cuba and revolutions? "Let's just say we have learnt a lot from things that have happened in-between," says Lund — although the new-found pragmatism does not prevent her from doing tai chi as often as possible and writing a novel, sometimes on scraps of paper when her interminable meetings in Pretoria get boring.

Lund's redistribution scheme ("please remember it isn't mine, there is a team of us working on it") relies on...
Lund's plan for land

a range of mechanisms to reverse the effects of the past without resorting to expropriations and high-handed state interventions that have bedevilled land reform in many other countries.

Built into it are articulate replies to most objections leveled at the programme. On the complaint that the poorest of the poor lack the wherewithal to participate in land purchase schemes, she notes that a thorough review of the country's credit institutions is under way and schemes will be implemented to ensure that those who don't have existing collateral will get access to land purchase loans.

What about the moral argument that people should not have to pay for land that was stolen from them and the prediction that, despite the reforms, there will be mass land invasions in many parts of the country?

"I don't think these are as likely as some people assume. Rural people are risk-averse and don't easily look for conflict ... There are plans to scale up the national programme even before the two-year period for the pilot projects is up. Within that time the pilots will expand as we develop a budgeting system for the rest of the country ... We are putting a lot of faith in local government and local planning abilities."

Concerns coming mainly from white farmers about possible degradation of land that has been reallocated to black settlers can be dealt with in local forums which will be set up under the scheme. Plans submitted by these to the provincial land reform committees will be carefully scrutinised for their sustainability, she says.

"People will have to look at things like carrying capacity, erosion and a range of possible land uses. Their plans will have to meet strict standards and must be environmentally sustainable ... How this will work in practice, we will have to wait and see."

Sometimes, when she sits in her Pretoria office pondering these things, or sneaking time to work on her novel, a fax will arrive addressed to Miss Land. There is a meaning in the mistakes. To many South Africans she is Ms Land: author of the single biggest piece of social engineering this country has seen since apartheid.
Makwetu's land fight

LAND Affairs Minister Derek Hanekom has refused to intervene in the eviction of Pan Africanist Congress president Mr Clarence Makwetu from a farm which he leases near Queenstown.

Makwetu met Hanekom yesterday in a bid to overturn former Commission on Land Allocations and Supreme Court rulings that portions of two farms near Queenstown, currently leased to Makwetu and five other farmers, be restored to Cathcart farmer Mr Neville Fletcher.

An official in Hanekom's office said the Minister was forced to abide by the rulings but "Makwetu's legal advisor will explore the possibility of appealing against the decision which will see Makwetu evicted". "Otherwise they can get somebody to evaluate the land and give an offer to Fletcher. If he doesn't want to sell then the department will possibly help look for alternative land," she said.

The land was owned by four generations of the Fletcher family before the government took it for incorporation into Transkei in 1979.

In 1988 he was again forced off and the land was later leased to six farmers, including Makwetu.

Following an appeal by Fletcher, the Commission on Land Allocations ruled that he be given first option on the land at market-related prices.

After numerous attempts to buy back the portions of Hendham Farm and Farm 443 in the Tylden district, Fletcher then fought for restitution winning the court's favour in January. — Ecna.
PAN Africanist Congress southern Transkei leader Waters Toboti on Friday challenged the Fletcher family, which has claimed prior ownership of a farm now leased by PAC president Clarence Makwetu.

Neville Fletcher’s 1500 hectare farm was expropriated by the former Transkei government in 1979 and he was paid R120 000.

Fletcher to produce a receipt for the “normal transfer” of the land. “I’m sure that he never bought the land as our land was forcibly taken by Sir Harry Smith after he killed King Hinta in 1835.”

Earlier in the week Land Affairs Minister Derek Hanekom refused to intervene in the eviction of Makwetu from the farm.

An unhappy Makwetu met Hanekom on Tuesday in a bid to overturn former Commission on Land Allocations and Supreme Court rulings that portions of two farms near Queenstown, currently leased to Makwetu and five other farmers, be restored to Cathcart farmer Neville Fletcher.

Cape started after the battle in 1818 in which King Ndlambe and King Makan were defeated by the British.

Toboti warned if the matter was not handled carefully it might set a precedent. Other white people whose properties were taken over by the Matanzima government after Transkei became independent would also want their land and properties back.

Clarence Makwetu

He claimed the farm had been the property of the Fletcher family since 1862.

Toboti called on

Derek Hanekom

He said land dispossession in the Eastern
How the Nats helped farmers make peace on their land

By CYRIL MADLALA

A RURAL black community in northern KwaZulu Natal, which once defied the National Party's plan to uproot it, has bought land from neighbouring white farmers in an experiment that could be a lesson to the rest of South Africa.

And it was the NP that made it possible.

On a windswept corner of Cornfields near Estcourt black and white farmers, once bitterly opposed, now view the future with optimism.

The Cornfields and Thembalihle communities held a celebration a few weeks ago to mark the acquisition of more than 8 600ha from the white farmers.

Derek Hanekom, Minister of Land Affairs, was chief guest. But it was the NP, whose Department of Land and Regional Affairs implemented the Provision of Certain Land for Settlement Act in 1993, that gave the community a chance to stay on its land and expand its farms.

The legislation was aimed at promoting "the accessibility of land to all members of the population". Deprived communities were required to put down a five percent deposit of the purchase price, to be met with an 80 percent government grant, and a 15 percent loan to be paid off over five years.

But convincing people such as Cornfields' leader Simon Mchunu to pay for the land was not easy.

"Older members of the community asked why they should buy land from the whites when the whites had not bought it," he said.

Finally, it was agreed each family would pay a deposit of between R30 and R450. The loan came to between R25 and R30 a month, while the government's commitment was R4,9-million of the R5,1-million total. A trust representing landowners, tenants, headmen, women and youths collects the loan repayments.

Mr Mchunu is aware that things could have turned out for the worse.

For many years black and white farmers regarded each other as unwanted neighbours as the black farmers, who lived under the threat of forced removal, faced dwindling resources on 900ha of freehold property.

The relationship deteriorated as people flocked to the area following evictions of tenant farmers and workers from white farms in Estcourt and Warden in the 60s and 70s, and the communities began increasingly to rely on the white farms for grazing, water, wood and thatching grass.

In 1993 the Association for Rural Advancement and community negotiating teams started talks with the white farmers.

The farmers indicated their willingness to release land if they were compensated, and on condition that it was not used for "uncontrolled squatting".

It was then that the NP passed legislation that was, for once, welcomed by the Cornfields community.

And the white farmers are happy to help the people of the two communities. Egon Fortmann, a farmer who sold them 700ha, said the land deal bodes well for peaceful co-existence between blacks and whites.
Healing The Rift

SHINING EXAMPLE... Former Swazi militant, signs投降 when asked, for the
crew. Workers who have long been the
marginalized in Swaziland, are now
enshrined in a new dawn.

GEORGE POGGE

A Swazi Farmer

from his farms

workers excited
donates land to

The NJIC for Local
Workers homes by
the filth of the
company

was committed in my
position and in

PHOTOGRAPH BY GEORGE POGGE

The photo by George Pogge shows a worker from the NJIC (National Joint Industrial Council) in Swaziland, who has recently signed a documents for the crew. The workers who have long been the marginalized in Swaziland, are now enshrined in a new dawn.

The farmers from the Swazi district have donated land to the NJIC for local workers homes by the filth of the company. The photo shows a worker from the NJIC who has been committed in my position and in the company.
Due to the pressing role of the police...
Claims for restitution of land rights may be lodged from May 1 this year, according to National Land Claims commissioner Mr Joe Seremane.

Seremane said yesterday people did not have to wait for the May 5 promulgation of the final rules for claiming restitution of land rights.

Residents of Gauteng, Northern and Eastern Transvaal and North-West can get copies of the rules and claim forms by writing to Private Bag X833, Pretoria 0001.

Free State and Eastern Cape residents can do so at Box 1375, East London 5200. Western and Northern Cape residents at Private Bag X9159, Cape Town 8000.

Kwazulu-Natal residents at Private Bag X9000, Pietermaritzburg, 3200.

The forms can also be obtained from the national office at 523 Church Street, Box 56720, Arcadia, 0004. The telephone is (012) 341-7900.
Farmers challenged to accept reform

Political Correspondent

Commercial farmers have been challenged to put aside their fears about land reform and play an active role in helping new small farmers establish themselves in the agricultural industry.

Provincial Minister of Agriculture Lampie Fick told a gathering of West Coast farmers last night: "You must not be afraid to become involved ... that is far better than becoming involved later because you are afraid."

Speaking at the Sandveld potato farmer-of-the-year dinner at Lambert's Bay, Mr Fick said the involvement of established commercial farmers in the land reform project, and the settlement of new small farmers on the land, would be "decisive" in ensuring its success.

"And we cannot afford it to fail," he said.

The farming community, he said, would simply have to accept that there was a new government in power, with its own new policies and priorities.

This should be regarded as an opportunity to become involved constructively.
Speculators beware

Though government favours demand-driven land reform, property owners who inflate the value of land to "unrealistic" levels in the hope of making a "quick buck" out of the recently launched land reform programme, face tough action, says Land Affairs Minister Derek Hanekom.

The reform programme is a cornerstone of government policy and an important cog in the RDP machine. It provides mechanisms to restore the rights of people who were forcibly removed and denied land by previous governments.

Restitution of rights will be considered within a claims procedure set out in the Restitution of Land Rights Act, which was arguably the most significant legislation approved by parliament last year.

Essentially, the programme will redistribute land to those who need it to improve their quality of life. New owners will be supported by government as they become established.

However, says Hanekom, government recognises the rights of both current and future land owners. There is no intention to disrupt the forces of supply and demand in an open market or to confiscate land. The programme will be "needs driven" and based on the assumption that where private land becomes available and there is a willing buyer and a willing seller, the buyer will be assisted.

But "unscrupulous practices" such as artificially inflating land values will not be tolerated. "If reasonable measures are frustrated and do not succeed, government will...

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CURRENT AFFAIRS

Hanekom ... don't artificially inflate land prices

be left with no alternative but to resort to drastic measures."

Hanekom says that there is a generally positive attitude towards the land reform programme. Attacks on it are misguided attempts to undermine government's efforts to distribute land equitably and address rural poverty, overcrowding, resource degradation and fragile peace and stability.

An important source of land for redistribution will be unused State property. But allocating it, says Hanekom, requires transparency within a demand-driven approach. Land must also be seen as an economic resource and not handed out "freely or haphazardly."

So disposal of State land will not be allowed to undermine either the RDP or market forces.

Last month, government launched a land reform pilot programme worth R315m, identifying one district in each of the nine provinces for redistribution.

The areas total just over 45 000 ha (Current Affairs March 3). Funding will come from the RDP and international donors. •
ESTHER WAUGH
POLITICAL CORRESPONDENT

CAPE TOWN — State-appointed valuers have allegedly over-valued by 30 percent farms being expropriated for restitution to a dispossessed community — raising fears that the land reform programme could be drained of funds.

The land — five farms near Vryburg in Northern Cape — is being returned to the Takwameng community, which was removed from it under apartheid rule in the 1970s.

Land Affairs Minister Derek Hanekom said the alleged over-valuation had been brought to his attention after an independent study was done on the valuation procedures, including those used to determine the prices of the Takwameng farms.

Irresponsible

"The State should never pay more than market value (for expropriated land). It is irresponsible use of taxpayers' money and distorts the prices of land," Hanekom said.

He warned that if the State overpaid for expropriated land, funds available for the land reform programme would not stretch far.

The Minister also raised the matter in a letter to Public Works Minister Jeff Radebe, under whose authority the Land Affairs Board — which appointed valuers — falls.

In his letter, Hanekom said he had been handed a report indicating "serious flaws and anomalies" in the valuation and reviews by the board of the Takwameng farms.

He was "alarmed by apparent over-pricing of about 30 percent over market value for the Takwameng farms by apparent co-operation of the two valuers, to the extent that they each referred to the same selective market information, leaving out pertinent data and arriving at final estimates which differed from each other by no more than 0,1%.

He asked for "immediate steps" to be taken to correct any malpractices which might have taken place.

"If existing mechanisms are inadequate or fail to detect flaws in valuation processes, it might be necessary to set new guidelines and to review the processes of the Land Affairs Board," Hanekom's letter said.

A spokesman for Radebe told the WeekendStar the minister had requested a meeting with Hanekom to discuss the matter.

One of the five farms was sold in 1978 for R230 000. It was sold 10 years later for R280 000. The same farm has now been valued for expropriation at R275 000, while the review appraised, requested by Hanekom, valued the property at between R250 000 and R270 000.

The independent study of the expropriation of the Takwameng farms said two valuers, who were regularly employed by the Land Affairs Board, were appointed to inspect and value the five properties.

"The exact amount of fees (for the valuations) paid to the valuers is unknown. However, a figure of R160 000 was mentioned. It appears that the valuation took two months to complete," the report said.

The two men's valuations were "out of line with prices in the area" and that "the overall tone of the valuations and subsequent recommendations is blatantly sympathetic to the expropriators".

Lower prices

A search of the registry found two dozen comparable sales in the same area, before the valuation date, at significantly lower prices.

"In at least one case, a 'comparable' property was listed at the price its owner was asking, rather than the price that owner paid to acquire the property about a year earlier," Hanekom said that since the discovery of the overvaluation, he had insisted on an independent assessment of land which was to be expropriated.
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A spokesman for Radebe told the WeekendStar the minister had requested a meeting with Hanekom to discuss the matter.

One of the five farms was sold in 1976 for R62 000. It was sold 10 years later for R260 000. The same farm has now been valued for expropriation at R976 000, while the review appraisal, requested by Hanekom, valued the property at between R650 000 and R750 000.

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"The exact amount of fees (for the valuations) paid to the valuers is unknown. However, a figure of R150 000 was mentioned. It appears that the valuation took two months to complete," the report said.

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Hanekom said that since the discovery of the overvaluation, he had insisted on independent assessment of land which was to be expropriated.
Homecoming for displaced Barolog

By Joshua Raboroko

MORE than 200 displaced Barolog people will return to their ancestral land near Potchefstroom today.

The move follows protracted negotiations between delegates representing the tribe and the Potchefstroom Town Council. Transvaal Rural Action Committee fieldworker Mr Papiyo Molapo said yesterday that he had also intervened.

He said Minister of Land Affairs Mr Derek Hanekom had also intervened.

The people were forcibly removed in 1971. They were resettled against their will at Rooigrond, near Mafikeng, by the apartheid government.

Molapo said their land had been subdivided into numerous "camps" and leased to white farmers as grazing land.

For more than 20 years the Barolog had tried to return to their land, first under the leadership of Chief Israel Mokate and later Mr Simon Makoli, but their voices fell on deaf ears.

The former Bophuthatswana government threatened to move them from Rooigrond to Hoedspruit in 1982 but they resisted.

Many of them were arrested for trespassing when they tried to return to their land. However, the charges were withdrawn when representation was made in court.

Molapo said after the implementation of the Restitution of Land Rights Act in 1994, they were given permission to return to their land.
Barolong return with joy to their ancestral land

JONATHAN REES

POTCHEFSTROOM — Twenty-five years after their forced removal to a tiny barren patch of the former Boergoedstruis farm held by 20 Barolong in Mafikeng, families began their trek home to their ancestral land yesterday.

Together with other displaced Barolong families, they will be settled on 3,689 ha of their former land near Potchefstroom, which was bought by the Ministry of Land Affairs as part of the Government's attempt to reverse the legacy of forced removals in several tracts of South Africa.

Yesterday, a truck arrived at Mafikeng, after which a morning spent breaking down a fence and clearing home at Rooigrond near Mafikeng, where the National Party government placed 10 Barolong in 1971.

Apartheid dreams

"We are ready to get our place back and change our lives," said Gabriel Rapamana, who at 92 is too young to remember the day his family was removed from their homeland. As the train to the village arrived, crowds of Barolong arrived to be welcomed by a Barolong in 2015.

Barolong home

"I am going back to my birthplace," said Siyabonga Sekwati, who remembers Mafikeng as a fertile area where his people once kept great herds of livestock.

Barolong Chief Simon Makoklo (70) yesterday described how his family removed their tents from the site, and said he was unable to say exactly how many cattle the tribe lost in the move.

Yesterday's return was bittersweet for the Barolong, who were forced to leave their land and return to a community that had been destroyed.

Forcible evicted

Some people were forcibly evicted in 1974 and between 1969 and 1971, repeated attempts were made to force them off the land by levying fines on tenants and homes, as well as setting fire to their belongings. The Barolong displaced were eventually forced to leave home, eventually winning the right to return briefly each year to tend the graves of their ancestors.

Small groups of people peacefully reclaimed their land in 1980 and again in 1981. They were arrested and charged with trespassing on both occasions — Sapa.

The long trek back home

Children take it easy as furniture and other belongings are unloaded from a truck after 20 Barolong families returned to their ancestral land yesterday. Together with other displaced Barolong families, they will be settled on 3,689 ha of their former land near Potchefstroom in the western Transvaal.

Photograph: JONATHAN REES

ALSO IN 30’S

TASTE
Home at last

By DAN DHLAMINI

THE BAROLONG ba Modibe’s dream of returning to their ancestral land from which they were uprooted 24 years ago came true on Friday.

Their return to Machavie, also known as Matiwa, followed negotiations between the Potchefstroom Town Council and Land Affairs Minister Derek Hanekom, who purchased the 3 489 hectares of land on the tribe’s behalf for R600 per hectare – which amounts to more than R2 million.

On Friday, amidst rain showers, Potchefstroom councillor Ben van der Berg officially handed over the land to Land Affairs official Koos Komane – who in turn handed it over to Chief Makodi, as trucks loaded with the Barolong’s possessions moved in.

Komane said the government would help the tribe with necessities.

Makodi said although they were happy to be back home, he was perturbed by some conditions attached to their return – such as reserving for the Potchefstroom Council the mineral rights and the use of one entrance about 25 km from Potchefstroom.
Happy to be home

Bulldozers and armed police knocked down the homes of hundreds of black South Africans on a patch of land 20km south of Potchefstroom in 1971.

The homes were shanties made of corrugated iron, plastic, wood and cardboard on sandy ground cleared of small trees and thick bush.

There were also posh houses where the chefs and bankers lived. The township was relatively quiet as no serious crimes were reported at the time. The camp was known as Mafikeng or Machaiviestad.

The people were moved to Roogrond near Mafikeng in the former Bophuthatswana, where they were further put under serious pressure by the apartheid government.

They returned to their land last Friday after protracted negotiations with the conservative Potchefstroom Town Council.

The negotiations were successful only after the Minister of Land Affairs, Mr Derek Hanekom, intervened. There was jubilation as trucks carrying hundreds of people and their belongings returned to their ancestral land.

They were joined by people returning from neighbouring Mafikeng and Stilfontein townships.

One of the old residents of the area, Mr Paul Masegwana, said “I am happy to be back in my homeland. The apartheid laws were harsh on us at the time.”

“It is great to feel that you have at last arrived home. I was still young when this happened.”

The Boers used bulldozers to destroy our homes. We offered resistance and some of the people were charged with trespassing."

Their land was divided into numerous camps and leased to white farmers as grazing.

The SADF offered its formidable presence when the people were moved. Each household received R18.50 as compensation.

For about 20 years the Barolong people tried to return, first under the leadership of Chief Isaac Mokate and later under Mr Simon Makodi.

Brief return each year

Through their perseverance they were eventually granted permission to return for a brief period each year to tend the graves of their ancestors.

In April 1982 the former Bophuthatswana government threatened to move the Barolong again from Roogrond to Boshie. The community resisted, saying “You cannot fight us forever.”

Masegwana said: “Blacks were not allowed to own land. The laws of the country were too harsh on us.”

On November 14, 1994, within days of the passing of the Restitution of Land Act, a third recouperation attempt was made. Again it failed.

Mr Johannes Nshungwa, who represents the returning people said they had lost hope of recouperating their land.

“The Barolong people of Machaiviestad, near Potchefstroom, returned to their ancestral land after being forcefully removed by the apartheid regime 24 years ago, reports Joshua Raboroko: (271)"
Dubious land deals face curbs

CAPE TOWN — Land Affairs Minister Derek Hanekom said yesterday that measures would be taken to ensure artificially inflated prices were not being paid on land deals falling under the restitution process.

Addressing Parliament in his budget debate, Hanekom said "alarming reports of dubious deals" between sellers and desperate landless communities had come to the department's attention recently.

"We cannot allow such a situation to go unchallenged," he said.

Government had limited resources which had to be used judiciously in addressing land needs.

Bidding up land prices would have an adverse effect on the productive use of land and had negative implications for the property market, development and the effective use of government resources.

If reasonable measures are not taken, Hanekom said, "we may be left with no alternative but to resort to more drastic measures." He said.

Department officials had been instructed to take the "necessary precautions" in ensuring the participants of land reform programmes and the state did not pay unreasonable amounts.

Property valuation guidelines were also being drawn up, in conjunction with the Public Works Department, aimed at making sure the criteria used in valuations reflected the true price of land.

A White Paper on land reform would be finalised by the end of the year, and it would set out the goals, mechanisms and a timeframe for the implementation of the land reform programme, he said.

A number of draft laws would also be referred to Parliament to provide the legislative basis for translating the new policies into reality, Hanekom said.
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TODAY’S WEATHER

Gauteng: partly cloudy and mild. (Daytime temperature: Johannesburg 21°)
Eastern Transvaal: mild but warm in Lawveld. (Emelee 21°)
Northern Transvaal: mild but warm in Lawveld. (Pretoria 22°)
Northwest Province: warm with showers. (Krugersdorp 24°)
Free State: mild to warm with showers. (Bloemfontein 23°)
Northern Cape: cool to hot with showers. Widespread
Arid hills ring with hope as exiles return

By CHIARA CARTER

RIEMVASMKA, a name synonymous with forced removals, might soon be associated with premier wines as yesterday's victims of forced removals prepare to enter the export grape industry.

About 100 members of the Northern Cape community and their friends and relatives in surrounding towns yesterday celebrated the return of the Riemvasmkaars to their land after more than two decades of exile.

The former government forced the people of Riemvasmka to leave the land where they had lived for more than a century, near Ramakas, 21 years ago.

Those classified Nama-Damara were sent to Welwitschia and Khoriqas, 100km away in Namibia. The Nama were moved to Welkomwood, a barren part of the Ciskei, and those people regarded as coloured were scattered in surrounding towns.

Last year, the government agreed to return the land, which the defence force was using for military exercises.

So far, about 500 Riemvasmkaars have returned, mostly pensioners, women and youngsters.

Many of the men are working elsewhere until economic activity gets under way in their old community.

At first glance, the Riemvasmkaars have regained a dubious Eden.

They are living in army tents pitched around a mission station in barren hills about 10km from the Orange River. It is a bleak place of heat and dust, stone and scrub

But appearances are deceptive. Riemvasmka includes about 500ha of prime agricultural land, called Blou Puts, along the north bank of the Orange River.

The stretch of river bank is on Upington's winding route, one of South Africa's premier export grape areas, and the Riemvasmkaars intend to enter the grape industry.

The community's leader, Freddie Bosman, says two Riemvasmka settlements will be built — one on the banks of the river and the other near the mission station.

Members of the community who want to live in Blou Puts will move there from the transit camp within the next two months.

Local grape farmers say they are willing to help the community, and Mr Bosman envisages the possibility of entering into joint ventures with already established farmers.

Some of the land is likely to be run on a co-operative basis, other sections will be farmed by individuals.

"We have been told that 100ha of vineyard can provide work for 3,000 people in the height of the season. People's lives will completely change," he said.

"In seven years' time, Riemvasmka will be exporting grapes. Look out for our label."

For those who choose to remain in the stony hills where their forefathers are buried, the nearby Au-grub's National Park's black rhino is a symbol of hope.

Mr Bosman and other community leaders are talking to the National Parks Board about a joint eco-tourism venture which might include the development of a warm springs resort.

Also in the pipeline is a rose quartz mining venture. Unwelcome remnants of the military's presence remain in the area.

There have been three accidents this year in which children were injured by unexploded shells.

But the defence force is now clearing the land of potentially lethal shells and grenades. As a presidential project, Riemvasmka is likely to get the financial and technical backing it needs to succeed.

Mr Bosman estimates that about R5-million is needed for initial development including roads, water and housing.

The newly established Riemvasmka Community Development Trust is working with the Department of Land Affairs, the National Parks Board, the Independent Development Trust and Farm Africa.

A development consultant has been appointed to draw up a blueprint for the area.

Regional government and local municipalities are also likely to become involved in providing infrastructure for the community.

"Our immediate needs are roads and houses. We are setting up a brick-making scheme with the Parks Board to produce the bricks we need to build our houses," Mr Bosman said.

Willem Vass, the leader of the people who were moved to the Ciskei, said he was delighted that he was back where his parents were buried. "I can end up where I began and for my grandchildren there is hope," the grey-haired 70-year-old said.

Small wonder that the community and their friends and relatives decided to celebrate the Riemvasmkaars' return with a huge party this weekend.
STRANGE EDEN ... people are living in a bleak transit camp, but say they have returned to paradise
Restitution of land celebrated

KIMBERLEY: The national Minister of Land Affairs, Mr Derek Hanekom, and the premier of the Northern Cape, Mr Manne Dipico, ended decades of racially repressive laws this weekend with the symbolic return of Riemvasmaak to its original inhabitants.

Speaking during the ceremony on Saturday, Mr Hanekom said the most important task facing the people of Riemvasmaak now was the immediate improvement of living conditions. This included building homes, a clinic and developing land for agricultural use.

"We cannot expect the Reconstruction and Development Programme to materialise in one day as Riemvasmaak is not the only restitution case in South Africa that needs to be developed." He said it was necessary to remain positive and join forces with the provincial government to see to it that the area developed to its best potential.
Commission receives
450 land claims a day

By Mzimasi Ngudle

THE Commission on Restitution of
Land Rights yesterday said it had
received about 3 600 land claims —
an average of 450 a day — since the
commission opened its doors to
claimants on May 1.

Acknowledging that the commis-
sion was poised for a hectic schedule,
commission director Mr Bann van der
Westhuizen said he could not furnish
the exact figure, as claims were still
being fed into their newly installed
computer system.

Van der Westhuizen said final rules
governing procedures of the commis-
sion would be gazetted on Friday.

The rules, which were amended
after the commission received input
from important stakeholders, includ-
ing non-governmental organisations,would supplement the existing provi-
sional rules.

Documents to be attached to a pre-
scribed claim form differ in accord-
ance with the title of the claimant.

An original owner who lost a right in
land must submit certified copies of his
identity document and title deed.
In addition to the above documents,
the descendent must bring a certified
copy of the person who lost a right in
land as well as the power of attorney
authorising him to claim the land if the
original owner is still alive.

In the case of inheritance, certified
copies of the will and liquidation and
distribution accounts and the written
consent of all heirs with an interest in
the land must be furnished.
SANDF deal seen as racist by farmers
Major role for private sector in land reform

LAND Affairs Minister Derek Hanekom released a draft framework for land policy, including provision for a non-exploitative role for the private sector.

"The central goal of land policy is to create a just land dispensation, which will result in equitable distribution, secure tenure and sustainable land use."

"Provided that the private sector does not seek to unduly profiteer from the land reform programme, it has an important role to play as a financier, investor, planner, trainer and partner in land reform," the 21-page document says.

Mr Hanekom said yesterday the draft should provide a basis for discussion leading up to a public conference on land policy set for August. — Reuters.
Son of the soil faces new battle for land

By CHIARA CARTER

A FARMER forced from his land more than 15 years ago by apartheid faces a fresh obstacle in his fight to get back his farm — squatters.

Mothinya Molakeng’s father, Bukanye Spook, had owned two plots on the farm Doornkop, about 16km from Venterdorp, since 1949. He was forced to surrender his title deeds to the local magistrate in 1967, and 11 years later, on November 30, 1978, his family — and others living in the area — were forcibly removed by government officials.

The Molakeng family’s pain at losing their land was so great that they did not go back to the Venterdorp area for the next 16 years and settled in Hammanskraal near Pretoria.

Then the 1993 Land Commission ruled that the Doornkop community, owners and tenants alike, should get back their land.

Mr Molakeng gave up his job as a regional agricultural officer to farm his elderly father’s land. But when he visited Doornkop last year he discovered that people were already living there, few of whom he recognised from the original community.

“There were 15 shacks on the farm. The residents told me they were moved there by officials from the North West government’s department of agriculture. Only one of these people was related to the dispossessed former occupants. The squatters said anyone, including me, could stay on condition R400 was paid,” Mr Molakeng said.

He asked Land Affairs officials to stop the settlement growing. But when he returned in February this year, he found the settlement had swollen to 57 shacks, several buildings had been erected and the squatters were ploughing fields.

Mr Molakeng again met officials from the Department of Land Affairs.

Frustrated at the lack of progress, he wrote to the Minister of Land Affairs, Derek Hanekom, and the Chief Commissioner of the Land Claims Commission, Joe Seremane.

This week, Mr Seremane advised him to go back to Land Affairs since the matter fell outside the commission’s ambit.

Said an irate Mr Molakeng: “Imagine our heartbreak. We have waited all these years to get back our land. I have given up my job to farm Doornkop. We are law-abiding people who have filled in all the right forms and followed procedures. I am now desperate.”

The Chief Director of Settlement Support in the Department of Land Affairs, Ell Belling, said the squatters were not living on the Molakeng family plots but other plots on the farm.

He said the department was concerned at the extent to which the settlement had grown.

His department had twice tried to arrange a meeting with all stakeholders and hoped to bring all these people together to thrash out issues later this month.

If Mr Molakeng has all the proof needed and wants to occupy the plots on an individual basis, we are obliged to let him do that,” Mr Belling said.
4 000 land restitution claims lodged so far

ALMOST 4 000 land claims have been lodged with the Commission on Restitution of Land Rights. Commission head Mr Joe Seremane says that 3 739 claims — 1 530 rural and 2 209 urban — have been received so far.

Potential claimants have until May 2 1997 to lodge their claims at the offices of the Commission in Pretoria, Maritzburg, Cape Town and East London. More than a third of the claims come from KwaZulu-Natal. Of the 1 617 claims received from the province 540 are rural and 1 077 urban claims for the restitution of land rights.

Forcibly removed

It has been estimated that between 1960 and 1982, 3.5 million people were forcibly removed, 745 500 of them in KwaZulu-Natal.

KwaZulu-Natal Commissioner Ms Cheryl Walker said that besides officially lodged claims, she had also received several inquiries related to claims.

About a quarter of these related to Group Areas Act cases, while another quarter were “black spot” cases involving rural African freehold communities. There had also been queries from labour tenants and tribal authorities.

Walker said it was important for the Commission in KwaZulu-Natal to establish a more formal relationship with other land reform bodies, in particular the Land Reform Steering Committee. This is a body which was established at the beginning of 1995 to oversee the RDP components of the Government’s land reform programme in the province.

Land reform

The chief of these is the land reform pilot programme which covers the magisterial districts of Estcourt and Weenen in KwaZulu-Natal.

Seremane said that although there were all the indications that the months ahead would be tough and hectic, he had lots of hope. “There have been very few problems with the lodging of claims,” he said.

“People have not been intransigent. They have been angry about the history but they understand the problems,” he said.

He expected several cases to be resolved easily and quickly. In one case in the Northern Cape, a farmer who was leasing land in dispute had alerted claimants to the restitution process. More difficult cases which the commission may encounter are those from labour tenants who are able to show long occupancy and use rights of specific pieces of land, but who have no title and who have almost no protection against eviction. Pockets of labour tenancy still exist in KwaZulu-Natal and the Eastern Transvaal. During the past four years the eviction of labour tenants has increased, presumably to pre-empt land reform initiatives which could allow such tenants to stake their claim for secure land rights.

While the Commission will play an important role in redressing the legacy of apartheid — forced removal — settlements reached at Commission level will have to be ratified by yet to be established Land Claims Court. Seremane said he was confident that the court would start sitting at the end of July.

In current budget

Seremane said about R100 million was available for restitution in the current budget of the Department of Land Affairs. It was difficult to estimate how much the Government’s restitution programme would cost.

Besides the money set aside to deal with restitution cases, R64 645 616 has been allocated by the RDP to ten communities countrywide to help them with settlement support. The ten communities all had their land returned. — Sovietan Correspondent.
Nine shortlisted for land claims court

JOHANNESBURG. — Nine people have been shortlisted as nominees for the Land Claims Court, Chief Justice Michael Corbett has announced.

The nominees will be interviewed by the Judicial Service Commission in public in Cape Town on July 3 and 4.

One will be appointed president and two others additional judges of the court.

The shortlist is:

- Fikile Bam, of Johannesburg law firm Deneyes, Reitz
- Alan Dodson, of Cape Town's Mallinick Resi Richman & Closenberg
- Antonie Gildenhuys, head of the National Peace Secretariat
- Anson Lugaju, an Umtata regional magistrate
- Mr Justice Moloto
- Dimpeletse Moshidi, a Johannesburg lawyer
- Nic Olivier
- Vuyiswa Ramphele
- Frank Sithole, of Durban firm Woodhead, Rigby and Irving. — Reuter.
Past will haunt Triomf

By Mzimasi Ngude

TRIOMF residents will soon be haunted by their Sophiatown past.

Triomf was the name given to Sophiatown after darker hued residents had been forced off their properties and out of the suburb by Group Areas legislation.

With the enactment of the Restitution of Land Rights Act, displaced people may now reclaim their right of ownership of properties from which they were evicted or for compensation in cases where this is not possible. Of the 3,740 claims lodged with the National Land Claims Commissioner, 11 are in respect of land in the old Sophiatown.

One such claim in the register of the National Land Claims Commissioner was made by Ebrahim Daya, son of the late Mr Hassan Daya, one of many Sophiatown residents who were forcibly removed about 40 years ago.

As sole heir to the estate, Daya wants his father’s land back. His claim is one of some 4,000 received by the commission so far. Unlike many others, Daya has a strong case, having documents to support his claim.

Daya contends that his father, a wealthy businessman who frequently hailed out the South African Indian Congress when it was in financial straits, was a victim of racism. His father owned four Sophiatown properties registered by a company.

Daya says the Government paid his father “an unjust and unfair amount” and did not provide alternative accommodation for the family.

While the Group Areas Act took away the right of Indians to lawfully own property in the area, there was no legislation outlawing corporate ownership of property in Sophiatown.

Thanks to his late mother who kept the documents in safe custody, Daya has certified copies of title deeds which give a precise description, the location and value of the properties his family lost.
LAND AFFAIRS

Bashing the boss

**Land Affairs** Deputy Minister Tobie Meyer has thrown down the gauntlet to his Minister, Derek Hanekom, by publicly denouncing many of Hanekom’s policies.

Strongly criticising “a State-driven land reform programme which would have to be financed by the Exchequer,” Meyer calls for the “involvement of the private sector in a mainly market-driven process.”

Hanekom recently launched a R316m pilot land reform programme in all nine provinces, to be supported by a massive, still-to-be-created bureaucracy. He has also called for huge increases in the budgetary allowances for his department to implement its redistribution programmes.

Meyer says involving the private sector through incentives “would be more cost-effective and of greater national importance than a State-driven process focusing on a few districts with bloated bureaucracies.”

Meyer’s views, coming from a National Party perspective, counterbalance Hanekom’s often controversial statements on issues such as the institution of a land tax (now with the Katz Commission); criticism of drought aid to crop farmers; proposals to redistribute a large percentage of SA’s farming land to the dispossessed within the next five years; and the creation of a new form of registered land tenure.

In the process he has ruffled a few feathers in the Agriculture Department headed by Minister Kraau van Niekerk.

Referring to “the grey area of responsibility and functionality between the two departments,” Meyer says “it is imperative that a clear and unequivocal working relationship be reached as soon as possible. This can only transpire if policy is clearly formulated and areas of operation and responsibility clearly demarcated.” And “there should be no transgression on the functional area of any other department.”

At the heart of the perceived policy differences lies the fact that Van Niekerk’s department traditionally represented the interests of (mainly white) commercial farmers while Hanekom is seen as the champion of (mainly black) smallholder farmers and the dispossessed.

“Uncertainty among present land owners as well as new entrants to land will lead to conflict and confrontation and will also undermine investors’ confidence,” Meyer says. He adds: “A successful land reform programme can only be implemented if there is a common vision among all role players. These include line-function departments but in particular the Department of Agriculture.”

Meyer also makes a powerful plea for proper prescription of property ownership as it is “the foundation for any country’s economy,” providing investor confidence as the basis for credit extension, creating new investment and being “a clear signal as to economic policy.”

He adds that SA cannot afford an economic policy that is not in line with the philosophy of the World Bank and other financial institutions.
Defence Force discipline debate

ADRIAN HADLAND

CAPE TOWN — The SA National Defence Force conceded yesterday that part of its disciplinary process was unconstitutional but argued its members should not be subject to every clause of SA’s Bill of Rights.

Addressing the joint standing committee on defence Adm Johann Retief said three forms of court martial existed within the defence force.

There was the general court martial for senior officers, and the ordinary court martial for junior officers and lower ranks.

The third type of court martial, summary trials, generally dealt with lesser offences committed by junior SANDF members.

The accused did not have the right to legal representation or to a public trial, Retief said.

According to the constitution’s chapter on fundamental rights, every accused person has the right to a public trial before an ordinary court of law within a reasonable time. The accused also has the right to be represented by a legal practitioner.

Doing away with summary trials would cause “very difficult” legal problems, Retief said.

He called on the committee to amend the Act to allow the retention of the procedure and the acceptance of this limitation on soldiers’ rights.

THE expropriation or confiscation of land to achieve government’s land reform initiative was unnecessary, Land Affairs Minister Derek Hanekom said yesterday.

He told the SA-German Chamber of Commerce in Johannesburg that there was sufficient land available on the free market for government to buy, as it proceeded with its land reform effort.

He went on to say, however, that expropriation would have to be “absolutely justified”. It would be considered in instances where there was no land available on the free market.

But Hanekom assured his audience government would not impinge on current property ownership rights.

This policy was likely to be contained in the White Paper due to be presented to Parliament in October.

“It is a tricky situation. It is not our intention to encroach upon the rights of existing landowners. We will embark on land reform without creating new injustices and in so doing secure property rights for all South Africans.”

Government wanted to remove impediments to land ownership.

Government would make it possible for tenants under the customary tenure system to move away from the system, as it did not give legal ownership to the tenant.

This system had been practised largely in the former homelands.

By encouraging a freehold title system, people would be able to own land, and use it as collateral to raise loans. However, where people were happy to continue with the customary tenure system, measures would be taken to ensure its legal recognition, he said.

The private sector would have a significant role to play in land reform and provision, but the state had a responsibility to facilitate this through enabling legislation, policies and institutions.

Hanekom said he did not believe land reform could be left solely to the dictates of the free market system.

Land resources and access were tightly held, and in such instances the free market would be skewed in favour of that clique.

However, he said government intervention would be “well-directed” and would not repeat the mistakes of Zimbabwe’s land reform effort.

“It is exactly what we want to avoid. I don’t believe the route they are on is the right route.” — Sapa
Govt urged to expropriate land

Ingrid Söödek

THERE was not enough arable land for redistribution purposes and Land Affairs Minister Derek Hanekom had to be told enough to apply government's expropriation policy, the National Land Committee said yesterday.

Hanekom said this week that confiscation of land was unnecessary as there was enough available on the free market. Expropriation had to be "absolutely justified".

The committee said it was government's duty to play a fundamental role in ensuring land redistribution occurred. "The truth is that there is no practical way in which the government can carry out the land redistribution process in SA without impinging on the rights of many property owners."

The reconstruction and development programme's (RDP) target of redistributing 39% of arable land within five years would be met only by taking land from white owners, since there was limited state-owned land available to government.

The committee was opposed to Hanekom's "overemphasis" on market forces because it would exclude the majority of people who should benefit. The landless people of SA do not have the resources to compete in the land market.

There was a trend among white landowners to abuse the redistribution process by asking exorbitant prices for land, which landless people could not afford, the committee said. Government could not "bankrupt its budget by paying these ridiculous prices". Landowners demands would bring redistribution "to a grinding halt" and government needed to use expropriation to counter this.

Government had to begin collecting debts from indebted farmers. If owners failed to pay, as had been the case to date, government had to expropriate their land for redistribution purposes, the committee said.
Army base invaded

By CHIARA CARTER

A NORTHERN Cape community yesterday "invaded" an army base operating in an area from which they were forcibly removed almost 20 years ago.

Joshua Gasehete, chairman of the Northern Cape Forced Removals Committee, said about 60 people from the Maremane Reserve occupied the Lothla army base, about 200 km from Kimberley.

Mr. Gasehete said the community had decided on the action because they were frustrated at the slow pace of negotiations with the defence force for the return of their land.

They had made submissions on the issue to the government in 1991.

"People are tired of waiting. Now they have decided to take back the land," Mr. Gasehete said.

The community was forcibly removed between 1971 and 1977 to an area north of Kuruman.

Military police arrested a group of people who were apparently toying and building a bonfire.
Protesters sit in at army post

STAFF REPORTER

Residents of a Northern Cape community returned to occupy the grounds surrounding an army base near Kimberley at the weekend, after being arrested by the South African National Defence Force and charged with trespassing on the land from which they were removed nearly 20 years ago.

Members of the small coloured community refuse to budge from the area at the Lohatla Army Battle School and insist on reclaiming the state-owned land.

Speaking from the army base some 200km from Kimberley, Colonel Braam van Wyk said 37 people were arrested on Saturday and later released after being charged with trespassing, under Section 89 of the Defence Act.

Frustrated

But they returned yesterday to stage a sit-in outside the battle school's property.

According to the chairman of the Northern Cape Forced Removals Committee, Mr Josiah Gasekete, the Khois people decided to take action as they were frustrated at the slow pace of negotiations with the Defence Force for the return of their land, after having made submissions to the government on the issue in 1991.

Sympathising with the disgruntled community, Col Van Wyk said: "The whole issue needs to be resolved. These people are reluctant to move until they are reassured and given clear-cut answers. But we are only the users of the state's land. The military does not own any of it."

A representative for the local Minister of Housing in the Northern Cape, Mr Dean Snyders, and Col Van Wyk were keeping a vigil by the phone yesterday waiting to hear from the Minister of Defence, Mr Joe Modise, on what action the Defence Force should take.

No facilities

Late yesterday the issue was still unresolved and the Khois people continued to occupy the area.

"According to Col Van Wyk, there are no ablution or water facilities for the small group of people and measures taken to persuade them to move out of the cold and wind had failed.

"We are waiting for an outcome from central government level and it is in the community's best interest to move out of the area and let discussions go through the normal channels. Although they are not on army property, some other department is going to come along and evict them as they are going to pose a health problem," he said.
Protesters sit in at army post

STAFF REPORTER

RESIDENTS of a Northern Cape community returned to occupy the grounds surrounding an army base near Kimberley at the weekend, after being arrested by the South African National Defence Force and charged with trespassing on the land from which they were removed nearly 20 years ago.

Members of the small coloured community refuse to budge from the area at the Lohatla Army Battle School and insist on reclaiming the state-owned land.

Speaking from the army base some 200km from Kimberley, Colonel Braam van Wyk said 57 people were arrested on Saturday and later released after being charged with trespassing, under Section 59 of the Defence Act.

Frustrated

But they returned yesterday to stage a sit-in outside the battle school's property.

According to the chairman of the Northern Cape Forced Removals Committee, Mr Josiah Cosehete, the Khosa people decided to take action as they were frustrated with the slow pace of negotiations with the Defence Force for the return of their land, after having made submissions to the government on the issue in 1991.

Sympathising with the disgruntled community, Col Van Wyk said: "The whole issue needs to be resolved. These people are reluctant to move until they are reassured and given clear-cut answers. But we are only the users of the state's land. The military does not own any of it."

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"We are waiting for an outcome from central government level and it is in the community's best interest to move out of the area and let discussions go through the normal channels. Although they are not on army property, some other department is going to come along and evict them as they are going to pose a health problem," he said.
No more forced removals

THE Government will never again "push people from their land", Land Affairs Minister Derek Hanekom said yesterday. Speaking at the official handing over of the Gillenburg Farms near Potgietersrus in the Northern Transvaal to the provincial government, Hanekom said apartheid had "messed up things" all over the country.

The maladies of apartheid policies posed difficult new challenges and solutions to problems.

The launch of the pilot Land Reform Programme (LRP) differed from province to province and therefore there was no single solution or formula to be prescribed, he said.

"The Government is promoting creativity, energy and a will to correct all problems which face us. The pilot LRP has to benefit the poor," Hanekom said.

The redistribution of land had an element of potential conflict and it was therefore up to the people to show that by giving their energy, commitment, goodwill and cooperation a success could be made of the programme.

He urged residents and workers on the farms to make use of their relevant provincial departments, such as Land Affairs, so that "we can show that President Nelson Mandela did not serve more than 20 years in prison for nothing". Hanekom said some of the R35 million granted to the Northern Transvaal would be used to buy land on which to settle people. He warned that it was not a large amount as millions would have to be spent on education, housing and health and that the grant should be used wisely to ensure that the poor would also benefit. — Sapa.
Tax could endanger jobs — Meyer
Louise Cook

A LAND tax of 2% — mooted by Land Affairs Minister Derek Hanekom and currently under investigation by the Katz commission — could jeopardise three to four job opportunities on a typical fruit farm in the Western Cape, Land Affairs Deputy Minster Tobie Meyer warned at the weekend.

Meyer said the profit margin on a farm was usually between 3% and 4%. A 2% tax rate would be of a "confiscating nature".

He said the administrative cost of a land tax could be kept at realistic levels if farms were not evaluated individually.

"Farms would have to be taxed on a regional basis. It should be imposed on the value of the land rather than the productive value of the farm," he said.

Meyer called for the tax not to be calculated according to farm improvements linked to employment or to increased production.

"It should be a tax for the people, by the people," he said.
CAPE TOWN — More than 60 white farmers had properties returned to them last year after the commission on land allocation ruled that they had been disadvantaged by expropriations carried out under racially based laws.

In the commission’s last annual report before its replacement by the commission on the restitution of land rights, acting chairman Nic Olivier said the body had not discriminated between claimants on the basis of race.

“It became evident to the commission that some white farmers had their properties expropriated in terms of racially based laws, against their will.”

In some cases they had the same historical and traditional attachment to the land as black communities dispossessed of ancestral land. The fact that these white farmers had received compensation — even if it could be described as “adequate” — did not necessarily remove the mental and physical hardship suffered. This included the loss of an ancestral home, effort put into development, sentimental attachment to the land and the hardships associated with starting afresh in a new area.

“Most of these farmers begged the commission to allow them to buy back their properties at market-related prices, or in return for the compensation they had been paid out.” Some had also suffered pecuniary loss as part of the compensation was paid out in government bonds.

Where the commission was convinced farmers had suffered real prejudice, it had had no compunction in deciding that the land should be restored to the previous owner. In a limited number of cases, the commission had issued an order to this effect.

The number of whites in whose favour it had ruled was a “mere handful”, the commission said. Totalling 63 in all, the area of land concerned amounted to not more than 9% of the land the commission considered.

In some cases prejudice suffered by farmers could not be rectified “due to the nature of the prejudice, the subsequent development of the land and the scope of the commission’s powers.”

Continued on Page 2
Bid to settle Lohatla dispute

Top-level land indaba

BY JO-ANNE COLLINGE

The Ministers of Land Affairs and Defence met yesterday to try to find ways to defuse conflict over the land claim which the Maremene community has staked to part of the Army Battle School at Lohatla in the Northern Cape.

At the time of going to press the outcome of the meeting could not be established.

Frustrated by delays and angered by the army’s recent decision to lease part of the base to white farmers, a group of about 40 land claimants attempted to reoccupy their ancestral land at the weekend.

They were arrested by military police on two occasions and now face charges under the Defence Act.

The National Land Committee, which provides support to scores of displaced communities, has hit out at the Government for dragging its feet in dealing with the claims of three communities — the Maremene, the Gatlhoese and the Khois — to various parts of the Army Battle School.

In fact, there has been a proposed solution on the table for the last six weeks. The question is: Where has it gone to?

Land Affairs Minister Derek Hanekom insisted yesterday that the ball was “absolutely” in the court of the Ministry of Defence.

He said the proposal negotiated through a working committee of various stakeholders in the Northern Cape had been sent to the military. “We are waiting for their response.”

A spokesman for Defence Minister Joe Modise said — about the time the arrests were in progress on Tuesday — that Modise had called for a progress report from the working committee. “This must be given to him as soon as possible in order (for him) to attend properly to the whole issue.”

Hanekom said that he recognised the right of all three claimant communities to the land concerned. The Gatlhoese and Maremene were forcibly removed in the context of apartheid laws and irrespective of any compensation which they received, theirs is a legitimate restitution case.

So was the case of a defiant remnant of the Khois community, which has never left the land.

Details of the proposed settlement were spelled out by Land Affairs Northern Cape region director Dries Potgieter.

It was suggested that the claimants get back virtually all the land they had traditionally occupied.

The exception would be a portion where the army had put down expensive infrastructure, and the communities would be compensated.

The SANDF should retain the rest of the base, including all parts which had been developed by the army, and should get compensatory land added along one of the boundaries.
Gauteng heading for tougher waste laws

Michael Moon

LEGISLATION to force companies to produce less waste in their manufacturing processes was under investigation by the Gauteng government, the province’s development planning, environment and works MEC Sicelo Silecka said this week.

The Gauteng legislature had recently acquired from central government the necessary powers to enact environmental legislation, Silecka said.

He also said he would be convening a meeting this month of all interested parties to discuss the “hardening issue” of hazardous waste disposal in the province.

The intention was to get various groups — from local communities to disposal experts — to reach consensus on a 25-year plan for waste disposal in the province.

He also intended arranging discussions on whether waste disposal facilities in Gauteng should be handled by the private sector, or whether government would assume responsibility for it.

These announcements come against the backdrop of a continuing controversy over waste landfill sites in the Greater Johannesburg area, and the closure last month of Waste-tech’s Margolls site in terms of a Supreme Court order. The unavailability of the Margolls site precipitated a crisis in the region as hazardous industrial and medical waste began piling up.

Water Affairs Minister Kader Asmal has intervened in a bid to get the landfill and a nearby incinerator reopened. While the incinerator is currently dealing with the medical waste backlog, legal opinion on reopening the landfill is still awaited.

Silecka said the question of whether to proceed with the landfill method of disposal, and where to site such facilities, would be discussed at this month’s meeting. The option of using incinerators to get rid of hazardous waste would also be studied.

The possibility of commissioning Waste-tech’s unused, R12m Chloorkop landfill, once Margolls was officially closed at the end of the year, would have to be discussed “with an open mind”.

Chloorkop has never been used, as a result of public protests and a dispute over zoning of the area.

Silecka said a final decision on Chloorkop would have to rest with the council, but added that they had to be “realistic” about Gauteng’s urgent waste disposal needs. It was “a very sensitive matter” which thorough consultation would have to resolve.

He said further talks on who should be responsible for waste disposal would weigh up the issues of private enterprise possibly cutting corners to maximise profit, and the possibility of public sector inefficiencies.

Environment department ‘underfunded’

Michael Moon

THE Environmental Affairs and Tourism Department was a “weak, underfunded department which lacked capacity and professionalism expertise”, according to much evidence presented to the Lorimer committee investigating the restructuring of the Council for the Environment.

In a statement yesterday, the department said evidence had also indicated that it was “unable to attract the necessary competence required to perform its duties adequately”.

The department said the findings of the Lorimer committee would be made public on Monday, World Environment Day, by Environmental Affairs and Tourism Minister Davie de Villiers.

The committee was appointed in September last year to probe the need for, and the composition and activities of, an advisory body such as the Council for the Environment. Former DP environment spokesman Rupert Lorimer was appointed as the committee chairman.

The committee discovered during its work that the nature of many of the submissions put before it went beyond the scope of its brief.

After discussions between Lorimer and de Villiers, the minister agreed to extensions to the brief, “where the committee considered comment to have relevance to environmental systems as a whole”, the department said.

Ministry still to decide on land claim

Stephane Botha

DEFENCE Minister Joe Modise was awaiting a National Land Committee progress report before any decision would be taken regarding a claim by the Maremane community to part of the Army Battle School at Lohatla in the Northern Cape.

A ministry spokesman confirmed that a meeting took place between Modise and Land Affairs Minister Derek Hanekom on Wednesday.

The Lohatla issue had been discussed, but no decision had been taken, he said.

However, a decision by the minister was expected soon.

A group of about 40 land claimants attempted to reoccupy the land last weekend, but were removed by provincial officials this week.

Squatter shack settlers just outside the Army Battle School were removed by the provincial administration and the police on Tuesday.

Three communities, the Maremane, the Gathose and the Khais, have claims to various parts of the school.

Hanekom earlier said he recognised the right of all three claimant communities to the land concerned.

The Gathose and Maremane were removed in the context of apartheid laws and irrespective of any compensation received by them, theirs was a genuine restitution case, he said.

The ball was now in the court of the defence ministry.
Modise to meet Lohatla clans

BY JO-ANNE COLLINGE

Minister of Defence Joe Modise is to initiate fresh talks with the communities staking a claim to almost half of the vast Army Battle School at Lohatla, in the Northern Cape.

A Ministry of Land Affairs spokesman said this course of action was decided upon at an urgent meeting between Modise and Land Affairs Minister Derek Hanekom on Wednesday.

The meeting followed a failed attempt last week by about 40 members of one of the land-claiming communities — the Maremane — to reoccupy their ancestral land at Lohatla.

The spokesman was unable to indicate whether Modise's undertaking to reopen talks with the Maremane, Gathose and Khostis communities was a sign that he had rejected a proposed settlement which would have left a large part of the base in the hands of the communities.
Workers get special protection

Draft Land Bill limits evictions

BY JO-ANNE COLLINGE

Farm workers will have immediate protection from eviction while draft legislation on land reforms goes through the parliamentary process.

The draft Bill puts strict limits on the circumstances in which labour tenants can be evicted from the farms on which they are tenants.

The unusual move has been made effective from the moment of publication for comment in today's Government Gazette.

In the major reform, the draft Land Reform (Labour Tenants) Bill also provides for the forced sale of privately owned farming land to tenants in parts of KwaZulu-Natal and the south-eastern Transvaal.

Minister of Land Affairs Derek Hanekom described the eviction of labour tenants yesterday as "one of the most difficult and pressing issues" he had faced.

"These evictions have left labour tenants and their families without alternative accommodation, without any effective means of making a living, and often without recourse to the law."

The lack of a clear legal framework and mechanisms to resolve disputes had given rise to conflict and violence, he added. The Bill was intended to fill this vacuum and enable government to act decisively.

The majority of farm workers and owners will not be affected by this first clear move by the Government beyond the realms of land restitution and into the territory of redistribution.

The Bill only covers a narrow category of farmworkers and landowners who are locked into the outdated labour tenancy practice.

It proposes that a labour tenant will have the right to acquire ownership or another right in the land which he or she and his or her family use as a dwelling ... habitually use for cultivating produce and ... for grazing".

It provides for this purchase to take place voluntarily and stipulates that the landowner should be paid "just and equitable compensation".

Only when tenant and owner cannot agree on the sale and on the price will the Land Claims Court come into the picture.

Drafters of the Bill expect that purchases will proceed slowly and that the availability of State subsidies for tenant-purchasers will be central to the workability of the scheme.

For this reason, and in order to stem conflict arising from the evictions, the Bill also attempts to provide stability in the tenancy situation by stipulating procedures to be followed before an eviction may take place.

Landing a fair deal

Page 11
Reform Bill ‘confiscating land’

JOHANNESBURG. — The South African Agricultural Union (SAAU) says the proposed Land Reform Bill makes a mockery of property rights and "practically amounts to the confiscation of land in favour of farm workers".

SAAU president Boet Fourie said Land Affairs Minister Derek Hanekom had "failed to give any consideration to the interests of land owners" in the proposed legislation, which places a moratorium on the eviction of labour tenants — people who exchange work for the right to farm a small piece of land.

Mr Hanekom announced the R200 million scheme to give labour tenants security of tenure and help them to acquire ownership of the land they farm.

Mr Hanekom told reporters that the scheme could help to turn 30,000 to 40,000 labour tenants in the Eastern Transvaal and the north of KwaZulu-Natal into successful farmers.

"Why doesn’t the minister also place a moratorium on the violation of the property rights of the affected farmers?" Mr Fourie asked. "As so often in the past, the minister has chosen to ignore these problems."

The bill, which was published for discussion yesterday, proposes to give labour tenants the right to security of tenure and, if they wish, to buy land they currently farm.

"It’s land the tenants are farming now, land the farmer does not use," Mr Hanekom said. "The tenants have probably paid for the land over and over again through the generations with their work." — Sapa.
Scrap Property Rights

NEW GOVERNMENT HOUSING SCHEME
SA Army goes European

THE FIRST large military exercise on South African soil involving a major European power will be held in October and November at the Lohatla Battle School in the Northern Cape.

Lohatla spokesman Lt-Col Bruin van Wyk would not name the European country, expected to send a regiment. About one-and-a-half South African Army divisions as well as air force and navy detachments are to take part in the exercise.

SAPA

Army base occupied

THE Northern Cape community of Maremane this week decided to re-occupy the Lohatla army base from which they claim to have originally been evicted by the former SA Defence Force.

The re-occupation follows the community's anger over the SA National Defence Force's decision to lease part of the "disputed" land to white farmers in the Northern Cape.

As tension over the re-occupation of land mounted, the Ministry of Defence and Land Affairs hurriedly met on Wednesday to find a compromise on the ownership of Lohatla.

The Land Affairs department has already indicated that it is in favour of the communities getting back their land.

Land Affairs director Dries Potgieter told City Press his department had already recommended that the communities get back their land they had traditionally occupied.

This proposal, according to Land Affairs spokesman Helmut Schlenkter, was struck on April 19 and accepted by all parties in principle.

He said it had been agreed that the Ministry of Defence should take that proposal back to the communities.

According to sources, the SANDF should have avoided the re-occupation by taking the proposals to the communities.

"The invasion was a due a long wait by the communities. Nothing came from the SANDF," City Press was told.

Contrary

Contrary to what the communities claim, the SANDF last month claimed the land was expropriated from white farmers in 1978.

The National Land Committee (NLC) strongly criticised the SANDF saying negotiations were underway to restore the land to its rightful owners when the SANDF gave it to farmers.

"In terms of the Restitution Act, it is illegal to lease or allocate land that has a claim pending. In the past, the SANDF has denied communities access to visit ancestral graves.

"We find it problematic that the SANDF is now able to give land to white farmers. We see this as blatant racism on the part of the SANDF," said the NLC's Nomsundo Laphondwana.

According to Laphondwana the Khois, Maremane and Gathose communities were forcibly removed in 1977 and moved to the former Bophuthatswana homeland. The aim, according to NLC, was to establish the Lohatla Battle School.

"The NLC finds it highly improper and out of order for the army to take unilateral decisions without consulting the working group and while there are negotiations involving all parties taking place," said Laphondwana.

In a statement she said the working group which comprises the army, community representatives, Department of Housing and the NLC, had been specifically set up to resolve land claims disputes in this area.
Reform to right past land wrongs

Nobody goes land for free:

Government's system

News Feature

Reforming land could be unaffordable if market alone is main factor
Relevant to release any of its vast tracts of land, the Defence Force is being threatened with land invasions by displaced communities, writes Eddie Koch.

During the period when the Defence Force was under fire for settling land reform of the 1970s, the area controlled by the black communities—mainly the Bokke, Matome and Gathlene—was forcibly moved to the Nylstroom area in 1977. The South African Defence Force could be the world's worst for the world's worst for the world's worst for the world's worst for the worst battle school at Lohatla in the Northern Cape.

According to the SAC, the Defence Force has won the use of 6,000 hectares in various parts of the country, but most of these hectares are undeveloped and used for training areas, bombing ranges and buffer zones around airstrips and ammunition depots.

Lechisa is the second biggest battle school in the world. The Defence Force is the United States Army in terms of the NLC and the U.S. Army's Land Reform Affairs believe that this land could be used to meet the government's need for buffer zones.

The area is now under the control of the original Bokke, Matome and Gathlene communities. The Defence Force will be responsible for the area.

According to the SAC, the Defence Force has the use of 6,000 hectares in various parts of the country, but most of these hectares are undeveloped and used for training areas, bombing ranges and buffer zones around airstrips and ammunition depots.

Joe Modise: "He appears to have the attitude of an appeasement of the landless people who have been removed by the army in 1968."
Talks soon on Cape Land expropriation

Edward West

CAPE-TOWN — The land affairs and defence ministers and the Northern Cape land claims commissioner are to meet soon to consider expropriating land from 12 white farmers living adjacent to the SA National Defence Force battle school at Lohatla.

Land affairs parliamentary standing committee chairman Petulele Holomisa said yesterday that his committee had proposed that land owned by the SANDF outside the battle school be given to local communities forcibly removed from it in the late 1960s, or that the communities be settled on land to be expropriated from neighbouring farmers.

Holomisa said the SANDF had warned that the 40,000ha of SANDF land claimed by the communities, excluding the battle school, was unsafe due to the possibility of mines and unexploded bombs. The SANDF had also said that if this land was restored to the communities, the battle school would not be able to operate effectively.

For these reasons, adjacent farming land might have to be expropriated, either for use by the military or for use by the communities, he said.

Holomisa recently led a land affairs delegation to the region for consultations with the local Khoi, Gathuso and Mamane communities who are claiming back their land from the SANDF.
SANDF considers

Tswana land move

BY NORMAN CHANDLER
DEFENCE CORRESPONDENT

The defence force is prepared to investigate the possibility of returning a portion of land at the controversial Army Battle School site in Lohatla to the Tswana people.

Defence force chief General Georg Meiring said in Pretoria yesterday that although the controversy had not been resolved, the Gathlose and Marenense Tswana tribes may still be able to return to land from which they were voluntarily removed in the 1960s.

Meiring said legal action had been postponed "to allow for a political settlement".

He said about R190 million would have to be found for the purchase of adjoining land and the provision of infrastructure and buildings for the defence force.

The school was established in 1977 and the property extended in 1981, when white farmers' properties were expropriated.

It is one of only three such military terrains in the world and is used extensively for conventional warfare exercises.

Meiring said land used by 15 farmers for winter cattle grazing would not be affected.

He added that 1 000 Tswanas, who were known as Khosis, had between 1908 and 1939 been offered property at the nearby Jem Haven community, but about 200 had declined the offer and continued to live in the centre of the Army Battle School.

He said this had resulted in court action to remove them, but added: "Pleadings have been drawn and lodged and although a trial date was set, the case has been postponed in order to allow for a political settlement."

Meiring said that, nationally, the defence force had so far returned to the State about 20% of land which it was using for military purposes.
GOVT plan likely to run into opposition from traditional leaders, especially in KwaZulu-Natal

BY PATRICK BULGER
POLITICAL CORRESPONDENT

Cape Town — Far-reaching land reform legislation to introduce private land ownership for millions of rural South Africans is due to be considered by Cabinet today.

The legislation is part of a Government drive to modernise the rural economy by phasing out the centuries-old tribal land system.

The legislation could run into opposition from traditional authorities, especially the KwaZulu-Natal, IPP-linked amaKhosi.

And, like the Remuneration of Traditional Leaders Bill, which deliberately undermines provinces' constitutional powers over traditional authorities, it could provide a new area of disagreement between central government and KwaZulu-Natal.

Land Affairs Minister Derek Hanekom said yesterday "interim measures" would be introduced to provide security of tenure to millions living in the former homelands and who are at the mercy of tribal chiefs.

Some of the chiefs were threatening to "privatise" communal land under the noses of their tribal subjects, Hanekom told the Portfolio Committee on Land Affairs.

Hanekom said Government respected the role of the amaKhosi but felt that their subjects were penalised because "they are not entitled as citizens to own the land they are on".

People had to have choices, he said, and while Government was looking for the support of the amaKhosi, it did not view them as being responsible for all tribal land.
Give back our land, PAC urges

Vuyo Bavinga reports on a new campaign against landlessness.

"Our ancestors fought, bled and died for this land. It is our responsibility to protect and defend it," said a PAC member.

The campaign, which aims to raise awareness about landlessness, was launched yesterday in Cape Town. The PAC said it would continue to fight for the return of land that was taken from its people.

"We demand the return of our land," said the PAC spokesperson.

The campaign is part of the PAC's broader strategy to address landlessness in South Africa. The PAC has been at the forefront of the land struggle for many years, and its members have been actively involved in protests and demonstrations.

The PAC has been criticized for its violent tactics in the past, but its members say they are determined to fight for their rights.

"We will not be intimidated," said a PAC member.

The campaign will be supported by PAC members across the country, and the PAC has called on all South Africans to join the fight for land rights.

"Together we can make a difference," said the PAC spokesperson.

The campaign will include protests, rallies, and other activities to raise awareness about landlessness.

"We will never give up," said a PAC member.
Top 20 in Land Rights Parade

Claim to Presendt to Court

Lawyer Isolates Priority

Mat 24/6 1996

Weekend Argus, June 24/25, 1996
Cabinet row over Tahatla

Determined... Joe Hockey, defence minister

Aiding the poor... And after minister...
NDABENI NOT FORGOTTEN, 60 YEARS ON

Forced removals: First city claim launched

FORMER RESIDENTS of Ndabeni, one of the first communities in Cape Town to suffer forced removal, will claim compensation this week in the hope that they will be able to rebuild their community. PETER DENNEY reports.

A group of 107 former residents of Ndabeni township, or their descendants, will hand over a request for compensation on Wednesday, in the first Cape Town claim under the Restitution of Land Rights Act.

The claimants believe they are entitled to compensation, even though their properties were rented from the council, because the Act makes provision for claims based on less than freehold title.

The documents will be handed over to Regional Land Claims Commissioner Mr Wallace Ngqosi.

The Ndabeni community was removed 60 years ago in terms of racial segregation laws, even before the apartheid era officially began. Freehold title was never an option.

After council manipulation of rentals failed to force everyone out to the new “model location” of Langa, the council declared many Ndabeni homes a threat to health and issued eviction notices.

Mr Gilbert Fesi, chairman of the Ndabeni Land Restitution Committee, said former residents realised they could not hope to get back their families’ actual plots in Ndabeni, which is now a developed industrial area, but they hoped to be given other state land.

“We are looking at Wingfield,” Mr Fesi said. “We know there are plans for the Olympics there, but they should not cater for the Olympics before the people from here have been given restitution.”

According to UCT’s Professor Christopher Saunders, Ndabeni had a population of about 6 000 residents at its height in the late 1920s. By the end of 1935 all of them had been removed, mostly to Langa, in terms of the Natives Urban Areas Act.

Committee member Mr Moses Molelekosa said he was still a displaced person now, living with his children at the age of 77.

“We did not have the title deeds to the Ndabeni properties because they did not allow us to have title deeds,” he said.

He remembered Ndabeni as a “quiet, peace-loving community”.

Mr Fesi said: “We want to get our community back together after so many years. We go back a long time together, but many of us are scattered around now.

“We are also doing this thing for our fathers in their graves.”

A Cape Times reporter covering the story at the time had complete-ly different impressions in 1922.

The location gave him “an impression of cumulative misery and squalor. It is a place without a soul. It is a confession of the failure of civilisation”. It never had proper streets or street lights. Its water was provided in stand-pipes, its sewers were open, its latrines were communal. Yet its community loved it.

Those who resisted removal to Langa won a couple of victories in court before they gave up, believing the law would be changed to prevent them staying in Ndabeni.

‘Happiest’

But at one stage, after a Supreme Court victory that meant the council could no longer recover the 10 shillings a month rental for buildings it had condemned for health reasons, a newspaper reporter noted that the residents of Ndabeni were in general “the happiest in the Peninsula”.

Cape Town’s director of housing Mrs Charlotte Sims said she doubted the council had any records of its tenants in Ndabeni 60 years ago, as the housing branch was only formed after that.

Mr Molelekosa said few, if any, of the claimants had documentary proof that their families used to rent homes in Ndabeni. They hoped the council would have such records.
Exactly 35 years ago, the people of Maleoskop near Groblersdal were left homeless after being forced off the land of their ancestors by the previous government.

The people had settled at Maleoskop early in the 19th century, so there was jubilation last month when part of the land was given back to them by Land Affairs Minister Mr. Derek Hannekom.

The forced removals from the 45,000 hectare piece of land in the Eastern Transvaal took place in June 1962. It was described as the biggest and most ruthless Government action.

The land is fertile and remained sacred for the people of Kgosi Boleu I of the Balgakga Bakopa, who was killed in 1864 during battles with the Boers assisted by a Swazi regiment. Since then the tribe has visited the area each year to hold commemorations on May 13 to remember their fallen leader.

Kgosi Boleu Rammupuda jokingly told me that the Kubu River, which always had water throughout the history of the tribe's stay, dried up in 1963 — a year after they were removed.

“Most probably the gods were protesting as well,” said Rammupuda, the reigning chief of the tribe now displaced to Tafelkop nearby. He was a happy man when we visited him at his modest kraal.

In 1993 the tribe sent a memorandum to the then Land Claims Commission. The reply was that they would not get the land as it was used for public interest.

In January this year they submitted another memorandum, this time to Hannekom. After visiting the place, he decided in their favour.

The people of Tafelkop now want to be part of the Eastern Transvaal because they were only made part of Lebowa during the advent of bantustans.

“We were shocked beyond words because it took the Government 10 full years to utilise the land after the forced uprootings,” said Rammupuda.

Successfully reclaimed

“It was only in 1972 that about 15,000 hectares were given to the Maleoskop Police Training Centre, which we have now successfully reclaimed.

“As time goes by, we will try and recover the other land apportioned to farmers.”

He said the police buildings might be used either for a college of education or a technical centre.

When he accompanied us to his people’s long lost home, he showed us the ruins of what used to be a peaceful haven for the tribe. He also showed us an area where annual celebrations have taken place ever since their leader died.

“Our consistency in coming here every year since the butchering of our father has motivated our case because we convinced the government of the day that Maleoskop is our land,” he told Sowetan.

He said they have established an eight-person technical committee (four from the community, two from Land Affairs and two from the SAPS) to see that an infrastructure is in place before anyone is resettled.

“This was a good year for us because we never thought that we would get our land back in such a short space of time. Now our fear remains what would become of our land if we are forced to remain in the Northern Transvaal,” said Rammupuda.

They are also hopeful that, once they return, the Kubu River will welcome them and start running again.
Wild Coast Sun land claim

David Greybe

CAPE TOWN — A claim would be submitted to the Land Restitution Commission over the controversial 1979 land purchase for construction of the Wild Coast Sun, counsel for former occupants of the land said yesterday.

Resort owner Sun International has refused to comment until the claim is submitted, but Eastern Cape land administration MEC Ezra Sigwela said yesterday he was confident the residents would win.

"I definitely will not oppose the claim because the former residents were never consulted about the sale."

He said that since its establishment in March the Land Restitution Commission had received 260 claims from the Eastern Cape alone. South Africans have until March 1998 to submit claims.

Transkei Land Service Organisation coordinator Zandilele Kanise, representing the residents against Sun International, said he was in the process of finalising the claim and would submit it to the national commission within two weeks.

Kanise said his clients would demand two forms of compensation:

■ The return to the former occupants of a large tract of unused land adjoining the Wild Coast Sun which formed part of the contested "sale", and

■ A fixed annual royalty linked to the resort’s profits.

Kanise said they would not demand the land on which the hotel was built.

Sigwela, a former Transkei Land Ser-

Continued on Page 2

Wild Coast Sun

Continued from Page 1

vice Organisation co-ordinator who was closely involved with the case, said Sun International opposed a similar demand before last year’s general election.

However, Sun International group legal adviser Hendrik Brand said yesterday he "did not know" what the hotel group’s earlier position had been. As for the new claim, Brand said he could not comment without knowing the details.

Sigwela said the 1979 deal took place without the consent of members of the Amadiba tribe who were living on the disputed land known as Mgungundlovu.

He said once the deal was concluded the government of then Transkei president Kaizer Mamtanzima and his brother, premier George Mamtanzima, forcibly removed the residents.

Sigwela claimed Sun International at present paid about R33 000 a year into a bank account under the authority of paramount chief Mpembonini Sigca of the Pondo of East Pondoland. It was not enough, however, in the light of the fact that the hotel’s annual profit ranged between R50m and R80m, he said.

He proposed instead that a royalty, to be determined, be paid into the coffers of the local municipality for spending on development projects such as the upgrading of roads and electrification of homes.
Removal from Langa: Land claim lodged

DAVID YUTAR, Staff Reporter

NEARLY 70 years after they were forcibly removed because of their race, a group of former Ndabeni township residents is claiming compensation under the Restitution of Land Rights Act.

About 107 former residents and their descendants formed the Ndabeni Land Restitution Committee, and lodged papers with the Commission on Restitution of Land Rights in the city this week.

The claim is one of the first of its kind to be brought before newly appointed Land Claims Commissioner Wallace-Mgoqi.

Ndabeni, once a thriving and vibrant, albeit poor community, was one of the first in Cape Town to suffer forced removals.

The claimants are confident that even though they represent former council tenants, they are still entitled to compensation as the Act makes provision for claims based on interests in land other than freehold title. It provides for priority for claims affecting "a substantial number of persons, or persons who have suffered substantial losses" due to dispossession.

The Ndabeni residents were forced to move from their township between 1929 and 1935, and removals reached a peak with the establishment of the new township of Langa in 1924.

Committee spokesman Woodrow Dlona, whose father lived in Ndabeni and whose elder brother was born there, said they had been treated "like bandits in our own land". "If we had been allowed to stay in Ndabeni we would have been self-sufficient by now, but we were unable to do so because of the forced removals."
‘Ndabenis’ want compensation

Residents have their sights firmly set on Wingfield

Former residents and descendents of Ndabeni, Cape Town’s first official African location, are asking to be resettled as a community on land given to them by the government. Bring back the days of cricket, school process and a peace-loving lifestyle, they say.

GLYNNIS UNDERHILL
Staff Reporter

WHEN Phyliss Fuku met up with former residents of Ndabeni outside the offices of the Regional Land Claims Commission, the impact of the historic moment was not lost on the stately 73-year-old woman. Amid the hugs and tears, there was a feeling of renewed hope among this small assembled group, who mostly live in Langa. One of the first communities in Cape Town to be forcibly moved, it will be claiming compensation from the government under the Repatriation of Land Rights Act.

Handing in their land claim sealed the fate of thousands of members of this dispossessed community. Today Ndabeni, located near Pinelands, is a developed industrial area, but the rights of the community are firmly set on state property at Wingfield, a possible Olympic site.

While the residents rented properties at Ndabeni, they still believe that, under the terms of the Act, they are entitled to restitution of alternative land and compensation.

The community was removed 60 years ago in terms of racial segregation laws, before the apartheid era began, and moved to Langa, which emerged as Cape Town’s sole African location at the time.

“Mrs Fuku was 11 years old when her family left Ndabeni in 1958, a few years before the forced removals. The laws made it impossible for the residents of Ndabeni to fight the evictions, in spite of resistance.”

“We were certainly not happy to move. It was our home. The day we left we cried many tears. My mother decided we should leave after being ordered out instead of waiting to be huddled into trucks,” she said.

Langa has never become home for Mrs Fuku and her large family of six siblings. “There was accommodation for us to rent, but it certainly wasn’t the kind we were used to. We were very unhappy,” she said.

For 77-year-old Moses Moleleka, a move back to his old community would be the moment he has been dreaming of all these years. Describing himself as a displaced person, he said the wounds run deep for him.

“They gave me a house: Langa, but I went to the Transvaal to find work. They told me there was an Act which stated you could not stay away for more than one year and they took my home away — for a stupid time.”
"I have been staying with my children and moving from one to the other. My children are fed up with having me to stay. I would be very happy to move again, as long as it is back with the same community," he said.

According to research by Professor Christopher Saunders of the University of Cape Town, Ndabeni had a population of about 6,000 residents. During a meeting with the professor at the Land Claims office, some of the residents begged to differ and claimed there were thousands more than estimated.

The professor's research shows the population of Ndabeni was decimated by Spanish flu in 1918 when 294 deaths were recorded. A report appearing in a local newspaper described Ndabeni as "the underworld of Cape Town." An anonymous author said the location gave an impression of "cumulative misery and squallor."

Yet, descriptions of the peaceful Ndabeni community bring tears to the eyes of the elderly inhabitants, lost in memories which can never be recaptured. The golden days of cricket and school picnics in Ndabeni still linger, but fresh hope hangs over them.

Mr. Moleleko said the Ndabeni community was unique. "We all helped each other. It wasn't like it is today — each man for himself. We respected our poor people and helped them out. Life is so different now," he said.

Many of the former Ndabeni residents were now living as far afield as New York and Germany. Syfred Dlava, spokesman for the land restitution committee, said the community wanted land of equivalent value to Ndabeni. The exact value of the land still needed to be researched, but the claim was being made on behalf of all the descendants of former residents of Ndabeni, who were never paid any compensation for the move, he said.

Life could turn around for the close-knit community if the claim goes through. "The aim of the claimants is to restore the communal spirits that existed among forebears, and all the facilities that were there, including sports fields, churches, schools, clinics and all that goes with a community," wrote the claimants in their land claim.
Land claims court starts to take shape

Interviews begin for the appointment of judges, reports Mzimasi Ngudle

The Land Claims Court starts to take visible shape today when the Judicial Services Commission interviews nine nominees, who have been short-listed for appointments as judges.

The interviews, to be held in Cape Town, come shortly after the establishment of the Commission on Restitution of Land Rights, which will refer some land disputes to the court.

Candidates for the three posts as judges of the Land Claims Court, include: well known advocate and former Robben Island prisoner Mr Fikile Bam; former National Peace Secretariat chairman Dr Antonie Gildenhuys; South African Law Commission’s professor Nic Olivier; and former Black Lawyers Association national executive director Mr Justice Moloto.

Other nominees are Mr Allan Dodson, Mr Anson Lugaju, Mr Dempeletse Moshidi, Mr Frank Sithole and Mr Vuyisa Ramphale.

The establishment of the court, which is expected to start sitting in September, will facilitate the work of the Commission on Restitution of Land Rights whose decisions will be subject to the court’s review.

In addition to its constitutional powers, the court will, among other things, determine compensation to land claimants who cannot get their land back.

In terms of the Restitution of Land Rights Act, the court, when deciding on land claims, will take into account the desirability of providing restitution to people who were dispossessed of their land rights because of racial discriminatory laws.

The court will also consider the need to remedy past violations of human rights, as well as to avoid major social disruptions like land invasions.

The court has Supreme Court powers of review when adjudicating on land claims.
Ex-Broeder who wants to be judge grilled by commission

COLIN DOUGLAS
Business Staff

FORMER National Peace Secretariat chief Antonie Gildenhuys was ambushed over his former Broederbond membership yesterday by members of the powerful Judicial Services Commission, which is meeting in Cape Town to interview prospective judges for the new Land Claims Court.

Top advocates George Bizos SC and MTK Moerane SC asked Dr Gildenhuys, who has been nominated for the court's presidency by the South African Agricultural Union, how he could hope to attract the confidence of victims of forced removals in light of the Broederbond's role in devising apartheid.

Dr Gildenhuys, who conceded in response to a question from Mr Moerane that he had been a member of the secret Afrikaner organisation from 1976 to 1992, said he had joined in order to fight unjust policies from within.

"The time I joined was the beginning of the turning point," he said. "The Broederbond has also contributed widely to the changes that made (deputy president) F W de Klerk's reforms possible."

Dr Gildenhuys, who denied ever being a member of the National Party, said his work in National Peace Accord structures had changed his outlook completely.

But Mr Bizos, renowned for his acerbic courtroom style, was not prepared to let the matter lie and put Dr Gildenhuys on the spot with the following exchange.

Mr Bizos: "Were you a member of the Broederbond in 1977?"

Dr Gildenhuys: "Yes."

Mr Bizos: "Did the cancellation of the registration of hundreds of thousands of labour tenants take place in 1977?"

Dr Gildenhuys: "That sounds right, yes."

Mr Bizos: "Did you consider this an injustice?"

Dr Gildenhuys: "Yes."

Mr Bizos: "Did you speak out against it?"

Dr Gildenhuys: "I didn't speak out against it in public. On many issues I spoke out inside the Broederbond, but I don't remember if this issue was dealt with at any of our meetings. It might have been."

Mr Bizos (with an edge of sarcasm in his voice): "It might have been."

In response to other questions, Dr Gildenhuys said white farmers who had been given low-interest loans by the Land Bank to buy previously black-held land could have the portion of those loans deducted from compensation awarded to them if their farms were returned to their former owners."
Money for urban land, says lawyer

CAPE TOWN — The new Land Claims Court is unlikely to restore any urban land to its former owners, but will award them financial compensation instead, a lawyer shortlisted for the court’s presidency said in this city yesterday.

Johannesburg attorney Fikile Bam was motivating his candidacy at a hearing before the Judicial Services Commission, which is to select the court’s president and two additional judges to rule on claims by people deprived of their land under apartheid laws.

“It may be in urban areas that all the court is able to do is make awards in compensation, rather than return the claimant’s land itself,” Bam said in response to questions from commission member and Justice Minister Dullah Omar.

“There will be very few instances where urban land will have been unchanged between the time it was confiscated and today,” he said.

Omar and Bam agreed that restitution of land rights by the Land Claims Court would form only part of a broader land redistribution project.

“The court is not designed to deal with landlessness as such — land rights are only part of a bigger picture,” said Omar.

Asked by Constitutional Court president Arthur Chaskalson, also a commission member, what procedure should be followed by the Land Claims Court, Bam said the court should be informal and accessible to ordinary people.

“I have a bit of unease about applying the rules of the Supreme Court to the Land Claims Court,” he said, referring to legislative provisions dictating that the Land Claims Court follow Supreme Court procedures until it has devised its own rules.

“There are a lot of fairly sophisticated rules which this court can do without. As soon as possible, this court should formulate its own rules which are simple and easy to use,” he said.

The new court should be sensitive to the atmosphere of reconciliation reflected in the constitution and in the government of national unity, Bam said.

The Judicial Services Commission, chaired by Chief Justice Michael Corbett, is to complete its interviews of short-listed candidates today. — Sapa.
White and black grilled in judge selection

Staff Reporter

RACE and political affiliation could feature highly in the selection of judges for the Land Claims Court by the Judicial Service Commission.

This was suggested during questioning of prospective judges by leading members of the commission at hearings held in Cape Town yesterday.

Constitutional Court President Arthur Chaskalson, a commission member, took the step of asking legal academic Noc Olivier, who is white, whether he thought he could make a bigger contribution to land affairs "outside the Land Claims Court".

Professor Olivier — who had worked his way through a long nomination and motivation procedure to reach the final interview — then said the reason he wished to be appointed to the court was because its judges would have a key role in developing land reform policy.

Judge Chaskalson's question followed his observation that most of the claimants approaching the Land Claims Court would be black.

Another candidate, veteran KwaZulu/Natal lawyer Frank Sithole, said after the hearing he feared party politics would play a part in the commission's decision, following a searing cross-examination from ANC-linked commission member George Bizos SC, a leading advocate.

Mr Bizos: "Were there removals of 'black spots' in Natal?"
Mr Sithole: "Yes."

Mr Bizos: "Did you become a supporter or member of any non-governmental organisation that helped these people in distress?"
Mr Sithole: "No."

In response to a later question by KwaZulu/Natal Judge President Michael Howard, Mr Sithole said the reason he had not been asked to act in the cases referred to by Mr Bizos was that he had never been a member of the ANC.

After his hearing, Mr Sithole said he would not be surprised if there was a pro-ANC bias among some members of the Judicial Service Commission, which could harm the prospects of non-party political candidates.

"At present the unfortunate position in South Africa is that you've got to take a stance, although I believe I can take a stance without supporting a particular party."

Mr Bizos's cross-examination of Mr Sithole contrasted with questions he put to another candidate, Johannesburg lawyer Dimpelele Moshidi, who — although he belongs to no party — identified himself as "progressive" and said he had "voted for change."

Noting that Mr Moshidi was a member of both the Black Lawyers' Association and the white-founded Lawyers for Human Rights, Mr Bizos asked him how he had managed to straddle the divide between the two groups.

"The organisations are not mutually exclusive — they are both progressive," Mr Moshidi replied.
Group areas awards could reach billions

State legally bound to pay

COLIN DOUGLAS
Staff Reporter

THE government could be ordered by the Land Claims Court to pay R2 billion in compensation to people dispossessed of their property under the Group Areas Act — and the figure could swell because the state has no legal basis for putting a ceiling on total payments.

The massive figure is based on estimates made by Geoff Budlender, special adviser to Land Affairs Minister Derek Hanekom.

There were likely to be more than 100,000 claims by Group Areas Act victims, who could be compensated by an average of R20,000 each, said Mr Budlender.

Mr Budlender is in Cape Town to attend the Judicial Services Commision's interviews of prospective judges for the new court.

The Land Claims Court will have the power to order the state to pay cash compensation to victims of forced removals or to expropriate their former land — with adequate payment — from its present owners.

The court, which must complete its work within five years, is to be established under a constitutional directive to parliament to restore land rights removed by apartheid laws.

Speaking after the hearings, Mr Budlender said property owners who had fallen victim to group areas provisions — thousands of whom were coloured people in the Western Cape — had been systematically undercompensated by expropriations officials under the former National Party government.

The Land Claims Court, in awarding compensation to claimants, would take into account the difference between what they had originally been paid and the true value of their property.

This amount, updated to reflect inflation, could amount to R20,000 a claimant, Mr Budlender estimated, emphasising that his figures were a "thumb-suck".

There would also be several hundred rural land claims, each of which could see the state compelled to pay R100,000 or more as compensation to the claimant or to expropriate farms from current owners.

Mr Hanekom recently told parliament his department had budgeted R62 million in the current financial year to meet Land Claims Court expropriation orders, and that he expected a larger amount would be required in the next financial year as the court gained momentum.

The figure budgeted in 1996/97 could be as high as R300 million, Mr Budlender estimated.

But whatever the state's budgetary constraints it was under a constitutional duty to honour such orders.

Orders of the Land Claims Court will have the same power as a Supreme Court order against the Minister of Safety and Security to compensate a victim of police brutality — the minister can't say he can't afford to pay,” Mr Budlender said.

In an interview, Justice Minister Dullah Omar, a member of the Judicial Services Commission, defended the prospect of large-scale land restitution payments.

"This country has spent billions robbing people of their rights and their land — there is no reason not to invest billions on a South Africa that makes people happy," he said.

"But there should be careful planning and full accountability before you spend the money."

Asked whether the Land Claims Court would be clogged up with thousands of claims, Mr Budlender said this was unlikely.

"Only very-exceptional cases will go to court — most will be settled.

"I don't think the scale of this thing is really as difficult as it's made out to be."
Last candidates for Land Claims Court

Professor advised the ruling NP on ways to end repressive influx laws

By Mzimasi Ngudle

The chairman of the South African Law Commission, Professor Nic Olivier, yesterday said he submitted no fewer than 41 confidential memorandums to the former National Party government as its adviser on land issues.

Responding to a question from Advocate George Bizos, SC, a member of the Judicial Services Commission which interviewed the last three candidates for appointment as Land Claims Court judges, Olivier said he submitted the memorandums in response to a government request prompted by the unrest in the mid-80s.

The memorandums dealt with the repeal of influx legislation and racist laws such as the Bantu Administration Act. In the same period, Olivier said he submitted a report to the Human Sciences Research Council on the physical and emotional impact of influx controls.

In 1986 he was requested by the then constitutional affairs minister Mr Chris Heanis to investigate land-related racial laws.

Olivier, who is chairman of the South African Law Commission, is the author of 12 books and 200 other publications.

Despite his impressive academic record, Olivier restricted his candidacy to the posts of two additional judges, saying that his lack of practical legal experience would not qualify him as a Judge President. Olivier also claimed he was responsible for changing the Department of Bantu Law to Department of Legal Pluralism at Potchefstroom, a change which Bizos said came at a time when Black people were called plurlals.

Another candidate, Mr Frank Sithole, a Durban attorney whom commissioner Advocate D Gordon called the "doyen of KwaZulu-Natal African legal practitioners", said the status of women needed to be elevated as they were the most-dispossessed within the African communities. Another candidate, Mr Dimphleletse Modidii, said he believed that the Land Claims Court should provide guidelines to the Commission on Restitution of Land Rights on how to resolve land disputes.
Land Claims Court interviews open little window for democracy

Some of South Africa's top legal minds were on show this week in public interviews by the Judicial Service Commission of candidates for the new Land Claims Court. But there is some way to go before public hearings contribute more to democracy than to theatre, writes Staff Reporter COLIN DOUGLAS.

Constitutional Court president Arthur Chaskalson

The public interviews of prospective judges for the Land Claims Court, held in Cape Town, revealed as much about their famous interrogators on the Judicial Service Commission as they did about the issue of land restitution.

There were moments of high drama this week as the commission's legendary legal minds, such as Constitutional Court president Arthur Chaskalson and senior counsel George Bizos — a member of the defence legal team in the Rivonia trial — put pressure on candidates in the "dock" on the spartan top floor of a city office block.

Mr Bizos used his merciless cross-examination techniques on several candidates, particularly those with links to the apartheid government, or whose anti-apartheid credentials he may have regarded as shaky.

Former National Peace Secretariat chairman Antonie Gildenhuys was an early Bizos victim over his Broederbond membership from 1976 to 1992.

Legal academic Nic Olivier was subjected to repeated questioning about why he had named his Potchefstroom University department "Legal Pluralism" at a time when the government replaced the term "bantu" with "plural".

Attorney Frank Sithole — a politically-nonn-aligned figure in divided KwaZulu-Natal — was visibly unsettled after Mr Bizos fired a barrage of questions at him regarding his admission that he rarely acted for victims of forced removal.

Mr Bizos was moved to ask him to remain behind and join the public observers to witness the cross-examination of other candidates, an invitation Mr Sithole declined.

Judge Chaskalson's style was velvet to Mr Bizos's steel.

He cloaked probing questions in layers of charm and politeness. He made his devastating question to Professor Olivier — whether he would serve South Africa better if he was not appointed to the Land Claims Court — sound more like an obituary than a death sentence.

The interviews also threw into relief the theory that the appointment of elected politicians to the Judicial Service Commission would lighten its accountability and sensitivity to the public.

The four senators on the commission — three ANC members and one Nationalist — were among the quietest in the room.

There is only one woman in the 17-person commission.

Adopting a role as the sole representative of half the population, Johannes- burg advocate K D Moroka confined herself almost exclusively to questions relating to women and their rights.

She took a candidate, Anson Lagano, to task over his defence of customary land law.

"When you talk about a reversion to indigenous law, there's a tension with the specific injunction in the constitution prohibiting discrimination against women," she told him.

That the interviews were open to public scrutiny was never a foregone conclusion since the commission has twice u-turned on the issue.

After its sometimes heated interviews of candidates for the Constitutional Court were widely reported, the commission decided to hold future interviews — mainly to select Supreme Court judges — behind closed doors.

But after strong public criticism, the commission reversed its decision, declaring that all its future hearings would be open.

This uneasiness about the glare of publicity was plainly evident in this week's interviews.

Chief Justice Michael Chaskalson, the commission's chairman, did not acknowledge the presence of the scattering of private citizens, nor were they supplied with sections of legislation handed to candidates and referred to constantly by members of the commission.

The task of assimilating two days of interviews and conveying their essence to the people was left to the Press, as far as the citizens themselves were concerned, little trouble was taken either to attract them to the hearings or to help them understand the issues canvassed.

The windows of the rooms of power have been opened — but still only by a fraction...
Ex-prisoner likely to head land claims court

COLIN DOUGLAS
Staff Reporter
FORMER Robben Island prisoner Fikile Bam is expected to be appointed president of the Land Claims Court today by acting president Thabo Mbeki after his nomination by the Judicial Service Commission.

The commission recommended Mr Bam, now a partner in the Johannesburg law firm Denys Reitz, for the key position after interviewing eight prospective judges in Cape Town this week.

The new court has been afforded extensive powers under the constitution, including the ability to order the state to expropriate farms for restitution to their original owners and pay cash compensation to Group Areas Act victims.

In his interview before the commission, which is composed of senior judges, lawyers and politicians, Mr Bam said the Land Claims Court should be sensitive to the atmosphere of reconciliation reflected in the government of national unity and the constitution.

But he emphasised that in addition to the court there should be a major drive to redistribute land to blacks.

"If nothing is done to deal with redistribution, the court could end up being just a rubber stamp for those who already have land," he said.

Mr Mbeki must choose two or three additional Land Claims Court judges from a list of five submitted by the commission, including Alan Dodson, Antone Gildenhuys, Justice Moloto, Dimpeletse Moshidi and Frank Sithole.

A little window for democracy — page 21.
**CURRENT AFFAIRS**

**LAND**

**Inkatha on guard**

Inkatha leader Mangosuthu Buthelezi’s vitriolic attack on land Affairs Minister Derek Hanekom’s Internal Tenure Bill could indicate more about his party’s “cold war” against central government than about concern for people being stripped of their land.

But he is adamant that the Bill, along with all land legislation to date, is aimed at centralising the administration and ownership of land in Pretoria and that it will dispossess tribal people of their land, as happened to native Americans.

Others believe the proposed law is intended to plug loopholes following the 1991 Abolition of Racially Based Land Measures Act until the Tenure Commission reports in 1998.

The University of Natal’s Catherine Cross and Peter Rutsch of Durban’s Legal Resources Centre point out in a recent article that several rural tenure approaches are being examined by Hanekom’s Ministry and there are laws available to give private rights to communities that want freehold. However, there are indications that private tenure is unpopular with most black rural communities.

The four-year vacuum in legislation while the commission sits has led to legal and administrative confusion which has in some cases created the misconception that tribal leaders own communal land outright.

This fallacy is strengthened by the Ngonyama Trust Act, rushed through parliament just before the 1994 general election, which lodges ownership of land previously owned by the old KwaZulu administration in a statutory trust headed by Zulu King Goodwill Zwelethini.

Land allocation is, of course, a pivotal power of tribal leaders — formerly through the Permission to Occupy (PTO) system which is sometimes, but often not, supported by documentary permission.

So, too, is a more limited power to strip individuals of their right to use land. Any attempt therefore to deny the chiefs these powers would be resisted fiercely.

Cross and Rutsch point out that formal and ordinary land transfers are now proceeding without any legal base.

“Developers and traditional leaders appear to be concluding deals using invalid PTOs.”

The problem apparently stems from abuse of this tribal land system whereby, for example, land is sold to private developers or forestry interests without consulting the community or sharing the proceeds.

There have already been several sales of such land in KwaZulu and in particular in Transkei for the development of holiday cottages.

An extra problem is that the dubious legality of the sales means that land buyers are likely to under-capitalise rather than over-capitalise when developing (thus not creating jobs and wealth in the community) in case they are evicted later.

A specialist involved in drafting Hanekom’s proposed Bill says the intention is not to strip chiefs of any powers but rather to ensure that, as in the past, a hearing is held before any land is disposed of.

The idea is to prevent a situation where people find their land or commonage land is being used for forestry or development and they have not even been notified.

But Buthelezi says the history of legislation relating to African land rights is a complex and unhappy one.

“Invariably such legislation was represented as protective or extending African land rights. Subsequent realities belied such claims. Such was the case with the notorious Land Act of 1913 and all its successors,” he says.

To date, the effect of all proposed legislation has been to centralise the ownership and administration of land in Pretoria. “Even communal land administered in terms of customary law and usage is now in the hands of central government in Pretoria,” claims Buthelezi.
CAPE TOWN — The SANDF has given up control of about 120,000ha of land formally under its jurisdiction, but has retained control of about 490,000ha, said Defence Minister Joe Modise.

He was responding in parliament to DP MP Ken Andrew, who had asked how much land controlled by the SANDF was suitable for housing development.

Modise said it was difficult to quantify how much land could be used for housing, but said it had been the policy of the SANDF over the past eight years to hand back land no longer required.

As a result, about 30 properties had been made available for urban development. These areas included land in Goodwood, Khayelitsha, Blue Downs, Muizenburg, De Waal Park and Saldanha in the Western Cape and Winterveld, Schurzeberg and Elandsfontein near Pretoria.

The return of certain portions of Wingfield and Youngfield military bases near Cape Town was under consideration.

However, Wingfield had been suggested as a venue for the Olympic Games, and this would affect other claims to its utilisation, he said.
CLAIM COMMISSIONER. The regional lands ending according to prehistoric location.

THE TRAGIC STORY OF

the people of

the valley

from dust in

may rise

Dream town

SUNDAY WEEKEND AGE
Land battle over army base

LAND Affairs Minister Derek Hanekom has ordered a urgent investigation into a private bid to buy or rent a piece of pristine West Coast land which is being used for training by a crack army unit.

His instruction to the Department of Land Affairs coincides with at least two other looming claims for the former 4th Reconnaissance Regiment's Donkergat base on the western shores of the Langebaan lagoon.

The National Parks Board (NPB) this week said it deserved first option on the land adjoining the West Coast National Park, but Defence Ministry spokesman DAS Herbst dismissed an imminent handover.

The Democratic Party has suggested the land be given to the National Parks Board if Iaco's controversial steel mill goes ahead on the opposite shore of Saldanha Bay.

A spokesman for Mr Herbst said the Land Affairs inquiry would try to identify various claims for the military land, as well as needs relating to it. "We have to look at optimal land use. If land is not being used optimally, we have to find ways of doing so," Mr Helmut Schletter said.

Dr Herbst said the 2,000-ha terrain — the northernmost tip of a peninsula spanned by the Atlantic Ocean and the lagoon — was needed for training.

But, sources claim, Donkergat was "little more than an exclusive resort for military brass".

Military analyst Helmoed Roemer-Heitman said Donkergat was probably the country's best site for maritime special forces training, being secluded but close to naval facilities.

He described the Donkergat unit — reorganised into 45 Parachute Brigade — as the South African equivalent of Britain's elite Special Boat Squadron.

He said its operatives had probably been involved in a combined police and military raid in May on two trawlers suspected of carrying drugs.

Mr Hanekom ordered an inquiry after being approached by private individuals who say they want to buy or rent the old Donkergat whaling station situated in the military grounds.

A Department of Land Affairs spokesman said the matter was receiving urgent attention.

A NPB spokesman said Donkergat would make a logical addition to the 27,000-ha West Coast National Park.
IFP MP disobedys instruction to resign

The rift between the IFP and its leading Indian MP Fareed Cassim deepened yesterday, with Cassim refusing to heed a call to resign his seat immediately.

IFP secretary-general Jiyane said Cassim had proved "unstable" and the IFP wanted him to resign with immediate effect.

This followed Cassim's decision to convene a media conference last month in which he accused the IFP of racism and offered to hand in his resignation.

He said he would resign in January because he intended to pilot "important" private members' legislation through parliament.

Jiyane said Cassim's departure would have serious effects on grassroots level.

Meanwhile, the ANC KwaZulu-Natal region said yesterday that premier Frank Mdlalose's leadership was becoming "a great embarrassment", and he was unilaterally attempting to change the name of the province to the Kingdom of KwaZulu-Natal.

The latest row erupted when Mdlalose's office started using the name "Kingdom of KwaZulu-Natal" in place of KwaZulu-Natal on official letterheads this week.

Mdlalose's spokesman Thembinkosi Mvenela described the use of the province's new title as "deliberate and not in conflict with the constitution".

Plan halves political death toll

Adrian Hadland

The newly launched community safety plan appeared to be having a significant effect on the reduction of political violence, particularly in KwaZulu-Natal, according to the Human Rights Commission.

In its interim assessment of crime and trends in the human rights field, which was published recently, the committee said political violence had claimed 78 lives across SA last month.

This represented a 50% drop compared with the May death toll of 143. In KwaZulu-Natal, 58 people had been killed in June against 94 in May.

The committee said the community safety plan, which was launched earlier this year by President Nelson Mandela, appeared to be having an effect.

According to the plan, security personnel have been deployed in unstable areas across SA including Gauteng, the Eastern Cape and KwaZulu-Natal.
3700 lodge land claims

Almost 4000 land claims have been lodged with the Commission on Restitution of Land Rights, commission head Joe Seremane said yesterday.

Claimants had until May 1997 to lodge claims, and 3730 had so far done so. — Sapa.
Land crunch yet to come

The Land Claims Court will be put to test by Chief Magwazana Tshabalala, a Swazi chief who is facing charges of trespassing on land he had bought, writes Political Reporter Mzimasi Ngudle.

Land Affairs Minister Mr Derek Hanekom has so far sailed smoothly in giving back land to blacks who were forcibly removed by the National Party government Magoba, Riemvasmaak, Maleuskop and other communities were relocated easily as their land was predominantly owned by the state, which could buy out a few private owners without many hitches.

But the crunch will come when right-wing white farmers refuse to give up land they bought at a discount from the state, which acquired it by forcibly evicting the original black owners.

Such cases form the bulk of about 4,000 claims received by the National Land Claims Commission, which is now busy registering the claims before gazetting them and inviting objections from registered owners.

One such claim is that of Chief Magwazana Tshabalala, a Swazi chief who has been moving from pillar to post after his unsuccessful appeal to former State President FW de Klerk for his tribe’s land to be restored.

Tshabalala said De Klerk referred him to former Foreign Affairs Minister Mr Pbk Botha who, in turn, sent the same policemen who were harassing him to investigate.

Last week Tshabalala lodged his claim at the Pretoria office of National Land Claims commissioner Mr Joe Seremane.

Together with his tribe, the chief is now a fugitive who was whisked from his land in the most disgraceful manner by the NP Government in 1984 who desecrated the graves of their ancestors.

The chief and his people were ordered to leave the area and remove the graves of their elder chiefs and other tribesmen to make way for the building of the Heyslope Dam.

“As a result, this really undermined us as we have respect for the graves of our ancestors,” Tshabalala said shortly after filing claim forms in the commissioner’s office.

Hounded by the authorities of the Transvaal Provincial Administration, Tshabalala said he was forced to do the unthinkable and rebury his subjects alongside their kings.

Thus was after he told the local magistrate that people had refused to dig out the bodies of their ancestors. The magistrate retorted: “It’s the law. There’s nothing I can do. You have to remove those graves.”

Altogether 39 bodies had to be removed and placed in a cliff cave (emgedeleni) meant for kings.

The agony and the plight of his people is writ large in Tshabalala’s claim form: “From 1959 until now, my people have been removed from their tribal and ancestral land.

“As their chief, I was deported several times for being an Inhosi whose authority over his people has been recognised by the Swazi land monarchy. And for demanding the return of the land of our forefathers.

“This land has today been turned into white commercial farms. Hence today I am a chief with a landless tribe which has been scattered in and around our former land as labour tenants.”

No compensation was paid and no alternative settlement area was provided. Instead, the Government sent him to KaNgwane where Chief Enos Mabuza said he could not accept people without land.

He later went to settle in Ermelo, while his people were forced to get rented accommodation in the nearby black townships.

While fighting to get his land back, Tshabalala bought a farm in Wakkerstroom to provide a temporary abode for his tribe.

However, it did not take long before neighbouring right-wing farmers collared police to chase him from the farm — notwithstanding a valid sale agreement with the previous owner of the farm.

What made matters worse was the chief’s membership of the African National Congress, which prompted the police to call him a “bloody communist.”

The chief, who has now fled from the farm, will appear in court on August 14 to face charges of trespassing on land he had bought.

Tshabalala comes eleventh in the Tshabalala genealogical tree of chiefsmanship which springs from King Tshabalala who, the chief claims, ruled over the four districts of Wakkerstroom, Volksrust, Amandorong and Memel.

However, for the sake of expediency and feasibility, Tshabalala has declined to add his claim to the Walkerstroom district, where he has evidence to support the claim.

The claim has also been restricted to conform with a constitutional prohibition on adjudication of claims predating the 1913 Native Land Act.

Tshabalala said he will still have to investigate the possibility of reclaiming land in the other three districts.

The chief has submitted a copy of a 1953 Government Gazette which stripped him of his sovereignty, effectively reducing his people to labour tenants whose rights of tenure were further eroded in 1979 through legislation.

The gazette shows that the land which belonged to the four subdivisions of the Tshabalala tribe was later occupied by white farmers, whom Tshabalala said were now hell-bent on defending their ill-acquired rights.

This is certainly not one of those cases Hanekom handled with ease, but one which may proceed to the Land Claims Court if the National Land Claims Commission fails to resolve the issue.
State land for the destitute

Kevin O’Grady

MORE than 35 000ha of state-owned land north-east of Pretoria is to be developed for landless and destitute communities at a cost of R36m, the Gauteng government said yesterday.

The “ambitious” project, part of the land reform pilot programme, was expected to benefit about 40 000 people in the Rust De Winter area which borders Northern Province and Eastern Transvaal, programme manager Kenny Fihla said.

Of the R36m budget from the land affairs department, R23m would be spent on administering the project, R10.2m on land acquisition, R3m on planning and R18.7m on basic needs grants, “similar to housing subsidies in urban areas”.

The department had started talks aimed at making further funds available, with the Land Bank, the Agricultural Credit Board and the Development Bank of SA.

Interim land allocations to a number of farming communities had already been agreed upon and 1 700ha had been set aside as a game reserve.

About 100 black farmers would have to be relocated from the area in which the reserve was to be established, he said.

There were also about 30 white farmers who had leased land from government since it was expropriated for incorporation into KwaZulu-Natal. They would be relocated by agreement.

Many people — particularly the Manala, Litho Ndzundza, Mtimuswe and KwaZulu-Natal farmers and the Vuka uZembele community — who had historical claims to the land would be eligible to be given land as part of the project, Fihla said.

There were three poultry farms, with an employment capacity for about 70 people, on the land and the development, planning environment and works department had advertised for proposals from the private sector to operate them in a joint venture with a community trust.
Land claims delay

La Lucia decision

BY ANITA ALLEN
SCIENCE WRITER

A decision on mining at Lake St Lucia is not possible until the land claims by various people who were forcibly removed has been decided, according to a spokesman for the Ministry of Mineral and Energy Affairs.

He was reacting to a call by the Campaign for St Lucia for the Government to make a "decision without further delay".

"The position is that the Leon Commission identified the grave and urgent need to attend to the problem surrounding the claims of indigenous people removed from the land. While mineral rights have not been separated from surface rights, ownership of the land is part and parcel of the decision," the Mineral and Energy spokesman said.

Cheryl Walker, commissioner on restitution of land rights for KwaZulu-Natal, told The Star that at this stage it was impossible to give a timetable about the land claims.

"It is quite a complex matter, with more than one claimant. The process of resolution can't be done on the basis of only some of the issues," Walker said.

She added that the matter would more than likely have to go to the Land Claims Court.

The Campaign for St Lucia claimed that there was no justifiable reason for not making a decision on the mining issue.

"The delay is preventing the development of the St Lucia region into the most important conservation and ecotourism area in southern Africa. "The result of this delay is to the detriment of the KwaZulu-Natal region and to South Africa as a whole in that the obvious economic benefits are being prevented from occurring now when they are most needed," Campaign for St Lucia co-ordinator Oliff d'Oliveira said in a statement.
Credit crisis warning
over land reform Bill

DURBAN—Farmers and bankers have warned that agriculture might face a credit crisis unless the land reform Bill is amended before going to Cabinet for approval on August 2.

One of their prime concerns was that the legislation could affect farm land value, undermining its use as bank loan security.

The Land Reform (Labour Tenants) Bill, seen as part of government's land reform programme, proposes rights for labour tenants loosely defined as farm dwellers who had or have use of arable or grazing land in return for labour to the owner or lessee of a farm. The term includes the labourers' dependants.

In terms of the proposed Bill, labour tenants in specified magisterial districts — mainly districts in KwaZulu-Natal and those in the Eastern Transvaal — could be granted ownership rights to land on farms after negotiations.

SA Agricultural Union social services chief director Kobus Kleyshans said farmers feared the Bill would lead to squatter communities moving on to farms.

However, government and land research organisations say the Bill is aimed at granting rights to a specific category of people, not at undermining the well-being of predominantly white-owned farms.

Land affairs ministry spokesman Helmut Schlesher said a technical committee had been set up to address farmers' fears, including adequate compensation.

The committee was expected to finalise Bill amendments by Thursday. — Sapa.
Extra judges are appointed

Three additional judges have been appointed to the Land Claims Court between the President and the court's president.

The new judges are:
- Amos Diko
- Njabulo Mzebetho
- Dr. Fatihah Mumin

The Land Claims Court has jurisdiction over land-related disputes, including those arising from land relocations.

The court is an important institution in addressing historical injustices and promoting reconciliation.

The new judges bring valuable experience and expertise to the court, ensuring its effectiveness in addressing land claims.
3 more land court judges named

President Nelson Mandela has appointed three additional judges to the Land Claims Court after consulting the court's president Mr Justice Fikele Bam.

The court's expected workload made it desirable that five judges be appointed, Mandela said.

The three are Alan Dodson, Dr Antonie Gildenhuys and Mr Justice Mqoliso. A further judge would be appointed after consulting the Judicial Service Commission and Bam.

Mandela said the names submitted did not include women and he hoped suitable candidates would come forward. He added: "The court has a critical role to play in ensuring we deal effectively and fairly with the sensitive issue of redressing past discrimination in respect of land ownership and occupation." — Sapa.
More judges for LCC

MR JUSTICE Bakone Moloto, a veteran lawyer and activist, is one of three judges who were appointed to the Land Claims Court yesterday.

The other two, announced by President Nelson Mandela, are former chairman of the National Peace Secretariat Dr Antonie Gildenhuys and Cape human rights lawyer Mr Alan Dodson.

The appointments will complete the composition of the court to be presided over by Johannesburg lawyer Mr Fikile Bam.

Gildenhuys and Moloto, a former national executive director of the Black Lawyers Association, were picked from a short list of five nominees.

The other two were KwaZulu-Natal advocate Mr Frank Sithole and Mr Dumfetu Goshidi of Johannesburg who is also a BLA executive member.

While it was expected that an affirmative appointment would be made, the absence of a woman in the final selection would impact negatively on the legitimacy of the court, according to earlier expert opinion.

However, the only woman candidate, Mrs Vuyiswa Ramphale, withdrew shortly before the interviews of nine candidates in Cape Town.
GLYNNIS UNDERHILL
Staff Reporter

VACUUM cleaner distributor Ghatiem Hercules could see his late grandfather’s dream realised with one of the first historic land restitution claims to go before the Land Claims Court.

When his grandfather, Mohamed Said Sadien-Raad, set up the Perth School Trust for educational purposes for the Muslim community, he bought three plots in Woodstock for £21 000 in 1938.

An orphanage and the beginnings of the Muslim secular educational school was set up.

"It was eventually hoped to establish a school with Arabic as a second language to English. In 1940 they started development and built eight flats to be used as extra classrooms. My grandfather died in 1942 before he could have his dream realised but his will stated that the school should be established," said Mr Hercules.

But under the Group Areas Act the land was purchased from the trust by the old Community Development Board in 1966. The land was designated "a white area" and the Trust was offered £32 780.

The lawyer representing the Perth School Trust at the time was Justice Minister Dullah Omar.

"They told us that if we did not accept the offer on the land it would be expropriated. Based on that meeting, we did accept the offer in 1971. The trustees decided they had no choice and Dullah Omar accepted the money.

"It was decided not to utilise the money and we looked around for a suitable organisation to house our school. We eventually found the spot in Penlyn Estate and built a 12-classroom school for religious teaching," said Mr Hercules.

Today the grass on the Woodstock site is overgrown, the building dilapidated and a billboard trumpets the arrival of a new townhouse development.

The regional land claims commissioner for the Western and Northern Cape, Wallace Mgqozi, has recommended the claim as one of 10 in the Western Cape to be given top priority.

"This claim will benefit a number of people and has been lodged as one of the priority claims. It could go before the Land Claims Court after it is set up in August," said Mr Mgqozi, an advocate.

The Perth School Trust land, now in government hands, could be handed back to the trust and used for educational purposes, according to the wish of Mr Sadien-Raad.
Row over land divides the people of Goedgevonden

By ANDREW TRENCH

THE people of Goedgevonden have faced up to the National Party government and the Afrikaner Weerstandsbeweging. Now they're up against one of their own.

In the dusty veld about 20km north of Ventersdorp, some 200 families are planning a rebellion against Levy Segopo, who, in 1991, led the displaced community back to Goedgevonden.

The community of farmers was forcibly removed by the NP government in 1978. It was not the last time the community felt white wrath. Soon after its return to Goedgevonden in 1991, the settlement was raided by the AWB. Goedgevonden residents have only now won compensation for the raid.

Mr Segopo, 60, was once heralded as the community's leader. Now he is accused of intimidating and exploiting residents, has admitted shooting a local opposition leader, and has leased the community's land to white farmers.

Since returning to the land, the community has split into two factions — a development committee recognised by most of the residents, and another committee headed by Mr Segopo. The split came after residents rejected Mr Segopo's plan to divide the land into 21 units for those loyal to him.

Widow Wilhelmina Makoena lives with her three children a stone's throw from the Segopo household.

In January last year her husband, Steven, was shot seven times. Mr Segopo, was charged with murder but acquitted.

He says it was an act of self-defence. His critics, he adds, have no claim to the land, and no right to oppose the decision to lease it to white farmers.

But Augustus Myburgh, a fellow Goedgevonden resident leading the opposition, does not swallow these arguments.

He claims that fewer than 300ha of the 3 000ha at Goedgevonden are being used by the community — most of the rest "is being ploughed and grazed by white farmers".

He and others blame Mr Segopo for their predicament. They claim he had no consent to enter into a five-year lease agreement with the farmers. They do not know where the money from the leases is going, or how much the agreements are worth. But they see Mr Segopo driving a new bus, and wonder where the money came from.

Mr Segopo says he got the cash to buy the bus from the R960 he charged families to transport them back to Goedgevonden in his truck.
Land fraud scheme exposed

A FRAUDULENT land ownership scheme had been exposed under which individuals seeking land restitution were buying false ownership certificates, Land Affairs Minister Derek Hanekom said yesterday. (27)(C)

"It has come to my attention that there are some unscrupulous people who are taking undue advantage of government's restitution programme and are engaged in illegal activities in selling plots of land to prospective claimants," he said.

"This situation is of extreme concern to me, because it not only creates a false sense of ownership among the purchasers of these fraudulent certificates, but also undermines the legitimate process of restitution."

Hanekom said he had received reports of individuals encouraging claimants to occupy privately owned land without the permission of the land owner, and without going through the land restitution process.

"We understand the impatience of those who lost their land. However, a fair process has been set in motion, even though it may take some time," he said. — Sapa.
Minister warns on repercussions if land bill is flouted

STAFF REPORTER

The full force of the law will be brought against anyone who subverts the land restitution process by illegally occupying land or pretending to "sell" plots to desperate, landless families, Land Affairs Minister Derek Hanekom warned yesterday.

The minister said "unscrupulous people" were taking advantage of the anxieties of families who were entitled to reclaim their land through the Land Restitution Commission.

Fraudulent

Some were encouraging such families to short-circuit the land restitution process by illegally occupying the land in question. Others were fraudulently "selling" land which was subject to land claims.

"This situation is of extreme concern to me, because it not only creates a false sense of ownership among the purchasers of those fraudulent certificates, but also undermines the legitimate process of restitution," Hanekom said.

"Such actions severely prejudice the interests of those communities and individuals who have followed the correct procedures of application and negotiation. They are now subjected to even more uncertainty as to whether they will be successful in their land claims."

Legal action would be taken against anyone who occupied private or state land without authority; who illegally allocated or sold land; or who attempted to intimidate legitimate land claimants or current land owners.

"Anybody with knowledge of such irregularities is requested to report it to the police immediately," said Hanekom.

He said that the ministry understood the impatience of those who had lost their land under the racial land laws enacted from 1913.

"However, a fair process has been set in motion, even though it may take some time. This process is the only way in which the sensitive and difficult issue of restitution can fairly and effectively be dealt with."
Hanekom, business at odds over land rights

LAND Affairs Minister Mr Derek Hanekom, at odds with business, yesterday opposed the inclusion of a clause in the final constitution to protect property rights.

"Adequate protection would be provided by the common law and the constitutional prohibition on arbitrary, unfair or discriminatory government action," he said.

Mr Hanekom was addressing delegates to a two-day public workshop in the House of Assembly on land rights in the new constitution.

While he did not support a property clause, he said the new constitution should make land reform possible to redress the injustices caused by centuries of white rule.

He dismissed calls by radical groups for the seizure of underused white land and said the government would respond only to an expressed demand for land.

The SA Chamber of Business (Sacob) called for retention of the property-protection clause and abolition of the provision for land redistribution.

Sacob's director of legal affairs Mr Ken Warren said the land reform already under way would be temporary and should be managed under a statute of Parliament that could be repealed once the job was done.

Mr Brendan Pearce of the non-government National Land Committee backed Mr Hanekom, saying redistribution to undo centuries of white domination was essential to lasting peace.

Security

"If land is not distributed and people are not secure on the land they occupy, it will not matter whether property is secured or not," he said.

The SA Agricultural Union yesterday demanded a judicial inquiry into the issue of labour tenants before legislation in this regard was passed, saying the process leading up to the Land Reform (Labour Tenants) Bill was "one-sided, not transparent and undemocratic."
Hanekom rejects property entrenchment

CAPE TOWN — Land Affairs Minister Derek Hanekom yesterday rejected the need for a clause in the new constitution entrenching property rights.

Hanekom told a Constitutional Assembly workshop that adequate protection for property rights would be provided by common law together with a constitutional prohibition on arbitrary, unfair or discriminatory government action.

But SA Chamber of Business spokesman Ken Warren told the workshop it was imperative specific property rights, as contained in the interim constitution, were retained.

A new constitution had to ensure no person or organisation should be deprived of property without due process of law and without just compensation, he said.

The interim constitution says every person has the right to acquire and hold rights in property and no deprivation of property rights is permitted other than in accordance with a law. Property may be expropriated only for “public purposes” and subject to agreed compensation.

Hanekom said the provision had been made because of anxieties regarding confiscation and redistribution of land at the time the interim constitution was framed.

“By now, it should be clear that these fears are groundless,” he said.

Nowhere in the world was ownership absolute and unrestricted, Hanekom said. Government should be able to regulate the use of property in a number of ways and this should be reflected in the constitution.

By entrenching the “rights of property” in the interim constitution, potential problems had been created, Hanekom said.

He cited the example of recent litigation concerning establishment of an informal township at Diepsloot in Gauteng.

A constitutional protection of property reform was permissible given appropriate compensation, Hanekom said.

A balance was required between property rights and the right to land.

“Just as property rights must not be arbitrarily destroyed or confiscated to meet the needs of homeless and landless people, so existing property rights must be limited by the basic needs of homeless or landless people,” Hanekom said.

Hanekom said the constitution should provide for the restitution of land in broad terms only and not in detail as spelt out in the interim constitution.

Continued on Page 2

Hanekom (Continued on Page 2)
Old racial land rights opposed

By Vuyo Bavuma
Political Reporter

The National Land Committee has called for the scrapping of the property clause in the constitution and for the broadening of restitution of land rights to effectively address the legacy of past racially discriminatory laws.

It said the Government should consider broadening the brief of the Land Claims Commission to deal with claims outside the present property clause and the Restitution Act.

Addressing a workshop on Land and Constitution, Mr. Brendon Pierce, director of the NLC, said the Government should also establish a specialized body to administer and ensure the attainment of land rights.

The protection of property rights in the interim constitution sent a message to the landless that the Government was more concerned with the rights of the white landowners. This created the impression that apartheid victims could not rely on the new government for support in achieving what they had been struggling for many years.

Pierce said the government would have to play a more pro-active role to ensure that the most marginalised people were getting a fair deal.

"The property clause is a major impediment to land reform and the process of addressing people's basic human rights. Just last week 600 farm workers were kicked off farms in the Free State for exercising their right to strike," Pierce said. The workers were completely defenceless against powerful farmers whose property rights are protected by the constitution, he said.

But the South African Property Association called for the inclusion of the property clause in the constitution to attract investment and provide security. In a statement the association said private property ownership was the cornerstone of most successful economies in Western societies.

Dr. Funive Njobe, of the Land and Agriculture Policy Centre, supported the inclusion of the rights of the dispossessed in the Bill of Rights.
Cabinet approves Land Bill

THE controversial Land Reform (Labour Tenants) Bill was approved by the Cabinet yesterday, Trade and Industry Minister Trevor Manuel said in Pretoria. But it is not being applauded by the right-wing South African Agricultural Union (SAAU).

Manuel said yesterday that amendments to the Bill, since it was first discussed by the Cabinet on May 31, included a new definition of a labour tenant and extended application of the Bill to the whole country.

It had previously been focused on the Eastern Transvaal and KwaZulu-Natal.

The SAAU said earlier yesterday it was "totally opposed" to the Bill, which would give some 30,000 labour tenants the right to acquire farmland they had historically used and occupied.

"Should it be approved in its present form, it will not receive the cooperation and support of the SAAU and farmers at ground level," SAAU president Mr Boet Fonne said in a statement in Pretoria.

He urged the Government to set up a judicial inquiry into the matter.

Manuel said there had been "very wide" consultations with the SAAU, provincial agricultural unions and farm workers since May.

"They have collectively brought certain changes to the Bill." — *Sapa*.
Land court is to go on circuit

THE new Land Claims Court, which was widely expected to be based in Randburg, would operate as a circuit court, newly appointed court president Fikile Bam said yesterday.

He said although Johannesburg was the preferred seat, the court was considering renting premises in Randburg. No details were given.

The court would be run by Bam and four judges. One, a woman, still had to be appointed.

"The biggest challenge the court will face probably will be having to operate in the face of uncertainty about available land suitable for development and finance. We are expecting a lot of cases, but we just do not know." The court's brief had been extended to deal with labour tenant cases as well as restitution claims.

"But with the vigorous use of mediation, the number of cases would be limited to those where guidance was needed and issues were not clear." Bam predicted that most cases would be settled by the Restitution of Land Claims Commission, before they came to court.

"Mediation should have been used more extensively during the apartheid era to settle disputes," he said.

"The whole process of first going to court and settling afterwards was the wrong way around." In terms of the Restitution of Land Rights Act, land claims would first go to the Restitution of Land Rights Commission. If the dispute was not settled, the case would be referred to the court.

But the court too would try to get the parties to settle.
Some features of the old District Six will be rebuilt — bath houses, fish markets and sport clubs have been named — though it is accepted that the legendary vibrancy of the past cannot just be re-invented.

Even modified success — after so many years of acrimony and racial division — could provide a model for other urban areas that were similarly affected by group areas removals.

Pageview and Cato Manor are examples, though circumstances vary from one city to another, and the creation of what are intended as nonracial enclaves close to central Cape Town would carry a special significance for coloureds.
Hanekom pledges new land policy

The Land Affairs Ministry is developing a comprehensive land reform policy and some of its mechanisms have already been implemented and tested, Land Affairs Minister Derek Hanekom said on Friday.

Interviewed by Sapa in Pretoria about the August 31 national land policy conference at the World Trade Centre in Kempton Park, Hanekom said the ministry had adopted what could be described as a “partly piecemeal approach” - implementing new but reviewable policies to deliver land reform progress at the grassroots while a holistic policy was still being formulated.

“We do not want to wait until we have all our policies in place. Policy is not regarded as static. We are working with people, grappling with problems,” he said.

Kempton Park conference may result in a White Paper on reform

The ministry had already acted on its constitutional requirements such as land restitution under the new Restitution of Land Rights Act and had tested potential tools for delivering land reform in the provincial land pilot schemes. Hanekom said: “We felt we were ready to put something on the table. We are not rushing to draft a policy. We felt a need for a comprehensive policy.”

The conference will be based on reports from ten ministerial technical teams on land restitution, redistribution, tenure reform and land development.

Discussions will be written into a document which Hanekom said would be regarded as a Green Paper or even White Paper. But consultations would continue, he said. So far the ministry’s approach of involving interested parties – from landless communities to the agricultural unions – has paid off.

Referring to periodic criticism that no land reform has been implemented, Hanekom said: “Political criticism does not bother me; it would if I felt we could and should do more.

“I would be worrying if nothing happens over the next six months now the Land Commission and Land Claims Court are set up. I would worry if the land pilots do not produce anything in the next three months” – Sapa.
Johannesburg: President Nelson Mandela has named human rights lawyer Mr Geoff Budlender to head a commission of inquiry on the administration of state land. CT 8/8/99

The Department of Land Affairs said yesterday that Mr Budlender would investigate alleged malpractices in the allocation, leasing, alienation and transfer of state land.

Mr Budlender is a national director of the Legal Resources Centre and an adviser to Minister of Land Affairs Derek Hanekom. — Special Correspondent
When the Land Reform (Labour Tenants) Bill was released for comment on June 2, there was a rush to an adverse judgment. Land Affairs Minister Derek Hanekom was accused — by Graham McIntosh, a former PFP MP who farms in Natal — of wishing to push through a socialist plan that would leave SA “trapped in a medieval subsistence economy.”

McIntosh cited three major elements of the Bill, as released, in support of this view:

- Those who would be most affected by it — farmers with labour tenants — had not been consulted, making a mockery of transparency;
- The deadline for comment, July 14, was “brutally short;” and
- The Bill would have the effect of freezing dispossessions of labour tenants — who stood to be the prime beneficiaries of land redistribution — from June 2, which McIntosh charged was unconstitutional and undermined the authority of other departments such as Labour.

But 170 written submissions were received by July 14, Hanekom consulted widely on its contents and the outcome, passed by Cabinet last week for consideration by parliament, represents a synthesis of good sense and pragmatism.

Hanekom has admitted that transparency was skirted until June but this was in the face of what he told the Constitutional Assembly was “the serious and very real danger of an escalation in pre-emptive evictions.” In an explanatory memorandum released last Wednesday, he said the non-eviction clause had been honed so that “the process of eviction is circumscribed and has to follow particular procedures. An additional feature is that the owner must pay evicted tenants compensation for the houses they have built on the land, as well as for unreaped crops.”

Labour tenants — estimated at 40,000, plus their families — are defined by Hanekom as those who “have lived on and used farmland for two generations or more, in return for providing labour to the owners.” The Bill — with the supporting Interim Protection of Informal Rights Bill — is designed to enable them to gain rights on the land, including the right to acquire it with State assistance.

The tangled history of land occupation and hunger forms the backdrop to the Bill. It can be seen as extending the right of freehold to those labour tenants who, but for apartheid, might well be land-owners today. Nor is it a direct mechanism of restitution: “The aim of the Bill,” says Hanekom, “is to provide a lasting solution to the endemic conflict and human rights abuses in those parts of the country where the system of labour tenancy still exists . . . It does not cover labour tenants who have been evicted and who may have claims under the Restitution of Land Rights Act.”

Speaking to the Constitutional Assembly, Hanekom made a comment that could, in isolation, be controversial: “I can understand that as the prospect of a new government came closer, some people became anxious and feared a policy of redistribution through confiscation. That was one of the reasons for the entrenchment of existing property rights. By now, it should be clear that those fears are groundless. Personally, I do not see the need for a property clause in the constitution.”

However, this was not a call for the abolition of the right to own property — rather, a plea that “it must be formulated in such a way which does not constitutionally entrench the results of generations of apartheid and dispossession . . . Unless our system of property rights makes it possible for all people to have access to the land they need, the system will be inherently unstable.”

The difficulty, he pointed out, was to find a way of formulating a right to land which would be effective while also not “making an empty promise which the government is not able to fulfill.”

The Land Reform (Labour Tenants) Bill is an attempt to find a workable formulation for labour tenants and the farmers whose land they occupy. New clauses relating to procedures and mediation have been written into an extensive consultation process.

The land is a question in that it is lived on by the labour tenants; wholesale appropriations are not proposed.

Nevertheless, does all this not imply a limitation of the existing property clause in the interim constitution? Hanekom quotes an American professor, Peter Dorner, as his guiding spirit: “It has been said that private property is a right ordained by natural law and that any attack on it is an attack on society and its moral unit, the family. Private property, it is said, is the pillar of a civilised society. If these premises are accepted, then it must likewise be admitted that property cannot perform these laudable functions if most people are without it.”

Hanekom’s Bill is a serious attempt to broaden the right to acquire property for a previously marginalised group. It establishes legal ways and means that should defuse conflict over the issue.
Infighting mars return to lands

TWO NORTH West communities which have returned to their ancestral lands after forced removals under the apartheid regime are now engaged in fierce power struggles.

According to Goedewonden, former secretary Augustus Mayburgh the trouble started there in April last year when the then deputy minister of Agriculture Tobie Meyer proposed that Goedewonden was agricultural land and should not be used for residential purposes, but rather farmed by 60 families. This was not accepted by the community.

Mayburgh said that community leader Levy Segopolo nevertheless leased out farms on five-year contracts and allegedly kept the money for himself.

He said a section of the community led by Steven Mokoena had resisted the demarcations, and Mokoena had lost his life in the ensuing controversy.

Meanwhile the situation is tense in Machavieastad as members of the Barolong tribe from the townships decided two weeks ago to replace Chief Simon Makodi's chieftainship with a 'local government' council system. But Makodi's resisting pressure to resign as Barolong chief.

He said those who wanted to oust him after he had fought for the return of their lands, "had been living comfortably in their township homes for the past 24 years while his followers suffered, living as squatters in Rooigrond."

Makodi said when they were uprooted by the government in 1971, 140 households had settled in Ficksfroom's Ikageng township while he and about 48 families who resisted resettlement were dumped at the barren Rooigrond near Mafikeng in Bophuthatswana.

An advisor in the North West House of Chiefs, Hendrik Viviers said that as Machavieastad was peri-urban the community was within their rights if they wished to have a local government structure.
'Piecemeal' start to land reform

PRETORIA: The Land Affairs Ministry was developing a comprehensive land reform policy, and some of its mechanisms had already been implemented and tested, Minister Mr Derek Hanekom said on Friday.

Interviewed here about the upcoming national land policy conference in Kempton Park, Mr Hanekom said the ministry had adopted what could be described as a "partly piecemeal approach"—implementing new, but reviewable, policies to deliver land reform progress at the grassroots while a holistic policy was still being formulated.

"We do not want to wait until we have all our policies in place. We are working with people, grappling with problems."

Referring to periodic criticism that no land reform has been implemented, Mr Hanekom said: "Political criticism does not bother me; it would if I felt we could and should do more.

"I would be worrying if nothing happens over the next six months now the Land Commission and Land Claims Court are set up."—Sapa
A DRAFT bill to cut through red tape in rural and urban land development was tabled in Parliament yesterday.

Land Affairs Minister Mr Derek Hanekom said the Development Facilitation Bill would help meet the need for land faster than was possible at present.

He said in a memorandum this measure would offer uniform national standards for land development.

It would set up development tribunals to resolve conflicts with minimum delay.

The RDP needed a significant increase in the rate and scale of land development for industrial, commercial, residential and small scale agricultural uses, he said.

The bill proposes a commission to investigate more thorough reforms in land development. — Sapa
Court upholds council’s sale of land in Alex

BY CHIARA CARTER

A LANDMARK court ruling this week resolved a 16-year dispute over land ownership in Alexandra, outside Johannesburg.

On Friday, the Rand Supreme Court upheld the Alexandra council's sale of expropriated land to individual owners but ruled that the rights of the legal tenants could not be violated.

Lesley Sithole, Richmond Mabzi and Ruth Madia had asked the court to strike down the sale of land by the council.

The case brought to a head a dispute which dates back to 1983 when laws known as the Alexandra Regulations paved the way for the expropriation of freehold property belonging to black owners and the introduction of a permit system.

Despite the expropriations, many property owners refused to move and became council tenants who had to apply for permits to live and work in the area.

In 1978, the Alexandra Reprieve reversed these regulations. But it was only in 1986 that the authorities decided to upgrade Alexandra and the council began to sell the expropriated land back to the community.

Three groups qualified to buy: former owners living on their properties, caretakers placed there by the former owners, and long-standing tenants. There were more than 340 sales before the process was stopped by a challenge from the Alexandra Civic Organisation, represented by the Legal Resources Centre.

The civic organisation argued that the permit system gave people the indefinite right to live in Alexandra as tenants and the sale of the property on which they lived was therefore invalid. This was opposed by the Alexandra Land and Property Owners' Association.

This week's ruling safeguards the rights of the purchasers of the 343 council properties. At the same time, the dwindling number of statutory tenants can remain in their homes and must pay rent set by the council.
Ministerial differences delay repeal of land Act

Drew Forrest

DIFFERENCES between the departments of land and agriculture are delaying the repeal of a 25-year-old statute seen as a major obstacle to land reform.

The Subdivision of Agricultural Land Act was passed in 1970 to prevent the subdivision of farmland into smaller, “economically unviable” holdings, as well as its use for back-door residential development.

A land department source said that the Act, which was administered by Agriculture Minister Kraai van Niekerk, had become an “important constraint” on the release of land for the settlement of small black farmers and groups in terms of the government’s demand-driven land reform programme.

It compelled farmers wishing to subdivide to approach Van Niekerk, who in turn consulted district farming bodies on whether this should be permitted. Long-term leases, used to circumvent the Act, also required ministerial approval.

The procedure was cumbersome and made for “fairly arbitrary” ministerial decisions, the source said.

Land Affairs Minister Derek Hanekom indicated in his budget speech this year that the Act was high on his legislative agenda. According to an official document which is due to be tabled for discussion at the national land conference later this month, the land affairs department believes it should be repealed.

However, the source said the agriculture department, fearing the loss of productive farmland, was resisting the repeal of the statute.

“We believe we need a different kind of instrument to protect farmland,” he said. “One possibility is to beef up the Conservation of Agricultural Resources Act. Another is to lay emphasis on land use, rather than subdivision.

In other countries, you can subdivide without being able to develop residentially.”

Eric Buiten, chief director of the land reform policy co-ordination, confirmed the two departments were debating the Act. “There are differences of opinion, but we must find each other,” Buiten said. “We need a formula which satisfies both sides.”

The draft policy document to be discussed at the land conference also indicates that the Physical Planning Act, which governs land use planning, will be reviewed with the goal of bringing it in line with the RDP.

The document notes that the Act operates independently of both urban transport legislation and provincial planning ordinances.
Cavendish mall ‘was our land’

THANDEKA GQUBULE

CAVENDISH SQUARE shopping mall and residential plots in Constantia are the subject of claims lodged with the Land Claims Commissioner.

The claims are for the land on which the mall stands and Erven 2548, 2549, 2550 Constantia.

The properties were expropriated under the Group Areas Act from the previous owners, who claim they had to sell them at low rates to make way for the white community from the 1950s to the mid-1970s.

Pensioner Mr Douglas Nelson and his wife Stella have lodged a claim for some of the land on which Cavendish Square stands. Mrs Nelson said her family sold the property for £1 600 in 1954.

Her father, Mr Johnny Besack, was white but had to be reclassified before he could marry his wife, who was "coloured". When the Group Areas Act came into force, he could not continue to live in Claremont as he was a member of the wrong group. His family believes they should be entitled to the current value of the land.

Mr Funad Davids said his family had to sell land in Constantia in 1971 for R29 250.
100 claims on land ownership

PRETORIA: More than 100 claims for the restitution of land were being investigated, the Commission on the Restitution of Land Rights said yesterday.
This is where we lived before...

LYNNIS UNDERHILL

STAFF Reporter

PENSIONERS Stella and Douglas Nelson proudly point out an entrance to one of the pleasant shopping complexes in the country, which they explained was once their front gate.

Standing in Dreyer Street in Claremont, the seat of Cape Town's fashionable southern suburbs, at one of the entrances to Cavendish Square shopping mall, the Nelsons say they have no idea what kind of compensation they will be awarded by the Land Claims Court for the loss of their home.

While the government has set aside funds for the settlement of land claims, the Nelson case has been thrust unexpectedly into the spotlight. Prioritised as one of the top ten land rights retaliation cases in the Western Cape, the for-}

Life could take an about-turn for a pensioner couple who were thrown out of their home in Upper Claremont by the apartheid laws.

Times of the Nelsons could alter dramatically when their case is heard by the court.

The couple paint a vivid picture of two quaint cottages Mrs Nelson's family owned, before they were forcibly evicted by the Group Areas Act. The business of the gardens, the homelessness of the interior and the stability the family enjoyed was brought to a sudden halt during the apartheid era.

After the family was evicted, Mrs Nelson's three sisters left for Australia.

"They were heartbroken. They just couldn't take it. One of my sisters told me she still had nightmares about being back in South Africa. It was not only about taking away our dignity. It was the way the family was broken up that still affects us," said Mrs Nelson.

Mrs Nelson, now 63, said she and her husband stayed on in South Africa to care for her parents.

"My mother said that somebody had to stay here to bury her. Just two years later she died," she said.

Her one sister left the country after she married a white man and refused to submit to a "pencil test" which could have allowed her to be reclassified white.

"The pencil test was simple. If the pencil fell out of your hair, you were able to opt out. It was taken on appearance only in those days," said 69-year-old Mr Nelson.

Now living in a tiny flat in Southfield, the Nelsons battle to pay their rent of more than R700 a month and accumulated expenses which amount to more than their combined pensions.

"Having been married for 47 years, the couple have shared many hardships. Without financial help from their children, the couple would not survive, they say.

Mrs Nelson said she was delighted to hear her land rights retaliation case had been given top priority.

"It is more than two years since I started the process of 'retaliation' and I feel this time has come for my case to be heard," she said.

"The Nelsons' father, John Henry Bennek, was forced to sell his properties in Dreyer Street for £2,600 in 1954. "The fact the he paid £1,150 for the property before he did any alterations to it. He never owned another property and did not Econ," she said.

Mr Bennek, who was classified white because of his fair skin trouble, lied a penitentiary man, broken by the system, according to his daughter. 
Asa and Fuaad feel their family roots are still down Strawberry Lane

In 1968 the Davids were forced out of their Constantia home. None of the family thought then they might one day under a new government be compensated for their losses.

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Land grab victims stake their claims

By CHARL DE VILLIERS

WESTERN and Northern Cape land commissioner Wallace Mgqoqi has only one assistant to help him process more than 300 claims for land rights allegedly stripped by past racist policies.

This was revealed by Daan van der Westhuizen, spokesman for the Pretoria-based Commission on the Restitution of Land Rights.

Claims submitted include some by people who lost land in terms of the Group Areas Act in some of Cape Town’s poshest suburbs, including Constantia and Bishop’s Court. Claims have also been submitted for land which forms part of major shopping centre developments at Cavendish Square in Claremont and N1 City in Goodwood.

But it was unlikely that these claims would result in drastic or radical remedies, Mr van der Westhuizen said.

People had a right to claim their land back, said Lala Steyn, Department of Land Affairs policy director, but she added: “The Act on Land Rights has no intention to award a person a shopping centre such as Cavendish Square. That’s ridiculous.”

Henk Smith, director of the Legal Resources Centre’s land office, said: “It must be borne in mind that the land claims restitution process does not necessarily envisage that people will get their land back.

“The Minister of Land Affairs must first certify that restitution is feasible and practical. He will never restore land if this is unequitable.”

According to Mr Van der Westhuizen, Mr Mgqoqi only had a secretary to help him at this stage, “but we hope to appoint deputy-directors by September”. 
Restitution claims pose threat to model land plan

By CHIARA CARTER

RIVAL land claims have stalled a multi-million rand Gauteng presidential land project intended to be a model for land development countrywide.

Acting district manager for the Rust de Winter Land Reform Pilot Project, Nomaxabho Luzipo, said redevelopment plans for about 36 000ha of prime agricultural land north of Pretoria could not proceed until land claims made by rival groups in the area had been settled.

The Rust de Winter Land Pilot Programme was announced on May 27 by the Minister of Land Affairs Mr Derek Hanekom and is being co-ordinated by the Gauteng Department of Planning, Environment and Works.

R35-million has been earmarked for several development projects in an area stretching between the N1 north of Pretoria and Witbank, including Rust de Winter.

Miss Luzipo said that, since Minister Hanekom's announcement, several groups had indicated that they intended making restitution claims for land in the Rust de Winter area. The project would not proceed until these claims were settled, all stakeholders were identified and poverty levels were determined in the area.

Miss Luzipo said the R35-million grant could meanwhile be used elsewhere if another project was identified.

She said her department intended speeding up the restitution process.

Land in the Rust de Winter area was meanwhile being leased on a temporary basis to five groups who met regularly in the project's forum.

They are the Litho tribe, cattle farmers, the Manala tribe, a group of farm workers called the Vuka Uzenzela and a black farmer who had been leasing land for several years from the Department of Agriculture.

Miss Luzipo said another group, the Kekana, were not yet part of the forum but had indicated they intended claiming land off Rust de Winter.

There was also conflict over people living on land which had been demarcated for other groups.
Land claims commission gets into gear

By CHIARA CARTER

MORE than 4 700 applicants have staked their claim for land they say was taken from them as a result of apartheid.

Chief Land Claims Commissioner Joe Seremane said he had received 4 749 claims since May this year.

Most came from KwaZulu-Natal (1 849), followed by Gauteng (949) and the Western Cape (616).

Mr Seremane said these claims were being transferred to the Commission on the Restitution of Land Rights regional offices which were operating on a skeleton staff.

He said the commission’s work had been delayed by problems in filling posts.

Regional commissioners would be assisted by support staff and the commission intended to have a register of legal advisors, valuers and mediators.

Meanwhile, land rights groups have compiled a controversial land reform policy document which argues that the government should establish a land tax and expropriate some white-owned farms.

The National Land Committee (NLC), a network of non-governmental organisations that focus on land issues, will release its land reform policy proposals next week.

They are certain to be the subject of heated debate at a Department of Land Affairs consultative conference on land reform which is scheduled to take place next week.

The NLC document argues that restitution should not be limited to claims by people who lost land because of apartheid laws, but should include people who lost land rights through farm evictions, corruption and maladministration.

It recommends financial institutions immediately foreclose on farmers who are bad debtors.

The government should use expropriation to provide arable land for redistribution.

“Most arable land is in the hands of white farmers, the majority of whom are unproductive,” the NLC says.

It criticises the market-based land reform model favoured by the Department of Land Affairs.

“The market-based approach only caters for land demands backed by cash offerings. The NLC is opposed to this approach as it excludes the marginalised and destitute rural people who most need land.”
National Land Committee presents its vision
Committee urges drastic land reforms

BY MONDRI MAKHANYA
POLITICAL REPORTER

The National Land Committee (NLC) yesterday released its policy proposals advocating drastic land reforms, including land expropriation and the placing of a ceiling on land holdings.

The proposals will be tabled at a two-day government-sponsored land policy conference which begins tomorrow.

The meeting is expected to result in intense debate as commercial farmers have vowed to oppose the plans.

The proposals made by the influential coalition of rural organisations advocate the giving away of under-utilised state land to landless communities, a land tax to force farmers to use land more productively and the forcing of financial institutions to foreclose on farmers who are bad debtors.

The coalition also advocates independent valuations of farmland which the Government wishes to buy from farmers.

The NLC says the land reform programme should be supported by the State with money, grants and subsidies.

The subsidies would operate on a sliding scale in terms of which the higher the land value and the higher the socio-economic status of the recipient, the lower the subsidy to be received.
Govt land reform rejected

Louise Cook

THE National Land Committee, representing 300 landless communities, yesterday called for the removal of the property clause from the interim constitution and rejected government's market-based land reform programme which operated on the basis of willing buyer-willing seller.

The committee said in its policy document, released in Johannesburg, that land reform should not be "limited" by market-based reforms and by retaining the property clause in the interim constitution.

Committee deputy chairman Abe Dithakhu said private property ownership hampered the provision of land to the very poor. He proposed that "enabling legislation" should replace the property clause.

The committee also criticized market-based reforms, saying that they had been adopted under pressure from the World Bank and financial institutions.

"While the market has a limited role to play in the land reform process, it falls short as a mechanism for equitable redistribution. A market-driven approach presumes existing wealth as a key entry requirement. "Black people have been prevented from accumulating both land and capital and are therefore ill-equipped to enter the free market. Given the current level of poverty and the absence of asset bases, at least 20% of the population would be excluded from any programme that requires their financial contribution."

The very poor could not afford government's subsidy schemes and land should be given free of charge, Dithakhu said.

The land affairs department wanted to spend R15 000 a family on infrastructural development, as part of government's land restitution process, but Dithakhu rejected the department proposal.

"Government must use its expropriation powers to free enough land. The R15 000 subsidy should rather be used for development projects for new farmers," he said.

Government is to hold a special conference on land reform this week to thrash out a White Paper based on inputs from all roleplayers, including the committee and farmers.
Warning of crisis if property clause stays

BY MONDUL MAKHANYA
POLITICAL REPORTER

South Africa could find itself in a constitutional crisis if the property clause in the interim constitution was not repealed, Land Affairs Minister Derek Hanekom warned yesterday.

He told the national land policy conference in Kempton Park that this provision in the constitution prevented the Government from responding to people’s “popular demand and need for land” and was creating tensions that could precipitate a constitutional crisis.

He said it should be clear by now that the fears of “redistribution through confiscation” that had necessitated the property clause were groundless.

Property rights should be covered by common law and the Bill of Rights, he added.

“It is a deep irony that those who accepted the systematic denial and destruction of property rights of black South Africans should now pose as the defenders of property rights. It has not gone unnoticed that many became very large landowners in the process,” said the minister.

The constitution should rather contain a constitutional right to land that would give ordinary people access to property.

Hanekom said the land reform programme should emphasise redistribution rather than restitution. The Government should play a leading role in bringing land onto the market through the release of State and privately owned land for use in redistribution. All land would be paid for by the recipient and, in the case of privately owned land, the Government would give itself the right to expropriate.

However, expropriation would be used only as a last resort.

The conference, which ends today, will come come up with a blueprint for the White Paper on Land to be tabled before Parliament early next year.
Act now to claim land in District 6

Political Correspondent

ANYONE with a claim to land in District Six and who has not yet applied, must do so within 90 days.

Regional commissioner, Wallace Mgqoqo says the commission on restitution of land rights wants to investigate all claims at the same time.

A notice inviting applications is published in the Government Gazette today. It applies only to those who have not yet lodged claims, says Mr Mgqoqo.

Claims already lodged individually would automatically be regarded as part of the group claim.

The 1994 Land Rights Act empowers the commission to handle a number of claims for land in a certain area as a single group of claims.

This applies in particular to urban areas.

Inquiries to the regional land claims commissioner, Cape Town at 26 2830. Claims to be lodged at the Commission on Restitution of Land Rights, Private Bag X163, Cape Town 8000. Aku 19/95.
Thank you for your patience. There is a technical issue with the document. Please try loading the document again. If the issue persists, please contact support.
Talks on property

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"It is a deep irony that those who accepted the systematic denial and destruction of property rights of black South Africans should now pose as the defenders of property rights. It has not gone unnoticed that many became very large landowners in the process," Hanekom said.

He said the Constitution should rather contain a constitutional right to land that would give ordinary people access to property.

The conference, which ends today, will come up with a blueprint for the White Paper on land to be tabled before Parliament early next year. - Sowetan Correspondent
Soweto 19/96

Deadline for District Six claims

PEOPLE wishing to stake a claim on land in District Six, Cape Town, who have not yet done so, need to do it within 90 days, the Commission of Restitution for Land Rights said yesterday.

In an official notice to be published in the Government Gazette today, the commission says it feels it or the Land Claims Court will be more effective if all claims arising from dispossession of District Six land rights are investigated at the same time.

Claims already lodged individually will automatically be regarded as part of the group claim, Western and Northern Cape Regional Land Claims Commissioner Mr Wallace Mgqoq said in a statement.

"It is believed that by handling a great number of claims for an area such as District Six in this way, the matter can be resolved more expeditiously and also more equitably than handling each individual claim on its own," he said.

Claims are to be lodged at The Commission on Restitution of Land Rights, Private Bag X9163, Cape Town 8000. — Sapa.
receive attention

All land claims to

Government would deal with all
Landless to get R15 000

By Joe Mathebula

Source: P. 1/9 1965

The Department of

not in the Department of Industry

So you can see how important it is to

consider the Government's role in

facilitating development. It is not only

important for the Government to

support development initiatives, but it

is also important for the community to

take an active role in its own

development. We need to work

collaboratively to achieve our

development goals.
Elderly sisters in fight to get their farm back

THE government has been accused of double standards over its treatment of two white sisters who want to buy back their expropriated farm, CHRIS BATEMAN reports.

Two elderly white sisters whose 1 205 hectare coastal farm near Melkbosstrand was expropriated to build a coloured township two decades ago are now being asked to pay six times their buy-out price to get the underdeveloped land back.

The Western Cape government has developers, at least one foreign-backed, queuing up to carry out billion-rand plans to convert the Groppet Springfontein farm 10km north of Melkbosstrand into an RDP-friendly resort.

Mrs Lochline Bekker, 66, and her sister Mrs Luecel Beukes, 61, are being asked to pay R4.5 million as a market-related price, but say justice demands they pay back a figure closer to their expropriation price of R735 000.

The province's R4.5 million offer expired at the end of August.

State attorneys have now begun examining relevant Group Areas Act restitution decisions by former State President FW de Klerk's cabinet in 1992 and by Premier Hennie Kriel's provincial cabinet in May this year.

The sisters' lawyer, Mr Ruan Durant, says his clients qualify in all respects for restitution — except for the colour of their skin.

Double standards

They wanted equal treatment to all other land claimants who repaid either the expropriation amounts or far less.

"It's a nightmare with double standards and a hidden agenda," he claimed.

The farm had been in the Louw family for 40 years and was left to the sisters by their father, Mr AW Louw, in 1967. The buy-out was for an Atlantis Phase IV.

The case is before regional land claims commissioner Mr Wallace Mgoqi, who must decide on arbitration, mediation or referral to the Land Claims Court.

Chinese and Malaysian backers are interested but would be embarrassed by any Group Areas-linked publicity.

Other companies with proposals include Landmarks and Berhad, Adams, Feese and Associates, Liebenberg and Stander and Kaney and Templer.

Mr Leon Rautenbach, Western Cape Director of Land Affairs, confirmed investor interest and the accuracy of the Cape Times report, adding: "It's very attractive land."

He said the title deed had been frozen and claimed the matter was "sub judice".

One development proposal, by Landmarks and Berhad, includes 400 RDP farms, a floodlit golf course, five star hotel and 350 residential units.
VAN NIEKERK'S TONE 'UNBECOMING'

Land Affairs minister, deputy in policy clash

CLAIMING his deputy minister’s tone in making a stand contrary to government policy was ‘unbecoming’, Mr Derek Hanekom said he would demand an explanation.

FOR the second time in a week an ANC cabinet minister has clashed publicly with an NP minister over government policy.

The clash signals the onset of open political tension in the run-up to the November elections.

Land Affairs Minister Mr Derek Hanekom, ANC, said yesterday that NP Agriculture Minister Mr Kraai van Niekerk would have to explain to the cabinet his “pathetic rally call to white farmers”.

He was reacting to Mr Van Niekerk’s statement that he was prepared to “lead farmers to the point of responsible aggression” to help them retain their land.

Mr Hanekom said his deputy was “desperately trying to win back lost support among farmers”.

‘Negative’

Mr Van Niekerk had told the Transvaal Agricultural Union that land ownership by farmers was not negotiable and that it was time for farmers to fight “negative influences” threatening their survival.

“What on earth is responsible aggression? As for land ownership not being negotiable, are you suggesting that, once we confirm who the real owners of the land are, we do what was done during the grand apartheid era — remove people without any negotiations?”

Mr Hanekom said Mr Van Niekerk’s tone was “unbecoming of a cabinet minister”.

A spokesman for Mr Van Niekerk’s office said he would not react to Mr Hanekom’s statement.

In another clash earlier this week, ANC Education Minister Dr Sibusiso Bengu clashed with his NP deputy Mr Renier Schoeman over the National Education Policy Bill.
District Six: claimants won't get own land

STAFF REPORTER

THOSE dispossessed of their land in District Six will not be able to reclaim possession of the same pieces of land — especially where buildings like the Technikon have been established since then.

This was said yesterday by Mr Sarel Malan, an official on the Land Claims Commission.

Mr Malan was asked whether any special exemption had been requested for District Six, so that the actual land does not have to be given back to claimants in cases where this would disrupt the overall planning process.

No such application had come in yet as far as he knew.

However, such an application may not be necessary, because the Restitution of Land Rights Act already provides for other land or monetary compensation to be awarded instead.

The land claims commission itself will be able to decide on the appropriate amount of compensation.

He had no details of how many claims had already come in.

According to newspaper files, much of old District Six was owned by absentee landlords.
LAND REFORM

Farmers square up to Hanekom

Land Affairs Minister Derek Hanekom appears to be indulging in the type of brinkmanship normally seen in diplomatic stand-offs.

White landowners and farmers are comforted by his assurance that government won’t confiscate private land for distribution nor simply hand it out. For the black majority he carries a beacon of hope when he talks of easy access to credit and subsidies to help put land within reach of the masses.

However, the emotive subject of land ownership and the economic importance of food production won’t be dealt with by platitudes.

Judge Apple Steenkamp, SA Agricultural Union (SAAU) land reform spokesman, says that before encouraging talk that white farmland is primarily targeted for takeover, Hanekom should focus on vacant State land—especially the more than 1 m ha in the former SA Development Trust.

“Land Affairs has not yet put forward a plan to use this land. There are only vague ideas and promises, notwithstanding government undertakings to use this land for reform. Furthermore, the more than 17 m ha in the former homelands is often underutilised, from an agricultural point of view. A commission should be appointed to survey and subdivide the land and allocate it to applicants who qualify and are suitable farmers,” he says.

In view of the economic role fulfilled by the mainly white, commercial farming sector Steenkamp’s view that the sector should also be allowed to guide and assist the reform programme is not without merit.

The sector employs about 1,2 m people, provides a livelihood for 6 m, contributed to R8,3 b n exports of processed and unprocessed food products in 1994, and provides 35% of all the marketable agricultural products produced in Africa.

Steenkamp believes a positive move would be to use the proposed R15 000-a-household scheme for the poor and landless to buy shares for farmworkers in existing, successful farming operations.

“Anyone who thinks you can buy a piece of land and start farming successfully with this small amount in a drought-prone SA is not realistic,” Steenkamp says.

He adds that economic research shows large commercial farms generate the best profits—rather than small, labour-intensive smallholdings. “The redistribution of land enabling government to settle smaller farmers must be very carefully considered and planned, or these farmers may become permanent clients of the taxpayer.”

Hanekom says the R15 000 subsidy could be used more economically by groups of prospective black farmers to buy land “communally.” Land Affairs has drafted the Community Property Association Bill to allow groups of farmers to jointly register title to a piece of land.

This new property regime would also allow them to pool resources and leverage further financing. Many farmworkers and small black farmers have extensive farming skills and experience, says Hanekom.

He says recent meetings between conference in Kempton Park, attended by about 1,000 delegates. He also says fears that Land Affairs is planning mass expropriation of white-owned farmland is groundless, even though he supports removing the so-called property rights clause from the constitution.

“...is not to allow government to confiscate land, but rather to free its hand to expropriate land, based on normal conditions of market valuations being honoured by the taxpayer. There is nothing sinister in this,” he says.

Hanekom says expropriation would only be used as a final resort—should a specific farmer refuse to countenance an offer to buy out his land if it is needed for a specific land settlement programme.

Land Affairs’ policy provides for the restitution of land taken away by racial policies since 1913. This takes place through the offices of a Restitution Commission and the new Land Claims Court.

Land redistribution allows for virtually any claims for land to be administered. If an applicant should qualify, he would get the R15 000 subsidy to negotiate a land purchase.

Hanekom’s dilemma, as with so many of government’s other political and social issues, is trying to meet the expectations of millions of dispossessed people, while also keeping a grip on economic reality and the fears of economically important whites.

The farming sector has continually warned him of creating unrealistic expectations among the landless and in creating a Utopia view of land ownership. SAAU chief director Kobus Kleynhans says feasible farming needs not only financing and skills, but also infrastructure such as roads, water, power, schools, housing, medical care, market and credit facilities and input providers.

The Bill was changed to provide for a resolution of legitimate complaints by suggesting alternative land areas on the farm, on adjoining land—or for the farmer to buy out the new owner, says Hanekom.

Despite its own willingness to listen to all sides, Hanekom can’t hide his annoyance that organised agriculture virtually boycotted last week’s landmark land reform conference in Kempton Park, attended by about 1,000 delegates. He also says fears that Land Affairs is planning mass expropriation of white-owned farmland is groundless, even though he supports removing the so-called property rights clause from the constitution.

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The farming sector has continually warned him of creating unrealistic expectations among the landless and in creating a Utopia view of land ownership. SAAU chief director Kobus Kleynhans says feasible farming needs not only financing and skills, but also infrastructure such as roads, water, power, schools, housing, medical care, market and credit facilities and input providers.

The Bill was changed to provide for a resolution of legitimate complaints by suggesting alternative land areas on the farm, on adjoining land—or for the farmer to buy out the new owner, says Hanekom.

Despite its own willingness to listen to all sides, Hanekom can’t hide his annoyance that organised agriculture virtually boycotted last week’s landmark land reform
Land claim for Olympic site

ESANN DE KOCK, Staff Reporter

A BATTLE is looming over Wingfield airfield, proposed site of Cape Town’s main Olympic stadium, after the Ndebeni Land Restitution Committee lodged a claim for the land with the Restitution of Land Rights Committee.

The claim was submitted on July 3 1995 in terms of Act 22 of 1994, said Amos Silinga of the Ndebeni Land Restitution Committee.

Mr Silinga said the Act stated that if people had been physically removed from land and their only option to a claim was state land, then this was permitted.

When negotiations to secure the airfield began last year, it was learnt that the land was certain to revert to Graaff’s Trust, its original owners, if the military were to relinquish it.

Mr Silinga said he did not know about Graaff’s Trust’s connection with the land.

Wallace Mgoqi of the Restitution of Land, Rights Committee said today that the claim had not yet reached the negotiation stage.

The Department of Land Affairs was conducting an investigation into the claim, and would complete a report.

Mr Mgoqi said that once a report had been completed by the department, the issue would be open to negotiation with the Olympic committee.

Negotiations to secure Wingfield as a possible site for an Olympic stadium and village began early last year.

Peter de Tolly, director of planning on the Olympic committee, said today that the committee had acknowledged a letter from the Ndebeni Land Restitution Committee and had contacted the main claims office with a view to determining the status of the claim.

“We have also been in touch with the Department of Land Affairs, but have not been able to get any clarity on the matter.”

Mr De Tolly said the committee did not know enough about the claim to express an informed opinion.

“The letter to us was very ambiguous and we think it’s a little premature to get worried. But we are taking the matter seriously.”
Bid to block District Six claims
ANC settles on plan to redress land imbalances

BY RAY HARTLEY

The ANC has decided to argue in favour of a property clause in the new constitution's Bill of Rights, with the proviso that the clause should not undermine land reform efforts. The effect will be to make it possible for a future government to expropriate land "to redress past imbalances", without necessarily having to pay market-related compensation. The move represents a compromise between the Land Affairs Minister, Derek Hanekom, and the Minister of Water Affairs, Kader Asmal. Mr Hanekom had wanted the clause scrapped and Mr Asmal had wanted it retained.

During past debate on the subject, the two ministers had agreed on the need for extensive land reform to redress imbalances between black and white land ownership, but they had differed on the best ways to achieve this. Mr Asmal has argued that the ANC's long-standing policy decision to include a property clause in the Bill of Rights should not be altered. But he has supported a change in the wording of the clause to make land reform easier. Mr Hanekom has argued that the property rights clause was included in the constitution's Bill of Rights at a time when whites feared the new government would confiscate land without compensation.

He has argued that it had become clear that no such confiscation would take place and there was no longer a need for the clause.

The compromise was struck at last weekend's national executive committee meeting, which aimed to create a unified position on a range of constitutional questions. The committee decided in favour of the new constitution having a president and a deputy president. It decided that the president should be allowed to serve a maximum of two terms. It also agreed that the Senate be scrapped and replaced by a body directly representing the provinces.
Land Reform is a good option

According to the Commissioner of Resources, the main reason why land reform is a good option is that it can help to reduce inequality and promote social justice. The Commissioner explained that land reform can improve access to land, which is essential for the development of small-scale farmers. In addition, land reform can also help to protect the environment by promoting sustainable farming practices.

The Commissioner also highlighted the importance of gathering support from the farming community for land reform. He emphasized that land reform cannot be implemented without the participation of farmers, and that it is crucial to ensure that their needs and concerns are taken into account. The Commissioner urged the government to take a holistic approach to land reform, considering factors such as land tenure, access to credit, and training and support for farmers.

In conclusion, the Commissioner stressed that land reform is a good option because it has the potential to bring about significant social and economic benefits. He called on the government to take bold and decisive action to implement land reform, and to ensure that it is a success for the benefit of all farmers and the country as a whole.
The trust needs to have a consultative conference before it makes those decisions. We have no relationship with the Cape Town Community Land Trust. We know it is there and we will consult with it if called upon," he said.

Mr Justice Desai said, that in principle he supported the right to restitution and compensation.

"The only problem with District Six is that firstly most of the occupants of the area were not landowners and that secondly the majority of the land in District Six has been taken up by the Cape Technikon and other developers," he said.

Mr Nagia said a group of individual claimants represented by the District Six Residents' and Traders' Action Committee had initiated a move to align themselves with the District Six Civic Association, which has the support of more than 15 organisations.

"We believe in the redevelopment of District Six for housing should take place as a priority. But we believe in land restitution

To page 2
District Six Land Claims Submitted

Nightmare on Tenant Street

Yes, but whose land is it?
The Truth is That Claims are a Complex Issue.
A champion of the land grab victims

By JESSICA BEZUIDENHOUT

A FORMER Kensington woman, fighting a battle to reclaim family property expropriated under the Group Areas Act, has discovered many similar cases and is championing the cause of other victims.

It was during Mrs Mayroen Hoosain's numerous searches for deeds office documentation on her own property that she became aware of many other expropriations and took the initiative to contact those entitled to claim.

Mrs Hoosain and her husband, Mohammed, both self-employed, have spared no expense, effort and time to track down other dispossessed families - some of whom had no clue that they qualified for restitution.

"I found that various pieces of land in Kensington were being sold and developed, including our own property," Mrs Hoosain said.

The properties are owned by the Cape Town City Council, which has subdivided some of them for development.

"I was probably more angry because our land was sold. I knew that other dispossessed families had a right to know what was going on," Mrs Hoosain said.

Mr Joseph Mzamo, 49, was surprised when the Hoosains invited him "to talk about our land".

When he walked into the Hoosains' rented home in Salt River, he immediately recognised the now-elderly relative who had worked in a shop in Kensington, where he grew up.

Mr Mzamo said he would never have sought restitution because he did not know how to go about it. He was "extremely grateful" for the Hoosains' help.

His cousin, Ms Monica Makiva, whose parents were forced to sell their land or face expropriation, has also been contacted by the Hoosains.

Mrs Hoosain said helping people with their claims entailed a lot of work but "somebody" had to do it.

"Government buildings and institutions can be very intimidating to the man on the street," she said.

"For us there is no financial or political gain - we simply want to see justice."
Elderly sisters' land claim could set national standard

CHRIS BATEMAN 18/9/95

The outcome of a land restitution bid for a 1205-hectare West Coast farm by two elderly white sisters could set guidelines for the entire country, the region's top land adjudicator has predicted.

Regional land claims commissioner Mr Wallace Mgoqi said that a single standard in returning land to claimants was needed.

The farm Grootte Springfontein, near Melkbosstrand, was expropriated in 1974 under the Group Areas Act to provide growth potential for Atlantis. No development ever took place.

The restitution claim by Mrs Lochline Bekker, 66, and her sister, Mrs Luceel Bekker, 61, was recognised as valid by the government, but officials are now having second thoughts. A fierce battle is raging over a pay-back price and what principles apply.

The Western Cape government is insisting on a R4.5 million market-related 'buy back', but the sisters claim the expropriation price of R735 000 would be more in line with current practice. They accuse the government of double standards.

At least six major development companies have already shown an interest in the farm and made approaches to both sides.

Mr Mgoqi has referred the dispute to the Research Directorate of the Department of Land Affairs. He believes the matter is headed for the Land Claims Court.
Most land claims do not meet criteria

Most of the 4,300 claims lodged with the Land Claims Commission had been inherited from the former Commission on Land Allocation and did not meet the criteria laid down by the Restitution of Land Rights Act of 1994, commission head Joe Seremane said yesterday in Cape Town.

"The number of claims has taken me by surprise. They have come in by the day. But in the process of sifting through them, we might end up with fewer than we have now," he said.

"As soon as the report is ready, the stage will be set for negotiations and mediation to take place with a view to reaching some settlement."
Money is being charged for free forms and processing, says Seremane

Commissioner warns of scams over land claims

DENNIS DAVENPORT, Sowetan
District Six a ‘priority’

Claims for land restitution in District Six, Cavendish Square and Ndbeni would be among the first to be heard by the Land Claims Court, Regional Land Claims Commissioner Mr Wallace Mgqoqo said yesterday. These were among the 1 000 claims his office had received, he said at a press conference.

The National Land Claims Commissioner, Mr Joe Seremane, said 4 362 claims had been received throughout the country. Mr Seremane, who opened the commission’s Cape Town offices, emphasised that “restitution is not retribution. If anyone is expecting retribution through this court they will be disappointed.”

The country “was yelling for normality” and this meant land reclaims had to be restored. “We come from a fragmented society, I don’t believe there can be reconciliation without restitution.”

Mr Mgqoqo said the Land Claims Court could order the restitution of the original land, order alternative land to be made available, authorise financial compensation if these two options were not available, or order alternative relief, such as giving priority access to claimants in state-funded developments.

State to pay

The Commission on Restitution of Land Rights had decided that each of its regional offices would give priority to 20 cases for the Land Claims Court, but as he also served the Northern Cape, there would be 10 priority cases from the Western Cape and 10 from the Northern Cape.

Where financial compensation was ordered, the state would be responsible for paying this.

Among the cases to be given priority in the Western Cape would be District Six, Cavendish Square and Ndbeni.

Mr Mgqoqo and Mr Seremane said the commission would investigate all claims and define issues in preparation for hearings before the Land Claims Court, whose members were recently announced.

Mr Mgqoqo said it was clear there could be no restitution of actual land in Ndbeni.

The court would also have to resolve the heated debate about the future of District Six, he said.
Now brooking over Diocletian Six Land claims
Bushmen lay claim to land

THE only known surviving Bushman group in South Africa has made a formal claim for the return of its land in the Kalahari Gemsbok National Park, Survival International (SI) has disclosed.

The group—now numbering about 200—said in a statement that it had been driven from the land in the park in the late 1950s.

It hoped its claim would be settled out of court.

Survival International is based in London and supports tribal people by backing their right to decide their future and helping them to protect their land, environment and way of life.

It said two anthropologists had established that the group was descended from the original inhabitants of the Kalahari Gemsbok Park.

The largest extended band of the group was living at Kagga-Kamma in the 1970s.
Pretoria 'unfit' for Parliament

ANTHONY JOHNSON
POLITICAL CORRESPONDENT

LAND claims in central Pretoria to be heard by the Land Restitution Commission should raise the alarm against parties advocating the relocation of Parliament, the Citizens Alliance for Parliament (CAP) said yesterday.

Management committee member Mr Clive Keegan said that the recent land claims arising out of Group Areas expropriations in Pretoria "should raise disturbing questions for those who are advocating moving Parliament to what was always the apartheid city".

He said Pretoria Capital Initiative, in its zeal to remove Parliament from "colonial Cape Town", may plunge the newly democratic legislature into a debate around historical land seizures.

"Pretoria is clearly a city with skeletons in its past and we dare not contemplate moving any of our state institutions to what now appears to be a city with tainted earth," he said.

Mr Keegan said CAP would like to again appeal to President Nelson Mandela to swiftly resolve "the disruptive and divisive" debate about the location of Parliament.

He said the parties in the constitutional committee was reluctant "to grasp the nettle".

Mr Keegan appealed to Mr Mandela to block any attempt "by a small and self-serving clique in the executive" to decide on the future of Parliament.

"The President and members of the constitutional assembly should listen to the voice of the South African people who have indicated in recent polls that they do not want Parliament to move to Gauteng," he stressed."
Northern Province land row brewing

PIETERSBURG — The Matabal community's land claims in the Northern Province, currently under investigation by the Commission on Restitution of Land Rights, have brought the number of farms claimed by individuals and communities in the province to more than 177.

Details of the land claimed around Pietersburg were published in the Government Gazette on September 8. Farmers had 30 days to respond.

A mass claim by the Manasiz community in the former Venda homeland on 126 farms came to light about 10 days ago.

Transvaal Agricultural Union president Dries Bruwer said yesterday the sudden flood of land claims over the past two weeks had to be regarded as a deliberate political ploy to destabilise the farming and rural communities.

"It is nothing but a deliberate attempt to obtain land unfairly and cheaply to justify and promote the controversial land reform measures which have led to serious dissatisfaction in the ranks of agriculture." — Sapa.

YOU CAN JUDGE BY THE COMPANY
Hambekom Warns KwaZulu Over Land Grab

Handout photo/KwaZulu

The Star / Thursday October 5 1995
Land claims are targeting several shopping centres

Louise Cook

MAJOR shopping centres countrywide are among urban properties being targeted in land claims lodged recently with the Commission on the Restitution of Land.

They include Cavendish Square in Cape Town, the Oriental Plaza in Johannesburg, the N1 City shopping complex between Parow and Goodwood, Sammy Marks Square in Pretoria, Johannesburg's Oriental Plaza and the Pavilion centre in Cato Manor.

Commission secretary Daan van der Westhuizen said the Cape Technikon, the Reserve Bank in Pretoria, the Natal News papers building in Durban, various industrial sites near the Durban city centre and large tracts of land now belonging to Natal University were also being targeted.

But it was impossible to predict how much the state would have to pay to compensate the "numerous parties" who had lodged claims with the commission, he said. These parties all claimed that they had lost prime pieces of land in forced removals under the Group Areas Act.

"The Land Claims Court would have to adjudicate, but it is not yet functioning. Where development has taken place and it is impossible to return the original land, financial compensation or alternative land will be given if the claim is valid."

Commission member Sarel Malan said settlement of claims in urban areas would be "expensive and complicated" because of the extent of development that had taken place. In some Cape Town cases, landlords had lodged claims despite having been compensated "generously" with prime alternative land at the time of the removal.

Western Cape commissioner Wallace Ngoki said the commission was trying to get potential claimants as soon as possible to determine their extent.

Continued on Page 2

Land claims

Continued from Page 1

The commission was also dealing with an application from an organisation called the Cape Town Committee and the province to get the Cape Technikon exempted from the restitution process.

In Cato Manor in Natal, restitution would be tricky as part of the land under dispute had been earmarked for a presidential lead project for low-cost housing, KwaZulu-Natal Land Claims commissioner Sheryl Walker said.

Van der Westhuizen said that once the Land Claims Court began working, possibly from January, it would adjudicate in all the different cases.

Restitution could be granted by the court by restoring the original land to the claimant, offering alternative state land or financial compensation or by offering priority access to a state housing scheme if the claimant was currently homeless.

In rural areas the same options for compensation applied, but claims would be easier to settle because land there had been developed less than that in urban areas, he said.
Land claims

Continued from Page 1 20/10/95

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MR. HANEMANN, Minister of Agriculture and Food, has announced that the Department of Agriculture would proceed with the purchase of land for a project to be known as the "Farm Settlement." The purchase, he said, would amount to $30 million. This is contrary to statements made by Mr. Hailstone, Minister of Agriculture, who said in recent weeks that the Department of Agriculture would not proceed with the project. There is, therefore, no contradiction between the two statements.
Land reform clause closes loophole in constitution

David Greybe

CAPE TOWN — Political parties yesterday agreed in principle on a right to property and land reform clause in the new Bill of Rights which will close a constitutional loophole hampering government land reform.

The deal was clinched after months of haggling and, in the words of Constitutional Assembly chairman Cyril Ramaphosa, a day of "underground manoeuvres" between parties in the assembly deadlock-breaking committee. Technical experts who assisted were told to formulate the new clause based on agreed "broad outlines".

An elated Ramaphosa said: "We are tantalisingly close to a major breakthrough. We should all applaud."

The day's progress was achieved after the ANC secured the NP and DP's support for linking the right to property and land reform — something absent in the present Bill of Rights. It also coincided with the ANC dropping its opposition, as expressed by, among others, Land Affairs Minister Derek Hanekom, to a property clause in the Bill of Rights.

ANC chief negotiator Baleka Kgotsitile said afterwards the problem with the interim constitution was it only dealt with land restitution, whereas the new clause would also incorporate land redistribution and the land tenure system. She said, as a result of the "limited" interim constitution, "property owners have been able to resist land reform measures undertaken by the land affairs department".

"This time we are actually going to limit the use of the property clause as an obstacle," Kgotsitile said. "We have entrenched the right to property as well as addressed the question of land hunger through land reform." She added: "Those who were disadvantaged in the past will now be able to have their problems addressed in an equitable manner." She described the agreement as "absolutely historic".
Prime city properties targeted by claimants

JOHANNESBURG: Cavendish Square, the Cape Technikon and the N1 City shopping complex between Parow and Goodwood are among landmarks targeted by urban property claimants at the Commission for the Restitution of Land.

Others include Johannesburg's Oriental Plaza, the South African Reserve Bank and Sammy Marks Square in Pretoria.

The commission has gazetted 103 claims. Secretary Mr Daan van der Westhuizen said all the role-players had begun negotiations and had until February to settle, before the Land Claims court acts.

There are three possibilities to settling a claim. The original land can be given back to the original owner, the claimant can be offered alternative state land, or he can be compensated.
Landmarks among sites targeted

Talks on land claims under way

News

BY PRISCILLA SINGH

Negotiations have started with people claiming back land they lost through the Group Areas Act - including such landmarks as the Oriental Plaza in Johannesburg and the Reserve Bank building and Sammy Marks Square in Pretoria.

'The properties are being claimed through the Commission on the Restitution of Land. 'Commission secretary Daan van der Westhuizen said all the roles - players - the present owners, the State and the claimants - had until February next year to settle the claims through negotiations. The Land Claims Court will then deal with matters not settled.

Four members of the court, led by advocate Fikile Sam, had been appointed to adjudicate.

Van der Westhuizen said there were three possibilities for settling a claim: 'The original land can be given back to the original owner; the claimant can be offered alternative State land, or the claimant can be compensated.

'If the claim can be settled among the parties, it will then be referred to the court, where it will be ratified. If the claim cannot be settled, it will be referred to the court to decide the settlement between the landowner and the claimant,' said Van der Westhuizen.

He said that in the Reserve Bank claim, the first option could not be exercised because of the development and status of the building.

Claims for lost land were lodged before the establishment of the commission and were previously handled by the Advance Commission on Land Allocation.

A large number of claims fell outside the scope of the Commission on the Restitution of Land officially established on March 1 this year.

Van der Westhuizen said that more than 5 200 claims had been received - 2 000 rural and 3 000 urban. These had been registered and were being investigated.

Among sites being targeted countrywide are Cavendish Square in Cape Town, the Cape Town Techworks, the N1 City shopping complex between Parow and Goodwood in the Western Cape, the Pavilion Centre in KwaZulu-Natal, the Natal Newspapers building in Durban, various industrial sites near the Durban central business district, and sections of land now belonging to the University of Natal.
ANC slammed on property rights

BARRY STREEK
POLITICAL STAFF

THE ANC continues to talk with a forked tongue when it came to the protection of property rights under the constitution, the DP leader in the Gauteng legislature, Mr Peter Leon, said yesterday.

"The ANC continues to pretend that it backs the right to property in the final constitution.

"In reality, the ANC is committed to a radical programme of land redistribution without compensation to property owners," he said in reaction to the latest proposal on property rights in the draft bill of rights.

"While the DP accepts that land reform measures are necessary in our unequal society, the ANC's proposal that land reform take precedence over property rights would ride a coach and horses through the protection of property rights," he said.
Deadline for land claims

(271)  Mon 12/10/95

Claimants to land in the Albertonville, Pageview and
Alexandra areas of Johannesburg and Sandton have been
given 60 days to lodge claims with the Commission on the Restitu-
tion of Land Rights.
Claims have to be lodged with the Commission at Private Bag
X883, Pretoria 0001.

Emma Mashinini, regional land claims commissioner for
Gauteng, North West, Northern
Provinces and Mpumalanga, said the notice applied only to people
who had not yet lodged a claim in
respect of the advertised areas.

Pretoria Bureau.
STATUTORY COMMISSIONS

Truth, rights & equality

The four ground-breaking commissions created by the new constitution — covering land rights, human rights, gender equality and truth and reconciliation — are finally beginning to take shape.

SA is watching closely — especially the Truth Commission — to see whether the parties in Cabinet will be tempted to strike deals over the appointment of politically aligned commissioners instead of choosing the tough-minded, independent people necessary for the job. Fm 13/10/95

During the drafting of the Promotion of National Unity and Reconciliation Bill, the Democratic Party argued — unsuccessfully — that it should not be left to President Nelson Mandela, in consultation with the Cabinet, to appoint truth commissioners.

Cabinet constitutes the very leaders and parties who conducted the violent struggles of the past and the temptation to strike deals would be very great, the DP warned.

It suggested a process similar to that used in selecting the Human Rights Commission (HRC) should be followed — nominations to be made to a multiparty parliamentary committee for approval by a 75% majority of both houses sitting together.

Instead, the President appointed a seven-member panel — representing parties in the Cabinet, with the addition of the Freedom Front — to receive nominations from the public and to conduct interviews.

The composition of the panel has therefore not eliminated the danger that the commission will be carved up between the previously warring parties. Though this kind of inclusivity may achieve balance, it is no substitute for real independence.

DP MP Dene Smuts says: “It is crucial to the success and credibility of the Truth Commission that truly independent commissioners be appointed — not just a rainbow of rogue parties’ representatives.”

Public interest in the commission is considerable, and more than 100 nominations have already been received. The deadline is

CURRENT AFFAIRS

October 14 and the commission is supposed to be operational before the end of the year.

The HRC got off the ground in Pretoria last week by electing the Rev Barney Pityana, a senior research officer at the University of Cape Town’s department of religious studies, as chairman at its first meeting.

Pityana is a former director of the World Council of Churches’ programme to combat racism and was an associate of Steve Biko.

He says the commission aims to establish its independence and presence and to make itself accessible to all South Africans as quickly as possible.

The HRC must promote the protection and awareness of fundamental rights and may even initiate its own investigations into alleged rights abuses and assist victims in securing redress.

It could double for the Commission on Gender Equality, which is being facilitated by controversial legislation which seeks to endow it with powers of search and seizure to investigate violations of gender rights.

The legislation has yet to be reviewed by the Justice Committee and may be referred back to its originators — an ad hoc parliamentary committee chaired by ANC MP Ruth Mompati, who hopes it will be accorded urgent priority when parliament resumes in February.

By contrast, the Commission on the Restitution of Land Rights has been quick off the mark. It has received more than 4 000 claims since it began operating in March this year.

In terms of the Restitution of Land Rights Act, passed in November 1994, the commission may compensate or restore the land rights of those who lost land because of racially discriminatory legislation passed after June 1913. The Act also establishes a Land Claims Court to review each case and enable final settlement through a court order.

The court has taken longer to get going. Four male appointments have been made by Mandela, acting on the recommendations of the Judicial Services Commission which received nominations from the public. But affirmative action critics are still waiting to see if a fifth judge — a woman — will be added to the panel.

Fikile Bam, of the Johannesburg law firm Denyes Reitz, has been appointed court president. The other judges are: former National Peace Secretariat chairman Antonie Gildenhuys, Cape human rights lawyer Alan Dodson and former Black Lawyers’ Association executive director Justice Moloto.

Meanwhile, the number of unresolved claims awaiting the court’s adjudication increases daily and the commission is anxious that it becomes operational before the end of the year.
Spotlight on African housing

About 450 delegates from 53 African nations will next week be taking part in the All African Housing Ministers' Conference, which will focus on living conditions in the continent.

The three-day conference is expected to draft a position for Africa on living conditions.

The draft will be presented to the UN Commission for Human Rights in Geneva.

Settlements. Habitat Two conference in Istanbul, Turkey, in June. Habitat Two aims to make the world's cities, towns and villages healthier, safer, more just and economically sustainable.

It will also focus on cities and townships as they are affected by urbanisation and influx.

The first Habitat conference was held 20 years ago in Vancouver, Canada, and drew international attention to problems in both rural and urban settlements.

Habitat Two's aim is to have a blueprint for urbanisation ready by the year 2000. This will be particularly important for South Africa, as the country is faced with a 1.5-million housing unit backlog estimated to be growing annually by 200 000.

The conference will include participation of the private sector and non-governmental organisations.

SA to strengthen ties with Cuba

The South African Government was totally opposed to the isolation of Cuba in the socio-political and economic spheres, Foreign Minister Alfred Nzo said during his visit to Cuba yesterday.

Speaking at a lunch hosted by Cuban Foreign Minister Roberto Gonzalez, he said it was for this reason that South Africa had voted for the lifting of the US blockade against Cuba at the 45th session of the United Nations General Assembly.

In his speech, Nzo conveyed President Nelson Mandela's "warm greetings" to Cuban President Fidel Castro and reiterated Mandela's invitation to Castro to visit South Africa.

He said it would be the worst form of political immorality and gross ingratitude if Africa were to forget the "tremendous sacrifices" the Cuban people made by supporting the freedom struggles of the peoples of southern Africa.

"Many countries of Africa have actually benefited from the dedicated services of your specialists in many fields, more particularly in support of medical services of many developing African countries.

"South Africa is part of that Africa which will never forget your internationalist solidarity.

We take the opportunity of my first visit to your country to convey this deep gratitude to your people," said Nzo.

SA's establishment of diplomatic relations with Cuba had bolstered ties in various fields, such as culture, socio-economic issues and trade, he added.

South African exports to Cuba had increased from R36.5-million in 1993 to R41.51-million in 1994, while Cuba's exports to South Africa amounted to R14,6-million last year and were expected to increase in the future.

"I am pleased to learn that your embassy in Pretoria is in the process of planning seminars in South Africa to inform the South African business sector about business opportunities in Cuba," Nzo said. - Sapa.

Beijing names new envoy to Pretoria

China's key envoy in Africa has been reassigned to Beijing and appointed assistant minister for foreign affairs (Africa and Middle East affairs).

Li Peiding, who has ambassadorial status but is officially described as the director of the Chinese Cultural Centre, is to leave his post in Pretoria at the end of the month. He will be replaced by Beijing's ambassador to Harare, Gu Xian, a veteran diplomat.

South Africa and the People's Republic of China do not have formal diplomatic relations. South Africa recognises the People's Republic of China (Taiwan) instead.

Li, who has been in Pretoria for 15 months, said he would pursue opportunities to ensure that changes took place.

The two governments have held tentative talks about establishing formal ties since 1990, in the face of a concerted effort by Taiwan to maintain ties with South Africa. The Tsuchi government has invited numerous parliamentarians to the island and has poured millions of rand into South Africa to boost its standing locally. - Pretoria Bureau.

Farmers' land demands on union agenda

South African farmers are preparing to make a last-ditch attempt to get the Government to back track on major aspects of its land distribution and restitution proposals.

They are to make their stand at next week's South African Agricultural Union (SAAU) national congress.

The Transvaal Agricultural Union (TAU) and the Natal Agricultural Union are putting forward resolutions criticising government infringements on property rights, and demanding that property rights be enshrined in the final constitution.

They are also concerned about the implications of the new Labour Relations Act that the SAAU had not been given an opportunity to make recommendations to a parliamentary committee.

The SAAU, which represents about 60 000 farmers, will also be changing its constitution.

An important amendment, to be discussed at the meeting to be held near Vereeniging on October 17 and 18, is one which allows for 90 representatives - on a proportional basis - from all provinces, subject to the number of registered members in the provinces, gross value of production, contributions made to the financing of the SAAU, and the area they service as farmers.

This is regarded as opening the door to subsistence farmers who have in the past not been able to be part of the largely whites-only farming. - CTS.

The TAU will also raise the crime issue, which "together with escalating unemployment and illegal immigration... disrupts agriculture while increasing production and insurance costs". - CTS.
Land claims issue to be brought up at Africanist congress in UK

PAC deputy president Motsoko-Pheko will brief world Pan Africanists today on developments in South Africa.

Pheko, scheduled to deliver the keynote address at the 50th Pan African congress in Manchester, England, said he would use the platform to muster support for the PAC to realise its objectives of returning land to its "rightful owners".

These people, he said, 'had been reduced to "land invaders quarrelling over crumbs"'.

"We will also draw their attention to our dissatisfaction about bringing the cut-off date for claims for the land to 1913 ... (when) the wars of resistance go further back than that," he said.

Pheko will join proponents of Pan Africanism from as far afield as the United States and the Caribbean at the five-day gathering.

Delegates are expected to debate ways to democratise the Pan African movement, and of mobilising and uniting Africans against imperialist domination and economic exploitation, as well as trying to enhance the contributions to it from women, peasants, workers and the youth.
Joyful Return to Matingwang SOURCE: By conflict
WARMING AMUNIY tube is a key component of the system.

During normal operation, the system produces heat and is cooled by the water flow from the machine. The water flow is controlled by the thermostat, and the temperature of the water is adjusted to maintain the desired temperature. The water is then returned to the system, where it is used to heat the household.
Community looks set to win back its land

ST 22/10/95

BY CHARL de VILLIERS

ONE of South Africa's most heart-wrenching land claims is poised for success after nearly 33 years of yearning by a mission community that lost its rural livelihood when its land was sold by the Dutch Reformed Church.

The Minister of Land Affairs, Derek Hanekom, is expected to give the Elandskloof claimants the good news when he meets them in Citrusdal in the Western Cape this evening.

Sources said yesterday that the Department of Land Affairs has deemed restitution desirable, removing a key hurdle to settlement under the country's new laws to redress racist land policies of the past.

As many as 200 potential claimants still have to negotiate a settlement deal with the land's current owners after a successful appeal for redress to the newly formed Commission on the Resettlement of Land Rights.

The settlement must then be confirmed by a land claims court — which is yet to be set up.

When the church sold the property in 1962, farmers declared the community's presence a black spot.
Land probe starts today

The Public Order Commission of inquiry into alleged irregularities regarding the allocation, leasing, alienation and transfer of state land gets under way in Harrismith, in the Free State, today.

The first hearing involves several farms in the Harrismith district that were purchased by the State for incorporation into QwaQwa in the 1950s.

The farms in dispute were never incorporated and are currently being leased by the State to the original owners.

Evidence by officials involved will be heard in the Harrismith Magistrate's Court today and tomorrow. - Staff Reporter.
State land-deals probe begins

BY LARA SMITH

Harrismith - The Bophelo Commission of Inquiry investigating alleged irregularities regarding the allocation, leasing, alienation and transfer of State land has held its first public hearing in Harrismith in the Free State.

Yesterday's hearing focused on several farms in the Harrismith area purchased by the State in 1986 for inclusion in the former QwaQwa homeland. The seven farms in question were not incorporated into QwaQwa and were offered back to the original owners at market-related prices.

According to Johannes Fourie, deputy director of the Department of Public Works in Bloemfontein, under whose jurisdiction the land in question falls, this was done in accordance with recommendations of an earlier commission of land allocation.

The earlier commission also recommended that if the original owners did not want to buy back the land, it could be offered to the adjacent neighbours at market-related prices. If more than one person was interested, the land was to be sold to the highest bidder.

Farmer Gertie Greyling told the commission that one of the conditions of sale of the land to the State in 1986 was that the original owners had first option to repurchase.

At present the farms are being leased to the original owners on a monthly basis.

The hearing continues.
Valuator explains why land prices fell

‘Cut-price farms’ probed

BY LARA SMITH

Harrismith - The sale of state-expropriated farms to the original owners at prices far lower than the compensation paid to them came under investigation at a hearing of the Budlender Commission in Harrismith yesterday.

"It is a very startling situation that people are able to buy back land that was expropriated from them seven years ago at substantially lower prices," commission chairman G M Budlender said.

The commission is investigating the transfer of state land and was hearing evidence on the second day of its inquiry into the sale of seven state-owned farms in the Harrismith district.

The farms were bought by the state in 1986 for incorporation into the former QwaQwa.

The aim of the commission is to find out whether the proper procedures were followed, and whether the prices at which the land was offered back to the original owners was appropriate.

D G Hofmeyr, who valued the land for state acquisition in 1986 and again for the sales back to the original owners, testified that the drop in the price for the resale was due to a general decline in the value of crop land in the area. This could be attributed to the drought as well as the political uncertainty that prevailed before the election.

In addition, sections of the farms had been included in the former homeland making them smaller.

Explaining the substantial drop in the value of buildings on the land - up to R100 000 in some cases - Hofmeyr said it was because many of the buildings had become obsolete as they now served a smaller area.

The commission also questioned why the increase in the value of grazing land was not reflected in the valuations.

Hofmeyr said that when he valued the properties they had taken comparable market prices into consideration.

The commission will submit an interim report on its findings to the president.
New land claim may save last of Bushmen

Bushmen are eagerly awaiting the result of their Kalahari land application. Glynis Underhill reports

Four years ago the dwindling and only known surviving Bushman group in South Africa faced humiliation and eviction from land in the Kalahari for illegal poaching.

Today the future looks promising for the extended band of this clan of purebred San people as they await the outcome of their historic land claim in the southern region of the Kalahari Gemsbok National Park.

While the claim clashes with strong economic interests in the land, including those of the National Parks Board, Southern Kalahari Bushman Ssegwananse Krueper (50) is adamant.

"The land in the Kalahari is our natural heritage. We can live off the land there. We just want to take back what was ours," he says.

Dreams

There is a sense of anticipation as the Bushmen huddle around the fire in a hut in the Kagg Kamms resort near the Cedarberg and discuss the reasons they want to lay claim to land in the Kalahari.

Descended from the original inhabitants of the Kalahari Gemsbok National Park, they have dreams of returning to the hunter-gatherer lifestyle on the land of their forefathers.

The claim application has marked the original territory of the Bushmen of the southern Kalahari as being 400 sq km in the southern area of the Kalahari Gemsbok National Park, extending into the dune land to the west, which is currently part of the Mier reserve.

While many of his relatives still live in the Kalahari, Ssegwananse regards the resident group at Kagga Kamms as his extended family.

"I've always had a great love of women but I've never had any children of my own. But these are my people — and these are all my children," he said, gathering two small children in his arms.

Seemingly oblivious to the tourists and flashing camera lights, the group warm their toes and hands over the fire as they explain in Afrikaans and San why President Mandela has met San leader Dawid Krueper and discussed the land claim.

Dawid was recalled from a trip to the Kalahari to meet Mandela earlier this month.

The women touch the head of a young child clad in a loin cloth and explain that he was a member of the group who went to visit one of the most famous leaders in the world at his Cape Town residence, Groenendal.

The child beams with delight at the memory. "President Mandela had a big, big house," he says, waving his hands expansively.

Ssegwananse believes the families can take turns living in the southern Kalahari while a group remain at the Kagg Kamms resort.

The tribe moved to the expansive game farm owned by Pieter de Waal about four years ago after being forced off their land in the Kalahari for poaching.

The once-nomadic people have made a home on this unique game farm, which offers visitors breathtaking views of flora and fauna, with scenic mountain drives and rock formations scattered around the 3 700ha reserve.

Tourists can meet South Africa's last surviving Bushman clan away from their sleeping areas. For the Bushmen, the meetings are entirely voluntary. While there are more than 46 Bushmen, including children, at Kagga Kamms, only those who elect to meet the tourists on any given day wander in to gather around the campfire.

Ssegwananse insists that the Bushmen enjoy meeting the tourists who queue up to view the group, cameras at the ready.

Meeting

"We love the tourists, we really do. We like meeting them and they like meeting us," he says.

"We were helped when we were brought here. But we still want our land back. The difficulties will be put behind us."

The future for these Bushmen has taken on a new meaning following the findings by anthropologists, who helped with their formal land claim, that the group was descended from the original inhabitants of the Kalahari Gemsbok National Park.

Sanna, Dawid Krueper's friendly wife, says the group has discussed the land claim with Mandela as they have a strong desire to return to the land of their descendents.

"We want to live and hunt on the land and spend time here and in the Kalahari. We can live a few months here and a few months there. We will live off the land. It won't be difficult for us. There is a lot of veld food there."

Sanna lists a number of plants which have medicinal value in the Kalahari.

"The one side is that they are obviously very happy here, this is where their income is. But obviously their hearts are still in the Kalahari and there is a big desire to go and stay there. But if they go there, will they survive?" she asks.

Many of the Bushmen's relatives still live in the Kalahari and the pull back to the area is strong, she acknowledges.

The situation is a difficult one and Daibee says she hopes for the best for the Bushmen, whatever the outcome.

Bushmen in the Kagga Kamms are able to hunt within an allocated boundary on the farm and are entitled to stalk and catch smaller animals like dassies, she says. But if the Bushmen fail to find any food, there is always food available for them at Kagga Kamms.

Some Westernised ways of life have crept in as the Bushmen make their home at Kagga Kamms, the most obvious being the birth control injections the women volunteer to take when the health clinic visits the farm.
**Only chance of survival for the San tribes is a return to their traditional home in the Kalahari**

An unprecedented gathering of the clan of the only known surviving Bushman group in South Africa has met in Welkom to tackle a burning issue.

While the process of contacting all the branches of the extended family is continuing – as most live far beyond the reach of normal postal or telephonic services – firm agreement was reached at that meeting.

**Documented**

Restitution of their traditional land would allow them “to practise their culture and survive as a people”, according to their land claim application which has now been lodged with the land claims commissioner for the Western and Northern Cape, Walmer Mogaj.

The fate of the “Kalahari Bushmen, also known as the San, in South Africa over the past three centuries is well documented, involving the virtual annihilation of numerous clans in all the northern provinces.

It is believed the last surviving group is the Cape Bushmen, who lived in the northern Cape in the early 20th century.

The applicants for the land are all the direct members of an extended clan of Bushmen descended principally from the Khoe-San, who rounded and hunted in the southern Kalahari at the turn of the last century.

Driven from the land in the Kalahari Gemsbok National Park in the late 1950s, the remaining Bushmen now hope to settle their claim out of court.

It is believed there are between 200 and 250 direct descendants of the southern Kalahari Bushmen.

The claimants acknowledge the “strongly competing interests” for the land by some private landowners and the National Parks Board.

As far as the practical implications of the claim go, the document does not suggest precisely how the Bushmen’s claim for restitution of their land should be addressed.

Nor does it suggest that the land, to which they have a claim, should be simply transferred into their collective ownership.

It is emphasised by the claimants that sensitivity to the long-term environmental implications should be a fundamental component of any future dispensation regarding the land in question.

“Many of the applicants have – as employees of the Kalahari Gemsbok National Park, or on various Kalahari game farms and at the Kagga Kamma resort – acquired valuable skills and insights in the fields of environmental, conservation and eco-tourism,” the application details.

“The applicants group are powerful living proof of the deep affinity that exists between Bushman and nature,” it states.

“Not only do they display an astounding knowledge of and love for nature in its full diversity, but the adults are generally committed to preserving the aspects of their culture that relate to living with nature in the Kalahari.”

The land claim application outlines how the return of the Bushmen’s rights to the land would enable them to exercise choices over the land under their control, while retaining the core aspects of their traditional rural culture.

The Bushmen would probably introduce modern eco-tourism in conjunction with “a traditional and indigenous component” – such as indigenous tracking courses, as well as bushcraft and hunting safaris, it suggests.

**Ecology**

The western fence of the Kalahari Gemsbok National Park cuts the park off from an area of duneveld which formed an important habitat for the regional ecology, according to the claim.

“The area is well known to the Bushmen and forms a muchvalued and longed-for portion of what was their traditional territory.

“Many of the plants and shrubs they gather annually for medicinal purposes are found principally in this section of duneveld – and they are at present obliged to trespass on private land in order to forage for the plants.

The Bushmen applicants envisage founding a community trust, to pursue the rights of the extended community.
Dreaming of a return to their roots

OUR years ago the dwindling and only known surviving Bushmen group in South Africa faced humiliation and eviction from land in the Kalahari for illegal poaching.

Today the future looks promising for this clan of pure-bred San as they await the outcome of their historic land claim in the southern region of the Kalahari Gemsbok National Park.

While there are strongly competing interests in the land — including those of the National Parks Board, Southern Kalahari Bushman Ssegraansse Krupfer, 58, is adamant that theirs is the better claim.

"The land in the Kalahari is our natural heritage. We can live off the land there. We just want to take back what was ours," he said.

There is a sense of anticipation as the Bushmen huddle around the fire in a hut in the Kagga Kamma reserve near the Cedarberg and discuss their reasons for claiming the land.

Descended from the original inhabitants of the Kalahari Gemsbok National Park, they have dreams of returning to a hunter-gatherer lifestyle on the land of their forefathers.

The claim application has marked the original territory of the Bushmen of the Southern Kalahari as being 400 square kilometres in the southern area of the Kalahari Gemsbok National Park, extending into the dunesland to the West, which is presently part of the Mier reserve.

While many of his relatives still live in the Kalahari, Ssegraansse regards the resident group at Kagga Kamma as his extended family.

"I've always had a great love of women but I've never had any children of my own. But these are my people — and these are all my children," he said.

Seemingly oblivious to the tourists and flashing camera lights, the group warm their toes and hands over the fire as they explain in Afrikaans and San why President Nelson Mandela has met with San leader Dawid Kruiper and discussed the land claim.

Dawid was recalled from a trip to the Kalahari to meet Mr Mandela earlier this month.

The women touch the head of a young child clad in a loin cloth and explain he was a member of the group who went to visit one of the most famous leaders in the world at his Cape Town residence, Genadendal.

The child beams with delight at the memory. "President Mandela had a big, big house," he said, waving his hands expansively.

Ssegraansse believes the families can take turns living in the Southern Kalahari while a group remain at the Kagga Kamma resort.

The tribe moved to the expansive game farm owned by Pieter de Waal about four years ago after being forced off their land in the Kalahari for illegal poaching.

The once nomadic people have made a home on this unique game farm, which offers visitors breathtaking views of flora and fauna, with scenic mountain drives and rock formations scattered around the 3,700-hectare reserve.

Tourists can meet South Africa's last surviving Bushmen clan away from their sleeping areas. For the Bushmen, the meetings are entirely voluntary.

While there are more than 45 Bushmen, including children, at Kagga Kamma, only those who elect to meet the tourists on any given day wander in to gather around the campfire.

Ssegraansse insists that the Bushmen enjoy meeting the tourists who queue up to view the group, cameras at the ready.

"We love the tourists, we really do. We like meeting them and they like meeting us," he said.

"We were helped when we were brought here. But we still want our land back. The difficulties will be put behind us," he said.

The future for these Bushmen has taken on a new meaning following the findings by anthropologists who helped with their formal land claim that the group was descended from the original inhabitants of the Kalahari Gemsbok National Park.

Sanna, Dawid Kruiper's wife, said the group had discussed the land claim with Mr Mandela as they had a strong desire to return to the land of their descendants.

"We want to live and hunt on the land and spend time here in the Kalahari. We can live a few months here and a few months there. We will live off the land. It won't be difficult for us. There is a lot of veld food there," she said.

Sanna listed a number of plants which have medicinal value in the Kalahari.

The formal claim by the Southern Kalahari Bushmen for the return of a stretch of land in the Kalahari Gemsbok National Park has been lodged with the regional claims commissioner for the Western and Northern Cape, Wallace Mgqoli.

Social anthropologist Bets Dalber, who teaches the Bushmen children in an appealingly unstructured school classroom at Kagga Kamma said she believed the Bushmen were "very happy" on the resort.

"The one side is that they are obviously very happy here, this is where their income is. But obviously their hearts are still in the Kalahari and there is this big desire to go and stay there. But if they go there, will they survive?" she asked.

Many of the Bushmen's relatives still live in the Kalahari and the pull back to the area is strong, she acknowledged.

Bushmen in the Kagga Kamma were able to hunt within an allocated boundary on the farm and were entitled to stalk and catch smaller animals like Gemsbok and Dassies, she said.
CLASSROOM: Bushmen children are given lessons geared to understanding their natural environment.

Pictures: ODE ZLWA, Staff Photographer.

CAMPFIRE: Members of the Bushmen group gather around the fire to meet the tourists.
Bushmen make pledge to treat nature kindly

The only known surviving Bushmen in South Africa have held an unprecedented meeting as they bid to have their traditional land returned.

The land would allow them "to practise their culture and survive as a people," according to their land claim application.

The fate of the Kalahari Bushmen, also known as the San, in South Africa over the past three centuries is well documented. Many clans were decimated in the northern provinces.

It is believed the last surviving group is the "Cape Bushmen", who lived in the southern Cape in the early 20th century.

Their claim is focused on land in the southern region of the Kalahari Gemsbok National Park and extends into the present day to the West.

The applicants are all members of an extended clan of Bushmen descended principally from the Khowani, who, at the turn of the last century, roamed and hunted in the Southern Kalahari.

Driven from the land in the late 1960s, the remaining Bushmen are now hoping to settle their claim out of court.

It is believed there are 200-250 direct descendants of the southern Kalahari Bushmen.

The claimants, whose meeting was held in Welkom, acknowledge the "strongly competing interests" for the land by some private landowners and the National Parks Board.

The document does not suggest that the large area of land which they are claiming should be simply transferred into their collective ownership.

"It is emphasised by the claimants that sensitivity to the long-term environmental implications should be a fundamental component of any future dispensation regarding the land in question."

"Many of the applicants have - as employees of the Kalahari Gemsbok National Park, or on various Kalahari game farms and at Kagga Kamma resort - acquired valuable skills and insights into the fields of environmental conservation and eco-tourism," the application says.

"The applicant group are powerful living proof of the deep affinity that exists between Bushmen and nature. Not only do they display an astounding knowledge of and love for nature in its full diversity, but the adults are generally committed to preserving the aspects of their culture that relate to living with nature in the Kalahari."

The land claim application outlines how the return of Bushmen rights to the land would enable them to exercise choices over the land under their control, while retaining core aspects of their traditional rural culture.

The Bushmen would probably introduce modern eco-tourism in conjunction with "a traditional and indigenous component" - such as indigenous tracking courses, as well as bushcraft and hunting safaris.

□ ANTHROPOLOGISTS: Social anthropologists Bets and Michael Dalber with Bushmen children at Kagga Kamma.
On the brink of a return to their promised land
Mr. Smith, the general manager, who, said orders on the market for the company's shares were canceled, was in the final stages of a crisis-related condition, his doctor said.

The Reformed Church of the Netherlands, which has been in a long legal battle to regain its land and buildings, received a further boost last week when the High Court ruled in favor of the church. The court awarded the church ownership of the land it had been forced to sell.

The community hopes that this decision will lead to a resolution of the conflict and allow the church to continue its work.

Derek Hanekom, the church's lawyer, said, "This is a big win for us. We have been fighting for this for years."

Meanwhile, the government has announced a new program to help communities in rural areas. The program includes financial aid for rebuilding damaged churches and other community buildings.

Adibe, a community leader, said, "We are very grateful for this support. Our community is in need of help and this program will go a long way in helping us.

He said that the government's efforts to help communities are welcome, but more needs to be done to address the root causes of the problems they face.

Africa's democratic transition in 1990 gave the community new hope. Assisted by the government, the community has been rebuilding their community, new hope, assisted by the shattered rural communities.
Land claims hinder farm loans — union

Louise Cook

FARMERS may have lost out on vital financing worth at least R600m because of the spate of land claims being pinned onto their properties, the industry said at the weekend.

The Transvaal Agriculture Union (TAU), one of SA’s largest farming unions, said co-operatives and banks were reducing the credit needed to fund crop production because land claims had made farms a higher-risk investment. TAU (Northwest region) president Paul van der Walt said that without the credit, farmers had been forced to scrap plans to plant cash crops such as sunflowers and nuts.

This left them dependent on maize. Van der Walt said.

He said that in the Northwest region alone, farmers had lost out on financing worth R60m.

He estimated that the loss across the country could be magnified a hundredfold.

The funding co-operative for the Northwest region confirmed at the weekend that it had put the squeeze on finance. It said it could not offer credit when there was no certainty that the farmer would be able to harvest the crop and repay the loan.

TAU vice-president Willie Lewies warned that many farmers would be going out of business because it could take up to 10 years to finalise claims.

“Banks and co-operatives are wary of giving credit and, as a result, farmers sit without operating capital. They cannot plant,” he said. “Another problem is the fact that, when a claim is lodged, the value of the property immediately drops because the state deducts all subsidies that have been paid over the years.”

Lewies said that the market value of the farm greatly determined how much banks were prepared to lend.

“Land claims cause property owners untold problems,” he said.
THE land claims process was being overrun with scams, with unwary victims paying for services unnecessarily, land claims chief commissioner Joe Seremane said yesterday.

"Some were paying R10 for claims forms which were free, while others were paying R20 to have the claim processed — a function his department also did free of charge."

"Unsuspecting and uninformed communities, desperate for land, could be milked dry."

Seremane said more than 4,000 claims had been submitted so far. In some areas, lawyers were advertising cut-price offers to help lodge claims.

Other deals involved the claimant splitting half the land won with the body that helped lodge the claim. Police had been called in to one case, after a victim lost R30,000 in a claims deal.

Police said various scams had been reported across SA.

Land Affairs Minister Derek Hanekom said the Commission on Restitution of Land Rights was accessible to everyone and would help people document claims.

"The restitution process has been structured in such a way that people can submit their claims directly and free of charge."
RESettlement,

1995

NOV. — DEC.
Forced removal policy hit for six as festival welcomes back ex-residents

JOSEPH ARANES
Staff Reporter

THE bulldozers are back in District Six — but this time they are creating space for one of Cape Town’s largest ever festivals.

Event organisers say the festival, which runs from December 1 to 3, will attract more than 250,000 visitors, many of whom will be former residents of the area and their families.

A wide range of activities and events is planned for the weekend.

Festival co-ordinator Zaino Jappin said the District Six People’s Festival was a historical event because it would be the first return to the area for thousands of people who were forcibly removed in the 1960s.

“While we will be offering all sorts of fun, entertainment and merrymaking for both adults and children, the festival will create an environment for people to either get over their wounds of the past or to remember the pains and pleasures associated with the area.

“For many people, all over the city and on the Cape Flats, District Six conjures up all sorts of emotions and the festival will be the ideal vehicle to release some of those feelings.”

She said the idea for a festival was first suggested about 30 years ago but because of the scale and size of the envisaged event, the idea was never developed.

Earlier this year the District Six Civic Association again discussed the possibility of hosting the carnival and, although the move was supported, many in the organisation were a bit apprehensive.

Ms Jappin said that when they started consulting with other community organisations and businesses, they got similar responses.

“Everyone thought the idea was a good one, but after we presented them with our plans and they saw the scale of the event, their interest slowly started to wane.”

But through hard work and dedication those plans are finally falling into place.

Already the bulldozers are clearing a vast tract of land between the Eastern Boulevard, Keizergracht and Russell Street in preparation for the event.

The coons, Malay choirs, a laser light show for the opening and closing ceremonies, as well as carnival rides, flea, fish and food markets and a range of live performances by top local entertainers are all lined up.

Ms Jappin said the festival would ensure that the heart of the city started beating again.
Road crash won't stop Dawid's journey home

DAWID Kruiper, 60, leader of the dwindling southern Kalahari Bushmen in the Kagga Kamma resort, was flat on his back in intensive care with wires coming out of his body.

But he is still determined to lead his people back to their ancestral land in the Kalahari after a tragic accident that killed a family member.

Mr Kruiper has been in Tygerberg Hospital with severe injuries while two other relatives have serious brain damage.

Twenty passengers, including 18 Bushmen, or San, were in a minibus which rolled five times after a tyre burst.

They were on their way back to Kagga Kamma from the southern Kalahari where they discussed the land claim they recently lodged with the government.

Mother of two Maria Kruiper, was pregnant, was killed. She was buried at the Kagga Kamma resort yesterday, while her husband Doppes was taken to Calvinia Hospital.

Faxes and telegrams poured in from all over the world expressing concern and support after the news of the accident spread.

Their journey to the Kalahari started joyfully as they were to discuss with relatives the possibility of returning to the southern part of the Kalahari Gemsbok National Park.

Even in Tygerberg Hospital, with more to worry about than the land claim, Dawid Kruiper was full of the prospect of going back to the land he was born in. But weakened by the accident, talking was difficult.

Saturday Argus spoke to him about the accident and his plans for the future of his people.

"I sat to the left at the back when all of a sudden the bus went off the road. The bus overturned several times and we were all frightened. My leg hurt and I had cuts. Somebody ran to a farm and called for help. Two hours later the ambulance arrived and we were taken to Calvinia Hospital."

The Kagga Kamma Bushmen were hit by tragedy this week when one was killed and 18 injured in a road accident.

But they are still determined to pursue their land claims in the southern Kalahari.

"We received much support from the town of Calvinia. Residents collected money to pay for some of the hospital bills and offered to help us in any way. They have become our friends.

"We can tell them and the world that we are still alive and going strong," Mr Kruiper said, while sadly adding that it didn't go for all of them as one died and two were still in an "unsatisfactory" condition — one of them 11-year-old Baliep Kruiper. Five others are in stable condition in Tygerberg and Calvinia hospitals.

Mr Kruiper believes their case for land in the southern Kalahari is strong and said he was looking forward to the day he could again live on the land where he grew up.

"The whole rainbow nation will be welcome to visit us and learn from our culture. They can learn more in the Kalahari than at Kagga Kamma as the Kalahari is where we and our ancestors come from."

Although Mr Kruiper had been a farm worker for a long time, he did not feel exposed as a "zoo-attraction" while sitting in traditional clothes and doing the "Bushman-thing" while tourists queue with cameras.

"It's not a zoo. We are sharing our culture. But I'd rather share it in the Kalahari, as that is where my roots are.

"We don't want fences around the area but a place where we can hunt, gather medicinal plants and teach tourists about animal tracks."

"We have thought long before staking our claim and I am longing for the day it will be granted. When that day arrives, the rain will come again."

FULL OF HOPE: Bushman leader Dawid Kruiper is still determined to get back his ancestral land in the Kalahari, even after the tragic road accident that put him in the Tygerberg Hospital intensive-care unit. Visiting him is close friend Cait Andrews.
Land reform Bill approval
‘a victory for negotiation’

Wyndham Hartley

CAPE TOWN — The controversial Labour Tenants Land Reform Bill has been approved by the parliamentary land affairs committee with organised agriculture “on board” in what is seen as a victory for consensus politics.

Late-night negotiations last Thursday saw the Bill, which will grant labour tenants the right to apply to buy land from farmers, get the sanction of the SA Agricultural Union (SAAU). This has reduced the prospect of farmer resistance to the legislation.

The final amendments, which have changed organised agriculture’s attitude from one of bitter opposition to “we can live with it”, was achieved after the intervention of the committee chairman, the ANC’s Phathekile Holomisa.

The last-minute deal rescued the legislation for the first sitting of Parliament early in the new year.

Geoff Budlender, who is piloting the legislation through Parliament for land affairs, was delighted with the outcome which he described as “wonderful”.

Holomisa, when the committee concluded its work last Friday, said it was notable that not a single clause of the Bill was “voted” on and that all troublesome issues had been resolved through negotiation and the legislation approved by negotiation.

NP MP Willem Odendaal said he was going to nominate Holomisa for a Nobel prize for the way in which he handled the deliberations of the land affairs committee, on a “very dangerous” piece of legislation.

His colleague Andries Beyers thanked Holomisa and the ANC for their behaviour in the committee as it now allowed all stakeholders to support the Bill.

The ANC component of the committee modified its key amendment on farmers bearing the relocation costs of labour tenants should the farmer wish to use the land on which they lived, allowing the determination of these costs to be left to the Land Court.

In a further significant compromise, the wording “a right to acquire” the land was changed to “a right to buy land” and claims to furmland was changed to “apply” for land. This amendment was asked for by the SAAU and was agreed to by the National Land Committee and the ANC.

The Land Reform Labour Tenants Bill, which must now be considered by the Senate land affairs committee before it is brought before the National Assembly, is the first of Land Affairs Minister Derek Hanekom’s trio of reform measures. The others, dealing with security of tenure and communal land rights, will soon be published for comment and the public and interested parties will have until the end of the year to make submissions.
The memorandum to the act describes its origins in more technical terms, saying: "The implementation of reconstruction and development programmes requires a significant increase in the rate and scale of land development in respect of a range of land uses such as industrial, commercial, community facility, residential and small-scale agricultural uses". The act also seeks to empower communities to take part in the process by which land will be set aside for certain uses.

The crux of the problem, the memorandum suggests, is that: "There is an urgent need for developed land which is provided more quickly than is normally the case in terms of the existing legislation. Such provision should, however, not detract from security of tenure and sound planning. The need is for a legislative fast track through technical and complex land development procedures".

In sum, then, the act does not encroach on private land ownership per se but by bigger landowners like local governments and the property developers will find their absolute right to do as they please with land at their disposal curtailed. The act sets out a list of general principles governing development, inter alia, land the encouragement of urban sprawl and the encouragement of compact cities, the promotion of residential and employment opportunities in close proximity or integrated with each other and contributing to "the correction of the historically distorted spatial patterns of settlement in the Republic".

It provides for a development and planning commission of 24 members, nine of whom are nominated by the premier, nine experts and three each of land development financiers and the civils. This body is there to advise the minister, to conduct research and to plan development in the broader sense.

Also established are development tribunals, one for each province, to grant exemptions to the act (for informal and unplanned settlements) and to consider land development applications.

A tribunal can impose conditions on a developer relating to the provision of engineering services, the provision of open spaces like parks, the suspension of restrictive conditions or servitudes and the applicability of national building standards regulations.

Tribunals are also given the task of deciding "whether the settlement of persons, or the erection or occupation of buildings is in any manner inconsistent with any provision or object of this act". It may then refuse to grant an exemption to the act.

In doing so the tribunal has to consider the health issues, whether services can be provided, the area's proximity to jobs and other matters relating to the feasibility of the settlement.

If these criteria are not met, the application can be refused. The act also gives provincial MECs the power to decide on land usage in the absence of such a decision from the developer and local authority.

There is a whole range of other legislation that governs state and private activity in the realm of land development and which are amended by the act.

This is the seventh in a series on important legislation to emerge from the 1995 session of Parliament.
Land subsidy remains at R15 000 in Green Paper

Louise Cook

THE Green Paper on land reform had ignored overwhelming demand for the "settlement and land acquisition" subsidy to be raised, with the amount remaining pinned at R15 000, land affairs department director of redistribution and co-ordination Lalla Steyn said yesterday.

The move followed consensus by most delegates at the national conference on land policy in August that the subsidy was insufficient.

In the Green Paper, expected to be released next month, government also ignored calls for special subsidies by new farmers who would not receive any extra assistance to establish themselves.

Government was unable to improve on the subsidy, but Steyn said the paper would clarify much confusion around service delivery. It would focus on credit and accessing loans.

She said the need for farm land, small businesses and residential land was not mutually exclusive; it depended on what was affordable.

"Rather than focusing on handouts, we have focused on creating an enabling environment in which financial and civic organisations and the private sector could work together."

The most difficult task was to reconcile the different land reform options, and definite decisions on issues had to be taken.

Steyn said that the Green Paper would spell out, for the first time, a comprehensive policy on land management, allocating specific responsibilities to all government departments.

However, she refused to comment on government's likely policy on valuation when assessing land claims, saying there was still no agreement on the issue.

The Green Paper would be finalised at the end of November and released for comment in the first week of December.

A White Paper on land reform would be ready in April next year, according to a newly released land affairs department document, Proceedings of the National Conference on Land Policy.
Church is obstacle to ending Mfengu's exile

By CHARL DE VILLIERS

DITHERING by the Moravian Church is threatening to upset a resettlement programme which will end the Mfengu community's 18 years of apartheid banishment.

Tsuitskamma land was entrusted to the Mfengu in the 1850s in reward for their loyalty to the crown, but in 1977 1 500 Mfengu families were moved to Keiskammahoek.

Now, the families plan to move back to where they came from: the Moravian Church's Clarkson mission where there are plans to develop 600 serviced plots.

But the church has apparently refused to sign a crucial land availability agreement. This could scupper the entire R15-million project.

"If the church doesn't sign the agreement... we can't get money from the Eastern Cape Housing Board and the project is dead," says Johan Rousouw, the project manager of the New Housing Company.
Johannesburg: The proposed bill of rights in the draft of the final constitution released yesterday makes provision for both the retention and abolition of the death penalty.

In the clause on the right to life, the first option says "everyone has the right to life (and the death penalty is hereby abolished)".

The second option says "everyone has the right to life, and the right not to be deprived of life except by execution of a court sentence following conviction for a crime for which the death penalty is prescribed by an act of Parliament".

Options are also given in the clauses dealing with freedom of expression, economic activity, property, education, and the rights of arrested, detained and accused persons.

There is largely agreement that individuals and communities dis-possessed of land after June 19, 1913, as a result of discriminatory laws or practices, have the right to restitution of that land or equitable redress.

Parties agree that everyone has the right to basic education, including adult basic education, in a state or state-aided institution, as well as the right to establish and maintain, at their own expense, private educational institutions. — Sapa
Former residents prepare for return to Elandskloof

ANEEZ SAIE

FOR the first time in the Western Cape a community allegedly robbed of its land by apartheid is close to getting it back.

Mediation has started, and an election has been held, over the “black spot” of Elandskloof in Citrusdal.

Former residents held a historic election on Saturday in anticipation of the restitution, to determine who among their leadership would form a trust to administer the 5 000 hectares. In terms of legislation, land rights can only be restored to a communal trust.

Mediation began on Thursday between the state, a committee representing the former residents and the current owner of the land, farmer Mr Reele Smitt.

It was the first time a local land restitution dispute was considered sufficiently close to settlement for mediation and facilitation to be initiated. It is being conducted by lawyer Mr Roger Chennells for the Independent Mediation Services of South Africa (IMSSA), which is contracted by the Western Cape Land Claims Commission.

Saturday's election went well and in a good spirit, said the chairwoman of the Elandskloof Committee, Mrs Aleita Titus, who lives in Allendale outside Citrusdal.

Mr David Mason of the Surplus People's Project, which, with the Legal Resources Centre, has assisted the community in its land restitution claim, described the election as solemn.

Two farms

“This was a very serious election. People realised that whereas previously the church and others had determined their fate, their future and their land was now in their own hands,” he said.

The ballot was conducted by IMSSA over a wide area to cope with the Elandskloof diaspora. About 400 people were eligible to vote in Allendale, Citrusdal, Atlantis, Paarl, Piketberg, Cape Town, Worcester, Ceres, Dussenfontein and other places in the Kouebokkevele.

Election results are expected tonight. There will be about 1 000 direct beneficiaries in the Elandskloof saga, which has its roots in the 1962 sale of two farms which constitute the land in question.

At the turn of the century the state granted an extra piece of Crown land to the Elandskloof and their church, the white Dutch Reformed Church.

The people and the church jointly paid for it, said Mr Mason. A pivotal clause in the ownership agreement was that the land be used only for missionary work and could not be sold.

But by 1962 Elandskloof was considered a “black spot” which had to go. The missionary clause was scrapped by the government and the church, and the land sold to a white farmer against the wishes of the community, which then had to move.
Land notices upset farmers

Louise Cook

COMMERCIAL farmers discovered they might be forced off their farms after reading reports of land claims in the media, causing widespread confusion, the SA Agricultural Union (SAAU) said yesterday.

The union said in a report in The Farmer that the commission on the restitution of land rights had published notices of new claims only in the Government Gazette, without considering the fact that the general public did not read the gazette.

The commission then placed notices in the media. Farmers were then surprised when they read in newspapers that they might have to move off their land, and this also resulted in "untold misery".

The union asked the commission in future to inform farmers of land claims by personal delivery of notices.

Commission secretary Daan van der Westhuizen said yesterday farmers would in future receive registered letters where possible.

"In terms of the regulations the commission has the option to send a letter, but is not obliged to do so. However, we will follow that procedure wherever we can," he said.

Northern rustling 'boom'

PIETERSBURG — Cattle rustling in Northern Province had risen by 140% in the past year, police said yesterday.

Livestock theft unit commander WO Herman Lubbe said cattle valued at about R10m had been stolen this year. He expressed concern that children were often used by organised syndicates to carry out the thefts. Cattle could be sold off quickly. He said thefts from game farms had increased.

Transvaal Agricultural Union regional representative Gert Ehlers has warned Northern Province safety and security MEC Seth Nhau that farmers would take the law into their own hands if the situation was not resolved. — Sapa.

Maritzburg jail chalks up 20th breakout this month

MARITZBURG — Five maximum-security prisoners escaped from Maritzburg prison yesterday, bringing to 26 the number that have escaped from the prison this month.

Department of Correctional Services spokesman Lt-Col Andy Anderson said three of the five men had been convicted of murder and other charges.

The five are Alfred Mwalase, 20, Jabulani Mpanza, 22, Jabulani Michael Zuma, 22, Thulani Shadrack Sekhele, 23, and Sipho Vitalis Mahlaba, 27.

Anderson said eight men escaped from the prison on November 11 by sawing through window bars. One was caught at the scene and another at Hammarsdale in the KwaZulu-Natal Midlands four days later. It appeared the escapees had used hacksaw blades. How they had got hold of them was being investigated, he said.

On November 19 seven awaiting-trial prisoners escaped by using steel pipes to force open windows. They made their way across the roof of the prison and fled. They were still at large, Anderson said.

An independent team had been appointed to investigate yesterday's escape.

Anderson said security had been stepped up at the prison. Correctional Services viewed all breakouts with concern.

He said yesterday's fugitives were dangerous and he impressed on the public that they should not confront them. — Sapa.
Implats faces legal action over tribal land

Michael Uqohart
BD 30/11/75

THE Bafokeng tribe authorised its lawyers yesterday to issue a summons against Impala Platinum, challenging the mine's rights to exploit tribal land.

The move has come on the eve of the Lonrho board meeting to decide the fate of the merger of Lonrho's SA Platinum interests with Impala Platinum.

The challenge is based on allegations that Lucas Mangope, president of the former Bophuthatswana, was not trustee of the land when he concluded the deal with Implats in 1990 on behalf of the tribe.

The announcement should give clout to Lonrho ex-chairman Tiny Rowland's bid to block the deal on the basis of the threat posed by the pending Bafokeng court action.

In terms of agreements between Implats and the Bafokeng, Implats has the right to mine the area known as the Deeps in return for a 16% royalty, and other Bafokeng land in its lease area for a 14.9% royalty. The tribe is challenging the Deeps agreement concluded in 1990, and other agreements concluded at the same time.

James Sutherland of lawyers Bell, Dewar & Hall said the tribe based its challenge on a claim that Mangope never became trustee of the tribe's land. He said that in 1977 Nico Diederichs, then president of SA, issued a proclamation transferring the Bafokeng land, held by the then bantu administration and development minister, to Mangope. But the legislation, to empower this type of transfer, was enacted only 12 years after the land had been transferred.

This was an "astonishing legislative oversight" which left the bantu administration minister's eventual successor, Land Affairs Minister Derek Hanekom, as trustee of the land.
‘Land grab’: Hot potato threatens to burn ANC

DAVID BREIER  
Political Staff

SOUTH Africa faces constitutional deadlock as long as the African National Congress insists on legalising land-grabs in the new constitution.

This warning has come from the National and Democratic parties amid growing fury at the ANC’s hardline proposal that property can be expropriated in the name of “land reform” without paying compensation.

The property clause is shaping up as the hottest constitutional issue after the publication of the draft constitution due to be finalised next year.

The DP’s Groote Schuur branch in Cape Town has launched a petition against the ANC’s land-grab proposal. DP national leader Tony Leon said the party could extend the petition nationally.

Mr Leon said that even if there was consensus on every other constitutional issue, the new constitution would fail to win a two-thirds majority in the assembly unless the ANC changed its position on property rights.

The NP views the property clause as one of the most fundamental issues in the bill of rights.

The ANC option gives the government “carte blanche to arbitrarily nationalise property or deprive rightful owners of their possessions without compensation,” the NP states.

The draft provides for three options on property rights:

- The first is that there should be no property clause in the bill of rights. This is the most radical option and is favoured by the Pan Africanist Congress, which wants large scale return of land to the “original owners” — the African people.
- The second option is favoured by the ANC, whose policy is now being driven by its hawkish “land lobby” which has prevailed over the ANC’s more liberal faction.
- The third option is favoured by parties such as the NP and DP which protect property rights and provide for expropriation for purposes including land reform, subject to “just and equitable compensation” protected by the courts.

Mr Leon said the ANC’s proposal made millions of property owners vulnerable and “won’t advance land reform one jot”.

“It makes us uniquely susceptible to a land grab,” he said. It would also discourage foreign investment.

Both the NP and DP accept the need for land reform — but insist on courts deciding on fair compensation.

Constitutional assembly sources say there is a power struggle in the ANC between more liberal ANC members who favour a more restrained property clause and the hardline ANC “land lobby”, which wants to redistribute land to blacks without having to pay compensation to whites.

At present, the ANC hawks are in the ascendant, although the doves are fighting back. Negotiators hope the doves will persuade the “land lobby” to soften the property clause by the time the constitution is finalised next year.
A unique agreement has been reached on a land retribution claim on the site of the Lomahale military base in the Northern Cape. The Live Bombs litter Back home among the ruins. November 23, 1995.
Farmers fail to obtain court interdict against Hanekom

Louise Cook

THE Pretoria Supreme Court yesterday refused to grant an urgent application to 15 farmers in a case viewed as a test for government's land reform policies. Judge C Botha ruled that the case — in which the applicants asked the court to reject a decision by Land Affairs Minister Derek Hanekom not to buy their land — be postponed to January 15.

The judge said due to the "extent and importance" of the matters before him, it would not be in the interest of any of the parties to grant the urgent interdict.

The farmers, from Colligny in the Northwest Province, brought the application in October, saying that respondents Hanekom, Public Works Minister Jeff Radebe and the Land Board chairman had employed delaying tactics in buying their farms which had threatened their fair and reasonable compensation. Documents before the court contained a letter from land affairs saying the department was not "in a position" to buy the land and that the claim would be dealt with in terms of the Act on the Restitution of Land Rights.

The applicants alleged that Hanekom had undertaken at a meeting on July 5 this year to expropriate the farms. Hanekom allegedly told the farmers he viewed the matter as a priority. The applicants said they had participated in talks on the sale of the farms as a "bona fide attempt to help the minister." There had been acknowledgement between themselves and the land claimants about each other's rights and the claimants had expected to move back onto the farms by August. The only outstanding issue had been compensation, they told the court.

But Hanekom said he had asked the land affairs department in November to notify the farmers that no bid would be made. Counsel for the respondents denied that any offer to buy the farms was made.
Land Court still needs a woman

By Mzimasi Nguile

The Land Claims Court, which was supposed to be up and running by now, will probably start functioning in March next year, court president Mr Justice Fikile Bam said yesterday.

By that time the period within which people can lodge their claims will be just over two years. The three-year prescription period for land claims extends from May this year to May 1998.

One hiccup which Bam said has still to be overcome is the appointment of a female judge — an affirmative action appointment reportedly insisted upon by President Nelson Mandela.

Other judges are former chairman of the National Peace Secretariat Dr Antonio Gildenhuys and human rights lawyers Mr Bakone Moloto and Mr Alan Dodson.

Bam said identifying the seat of the court was delayed by the failure to follow procedural requirements like tenders.

"They just wanted a shortcut and the whole process had to start afresh," he said.

Meanwhile, the director of the National Land Claims Commission, Mr Dan van der Westhuizen, said about 5,300 claims have been lodged so far. Of these 60 percent were in respect of land in urban areas and the rest in rural areas.

Van der Westhuizen said that while the number of claims pouring into the national office had slowed, regional offices reported an increase in claims, especially after this year's conference on land policy.

Western Cape regional commissioner Mr Wallace Mgoqi said claims have increased since the conference.

Eastern Cape regional commissioner Dr Peter Mayende said more claims were received as people become more and more aware of the process.

Ms Emma Mabzinini, a regional commissioner for land claims from Gauteng, Mpumalanga, Northern Province and Northwest, said her office had received well over 2,000 claims.

She said urban claims have outnumbered rural claims as more people became aware of land restitution.

KwaZulu-Natal regional land claims officer said awareness programmes on Radio Zulu and the press have led to an increase in the number of claims.
Minister halts land transfer after protests

LAND Affairs Minister Derek Hanekom has stopped a transfer of state land at Simon's Town following appeals by objectors who want Froggy Farm and Boulder incorporated in a new Peninsula national park.

His intervention has delighted pro-National Parks Board lobbyists who want all land deals in and around the Peninsula nature area frozen until a single conservation management authority is installed.

Mr Hanekom told Metro he would probably refer the matter back to his department following a "flood" of objections.

This is the first time a cabinet minister has stepped in to impose a moratorium on land-related contracts in the 29,000ha protected area, which will be run as a contractual park by the National Parks Board.

The Western Cape cabinet last week gave its conditional approval for NPB stewardship of the nature area, while Environment Minister Dawie de Villiers has fully endorsed the parks board's new role in the Peninsula.

Land Ministry spokeswoman Sarita Venter said on Friday Mr Hanekom would raise the issue of the moratorium with Dr de Villiers and Water and Forestry Affairs Minister Kader Asmal.

Objectors to the land being transferred to the Simon's Town Metropolitan Substructure included the Red Hill Landowners Conservation Group, the Friends of Simon's Town Coastline, the Simon's Town Flora Conservation Group and the Cape Peninsula Conservation Managers Forum.

"I'm overjoyed," Red Hill Landowners Conservation Group member Alida Croduce said on Friday.

"At last a precedent is being set by a minister who says he will put the environment first, and is prepared to reconsider a decision to ensure an orderly transition to NPB management," she said.
City awards prime land to victims of apartheid

By RYAN CRESSWELL

MORE than a thousand families forcibly removed from an established community in East London many years ago have been given the ultimate Christmas gift — land which is now a prime part of the city.

The East London council agreed this week to give 1,852 families land in West Bank. The technicalities will be sorted out later.

Black and coloured families were forced out of West Bank about 30 years ago under the Bantu Urban Areas Consolidation Act. They were given an average of R150 a plot for their ancestral land.

The area they were removed from is now the site of Mercedes-Benz South Africa. The claimants agreed it would not be feasible to get back the land they used to live on because the plant provides jobs, but they were determined to obtain land nearby.

The council this week agreed to make about $300 of state land available.

The regional land claims commissioner, Peter Maseke, said: "We regard this as a major success. I am sure the claimants see this as a special Christmas gift."

"The original community was flattened — churches, schools, you name it."

Dr Mayende said the claimants had been working to get their land back since early in the year but restitution was now a constitutional right in certain cases.

East London's mayor, Lukumile Nako, said the city council had recognised a "moral obligation" to provide the land. The feeling was that the former authorities had made money when they sold the land to six companies. Mercedes-Benz later bought the site from the six smaller firms.

He said the only thing worrying the council was where money would come from for new houses and services.

Dr Mayende said the money would probably come from reconstruction and development projects or settlement programmes. The Canadian government was also backing housing projects in the area.

Mercedes-Benz's industrial relations manager, Brian Knoesen, said the company's board was still considering a request for financial assistance.

Even though Mercedes-Benz had played no part in the removals, it decided to assist the restitution process where possible.

"There was a conscious decision not to walk away from the problem."

"During one negotiation session a claimant pointed to our personnel section and said that was where his kraal used to be," Mr Knoesen said.
Many Capetonians remember District Six with pain and emotion, but are warned against high expectations, explains Estelle Randall.

"We saw ourselves as a single nation, a single race - the human race. We never asked our neighbours: are you Muslim, Hindu, Christian, white, coloured, Malay, Indian or African?" said Omar.

"The idea that people of different religions and cultures can't live together is a lot of nonsense and the history of District Six proves that," Omar warned that it would be a mistake for the people of District Six to become inward-looking. "District Six is part of South Africa. We can set the example of getting people together. It must not become a coloured or Malay area."

A danger that faces the District Six Development Forum is that it could become a battle-ground if it does not rise above petty, selfish interests. The forum should ask what it can do to bring justice to this part of the world.

"We must not allow District Six to become an island for the elite. We must not become a forum which parcels out land to people who'll build three and four-storey houses for themselves. Land and housing should be available to people who would otherwise not have access to this," said Omar.

Referring to claims being made on the District Six land, he said it was impossible to turn back the clock of history.

"Most of the former residents who lived here and gave District Six its character, didn't own property. It is not always possible to work out individual justice, such as restoring a piece of land to someone who lived in Ashley Street. We must do historic justice and ensure that District Six benefits the poor."

A further challenge for the forum was to put in place the building blocks which would lay the basis for a sense of community which the forced removals had destroyed.

A leader and two deputies have been elected for the District Six Development Forum. Nagia, the forum head, has a long association with the struggle to reclaim District Six.

He was at the forefront of the struggle to oppose the development of the area by the former government. He founded the District Six Civic Association and recently organised the District Six festival.

One of the deputies, Mr Amien May, was born in District Six and went to school there. As a young man he sold peanuts at the Star Bioscope for years. He was evicted in the mid-1960s.
Grant established to assist land reform beneficiaries

**BD 18/12/95**

The first application under government’s new settlement planning grant to help land reform beneficiaries to employ professional planners will begin this week, the land affairs department says.

Land Affairs director Neo van Renssburg said the amount available for the grants was not specified but the money would come from the land reform budget of R200m.

So far, one application has been received from 40 farmers at Villiersdorp in the Western Cape.

They have enlisted the help of the Rural Foundation to acquire state land and have applied for a grant of R64 000 to turn the property into a viable undertaking.

He said another 20 applications for settlement aid, submitted under the previous government, were likely to qualify for government’s planning grants.

Next year the number of applications for the grants were expected to rocket, he said.

“The move is aimed at avoiding poverty traps from people not being able to develop redistributed land into financially viable units.”

Initially, during the first phase of development, the size of the grant was 2% of the total project cost. Thereafter it went up to 4%, he said.

A land affairs department grant and services document released last week stated that the grant enabled prospective and actual beneficiaries of land reform to appoint planners and professionals from private firms, government and non-governmental organisations for legal and financial planning and planning land use and infrastructure, as well as help with land purchase negotiations.

“The objective of the grant is to assist poor communities to plan for their settlement needs in terms of acquisition, use and development of the land and the mobilisation of resources required to do this,” the document said.

The document said the grant could finance planning of preliminary and detailed settlement. Beneficiaries could also use the grant to appoint land valuers from a panel of government accredited valuers.

The grant was one of three new schemes of the land affairs department to kick-start land reform. A settlement grant of R15 000 a household and a district planning scheme aimed at provinces and local authorities wanting to embark on land development would come into full operation next year, Van Renssburg said.

**Press Council may be replaced**

**BD 18/12/95**

DURBAN — The Conference of Editors hoped to meet the Black Editors’ Forum in early February to get unification talks off the ground, conference chairman John Patten said at the weekend.

He said little progress had been made so far to create a single body for editors. Exploratory talks between the two bodies “blew up” following the decision by Sunday Times editor Ken Owen and Weekly Mail and Guardian editor Anton Harber to quit the conference.

They were the body’s representatives in the exploratory talks, Patten said.

Efforts to unify the two bodies could run into problems due to the fact that the forum had a “very big agenda on transformation”, he said.

Despite their differences, the conference and forum have agreed to work together — along with the Newspaper Press Union, the Media Workers Association of SA and the SA Union of Journalists — to establish an independent mechanism to deal with public complaints against press reports. The new body would replace the press council.

Patten said the debate on a replacement to the council had “virtually restarted” at the request of the forum. The forum had been brought into negotiations over the issue only recently, and said it still needed to formulate a position.

**Jo’burg-Pretoria speeding fines at R2m**

**BD 18/12/95**

About 9 000 speeding offences are committed by motorists on the freeway from Johannesburg to Pretoria each month, Midrand Traffic Department superintendent Willie van Rooyen said at the weekend.

The Midrand Traffic Department monitors the N1 section of the freeway, which stretches between the Bucelucha area and Pretoria.

Van Rooyen would not say whether the freeway was the most dangerous in the country. But the Sandton Traffic Department, which monitors the M1 as far as Corlett Drive, has reported collected fines worth more than R2m from drivers transgressing traffic rules on the N1, N3 and the M1 in the last six months.

**Agribank to stop tool confiscation**

**BD 18/12/95**

THE Agribank has put a moratorium on the confiscation of farming implements in the Northwest Province following a meeting last week between the province’s agriculture and environment MEC Johannes Tselapedi, Agribank and representatives of Ditsobohla farmers.

Agriculture department spokesman Lana Quinn said drought conditions in the past three years had made it difficult for some emerging farmers to repay their debts, causing the bank to foreclose on their loans and to repossess farming implements.

At the meeting Tselapedi had expressed concern that farmers, especially the black farmers during the current ploughing season.

It was agreed that Agribank would cease its “call-up activities” from today until January 31 when the Agribank board would hold its next meeting.

The agreement was reached by experienced by black farmers during the current ploughing season.

It was agreed that Agribank would cease its “call-up activities” from today until January 31 when the Agribank board would hold its next meeting.
Tough lessons on land reform

IDEN WETHERELL

LAND reform will be at the top of the agenda in South Africa for many years to come. And there is much to be learned from Zimbabwe’s experience.

So long as massive anomalies in the pattern of distribution persist, the land issue will remain a time-bomb ticking away at the heart of the nation’s political life. Mishandled, it could explode with damaging fallout at every level.

The draft Constitution offers a number of options in the Bill of Rights for state acquisition of property. The first excludes any reference to a property clause and will find support among those pressing for radical redistribution without compensation in order to restore land to its “original owners”.

Arbitration

The second option specifies conditions under which property may be expropriated, including judicial arbitration on compensation – although significantly these conditions will not apply to “any measures aimed at bringing about land reform”.

Thirdly, there is a proposal that property acquisition be accompanied by “just and equitable” compensation decided by the courts.

Reports suggest opinion within the ANC land lobby inclines towards the second option on the grounds that effective redistribution would be thwarted by constant entanglement in the judicial process.

Judicial arbitration may indeed be a mutation. But if Zimbabwe’s example is anything to go by it will at least provide security against charges of political favouritism and misgovernance.

At Independence in 1980, Zimbabwe found itself with 4 500 white farmers ensconced on the fertile highveld while five-million peasant farmers eked out an existence in crowded communal lands with erratic rainfall.

Once the sunset clauses of the Lancaster House constitution lapsed after the first decade of independence, Robert Mugabe’s Zanu PF government set about tackling land reform. But in its hurry to address the inequalities of the past, the legislation that emerged proved to be a blunt instrument.

The Land Acquisition Act of 1992 vested in the Minister of Lands wide discretionary powers to designate land which the government proposed to acquire. Furthermore, it entrusted the task of determining levels of compensation to officials within his ministry.

Despite repeated representations by the Commercial Farmers Union and civil society organisations that individuals should have the right of appeal to the courts with regard to the fairness of amounts paid, the government argued that redistribution was a historical process not to be tampered with.

President Mugabe told members of parliament that he would “brook no interference from the courts” when a group of commercial farmers challenged the constitutional legitimacy of the Act. Confirming the worst fears of his critics, Mugabe proceeded to use the act as a weapon to punish political opponents and reward supporters.

When Henry Elsworth, a former MP, was accused of ordering women caught removing firewood from his Kwekwe property to strip, Mugabe designated his farm. Although the courts later established that the charges had been fabricated, the government made no move to reverse the expropriation.

But it would be wrong to see white farmers as the only victims. Veteran nationalist politician James Chikerema saw his farm seized to accommodate people from Mugabe’s own neighbouring property, and opposition leader Ndabaningi Sithole had his farm expropriated when he leased plots to supporters.

Discouraged

In a related development, cabinet ministers, armed forces commanders, and senior civil servants were allocated leaseholds on state land formerly leased by whites. The most notable beneficiary was former land minister Witness Mangwende. Meanwhile, the Act has discouraged investors and damaged the government’s reputation for social justice. All observers have pointed out that resettlement of peasant farmers is disorganised.

There is a clear case in South Africa for a bold approach to land reform. But the danger of proceeding by legislative provision alone is that without guarantees of constitutional protection there is extensive scope for political abuse. This in turn prejudices the interests of the rural poor and undermines the credibility of land redistribution itself.

Judicial review may prove cumbersome, but it cultivates consensus and underlines equity, factors noticeably absent in the past.

Iden Wetherell is a columnist with Zimbabwe’s independent weekly, The Financial Gazette.
Contralesta to forge unity with other political leaders

Farouk Chothia

DURBAN — The Congress of Traditional Leaders of SA (Contralesta) signalled yesterday that it would move further away from the ANC in a bid to forge unity with traditional leaders from other political parties, including the IFP.

Speaking after a meeting attended by Contralesta's national executive committee and its KwaZulu-Natal region, president Phaktekile Holomisa said: "Now that liberation has been achieved it is imperative that we assert our independence as Contralesta so that we attract other traditional leaders. It is natural that there will be a parting of ways (with the ANC) here and there."

Holomisa's comments are likely to heighten tensions between Contralesta and the ANC.

Holomisa's faction of Contralesta irked the ANC when it boycotted local government elections and chose to hold a rival with IFP-aligned traditional leaders to protest against central government's treatment of traditional leaders.

Holomisa's decision also precipitated divisions within Contralesta, and its KwaZulu-Natal region threatened to break away.

Contralesta KwaZulu-Natal chairman Zibusile Mlaba said the "misunderstanding" had been resolved. There had been a lack of communication and the national executive committee failed to "seriously enough". This was shown by its failure to establish a Council of Traditional Leaders. Contralesta would seek a meeting with President Nelson Mandela to raise its concerns, Holomisa said.

The national executive committee said Victor Sefora—who, to be Contralesta's general secretary, denounced Holomisa on national television—was an "inconsequential dissident".

Island declared a monument

Wyndham Hatton

CAPE TOWN — Robben Island, arguably the site of one of the world's most famous prisons, has been declared a national monument.

Making the announcement yesterday, Arts, Culture, Science and Technology Minister Ben Ngubane said there was potential for the island, which attracts considerable international interest, to become a world heritage site.

The declaration means that all buildings, structures and other elements on the island may not be altered without the permission of the national monuments council. In addition to protecting the island, the declaration also applies to an area one nautical mile from the shore.

Ngubane said the island was unique as a result of its political, historical and environmental heritage.

Robben Island is composed of blue rock, deposited some 800-million years ago. The maximum security prison, which was home to President Nelson Mandela for so long, is built of this blue stone.

Van Riebeek was the first to use the island as a prison in a troublesome masquerade in 1652, became the first prisoner on the island and, apparently, the only person to escape.

Authorities warn of land claim scams

Kevin O'Grady

THE Commission on Restitution of Land Rights—which has so far received more than 5 000 claims—has warned of "land claim scams" in which people extort money for handling claims which can be done free by the commission.

Chief land claims commissioner Joe Seremane said he was also concerned about "reports of threats by some individuals or organisations of land invasions if their claims are not resolved within weeks".

He warned that any land invasions would be an infringement of the Restitution Act and "could be counterproductive to a peaceful and reconciliatory process of restitution".

"It should be remembered that dispossession of land took place over decades of racially based actions and cannot be rectified within weeks to everybody's satisfaction," Seremane said.

Some of the claims received had already reached the negotiation and mediation stage and provisional agreements had been reached on settling others.

Creating the necessary administrative structure to handle large numbers of claims had taken longer than expected and led to the commission's work lagging behind (scheul)."

"Here is, however, no doubt that we have made progress and that we are moving towards full operational capacity," Seremane said.

Attention had been given to a "fair number" of claims which were regarded as urgent, and official notice of the investigation of at least 200 claims had been published.

Some cases would be submitted to the Land Claims Court as soon as it was fully established early next year.

Of the 5 041 claims already received, 3 055 were from urban areas and 1 976 from rural areas.

The highest number of claims was in KwaZulu-Natal (1,099). The second highest was in Western Cape (626).

Seremane said he believed many claims were still outstanding because people did not realize they were entitled to claim for land rights dispossession under racially based measures of previous governments since June 1913.
Mugabe reimposes non-payment of K2.5m in police probe

Leves sparks police probe

Non-payment of K2.5m in police probe

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Campaign on land claims in pipeline

By Joe Mdlalola
Political Reporter

A GREAT NUMBER OF PEOPLE – in both the rural and urban areas – may still be ignorant of their rights to reclaim land they lost through apartheid laws, director of the Land Claims Commission Mr Joe Seremane says.

Seremane adds that to remedy the situation, the commission will take steps “to communicate the restitution process widely” so that many people benefit from it.

However, Seremane warns that the process should not be seen as an easy road to quick riches. It would appear there are people who think that millions of rands should now be paid to them in increased compensation for property expropriated,” he says.

Under the Restitution of Land Rights, the commission will consider claims for land taken away under racially based legislation, such as the Group Areas Act.

“It also places the onus on the commission to investigate claims thoroughly, taking into account any compensation that might have been paid previously.”

He says the commission is aware of allegations that individuals or organisations are processing land claims for a fee. “We are aware of scams of this nature still being operated in certain areas,” he says, adding that such people should be reported so that action can be taken against them.

To date 5 041 claims have been received. Of these 3 065 are urban claims, while the remainder are from rural areas.

People whose land was taken under apartheid will be helped to reclaim it
Want their land back

W Cape Dispossessed
Louise Cook

Simon's Town's development will be
affected by land claims, according to a
report compiled by private town plan-
ing company MLH on behalf of the
town's metropolitan structure.

Although thousands of previous
property owners were evicted under
the Group Areas Act in the 1960s, only
28 land claims have been lodged so far
with the Land Claims Commission.

MLH suggested the release of land
under control of the naval base, which
occupied 45% of the town, to enable vic-
tims of forced removal to return. Many
were employed by the navy.

The report, released in September,
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said the naval base had agreed to the
proposals provided the public works
department created mechanisms to ac-
commodate the transactions. It pro-
posed that claims on state land in the
area be incorporated in the navy's
housing scheme.

The navy had indicated it was con-
sidering providing housing for employ-
es in Simon's Town.

Metropolitan structure sources said
the navy owned significant parcels of
unused land, while many employees,
who had owned properties in the town,
had had to travel long distances to
work from Ocean View and Guguletu
after the evictions.

Field worker Zohra Dawood of the
Surplus People's Project confirmed ne-
gotiations were under way between the
navy, land affairs, public works and
the metropolitan structure to resettle
naval employees near the base.

The regional land claims commis-
sioner said 28 claims had been lodged
by individuals on properties at Simon's
Town, Fish Hoek and Muizenburg.

No comment was available from the
naval base.