RESSETLEMENT

1998
Funds needed for act to work

Man with chyuges, missing, so

Cape Farm schools grind to a halt.
Claim agreement returns land to 7 000 families

The seventh land claim was finalised this week when the Land Claims Court ratified a settlement agreement on two farms near Postmasburg in the northern Cape.

This meant that 700 dispossessed families would move back as the legal owners of the 24 807ha of land in April this year.

The farms Skeifontein and Groenwater would be bought by the land affairs department for R6.6m as part of government's restitution programme, the Cape Town office of the restitution commission said yesterday.

About 5 000 people living in the area were removed during the 1960s under apartheid legislation to the former Bophuthatswana homeland.

"Once back on the land, the state will assist in the redevelopment and sustainable use of the land," the restitution commission said.

Commission spokesman Thys Human said the other settled claims were in KwaZulu-Natal, the Western and Eastern Cape, North West and the Northern Cape.

Five claims were in rural areas and two in urban towns.

Claimants had until the end of the year to submit their applications to the restitution commission.

About 23 000 mostly urban claims, still had to be processed, Human said.

Meanwhile, the Land Claims Court said earlier this month that its work load had picked up considerably as it now also had to deal with labour tenant issues and cases of evictions.

When the court was set up three years ago, its only brief was to hear cases in terms of the Restitution of Land Rights Act.
MINISTER CALLS FOR NEW FACILITATORS

District 6 land claim squabble

POLITICAL differences between the government and those driving the District Six restitution and redevelopment process could explain the latest setback to the hopes of former residents, reports ERIC NTABAZALILA.

FORMER residents of District Six, who for nearly 30 years have been sustained by their dream of "coming home", were dealt a body-blow yesterday when Minister of Land Affairs Mr Derek Hanekom ordered the land restitution and development process back to the drawing board.

Addressing a meeting of Land Affairs officials, members of the District Six Beneficiaries Trust, the Cape Technikon and other interested parties, Hanekom said the restitution and redevelopment process, which got underway six months ago with the formation of the trust, excluded certain key stakeholders.

He ordered new facilitators to be appointed, who would report directly to him. Sources close to Hanekom said the minister had no objection to the formation of the trust, but felt the body was deliberately excluding roleplayers such as the Cape Technikon, certain churches in the area, and the owners of apartments from which former residents were evicted. The sources said Hanekom was also concerned that the trust was "not prepared to accept expert advice".

But an "extremely angry" chairperson of the trust, Mr Anwah Nagla, accused Hanekom of "setting back the process by 30 years, and now the dreams of some of the South Africans who were forcibly removed from District Six will never be realised".

Mr Terence Fife, provincial director of the Department of Land Affairs, dismissed these claims and said the minister merely wanted "to re-establish clarity on the whole process."

Said Fife: "There were stakeholders who were left outside the process. As the government, we have to intervene where we feel some of the stakeholders were left outside and this might create problems later. We can't just leave this process to a group of people who claim to represent everybody."

There were about 71,000 people living in District Six when it was declared a white area under the Group Areas Act in 1966. It is remembered as a place of culture and vibrancy and, through its destruction, became one of the most powerful symbols of the injustice of apartheid.

A lengthy consultative process under the auspices of facilitators Dr Elaine Clarke and Dr Neville Alexander was concluded last July with the formation of the trust — set up to drive, co-ordinate and monitor the restitution and development processes, in consultation with the relevant authorities.

It was trumpeted as restitution and redevelopment "by the people for the people", but yesterday it all seemed to fall apart.

Nagla, who has tirelessly campaigned for more than 20 years for a return of the land to its dispossessed former inhabitants, threatened to ask the Constitutional Court to reverse Hanekom's decree.

"I think Hanekom has undermined the process he had put in place himself. He has been misdirected by his so-called advisers who never went to Guguletu, Khayelitsha, Mitchells Plain and other parts of the townships to listen to and address the people who were forcibly removed," Nagla said.

Nagla said the trust would call meetings country-wide to explain to the people how the minister "has terminated a process which was going to fulfill the dreams of thousands of South Africans."

Fife said he believed the meeting was "very positive, as the way forward was discussed". He said the meeting agreed on drafting a record of understanding, clarifying roles and functions of all stakeholders and the need for negotiations to establish an appropriate development and delivery vehicle.

He said about R2.9 million had been allocated for the validation of restitution claims, and that a District Six Validation Unit would be formed.

Fife added that the facilitators, Alexander and Clarke, felt they had played their part in taking the process forward, and that they did not wish to continue with it.

But Clarke dismissed the claim that they wanted to recuse themselves from the process as "nonsense".

"We never said we did not want to continue with this process. We felt that if the minister was to elect new facilitators, we were not going to be part of that. We would not stop the process of facilitation because a few individuals did not feel like taking part in the process. The people who elected us showed their approval by attending the launch of the trust."

"It is because the final results of this process, and the reports we have made, are not approved in certain quarters that Hanekom has decided to take control of this facilitation process."

"We feel he is undermining the work we have done for the people of District Six. We were under the impression that the people who would tell us to stop the process were those who were forcibly removed from District Six. But it is not so.

"Why didn't the minister come from the onset and say he was going to take control of the process? Why is he coming out now?" she asked.
Hanekom in new war of words over District 6 land claim

Trust storms out of meeting

JOSEPH ARAMES
STAFF REPORTER

April 27, 1998

District Six, for 50 years a ghastly reminder of apartheid’s Group Areas Act, is again at the centre of a row this time over its development.

The area has been the subject of a land claim dispute with hundreds of former residents challenging the Cape Town Municipality and the provincial government over an acceptable process to restore their lost properties.

Land Affairs Minister Derek Hanekom will appoint two new facilitators to bring together the various stakeholders to map out a plan for redevelopment.

However, the District Six Beneficiary Trust, established in December under the chairmanship of Anwar Nagia, stormed out of a meeting at Parliament yesterday, saying Mr Hanekom’s proposal was setting back the process.

Mr Nagia accused Mr Hanekom of turning the issue into a political football months before the elections.

Last year two independent facilitators, Neville Alexander and Elaine Clarke, were appointed to mediate between local government structures, former residents and other interested parties.

Their efforts resulted in the Land Claims Court accepting a motion by the local authorities to establish the Beneficiary Trust and to withdraw an application which would have made it impossible for the former residents to submit individual claims.

But the process failed to gain momentum as some parties would not accept the bono fides of the trust, prompting Mr Hanekom’s personal involvement.

Mr Hanekom said: “It is obvious that some people felt excluded and frustrated at the unfolding process and we need to accommodate them in an all-inclusive process.

While it is unfortunate that some people walked out of the meeting, they must realise that they can’t decide on their own what is best for the area as there is more than one organisation representing the interests of the former tenants and residents of District Six.

“We hope they come back on board,” Mr Nagia said a few liberals and the minister’s advisers were to blame for the latest developments.

Some of these people, council officials, a few businessmen and residents of the new Bloemhof Flats are not happy with the recent Land Claims Court ruling, which empowered the former residents to drive the process,” he said.

“They want to be in control of the process, but we will go back to the court and ask it to set the land aside for the trust and the real owners of the land – those who were forcibly removed from their homes.”

Mr Alexander warned that if the views of the trust and the court ruling were not taken into account the process would have to be started from scratch.
Land distribution may yield poor harvest – experts

ANDREA BOTHA

Distributing land among previously disadvantaged South Africans may be a popular, short-term solution – but it will seriously affect agricultural productivity in the future.

This is the opinion of agricultural experts from Kenya attending the African Farm Management conference in Stellenbosch. The aim of the conference is to share knowledge and farming ideas to increase productivity and improve farm management.

David Mwambire, chairman of the African Farm Management Association (AFMA), which organised the conference, said the future looked bleak for agriculture in all African countries unless:

- A commitment was made to co-ordinating research.
- Subsistence and emerging farmers acquired the agricultural knowledge to run profitable farms.

“Africa suffers most from poverty and a lack of capital – and this is interwoven with politics,” said Mr Mwambire.

Paul Mutsio, general secretary of AFMA, said most sub-Saharan countries depended on agriculture, which was the “backbone of Africa”. But there had been no significant agricultural development since the 1960s, when most of these countries became independent.

Each country had individual problems, like climatic extremes or political instability, but most countries also had the common problem of land occupied by unskilled subsistence farmers who were easily trapped “in the vicious circle of poverty”, said Mr Mutsio.

Mr Mwambire said that if wine farmers in the Western Cape handed over farms indiscriminately to workers, the wine industry would grind to a halt as there would be no way to maintain quality.
‘Redistributing land affects output’

BY ANDREA BOTHA
Cape Town

Distributing land to previously disadvantaged South Africans might be a popular short-term solution, but it will seriously affect agricultural productivity.

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Paul Mutiso, general secretary of AFMA, said most sub-Saharan countries depended on agriculture, which was the “backbone of Africa”. But there had been no significant agricultural development since the 1960s.

Each country had individual problems, like climatic extremes or political instability, but most countries also had the common problem of land occupied by unskilled subsistence farmers who were easily trapped “in the vicious circle of poverty,” Mutiso said.

He also warned that governments could not just hand over land to people, but had to ensure the new occupants were equipped to farm.

“South Africa will have to be well-organised to avoid land reform problems that some African countries had.

“Most African countries have similar problems, like land reform issues. We can share knowledge and ideas.”
SA NEWS DIGEST

AGRICulture

Land redistribution will ‘seriously affect’ future SA farm productivity

Distributing land to previously disadvantaged South Africans might be a popular, short-term policy, but it will seriously affect agricultural productivity in the future, top agricultural experts from Kenya said yesterday.

David Mwambire, chairman of the African Farm Management Association (Afma), said: “The future looks bleak for agriculture in all African countries unless a commitment is made towards coordinating research, and unless subsistence and emerging farmers acquire the agricultural knowledge to run profitable farms. Africa suffers most from poverty and a lack of capital, and this is interwoven with politics,” said Mwambire.

Paul Muttso, general secretary of Afma, said most sub-Saharan countries depended on agriculture, which was the “backbone of Africa”. But there had been no significant agricultural development since the 1800s, when most of these countries became independent. He said if white farmers in the Western Cape were to hand over farms indiscriminately to workers, the wine industry would grind to a halt. “South Africa will have to be well-organised to avoid the land reform problems that some of the other African countries had.” — Andrea Botha, Cape Town
Redistribution tenets based on solid ground

SA programme now being used as model by other countries

Zimbabwean President Robert Mugabe’s plan to redistribute 1 500 white-owned farms has led to acrimonious domestic debate and disapproval from potential international donors.

The events serve to spotlight SA’s own land reform programme, managed by Land Affairs Minister Derek Hanekom. Could SA be faced with a similar emotive and uneconomical impasse?

“Our redistribution policy distinguishes us from most countries which also suffered land dispossession,” says Hanekom. “For example, in SA, the provision of a rational, implementable programme,” he says. “In SA, the process still faces an enormous challenge, with about 3 000 claims lodged so far — and still to be adjudicated.”

The Constitutional Court is the only court of appeal above the Land Claims Court.

Hanekom says that “the process still faces an enormous challenge, with about 3 000 claims lodged so far — and still to be adjudicated.”

The court has heard only one case, which was settled out of court.

In order to keep the procedure within broadly manageable parameters, the end-1998 cut-off date for the lodging of all claims “will give due publicity on the radio and other media in a major awareness programme to allow all potential claimants an opportunity to lodge claims,” says Hanekom.

Prior to accepting the claim, the Land Commissioner researches its validity. Existing land owners’ rights are protected in terms of the property clause in the Constitution, with the history of acquisition taken into account. “If the State effectively stole the land at the time of original dispossession,” says Hanekom, “the calculation of the existing land owner’s monetary compensation for dispossession will be based on the original market values paid on expropriation.”

Redistribution, says the Minister, occurs in “grey area” cases relating to the landless, dispossessed or evicted. “The State must prove that they are ‘needly’ in these cases, the State makes available a R15 000 subsidy per individual claimant — and there is no cut-off date for these claims,” he adds.

The Land Affairs Department has drawn up a three-year preliminary budget for this programme, which will increase on an annual basis.

While this programme also provides for expropriation, this is a last-resort mechanism which has never been used to date.

The basic aim is to obtain land available in the market with a freely negotiated willing buyer, willing seller basis.

Legislation is now before parliament to amend the Subdivisions of Agricultural Land Act, which is seen as an impendement to the creation of more smallholdings in rural areas.

Hanekom says existing squatting legislation prevents the creation of unacceptable socio-economic circumstances. The Land Reform (Labour Tenants) Act, passed in 1996, protects the interests of labour tenants, while the Extension of Security of Tenure Act (1997) aims to do the same for farm workers “and applies to all rural land.”

This, however, does not mean they obtain ownership of the land — though this could be offered by the landowner free of charge or for a price. “But they cannot be kicked off unless alternative accommodation is provided for them by the landowner — or the process is vetted by the court in terms of prescribed conditionals.”

Derek Hanekom dealing with down to earth issues

Arnold van Ruyssenburen
LAND Affairs Minister Derek Hanekom and Cape Town's leading left-wing politicians are at loggerheads over how decisions should be taken about the future of District Six.

Hanekom this week unleashed a storm of protest when he announced that he would be appointing new facilitators to decide how to rebuild the area.

This has outraged the District Six Beneficiary Trust, which has accused Hanekom of "firing" two prominent Capetonians — who pioneered a landmark agreement on District Six — because the government wants to control all development projects itself.

The two fired facilitators are Dr Neville Alexander and Dr Elaine Clarke. But Hanekom said key players in the District Six process had complained of being marginalised by the trust, which was set up to facilitate a restitution and redevelopment process. This has been denied by the trust and Clarke, who have instead accused Hanekom of being misinformed and out of touch.

Hanekom said: "At my meeting with stakeholders on Monday virtually everyone stood up and expressed dissatisfaction with the current process, and everyone welcomed my intervention — except for the chairperson of the District Six Beneficiary Trust, Mr Anwah Nagia."

The aggrieved parties included the Cape Town municipality, Cape Technikon, churches and the Voice of District Six, which represents some claimants forcibly removed to the Cape Flats about 30 years ago, he said on Friday.

"Whatever decisions are taken about the future of District Six, this will have to involve the biggest possible range of stakeholders. Former residents would obviously be central to this."

"It's absurd, however, to continue the planning process without the endorsement of the city council."

"Our intention is not to undermine the trust, but to recognise and build on the work that it has done. But we now have a less than perfect situation, and the next step is to get a memorandum of agreement signed," he said.

To this end he had decided to appoint two facilitators who would be accountable to himself.

They would help stakeholders work out an appropriate method for redeveloping District Six. "It's a political interference at the highest level. Victory is being snatched from working-class people who want to return to District Six. It seems the government is having a rethink on urban restitution," he said.

The trust would not meet Hanekom until he had "unconditionally apologised" to Alexander and Clarke for "questioning their integrity".

Nagia said Hanekom seemed to be equating the victims of the Group Areas Act with businesses, the Cape Technikon and the city council.

Clarke said she had a "terrible message" for people pinning their hopes on returning to District Six. "Hanekom says business has the same status as them and they'll have to stand in line."
Land Affairs Minister left us in the dark, say former residents

"I did not hijack District Six" - Hanekom
Land claims threaten privatisation process

Rolynd Chalmers
and Renee Gravitsky

A BID to halt the privatisation of Aventura and SA’s first aboriginal land claim, at Alexkor, threaten government’s privatisation process.

The Legal Resources Centre applied last week for an interdict to halt Aventura’s 100% privatisation on behalf of chiefs with claims on land held by the holiday resort company. The Land Claims Commission is also finalising papers to interdict the process.

At the same time, the Richtersveld community in the Northern Cape has lodged both a land claim and an aboriginal rights claim — effectively an indigenous property rights claim — with government and management of diamond mine Alexkor.

Claims have already been lodged on Aventura’s Blydepoort, Swadini, Badplaas and Tahpise resorts by the Maabil, Malotle, Embuhlebe and Menezhe tribes respectively.

Public enterprises ministry adviser Kennedy Memani said at the weekend the sale of Aventura would be subject to the resolution of the land claims.

Memani said government would help attempt to sort out the claims, but the five short-listed consortia bidding for Aventura had been called on to play a part. “We will look at the ability of the candidates to work out a plan with the communities ... but we will also consider their proposals to foster growth and create value at Aventura.”

The five bidders are: Kopano ke Matla (Cosatu’s investment trust); Phalafala Leisure Consortium; Sanco Consortium; Bakerlong Investment Consortium; and Shomang Investment Holdings. They will meet the land claimants and other communities on Aventura’s 15 resorts from this week as part of a due diligence exercise.

Sanco’s bid co-ordinator Ntate Engelbrecht welcomed government’s move to involve bidders in resolving land claims, saying Sanco had close ties with communities affected.

However, sources close to the process said government was downplaying the land claims issue. Some questioned the ethics of bidders individually approaching claimants, saying there would be no transparency in this process. “Claimants often lack skills to deal with fairly sophisticated parties with the land claims,” said one source.

Land claims commissioner Durkje Gilfillan said the interdict could have been averted if government had allowed claimants to be more involved in the process, including having a say in finalising the short list. She said government had been urged to involve the claimants on numerous occasions to avoid holding up the process, as they were potential owners of the land.

Government and Alexkor management also face a land and aboriginal rights claim from the Richtersveld community.

The reserves of the mine in the Northern Cape are depleting rapidly as no further exploration has been undertaken to extend the life of the mine.

Public enterprises ministry spokesman Wendile Zote said government did not foresee problems with the land claim as it did not fall under the period of review. The cut-off period for land claims in terms of the Constitution Act was 1913.

However, in terms of an aboriginal rights claim — the first such claim in SA — the community has to prove that it had title to the land since time immemorial. The affected community will not have to go through restitution if it can prove it never lost the ownership rights to the land.

A source said this claim need not end up in court if the privatisation process ultimately took into account the needs of the local community.
Land claim threatens rare forest wilderness

Nicky Barker

Minister of Water Affairs and Forestry Kader Asmal applied this week for a court order to evict a community illegally living in a proclaimed wilderness area in northern KwaZulu-Natal.

The land in question is the Ntendeke Wilderness Area in Ngombe Forest, 5200ha of mixed coastal forest 70km east of Vryheid. It is home to the only protected piece of this rare forest type in the world, as well as a number of endemic species.

Two years ago the reserve was the subject of a land claim, as a small portion of the original Buhleze tribe had been moved from the area in 1996 to allow the reserve to achieve protected status. Former residents applied to the Land Claims Commission to have the land restored to them. In consultation with the Department of Water Affairs and Forestry, King Goodwill Zuwelithini and the leader of the Buhleze tribe, they agreed on alternative land for settlement.

The Department of Land Affairs supplied the families with tents to live in on serviced land adjacent to the reserve while the community leaders chose a suitable alternative. Taxpayers' money was set aside to buy four contiguous farms.

However, in November last year, the community of approximately 900 people informed the Department of Water Affairs and Forestry that they no longer wished to move, and that they wanted to continue to inhabit the forest. Without waiting for a response from the department, they began tearing down fences and preparing to build a permanent settlement.

This move has caused alarm among conservation groups, as the reserve enjoys the highest conservation status possible according to international law. Says Keith Cooper, executive chair of the Wildlife Society of South Africa: "We are concerned about the integrity of the wilderness area. Neither the department of forestry nor the department of environment has made any moves to stop this illegal land invasion, and we are afraid this will set a dangerous precedent."

According to one of the community members, 13 families are keen to move to their new sites but they are being intimidated to stay by a newly appointed community leader. He hinted that the about-face by the new community leadership concealed a political agenda. In meetings, the leaders have been unable to furnish valid reasons for their change of attitude.

Whatever the motive for reneging on long-term and recorded decisions, the community is in violation of the law. The Department of Forestry and Water Affairs has been severely criticised for being too lenient with the community, and for taking too long in getting the matter settled.

A wildlife official commented: "The irony here is that the Minister of Environmental Affairs and Tourism, Pelle Jordan, was able to halt a developer from destroying the habitat of the Brenton Blue butterfly, a species found only near Kryersna. But here is an entire ecosystem in danger of being ploughed up, and he allows it."
Land Claims Court to review eviction

By Cathy Peters

In an unprecedented move, the Randburg Land Claims Court will today review a magistrate’s decision to evict farmworkers from a Muldersdrift farm.

Krugersdorp magistrate S van Niskork allowed the eviction of 64 farmworkers and their families on January 19. They now live on land near Lanseria, according to Patricia Hanekom, head of the Gauteng Department of Agriculture.

Willie van der Walt, the farmworkers’ attorney claims the eviction was unlawful under the Extension of Security of Tenure Act because there was a labour dispute in progress at the time of the eviction.

A clause in the act says farmworkers cannot be evicted pending the resolution of a labour dispute.

Van der Walt said he was notified yesterday that the farmer’s attorneys would apply for a postponement today.

The farmworkers’ eviction was upheld when it was reviewed on February 4. Hanekom said, if the farmworkers’ lawyers successfully overturned the eviction, the farmworkers will be able to return to the farm immediately, she added.

This case will also be the Land Claims Court’s first hearing under the Extension of Security of Tenure Act.
Day Recalled When Bulldozers Came to District Six

REMEMBRANCE: Former District Six residents hold a vigil to remember the many homes they were evicted from when they were evicted 32 years ago.

PHOTO: WÓMINOS DE MATTOSA
Going back to roots

BYEOND the green rolling hills of Ladysmith in KwaZulu-Natal, a lone
land surveyor is hard at work on a
tract of land that seems to stretch to
the horizon.

A kilometre away, two farmworkers on a
tractor are putting up a fence that will separate
this land from their boss’s farm.

This is Cremin, from where more than 115
landowners were forcibly removed by the for-

The land has now been restored to its origi-
nal owners following a Land Claims Court
decision handed down in October last year.
The decision was made easier by the willing-
ness of the present farmer to return the land.

It is the first piece of land in KwaZulu-
Natal to be returned under the Restitution of
Land Rights Act. The state paid R473,000 for
it.

About 12km away at Ezakheni, a labour
reserve where most of the Cremin landown-
ers were dumped, Mabutho Shabalala is already
making plans to go back to his ancestral land.

“You see those goats grazing over there,”
he says pointing to a small herd on a rocky hill
metres away from his house. “This shows that I
am not a township person.”

Founder member

Shabalala is the founder member of Mayibuye
Cremin, a campaign launched in 1990 to put
pressure on Government to return their land.

A retired employee of the Swaziland agri-
cultural department, he is elated at the prospect
of returning to his ancestral land and is already
thinking about large-scale farming on a 48
hectare piece of land once owned by his father.

It will take a couple of months before his
dream becomes a reality. He has to wait for the
land surveyors to finish demarcating the land
into plots.

A function is also being planned next
month to mark the official return of Cremin to
its owners. President Nelson Mandela has been
invited to attend.

Casting his mind back to those dark and
difficult times of the removals, Shabalala is
filled with pain at the devastation that the
apartheid government caused to the social
fibre, spirit and wealth of the community.

“The Beers came with their big white
trucks. They would douse your house with
petrol and set it alight even before you had
finished removing all your belongings,” said the
father of four with bitterness.

“My eight-roomed house, built with bricks
made by my wife, was razed to the ground. My
mother was sitting quietly looking at this cir-
cus and from that moment began to lose her
senses.”

Shabalala’s bitterness also comes out when
he speaks of how the community’s cattle were
sold at giveaway prices to white farmers
because it was claimed livestock was not
allowed in a township.

For 14 years, he and fellow dispossessed
members of this community were not allowed
to set foot on their land. To visit the graves of
their forefathers, they had to seek permission
of a white farmer who had bought the land.

However, since last October when the Land
Claims Court ruled that Cremin should be
returned to its original owners, he has been
visiting the area frequently and in a few
months he will be able to return to the land
permanently.

Cremin is the second of five pieces of land
in South Africa to be returned to its original
owners since the Commission on Land
Restitution Rights was established in 1995.

The first was Elandskloof in Western Cape,
which was handed over to its dispossessed
owners or their descendants in October 1996.

However, the process of restitution is
painfully slow because of protracted negotia-
tions, mediation and Land Claims Court pro-
cedures that have to be undertaken before
restitution takes place.

Intrinsuecge shown by some landowners
currently occupying land that was unjustly
taken from its original owners is also hamper-
ing the process.

As a result of these factors only five of the
23,009 claims received so far have been suc-
cessfully resolved.

Land restituted

These are Elandskloof, Rastegazi in North
West, Farmfield in Eastern Cape, Cremin and
land owned by the S & R Dullabh family of
King William’s Town in Eastern Cape.

The commission is now investigating a
“fast-track” procedure to speed up the process
and have claims settled faster.

“It is generally agreed that there are some
claims that seem to be pretty straightforward,”
commission spokesman Mr M Human said.

Claims where there is agreement between
claimants and the landowner that the land can
be restituted will be “fast-tracked.”
Momentum's explosive land claim

(21) MTG 13-19/198

Sharon Hammond
Thousands to get free land in Cape

THE PEOPLE of Franschhoek have taken the initiative in land restitution, arriving at an independent solution which will see claims settled faster. ROGER FRIEDMAN reports.

The people of Franschhoek have clinched an historic social and development accord which will see the transfer of a piece of land, free of charge, to each low-income family of proven residence in the valley which does not own a home.

To qualify for a plot, homeless residents have agreed to bind themselves to the terms of a far-reaching "social compact", which requires them to uphold the principles of the Masakhane campaign (payment for services), not to participate in or abet illegal squating, and not to commit any crimes.

The deal is considered unique.

Both the social compact and the land grant contracts will provide for the grant to be revoked should the beneficiary be convicted of any serious crime, not pay taxes and service charges, or aid and abet illegal squatting.

A total of 1 110 pieces of land are to be transferred, about 1 000 of them to low-income families and the rest to medium-income families. The accord, facilitated by the Independent Mediation Service of South Africa (Immsa), is to be formally signed at a ceremony in the town today.

"The entire valley is involved. There is absolute consensus on this," said land owner Steenkamp, chairperson of the Franschhoek Chamber of Business, told the Cape Times last night.

"The entire valley is involved. There is absolute consensus on this. The bottom line is we want to create a valley of landowners."

The cost of providing the local solution to 16 pending land restitution claims is a large portion of high-value land belonging to the council had been set aside to compensate land claimants. Through a trilateral agreement with council and the Land Claims Commission, claimants will cede their claims to the council in exchange for early compensation to be derived from the land set aside.

Steenkamp said last night that the town owned huge tracts of land, with one piece, stretching over the mountain towards Villiersdorp, conservatively valued at about R40 million. A substantial portion had been set aside for the restitution claimants. They would be paid out or given a portion of the land this year, instead of having to wait for up to 10 years for the usual restitution process to take its course, Steenkamp said.

He said that in terms of the accord, the indigent would not only qualify for land, but services would also be provided. The new landowners would then be able to access grants of up to R17 000 from government in order to erect structures.

The time-frame for the project is in the order of one year. By the end of this year, Steenkamp said, the town hoped to be in a position to be able to start handing out title deeds. By then, certain vacant land would have been serviced, and other land bought.
New Legislation to Resolve Stronghold on Tribal Land
Franschhoek lands a deal it can be proud of

WILLEM STEENKAMP

It is the kind of New South Africa story that propagandists get those warm dreams about — but they didn’t think of it, the people did. All of them.

Thirteen Franschhoek groups last night signed an accord that, if successful, will be a beacon of hope in the bitter buntight that is land restitution.

After two years of “terrible scraps”, the well-off white community, the disadvantaged people and the municipality have reached a solution possibly better than any could have imagined.

In a nutshell, more than 1 100 beneficiaries will be housed on the area’s commonage. Each will get a plot and infrastructure, and money is to be raised to augment the scanty R17 000 in government financing each can receive.

But this is not just another handout. A trust is to be established to run the entire scheme along business principles — we’re talking big money here, and financial viability underpins the deal — and participants are bound to discourage squatting, obey the law and pay their bills.

But nobody has illusions about the real hard work ahead this year. The trust must now be formed, and an economic development plan and the housing plan thrashed out.

Yesterday, though, there were no ifs or buts or sore points, only satisfaction about a very difficult job well done — by all concerned.

Andre Scheepers, a mover in the process, described the deal as “a milestone in the 300-year history of Franschhoek”.

Land claimants’ representative Benji Fray said: “The point behind the agreement is so every Franschhoek can have a title deed on his name.”

Squatter representative Myrna Baartman bubbled over about how squatters’ lives would improve. “People are really very happy. Some have tears in their eyes,” she said.

Lawyer Willem Steenkamp summed it up thus: “For South Africa to work, you’ve got to make everyone feel part of it.”

Indeed.
Government tackles land redistribution

LYNDA Loxton
Parliamentary Correspondent

Cape Town — Sharply different views on how the government should deal with the sensitive issue of land redistribution were put to the parliamentary land affairs committee yesterday as it started a session of hearings into the white paper on land policy.

Stuart Grobler, the general manager of the Council of South African Banks, welcomed the government's efforts to "maintain a fine balance between all the conflicting vested interests to ensure that its land reform process does not lead to instability in the land market."

He warned that such instability could destroy the property market, the financial sector and the economy.

Grobler supported the government's commitment to the willing-buyer, willing-seller theory, valuations based on market prices, and the acknowledgement of existing property rights.

But Sihle Mkhize, a coordinator with the Association for Rural Advancement, said the government should consider supply-side measures instead, such as buying up land to redistribute to people.

White farmers, he said, should be encouraged to donate land to the state at reasonable prices as part of their contribution to the Reconstruction and Development Programme. They should be offered incentives if they did and penalised if they did not. This would entail scrapping the property rights clause in the constitution, he said.

Grobler, however, said the state could not afford to follow those recommendations because they would cause market instability.

On a possible land tax in rural areas, he said it was difficult to argue against this because land in urban areas was already taxed in the form of rates, but he was concerned that the costs involved in collecting the taxes would absorb all the taxes. There would thus be no tangible benefits to taxpayers on paying the tax.

Grobler was asked why banks did not more readily lend money to poor people to buy land. He said banks lent out other people's money when they made loans, and could not lend to people who would probably not be able to repay their loans.

He supported the view that people should not over-extend themselves to buy land.
Farmworkers' plight

By THEO SEPOTOCHILE

The 64 Muldersdrift farmworkers at the centre of what could be a precedent-setting Land Claims Court case could spend tonight in the void after arrangements for their temporary accommodation lapsed last night.

The accommodation in Nosiphedacht was organised by Gauteng's Agriculture, Conservation and Environment MEC Nomvula Mokonyane pending the outcome of the case, which was supposed to be completed yesterday.

Farmworkers were baffled when Mokonyane broke the news to them outside the Randburg Land Claims Court, where the case is being heard.

"The arrangement was that the workers would vacate the shelter when the court proceedings end. The government organised the shelter because of the plight of the women and children," she said.

The case was yesterday postponed to tomorrow, after an attorney representing the evicted workers was ordered to answer allegations that some workers had intimidated George Frederik Kok, owner of the Constee brick manufacturing firm where all 64 people were employed.

"The court is reviewing the Krugersdorp Magistrates' Court decision to evict the workers from the firm's hostels."
Weapons bedevil tribal land claim

BY HOPWELL RAMBE
Political Reporter

A team of landmine experts has been called in to investigate a mine-infested police college on whose grounds a Mzumalanga tribe has lodged a land claim.

The claim, which could also force 12 commercial farmers from their land, was lodged by the Pedi-speaking Bakgaga Bakopa tribe near Groblersdal.

The tribe was forcefully removed from the area in 1982 in terms of the Group Areas Act and the land now houses the SAPS Maleckkop Training College as well as expenses of commercial farmland.

Originally submitted to the advisory commission on land allocation in 1993, the land claim was passed on to the Commission on Restitution of Land Rights in 1995.

Mzumalanga commissioner Durkje Gillilan said the case, to be heard next month, would be the first restitution case to be dealt with in the province.

The Mzumalanga land affairs department spokesman, Conrad Spamer, said that the 1,200 hectares of land owned by the Maleckkop college was "contaminated by active and inactive ammunition such as landmines, grenades and mortars, all a part of training for police".

The department has hired the Mechem consultancy, a firm which has expertise in landmine decontamination and exploration, to study the extent of the danger and the possibility of clearing the area.

She said the case was in the final stages of negotiations and was expected to be brought before the land claims court by mid-March.

Gillilan said after the case has been resolved the commission and the land affairs department would negotiate with the Bakgaga Bakopa and other tribes who had lodged claims to see if they cannot lease parts of the land to farmers and the SAPS.

She said there were other valid land claims in KaffersKraal and Brakfontein the commission was addressing.
Handkom discovers price of rural peace is land.

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Hanekom lauds land judgment

Court makes ruling that dismissed workers will get hostel accommodation

Agriculture and Land Affairs Minister Derek Hanekom said yesterday he welcomed the decision by a Land Claims Court judge on the Muldersdrift, Randburg, case.

"It is a victory for fairness and for 64 people who were made homeless by arbitrary and unjust action," Hanekom said.

The 64 brickworks employees took their employer to court after they were dismissed on December 3.

The workers had embarked on an illegal strike, apparently because they failed to follow dispute procedures laid down by the Labour Relations Act.

On January 19 they were evicted from their hostels by a court order obtained by Coetzen Brickworks owner Mr George Koek.

In terms of the Security of Tenure Act, which came into force in November last year, landowners may not evict workers until a labour dispute has been settled.

Although the court ruled in their favour on Friday, it also ruled that they be given paid hostel accommodation elsewhere until their labour dispute is resolved.

"The judgment sends a clear message to all," Hanekom said yesterday, adding that the Extension of Security of Tenure Act requires fair procedures and criteria for evictions in rural areas.

He said it was unfortunate the case had to go to court, adding that negotiations between the two parties could have avoided that situation.

"I urge landowners to cooperate with the law as it's in their interests and because it is in everyone's interests to find long-term solutions to the problem of insecure tenure," he said.

Hanekom also urged occupiers to use the procedures provided by the law to resolve their problems — Sapa
Judge rescinds brickworkers' eviction order

In a landmark ruling in Randburg, Land Claims Court Judge Antonie Geldenhuys on Friday said the eviction of 64 workers from a Muldersdrift farm was contrary to the provisions of the Security of Tenure Act and the eviction order should never have been granted.

The Consteen Brickworks employees had not yet arrived yesterday at the Dyambu hostel, where they were ordered to reside until their labour dispute with their employer was resolved.

The workers applied for the restoration of their tenure after they were dismissed by Consteen and evicted from the hostel premises for taking part in a strike last December; ostensibly because they failed to follow dispute procedures set down in the Labour Relations Act.

Consteen Brickworks owner George Kok obtained a court order which saw the 64 workers evicted on January 19. But Geldenhuys ordered Kok to pay for alternative accommodation at the Dyambu hostel between Randfontein and Krugersdorp until the labour dispute was resolved. — Staff Reporter
Cubs will also protect squatters

Fair land procedures created
Mbeki interview: on Avantura land claim

Homebrett

Mbeki interviews in Avantura land claim

DEPUTY PRESIDENT Thabo Mbeki

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06/08/1998 (2/7)
Land battle hots up in naval town
Dispossessed residents angry at delay

AYESHA ISMAIL

FORMER Simon’s Town residents who lost their land under the Group Areas Act have lashed out at the Department of Land Affairs for not settling their claims.

Ten Group Areas victims complained that there had been no settlement or compensation for land they lost in 1960, despite a recommendation by the Land Claims Commission last year that the land be returned to them.

They had been trying to get their land back for the past six years and had gone through all the right channels, said their spokesman, Vernie Wessels.

But the department said it needed more time to study the claims and “develop a negotiating position”.

Department spokesperson Luan Waring said they may also need to examine the issue of compensation and possible court action under the Restitution Act.

This has angered Wessels, who said: “We have followed all the right channels to get our land back. The process started six years ago with the previous government. By now, our claims should have been settled.”

The ex-residents have accused the department of “lacking the political will to settle the claims of coloured former landowners”.

Two of the claimants have died since their claims were lodged with the commission in 1995.

Wessels returned to his place of birth this week and was shocked to see how the properties of the claimants had deteriorated.

Standing on his family’s former property with its panoramic views of the sea and mountain, Wessels pointed to the surrounding trees: “There are our avocado pear trees, orange and fig trees. When we lived here, we seldom bought fruit as we grew them in our garden.”

We were a happy community who worked hard to own our properties. Most of us worked in Simon’s Town in the naval dockyard.

“When we were forced to move in 1960, we had to make hard choices as to whether we should give up our jobs or travel at least 50 km a day and incur great expenses in bus and train fares,” Wessels said.

Many of those who lost their land moved to Ocean View, Steenberg and Retreat.

But houses in these areas were small and many of them had to sell their large Victorian furniture.

Wessels said they were paid about R13700 for their property.

“When we were given notice that we had to move, we were not given an option to sell on the open market. We had to sell to the state-owned Community Development.”

“It was daylight robbery. The residents approached Land Affairs in 1992 about getting the land back but received no help.”

“We went to the Department of Public Works, the Simon’s Town municipality, NGO’s and the Deeds Office. Almost everybody gave us the run-around,” said Wessels.

“In 1995 when the Commission on Restoration of Land Rights was set up we thought there was hope of us getting our land back. But today there is still doubt.”

“Mr G D Elsheyne died last year and Mr H Thompson (two claimants) died in 1996. It is just so sad,” he added.

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Pyromusic at V & A

THE V&A Waterfront will hold a spectacular display combining fireworks and music in April, writes BABALWA SHOTA.

Three top pyromusical teams from Italy, the UK and Spain will compete for the Dunhill Symphony of Fire trophy.

The show will be held on April 3, 5, 8 and 11 and multi-coloured rockets will light up the sky to the sound of jazz and rock ‘n’ roll.
Land affairs' allocation to touch 47% in next three years

Louise Cook

The allocation for land affairs went up by 7% to R685,3m for the 1997/98 financial year, but estimates for the next three years show government plans to speed up land reform by increasing the overall allocation by 47% to R391,8m.

Implementation services, which include land redistribution, dropped by 5% from last year to R391,3m. Only about R91m was spent on redistribution in 1997/98, leaving an undisclosed amount as a rollover for this year.

However, according to government’s medium-term expenditure framework for the next three years, implementation services would spiral by 68% to R659,8m.

The rapidly growing medium-term expenditure framework allocations reflect the increasing pace of implementation of land reform. By the end of 1997/98, land transfers involving 89,000 beneficiaries and 324,4ha of land had taken place.

"A total of R183,6m was allocated for the purchase and development of land in redistribution projects this year. This represents a substantial decrease on the R316m for 1997/98, but an increase of about 50% on the amount as expected to be spent in 1998/99."

An amount of R30m was allocated for compensation to victims who lost land during apartheid and R30m for the development of land and support to successful claimants. The restitution commission, which was cash-strapped during 1997/98, would now receive R28,5m for operating costs.

An amount of R47m was budgeted for land purchases. "Pilot projects are being run to assist in finalising policy on the transfer of land ownership to people in former homeland areas."

Other amounts include R26m for underresourced local authorities in rural areas to set up land development objectives and R115,6m for the upgrading of equipment in the deeds registrar.
Wild Coast development will give people their land
Sons of the soil stake a claim

Chiefs battle on land rights

Land, to Nkoski Khayelihle Mathaba, is a matter of life and death. Mathaba says he'd rather die than surrender to government his birthright and control of the domain handed to him by his forefathers when he became chief in 1984.

That birthright is more than 6,000 km² of rolling countryside, stretching inland from the KwaZulu-Natal north coast at Mthunzini. It is home to a population of 120,000 whose primary economic activity is small-scale sugar farming and timber plantation.

Mathaba undoubtedly reflects the sentiments of many traditional leaders, who view any attempts by central government to tinker with tribal land tenure with suspicion. The chiefs, a powerful lobby in their own right, have the backing of the Inkatha Freedom Party.

The fundamental difference between the national government and chiefs is on the ownership of communal land. The State wants communities to decide whether land should be communally or individually owned. Many traditional leaders, however, say communal tenure should be vested in the tribal authorities themselves.

Mathaba is quick to say "I'm not trying to grab land for myself, but rather to act as the custodian of an asset for my people."

In his case, as in most instances in KwaZulu-Natal, the land actually belongs to the Ingonyama Trust. The Trust is ostensibly controlled by the Zulu monarchy, but this is disputed by the State.

Mathaba makes no bones about his belief that government has a double agenda. "They want to strip tribal leaders of the land. They want to take our wealth and power in the name of democracy as a ploy to empower their own supporters by giving them the land."

To rural people, he claims, democracy is much more a reality in the tribal authorities than through a Constitution drafted in Cape Town. "Even the administration of justice is more democratic. In a Western court only the prosecutor and defendant may present evidence and argument, whereas everyone has the right to speak at a tribal hearing."

Mathaba, who was a victim of forced removals during apartheid, prefers the previous government to the current one. "I am experiencing more problems now than under apartheid. These communists (the government) just play with the law and use it to undermine our influence."

Many chiefs share Mathaba's sentiments, but there are those who agree with government's proposal on tribal land.

Nkoski Zibuso Mlaba, whose 70,000-member KwaXimba community occupies the Valley of a Thousand Hills — including Inchanga and Capertown between Durban and Manzimkulu — says he believes just as strongly in the value of traditional custom. But such norms, he says, can only survive if the chiefs adapt to change.

Giving title to the people who actually live and work on the land is part of what Mlaba sees as moving with the times.

He believes some groups — which he does not want to name — have deliberately confused the issue in order to be able to win over and manipulate the amakhosi (chiefs).

Mlaba's controversial views on traditional issues have landed him in hot water in the past. Soon after becoming chief in the late Eighties, Mlaba had to flee SA when attempts were made to kill him.

He believes, however, that the sacrifices he made in the past have been worth it. Violence has been replaced by peace, and fear by freedom of choice. And perhaps most significantly, people's economic potential will be enhanced through property ownership.

In addition to giving his people freedom of rights, Mlaba wants to establish a board to manage commercial development on land that remains part of the Ingonyama Trust.

"The current system is a crippling one. It blocks development and must change," he says.

Herb Payra
Dragging land restitution process to be speeded up

Deborah Fine

GOVERNMENT was undertaking a number of measures to speed up the land restitution process which was “admittedly far too slow”, Thys Humun, communications officer for the Commission for the Restitution of Land Rights, said yesterday.

He said that of the 23 000 land claims received by the commission since its inception in May 1995, only eight of these claims had been settled and officially ratified by the Land Claims Court.

The commission and the court were established in terms of the Restitution of Land Rights Act of 1994 which was enacted to provide redress for more than 3.5-million victims who were forcibly evicted from their land after 1913.

Human pointed out that although limited financial, infrastructure and human resources had contributed to delays in finalising claims, it was also important to note that the resolution of claims was a “very complicated and intricate procedure”.

In terms of the act, claimants had to lodge their claim with a regional commission. In-depth research was then carried out by the commission to establish the validity of the claim.

This could often take more than six months, especially where large communities of more than 3 000 people, for example, had lodged claims. The validity of each individual’s claim, often going back decades, had to be verified through archive material and old state records.

The commissions then facilitated negotiations with landowners and thrashed out the most appropriate form of restitution for claimants, as well as compensation for the landowners if required. Talks often proved lengthy as the commissions were committed to negotiated settlements rather than costly dispute litigation in the Land Claims Court.

Human said the act was amended last year to fast-track the process by allowing parties in less complicated cases to directly approach the court for settlement orders rather than having to first go through a commission.

Government and private donors had also provided additional funds to enable commissions to hire more researchers, community advisers and personnel.

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Hanekom makes difficult decision

Wyndham Hartley

CAPE TOWN — In what must have been one of his most difficult decisions, Land Affairs Minister Derek Hanekom has approved the purchase of an "apartheid" farm in Northern Province for six times more than was paid for it — in the interests of the national land reform programme.

The farm, La Boheme, in the Trichardsdal district, was bought from the state in 1992 for R700 000 — the price set by the then Agricultural Credit Board — by Leon Bondesio. Last year the Calais Farmers' Association asked for permission to pool about 390 land acquisition grants to buy the farm for more than R5m.

Hanekom has approved the purchase for R4.5m, but applied a penalty of R1.051m because Bondesio bought the land with money he borrowed from the state and has not kept the land for the mandatory 10 years. This means that the Calais Farmers' Association will pay about R3.5m for the farm. The value of the 451ha farm was assessed at R4.5m by a professional valuer and improvements on the land of R1.6m form part of this.

Hanekom said yesterday: "While the farmer will make a big profit, it is the market value, and we have dealt with the case in line with our policy. The case raises questions of how to deal with something done wrongly, but legally, in the past.

"At the end of the day a large number of people will benefit from this project. They will not pay more than the land is worth and so the expenditure is justified. This is positive and is ultimately what land reform needs to achieve."

Sources said Hanekom could have exercised his authority and expropriated the farm, paying compensation which took account of the acquisition history of the property. But this would have had a serious effect on perceptions of his land reform programme, which is beginning to gain momentum and win the confidence of organised agriculture.

There have been objections to the La Boheme sale, based on the perception that the farm was being bought for settlement purposes.

Land affairs director-general Geoff Buddendorf said that the management plan submitted by the Calais farmers stipulated that the farm would be maintained as one unit for agricultural production.
Makuleke community gets its Kruger Park land back

BY MELANE-JANE FERNS
Environment Reporter

The Northern Province community of Makuleke, which has been granted a portion of the Kruger National Park in an historic land claims settlement, announced yesterday it is planning to develop a tourist camp in the area.

The terms of the agreement, announced by the South African National Parks (SANP) in Pretoria, state that the community will not be able to live permanently on the property, nor farm or mine it, unless given permission by the SANP.

They are, however, allowed to look into the possibility of erecting small, low-impact tent accommodation aimed at the luxury market. They may also build wilderness trails and a cultural route, including a traditional museum.

The agreement, reached after 18 months of negotiations, allows the community to gain control of about 26,000ha of land which they lost through forced removals in 1938.

The agreement will also allow for 5,000ha of the Madimbo Corridor, controlled by the South African National Defence Force and the Northern Province, and which falls outside the Kruger Park, to now be included in the management of the park.

Makuleke spokesman, Zvingishe Makuleke, said the community's plans were just at the initial stages but already young members of the community were being registered for courses to help in the development of the area.
Commission to Review Several Related Rejected Land Claims
Insults led to killings, critics commission hears.

Terror Blanche will not testify in amnesty case.

Terror of the Blanche is not testimony in amnesty case.

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Community granted a portion of Kruger Park

Pretoria - The community of Makuleke in the Northern Province, which has been granted a portion of the Kruger National Park in a historic land-claims settlement, said it is planning to develop a tourist camp in the area.

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They are, however, allowed to look into the possibility of erecting small, light impact tent accommodation aimed at the luxury market, as well as wilderness trails and a cultural route - including a traditional museum.

The agreement, reached after 18 months of negotiations, allows the community to gain control of about 25,000 hectares of ancestral land which they lost through forcible removals in 1968.

The agreement will also allow for 5,000 hectares of the Madimbo Corridor, controlled by the South African National Defence Force (SANDF) and the Northern Province, which falls outside of the Kruger Park to now be included under the conservation management of the park.

Makuleke community spokesman Livingstone Makuleke said their projects were in the planning stages but already young members of the community were being registered for business management and nature conservation courses to help with the development of the area.

Although the SANP will initially manage the area at its own cost, the agreement stipulates that the community will share the costs once income is generated from tourist activities.

The agreement will be officially signed by the community, the SANP, the Northern Province and the SANDF next month before it is presented to the Land Claims Court and later to Parliament for consideration.
Kruger Park: 'remember the landless'

By Victor Mecooamere

The Centenary celebration of the Kruger National Park (KNP) should not occur without remembering those who had to surrender their land for the creation of the park, President Nelson Mandela said yesterday.

"In commemorating this day we need not forget those who had to surrender their land to make it possible, often through forcible removal, nor those who for generations were denied access to their heritage except as poorly paid labourers," Mandela said in Skukuza, Mpumalanga.

He was speaking just a few hours before he was to fly to Cape Town to welcome United States president Bill Clinton.

Mandela was accompanied to Skukuza by the late Mozambican president Samora Machel's widow, Mrs Graca Machel.

Environmental Affairs and Tourism Minister Paito Jordan, and premiers Mathews Phosa of Mpumalanga and Nqoako Ramahlodi of Northern Province were among the dignitaries.

The KNP, the flagship of the South African National Parks, was established in 1898 by the late Paul Kruger, president of the then Zul-afrikaner Republic.

Blacks who lived on the land which is now the KNP - between Northern Province and Mpumalanga up to the borders of South Africa with Mozambique and Zimbabwe - had to make way for the establishment of the park.

"We recall these threads in our history not to decry the foresight of those who established the park, nor to diminish our enjoyment of it," said Mandela.

"We do so rather to re-affirm our commitment that the rural communities in and around our parks should also benefit from our natural heritage, and find in it an opportunity for their development.

Mandela said rural communities could become active agents in meaningful programmes of conservation and environmental community education. In so doing they would contribute to the sustainable use of the environment and at the same time dispel the myth that tourism is the preserve of the rich.

A video to mark and promote the centenary and the park's huge tourism potential went on sale yesterday. Its production was sponsored by the giant steel and iron manufacturing company Iscor.
Perfect solution to ending a painful past

Makuleke community compromises with Kruger Park

The cause of conservation in southern Africa has been revitalised by a precedent-setting land deal between the Makuleke community and the Kruger National Park.

A land claim that could have taken away an important part of the Kruger has been resolved to the benefit of the Makuleke, evicted from the area in 1969, as well as SA’s most important national park.

Under the deal, the land will be transferred back to the Makuleke. However, instead of reoccupying the land, they have agreed to turn it into a contractual national park in the belief that greater returns can be made from ecotourism than from mining or farming.

The deal has enormous implications for conservation and ecotourism in regions bordering national parks.

It could also be the key to the successful expansion of the Kruger into a transfrontier national park with Zimbabwe and Mozambique.

The agreement leaves the land under the conservation management of the Kruger but grants exclusive research and tourism development rights to the Makuleke community.

The land consists of 19 000 ha forming the northern tip of the Kruger around Pafuri and fronting the borders with Zimbabwe and Mozambique. The settlement also means that another 4 000 ha of land in the adjacent Madimba corridor will be brought into the Kruger.

Some members of the Makuleke community live in adjacent areas of Zimbabwe and Mozambique, to which they scattered after their eviction. The majority were relocated to homelands on the Kruger border.

“We think this is a good agreement and the Pafuri area is strategically well positioned for the transfrontier park project,” says SA National Parks (SANP) CEO Mavuso Msimang.

The expansion of the Kruger into a transfrontier park was first mooted more than four years ago, but so far progress has been limited. The Makuleke agreement and the strategic position of the community could help move the initiative forward.

The Makuleke were helped in their land claim by various advisers, including historians Jane Carruthers and Eddie Koch, who formed a community dedicated non-governmental organisation (NGO) called the Friends of the Makuleke (FOM). Anthropologist Conrad Steenkamp was appointed to assist in dealings between FOM, the Makuleke community and other organisations such as the SANP.

Under the agreement, the SANP is responsible for the day-to-day running of the area in terms of the overall Kruger Park management plan.

The Makuleke have agreed that the contractual agreement will run for 50 years and be reviewed after 25 years. No mining, farming or permanent habitation may take place on the land without the permission of the SANP, which has the right of first refusal.

In return, the Makuleke have full rights to all commercial tourism development and to all research work in what is one of the richest ecological zones of the Kruger.

Scientific institutions will pay the Makuleke to conduct research. Tourism developments will build luxury tented camps and establish wildlife and birdwatching trails and a cultural route.

Says Steenkamp: “The necessary conservation guarantees have been provided by the Makuleke and the required tourism development guarantees by the SANP.”

He adds that the Makuleke opted for conservation because they believe it will “maximise the turnover from their asset through profit sharing from game lodge ventures, job creation and the provision of goods and services to the ecotourism activities on their land.”

Steenkamp says a vital aspect of the deal was that the Makuleke kept control of the process. Elsewhere, government conservation bodies have been directly involved in community conservation development initiatives leading to a conflict of interest and, often, failure.

“Doing this way meant that the SANP did not get involved in complex village politics.”

A conservation NGO, the Endangered Wildlife Trust (EWT), became involved at a crucial stage in 1997 when the Makuleke needed funding and proof that there would be short-term material benefits from their course of action.

The EWT is part-funding a training facility for 22 Makuleke students studying through Technikon SA for national diplomas in nature conservation or business studies. The Gold Fields Foundation has provided a training centre for the students.

“Training is the core project on which all future development projects can be based,” says Steenkamp.

“In providing this support the EWT was prepared to take the risk of offending not only its membership but also the SANP by being seen to align itself with the Makuleke in their land claim against a national park.”

The Makuleke/Kruger agreement sets a precedent for other land claims involving conservation areas. It also sets new parameters for situations where national parks or game reserves would like to expand by taking in underutilised ground on their boundaries.

Brendan Ryan
Perfect solution to ending a painful past

Makuleke community compromises with Kruger Park

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The land consists of 19 000 ha forming the northern tip of the Kruger around Pafuri and fronting the borders with Zimbabwe and Mozambique. The settlement also means that another 4 000 ha of land in the adjacent Madimbo corridor will be brought into the Kruger.

Some members of the Makuleke community live in adjacent areas of Zimbabwe and Mozambique, to which they scattered after their eviction. The majority were relocated to homelands on the Kruger border.

“We think this is a good agreement and the Pafuri area is strategically well positioned for the transfrontier park project,” says SA National Parks (SANP) CEO Mavuso Msimang.

The expansion of the Kruger into a transfrontier park was first mooted more than four years ago, but so far progress has been limited. The Makuleke agreement and the strategic position of the community could help move the initiative forward.

The Makuleke were helped in their land claim by various advisers, including historians Jane Carruthers and Eddie Koch, who formed a community-dedicated non-governmental organisation (NGO) called the Friends of the Makuleke (FOM).

Anthropologist Conrad Steenkamp was appointed to assist in dealings between FOM, the Makuleke community and other organisations such as the SANP.

Under the agreement, the SANP is responsible for the day-to-day running of the area in terms of the overall Kruger Park management plan.

The Makuleke have agreed that the contractual agreement will run for 50 years and be reviewed after 25 years. No mining, farming or permanent habitation may take place on the land without the permission of the SANP, which has the right of first refusal should the Makuleke decide to sell.

In return, the Makuleke have full rights to all commercial tourism development and to all research work in what is one of the richest ecological zones of the Kruger.

Scientific institutions will pay the Makuleke to conduct research. Tourism developments will build luxury tented camps, and establish wildlife and birdwatching trails and a cultural route.

Says Steenkamp, “The necessary conservation guarantees have been provided by the Makuleke and the required tourism development guarantees by the SANP.”

He adds that the Makuleke opted for conservation because they believe it will “maximise the turnover from their asset through profit sharing from game lodge ventures, job creation and the provision of goods and services to the ecotourism activities on their land.”

Steenkamp says a vital aspect of the deal was that the Makuleke kept control of the process. Elsewhere, government conservation bodies have been directly involved in community conservation development initiatives leading to a conflict of interest and, often, failure.

“Doing it this way meant that the SANP did not get involved in complex village politics.”

A conservation NGO, the Endangered Wildlife Trust (EWT), became involved at a crucial stage in 1997 when the Makuleke needed funding and proof that there would be short-term material benefits from their course of action.

The EWT is part-funding a training facility for 22 Makuleke students studying through Technikon SA for national diplomas in nature conservation or business studies. The Gold Fields Foundation has provided a training centre for the students.

“Training is the core project on which all future development projects can be based,” says Steenkamp.

“In providing this support the EWT was prepared to take the risk of offending not only its own membership but also the SANP by being seen to align itself with the Makuleke in their land claim against a national park.”

The Makuleke/Kruger agreement sets a precedent for other land claims involving conservation areas. It also sets new parameters for situations where national parks or game reserves would like to expand by taking in underutilised ground on their boundaries.

Brendan Ryan
LAND EXPROPRIATION

TLC territory in dispute

And Harry Gwala’s land is on the list

In one of the ironies of post-apartheid SA, 3,000 black landowners in the Kwazulu-Natal Midlands—who successfully resisted many attempts by the apartheid regime to drive them off their land—now stand to lose their properties due to an expropriation order from the provincial government.

The process is being implemented by the Manzsburg Territorial Local Council (TLC) on behalf of the province.

Adding to the bizarre turn of events, properties on the list for seizure include land in the estate of the late ANC stalwart Harry Gwala.

While the land owners say they are not against government’s proposed measures, they are unhappy with the authorities’ approach.

“We are supposed to be in an age of transparency and co-operation but the first time many landowners knew about the plan was through public notices. These notices gave them 60 days to register their claims for compensation,” says a representative for the landowners.

The land in question involves thousands of properties in the Edendale Valley, near Manzsburg, and now a part of the TLC. It was initially settled as a Methodist mission at the turn of the century and was later sold to local inhabitants.

However, in the Eighties about 15,000 refugees sought shelter from the bloody war raging in the Midlands between Inkatha and the ANC. Fleeing these flashpoints they invaded and settled the commonage. At the time, most of the plots were a 1,000 m² or less and each shared commonage which gave them grazing rights in perpetuity.

Any attempt to evict the refugees by the landowners would have been considered treacherous by the black communities.

“The arrival of the refugees did not only change the face of the land but also, ironically, accomplished what successive apartheid regimes failed to do—dilute the freehold land rights of black landowners.”

The influx put huge pressures on the already meagre infrastructure services. The authorities tried to expand the infrastructure but it became difficult to identify the people who should pay for the services.

The government says one of the primary purposes of the expropriation measure is to “tidy up” the mess which has evolved over the past decade so that the holders of title can be identified.

This, they insist, will facilitate structured development of the area and make it easier to identify those who are supposed to pay municipal rates.

This will bring Edendale in line with other areas within the Manzsburg TLC.

But landowners say the problems could have been averted had the then authorities agreed to negotiate with them initially when the refugees first settled.

“The real difficulty, says Manzsburg TLC chairperson, Ian Cross, is that land tenure in the area is a mash-up of State and privately owned land mixed with land settled by people without title and those living there by common consent.”

“Though the provincial administration set out to regularise the situation and prepare the land for development, particularly housing, we inherited those plans when Edendale became part of the TLC.”

He stresses that though the land owner’s organisations are important, the advantages of what is being proposed far outweigh the disadvantages.

The landowners may be at loggerheads with the province over the process but the proposed expropriation has been welcomed by the South African National Civic’s Organisation.

Sanco’s national vice-chairman Ruth Shenge says it is untenable that some of these land owners have more than one property and exploit the poorest of the poor through exorbitant rentals and deprive them of the right to land.

Mark Payne
Sophiatown focus of 200 land right claims

Deborah Fine

NEARLY 200 people had already approached the Gauteng commission for the restitution of land rights to reclaim properties in the controversial Johannesburg suburb of Sophiatown, land claims commissioner Emma Mashinini said yesterday.

“Many more” claims to land in the area were still expected to be lodged, she said.

The former whites-only suburb of Triomf was built on the ruins of the old township of Sophiatown after about 100 000 black residents were forcibly removed to the newly created township of Soweto in 1953 to make way for white families in terms of the Group Areas Act.

The suburb was given back its original name of Sophiatown by the African National Congress-dominated Johannesburg northern local council in 1996.

White residents currently living in the area have vowed to “fight to the death” to keep their homes.

Mashinini said restitution for those who had been forcibly removed from their land after 1913 as a result of racially discriminatory practices did include restoration to that land.

Where this was not practically possible, however, claimants could be provided with alternative land or compensation or a combination of both.
Gauteng to redistribute 18 000ha

Louise Cook
09/4/98

Gauteng planned to redistribute 18 000ha of provincially owned and underutilised land to several thousand emerging farmers over the next three years.

Two trusts were set up to fund the farmer settlement projects, designed to help emerging farmers become self-sufficient as quickly as possible.

Opening the Volamchelo show for emerging farmers at the Rand Easter Show yesterday, Nomvula Mokonyane, Gauteng's agriculture, conservation and environment minister said her department redistributed land by granting three-year leases to resource poor farmers and giving them an option to buy after the three-year period.

Currently, 64 farmers have been settled on 9 760ha of land and a further 74 were settled on 800ha of land near Bronkhorstpruit. By August a further 1 456ha were expected to be available for emerging farmers.

Mokonyane said her department would give the newly settled farmers intensive training and support to assist them in their farming operations.

"International experience has shown that small farmers can play a crucial role in the total agricultural production of a country. In Gauteng we have the potential to dramatically increase agricultural production, particularly in high-value crops like vegetables," said Mokonyane.

She said statistics showed an investment of R1m in agriculture resulted in the creation of 115 jobs compared with 26 in manufacturing, 16 in transport, 29 in trade and 22 in mining.

"The development of the province's farming sector has the potential to significantly reduce unemployment and boost household food security," Mokonyane said.

Volamchelo committee chairman Gerhard Neethling said that the idea behind the two-day exhibition for small farmers was to give them a chance to find out about the various services and support available to them.

By yesterday — the second day of the exhibition — more than 1 000 small farmers from as far as Kuruman and Gaborone had attended the show.
The day of reckoning approaches

Unwinding a well-known apartheid crime — 24/4/98

The Land Claims Court will be forced to make a difficult call when it weighs demands for restitution in Sophiatown. Compensation offers could provide a test case for other urban areas.

Concerned landowners in erstwhile Triomf who have received official notice of claims against their property have 60 days to object. About 1,700 properties are affected.

Almost 200 people have approached the Regional Land Claims commissioner to reclaim properties. 44 have been advertised in the Government Gazette.

The court will have the final decision about forms of compensation, either monetary or alternative land or both. But there is no uniform approach to testing claims. The onus is on individuals or a community to prove they are rightful owners or heirs.

Peter Mhlangane of the land claims legal department says many ex-residents would like to resettle in the suburb. It has taken the department four years to process the current claims.

Triomf was built over the old township of Sophiatown, after about 100,000 blacks were removed to Soweto in 1953 under the Group Areas Act. The Johannesburg northern council restored the old name in 1996.

Estate agents complain that uncertainty is harming the residential market. Houses are fetching a quarter to a third less than the asking price, say dealers Trevor Lang and Francois du Toit. There is suddenly an oversupply and buyers are, understandably, nervous.

The 496 m² stands, which recently went for R155,000, now mostly fetch R135,000. It has proven difficult to establish the whereabouts of all the former dwellings. Just a handful of original buildings — among them Trevor Huddleston's church in Ray Street, Walter Sisulu's house and St Joseph's Home — are still standing.

Sophiatown city councilor Eddy Venter points out that stands are laid out differently from the old suburb. Venter says that he has no problem with recompense for past injustice, but he believes that scaremongers, including estate agents, are fuelling fears of older people, urging them to sell quickly before the area goes downhill or their houses are taken away.

Regional claims commissioner Emma Mashinini says it is former residents' right to reclaim their land. Thus far no-one has been compensated, probably due to a lengthy procedures. The restitution process will continue until December.

In a recent television programme, Carte Blanche, she reassured residents that no-one would be evicted. "The claims are against the State, not the incumbent homeowner," she points out.

According to resident Peter Fourie, then-owners received compensation averaging £5000-£10,000 in the late Fifties. New houses, built by the National Housing Commission, were sold for R6,000-R8,000 in the Sixties.

He argues that current owners must insist on full particulars of claims and has already helped owners to have notices withdrawn, where for instance stands were inaccurately matched.

Sophiatown Residents Association chairman Harry Dahms says that many of the fears of current residents are groundless. He says property values fell in 1994 when the Land Claims Act was proclaimed, but then stabilised. "They will return to normal again, after this dip."

"Claimants will either be compensated financially or given other government land," he adds. "We are reassured that actual restitution of the properties will not happen. The area is already integrated and we have no problems, no racial tension. The tension is caused by the officials."

Maybe, but forcible eviction of Sophiatown's well-established community, extinction of freehold rights in one of the few urban areas open to blacks and forced resettlement was one of apartheid's more brutal crimes. Restitution is, understandably, a major icon of the current transformation.

Whites who bought cheap property there should have done so with their eyes open. While an integral part of the political settlement is security of property rights, it is hard to feel too sympathetic for these particular beneficiaries of apartheid.
Department plans to proceed with land legislation

Wyndham Hartley

CAPE TOWN — The land affairs department has confirmed its intention to proceed with legislation which will allow the transfer of 17-million hectares of state-owned land in the former homelands into the ownership of the individuals and communities living on the land.

Moves to transfer land in the former homelands and held by the old SA Development Trust, which is largely in communal occupation under tribal authorities, could spark confrontation between traditional leaders and the state.

Pathelile Holomisa, president of the Congress of Traditional Leaders of SA, said last night elements in the African National Congress wanted indiscriminate conversion of tribal land to individual ownership. He warned that "it will be a recipe for disaster if traditional leaders and their communities are not on board."

He understood further consultation with councils of traditional leaders in the provinces would be held before the legislation was finally drafted.

The annual report of the land affairs department, tabled in Parliament late last week, said that in many areas of the former Transkei, Bophuthatswana, Venda and Ciskei, the administration of land was still in a chaotic state. Those who lived on the land had no clear right to ownership, even if this was not disputed. The report said such insecurity of tenure had often led to power struggles over land ownership.

As the land is state owned, with Land Affairs Minister Derek Hanekom the legal trustee, development decisions cannot be taken without his consent. Interim measures governing such decisions were conveyed to the provinces late last year and would remain in force until the new law was enacted.

Most traditional leaders oppose the land being transferred to individuals or local government structures. They want ownership to be vested in the tribal authorities. They also want full representation for traditional leaders on new local government structures.
Failed land-restitution process to be addressed

(291) Star 29/4-98

BY ANNIEcox

About 30 000 land claims have been lodged since the Government implemented its land restitution programme three years ago — but only 20 have been settled, according to the Department of Land Affairs.

NGOs and other officials blame a lack of commitment by the Government, a mass of red tape, underfunding and a lack of staff.

The Government said it remained committed but admitted it had underestimated the process, which has to strike a balance between returning land to dispossessed people while ensuring justice for current owners.

Only R29-million out of the Land Affairs Department’s R650-million annual budget is allocated for land restitution. This is not enough, say NGOs.

Wayne Jordaan of the Rural Action Committee said all stakeholders must be included in a joint working committee to settle the claims.

Andile Mngxitama of the National Land Committee blamed piles of paperwork and illiterate claimants with no access to transport and communications.

"Trying to trace all direct de-
Redistribution of state-owned lands and complex problems

Analysis

Some-owned land needs a hearty dose of reclamation. Operation by Harbin-press, Scenic forms from picturesque settings.
Survivors revisit the meadows of Pain.

We must try to forgive and forget, but we can’t forget.
REFORM LEGISLATION AMENDED

Subsidies may be used to develop land

THE GOVERNMENT may now acquire land for transfer in the future to beneficiaries. ANDRÉ KOOPMAN reports.

Land reform legislation was amended in the National Assembly yesterday so that subsidies can be given to people to develop their land and to buy shares in agricultural businesses.

In another key amendment, Land Affairs Minister Derek Hanekom will be able to acquire land for future transfer to beneficiaries. Under current legislation, he may only provide subsidies to applicants for them to buy land.

In a debate in the assembly on amendments to the Provision of Certain Land for Settlement Amendment yesterday, Hanekom said Section 10 of the bill seeks to define more clearly how the funds appropriated by Parliament to implement the act may be used.

It makes possible "to extend the application of the subsidy beyond the purchase of land so that beneficiaries are able to use it to develop and improve their land", he said.

The bill was passed, with objections of the Freedom Front and National Party noted.

Amendments to the bill broaden the definition of who may be granted a subsidy. It now includes people who want to acquire extra land, those who do not qualify for restitution in terms of the 1913 cut-off date and those who want a tenure upgrade and want to buy shares in agricultural enterprises.

Hanekom at present can provide subsidies to identified applicants for them to buy land, but the amendment empowers him to acquire land for distribution to future beneficiaries.

The bill also empowers the minister to delegate powers to functionaries in provincial and local government to help in land redistribution.

"It also brings the former self-governing territories into its ambit by making it apply nationally. This will serve to bring land reform to some of the areas where it is perhaps most urgently needed."

Another amendment to the legislation is the removal of the need for land reform beneficiaries to pay transfer and stamp duties on the purchase of land. This duty, as a percentage of the purchase price, is eroding the grant entitlement of beneficiaries which has meant that people have substantially less money to develop the land they have just bought.

"Eliminating the need to pay these duties will have the effect of indirectly increasing the size of the grant and will see beneficiaries being able to make use of their land quicker," Hanekom said.

He said the NP was deeply divided over the bill because "whatever they say, many of their members here today represent the interests of a small minority of white landowners who are intent on maintaining their power and privilege than gained exclusive rights to under apartheid. They are against this bill because it is one more bill in our land reform programme which is attempting to reverse their exclusive right to own and farm land."

Dr Willem Odendaal of the NP described Hanekom as a "little Hitler" who was giving himself greater powers to expropriate land. Hanekom was a "small dictator" and the legislation would enable him to "expropriate land as he feels like", Odendaal said.

Mr Gora Ebrahim, of the PAC, welcomed the legislation as far as it "broadened the scope for the development of land". However, he had reservations about certain provisions that might encroach on tribal land that was technically in the hands of the state. He suggested that some assurance be given that tribal land would not be affected.
Benguela Project will unlock wealth

AFRICA
Changes to land reform welcomed

Louise Cook

FAR-reaching amendments to land reform legislation proposed in Parliament this week were welcomed by most stakeholders yesterday.

The amendments are aimed at speeding up land redistribution, extending the application of the R15 000 settlement grant, increasing options for unsuccessful restitution claimants and changing the minister's expropriation powers.

However, the National Party (NP) and Freedom Front said the planned new look law would ensure that "no ruling of the Land Claims Court would ever be final" and the proposed amendments "disguised" intentions by Land and Agriculture Minister Derek Hanekom to expropriate private land, not necessarily as a measure of "last resort" as required by present laws.

If the proposed amendments to the Provision of Certain Land for Settlement Act — passed by all the political parties except the NP and Freedom Front in the National Assembly on Tuesday — became law, pre-1913 restitution claims which failed would for the first time come into line for "some form of compensation" through government's land redistribution programme and access to the R15 000 grant.

Hanekom dismissed fears yesterday that the proposed amendments were a ploy to start large-scale land expropriations.

"In fact, land owners get more protection than before as, for the first time, the minister is obliged to consult with landowners whose land is required for settlement."

Reacting to the proposed amendments, National Land Committee co-ordinator Jenny Samson said the fast-track procedure would hasten land redistribution. Land affairs redistribution director George Oricho said the department had received applications for money in terms of the planned amendments for land development and new farming schemes.

However, land affairs parliamentary portfolio committee chairman Pathekile Holo misa said local authorities and municipalities had not been part of the consultative process on the planned changes and might not be sufficiently informed of the potential role they could play in land reform.
Western Cape refuses to carve up farms

BUSINESS
Cape land claims bodies move to speed up process

Deborah Fine
11/15/98

THE Western and Northern Cape
Land Claims Commission has
begun a “rolling action on delivery” programme to speed up the
processing of claims, Cape land
claims commissioner advocate
Wallace Mgogi said yesterday.
All of SA’s five land claim commis-
sions have been criticised re-
cently for the slow pace at which
claims were being processed and
referred to the Land Claims
Court for final decisions.
Mgogi said that 7 276 claims were
registered to date at the commis-
sion’s Cape Town offices, of
which 1 408 had been validated
and a further 1 159 listed in the
Government Gazette.
The Cape commission had also ap-
pointed facilitators to engage the
land affairs department and other
involved parties to attempt to
negotiate amicable solutions in a
further 120 claims.
He said 27 claims in the Goodwood
and Simonstown areas would be
referred to the Land Claims
Court this month to “speed up
things”.
Most claimants in the Goodwood
area were seeking financial com-
 pense for being evicted from
their land under the former
apartheid administration, while
the Simonstown cases repre-
tsented claimants seeking the
restoration of largely undevel-
oped, state-owned land.
He said judgments made by the
court in these cases would set
precedents which would lead to
the resolution of many cases.
The Cape commission would further
accelerate the finalisation of
claims by referring cases to the
court in which claimants were of
an advanced age or where large
numbers of people were affected
by the resolution of the claim.
Cape communications officer Franz
Zöttl said the commission had
set up two special task-teams to
investigate claims in District
Six, as well as other cases involv-
ing 290 National Housing Board
properties.
Claimants countrywide have until
December 31 this year to regis-
ter their claims.
Thrilled

TEARS OF JOY: An ecstatic Jenny Symms embraces Chris Vietri, general manager of the Cape of Good Hope Bank, after hearing that she would finally own her home.

PICTURE: KIM LUDBROOK

District 6 residents get ownership

ERIC NTABAZALILA

A LANDMARK agreement, the first of its kind in South Africa between a bank and a civic association, was signed on Friday night between the Cape of Good Hope Bank and the District Six Civic Association.

The agreement, termed the "Record of Understanding," will enable 45 odd families to own the houses they have been renting.

The announcement this weekend was followed by a party at which hundreds of former and current District Six residents danced and cried tears of joy.

For the first time they will own their own homes in the area.

Their dreams have been realised by a loan of R1.3 million, which the Cape of Good Hope Bank advanced to purchase the properties.

The terraced Victoria cottages in Osborne Street on the outskirts of District Six were not demolished during forced removals because the area was zoned for industrial use.

The owner of the houses, Mr. Sydney Schach, allowed the tenants to stay on at the time, but later changed his mind and decided to sell the houses.

A settlement of R1.3 million was reached as the price for the cottages.

Mr. Anwaah Nagla, chairperson of the District Six Civic Association, praised the bank for its belief in the community and for making it possible for them to buy: "All the other financial institutions slammed doors in our faces without doing a thorough investigation into the communities and assuming a culture of non-payment existed. We are going to warn our people against these institutions for red-lining certain communities as high risks. Cape of Good Hope Bank must get all the praise and support for taking such a bold step."

The bank's managing director, Mr. Mike Thompson, said his bank had an affinity with District Six.

"Many of our first clients were residents of District Six, some of whose successive generations we still serve today. As a Cape bank, we see this initiative as totally appropriate in our community involvement programme and will extend it much further," he said.

He said the bank had worked out a package that meant the residents would be able to pay off a mortgage at about the same amount as their rent. All residents have now acquired individual title to their homes.

A valuation showed the condition and building quality of the houses to be good. Significant roles were also played by attorneys and other friends of District Six at no cost to the residents.
Redistribution of land set to be speeded up

BY VUYO MHTUYEDWA

Redistribution of state land, most of it made up of military bases, has been "slow and unsatisfactory", the director-general of the Department of Land Affairs, Geoff Budlender, said yesterday.

He was speaking before the portfolio committee on land, agriculture and environmental affairs at a budget briefing.

Budlender said little state land had so far been redistributed and that his department was developing a more "supply-led" approach to complement the well-established "demand-led" process, which involved the purchase of private farms by groups.

Budlender said state land disposal was perceived to be both lengthy and difficult, as compared with the transfer of private land.

He said 750,000 hectares of state-owned agricultural land was potentially available for redistribution.

The state owned 19% of all land in South Africa, but most of it was made up of military bases and nature reserves, or land held in trust on behalf of communities, which was not available to be redistributed, he added.

Budlender said his department's Public Land Inventory Directorate was compiling a database detailing all state and public land holdings. He said much of the available land was outside the former homelands, and was leased to farmers and agricultural development corporations.

Proposed steps outlined by Budlender for the accelerated redistribution of state land would include establishing the status of occupants on the land, agricultural feasibility studies for subdivision and development, and valuations to be conducted by the Land Bank to establish the market value of the land.
State land redistribution "slow, unsatisfactory"  

VUYO NINTUYEOWA

REDISTRIBUTION of state land, most of it made up of military bases, has been "slow and unsatisfactory", the director-general of land affairs, Mr Geoff Budlender, said yesterday.

He was speaking before the portfolio committee on land, agriculture and environmental affairs budget briefing.

Budlender said little state land had so far been redistributed and that the Department of Land Affairs was developing a more "supply-led" approach, to complement the well-established "demand-led" process, involving the purchase of private farms by groups.

He said state land disposal was both lengthy and difficult compared with the transfer of private land and that 750 000 hectares of state-owned agricultural land was potentially available for redistribution.

"Although the state owns 19% of the entire surface of the country, most of it is made up of military bases, nature reserves, dams, coastal zones and land in the former homelands which is nominally held in trust by the state on behalf of communities. We have to transfer the ownership to the people who are living on it. It is not available to be redistributed," he said.

Budlender said his department's public land inventory directorate was compiling a database detailing all state and public land holdings and that much of the available land was outside the former homelands.

"It is leased to large farmers and agricultural development corporations and the power of attorney for the administration and disposal of this land, recently held by the Department of Agriculture, has reverted to the Department of Land Affairs," he said.

Proposed steps for the "accelerated redistribution" of state land would include establishing the status of occupants on the land, agricultural feasibility studies for sub-division and development, and valuation, to be conducted by the Land Bank, to establish the market value of land.

Project managers would be appointed where necessary to manage the process of planning and implementation of individual projects.

Land claimants, disadvantaged people, the needy and the landless would qualify for redistribution.

A provincial technical committee would consider applicants and submit them for approval to the director-general of land affairs.
Cape land claims court rolls into action

Test hearings will lead to speedy resolution of hundreds of cases

AYESHA ISMAIL

CAPE Town’s first land restitution cases will be referred to the Land Claims Court later this month and could be heard as early as June.

The deputy chief land claims commissioner, Wallace Mgqqi, this week declared May “the beginning of rolling action of delivery on land claims in the Northern and Western Cape”.

He said judgments by the Land Claims Court in the test cases would set a precedent leading to the speedy resolution of hundreds of similar cases.

Mgqqi will lodge papers with the court on May 29 for 18 claims in Simon’s Town and 15 in Goodwood.

Most Simon’s Town claimants are seeking restoration of their land, while most in Goodwood want financial compensation.

“In my referral I am asking the court to restore the land to the Simon’s Town claimants,” said Mgqqi.

“I am elated by what is happening. It is coming to fruition after months and months of hard work and dedication.

“Just this week we settled five Malmesbury land claims. There was a settlement between the claimants and the Department of Land Affairs.

“In these cases the claimants got monetary compensation because the land is in private hands,” Mgqqi said.

Earlier this year, Simon’s Town claimants lashed out at the Department of Land Affairs for not settling their claims speedily on land they lost in 1967 under the Group Areas Act.

For six years they had tried to get their land back, and it seems that finally their dreams will be realised.

The land is owned by the navy, but nothing has been done to it, apart from bulldozing of old cottages. The navy has said it is willing to release the land for restitution.

In a hard-hitting letter to the Department of Land Affairs last week, Mgqqi complained about the delays and gave notice that the first cases would be referred to the Land Claims Court.

“We are also reviewing other cases which could be ready for referral to court. We will refer them without giving the Department of Land Affairs an opportunity to negotiate, as this could be done under the supervision of the court,” Mgqqi said.

More than 7000 cases have been lodged with the Commission on Restitution of Land Rights since May 1995.

The Minister of Land Affairs and Agriculture, Derek Hanekom, cautioned that restitution has proven to be “an extremely sensitive process which needs to be handled with circumspection”.

This attention to detail “unfortunately also means that restitution may not happen as speedily as desired by claimants” or the land rights commission.

“I sympathise with this and urge all parties to work together to maximise the potential of restitution,” he said.
Tax incentive to donate land to needy

CHRISTO VOLSCHENK
ECONOMICS EDITOR

Cape Town — The government had given farmers who donated their farms to the underprivileged exemption from donations tax, Trevor van Heerden, the commissioner of the South African Revenue Service, said in parliament yesterday.

In a briefing to the standing committee on finance on the tax changes announced in the Budget in March, he said a growing number of companies and farmers were considering donating land to the underprivileged but were kept from doing so by the threat of donations tax.

This was the first notice the government had given of its intention to give farmers exemption of donations tax. No mention had been made of it in the Budget.

Donations tax is paid by the donor at a flat rate of 25 percent, with the first R25 000 being tax-exempt in a fiscal year. The exemption from donations tax had been backdated to April 27 1994.

This meant all land donations made after the general election in 1994 would become exempt from donations tax, and all farmers who had paid donations tax after donating land would be reimbursed by the government.
Land of Their Dreams

Bitter Fred Plights

PARADISE FOUND: The BandonShoof Valley Lacrose Guy in the Kalamataed Mountains East of Climax

pictures: ANDREW NISGARA

Land of Their Dreams

Bitter Fred Plights

PARADISE FOUND: The BandonShoof Valley Lacrose Guy in the Kalamataed Mountains East of Climax

pictures: ANDREW NISGARA
From previous page:

UNHAPPY: When this grandaughter moved, Mrs. Rayson asked the committee running the affairs of the Brandon Property Association.
Africa’s first inhabitants and now her most stressed.
Firstification, their vicious colonial conquest, neo-colonialism

"to help us.
for the hands of others
off. Now we must wait
have had our hands cut
We are people who"
'Land reform won’t reduce poverty' (27)

EASTERN Province Agricultural Union (EPAU) president Pieter Erasmus warned this week that land reform will not necessarily reduce poverty or create wealth.

Speaking at the land reform symposium at Grahamstown’s 1820 Settler’s Monument, Erasmus told delegates that as only 13.7 percent of South African land was arable, it was very limited and, therefore, a very valuable resource.

Erasmus said unrealistic expectations regarding the right to own land, which were being fuelled by "party politicians", were threatening to "destroy" South Africa.

Erasmus said these expectations gave rise to "unhappiness, uncertainty, disputes, squatting and a great amount of conflict", and would "definitely not lead to successful land reform".

He called on the Government to implement land zoning where "all land in South Africa" should be "properly zoned according to utilisation".

While accepting that land reform could "play a role" in broadening the land ownership base in South Africa, Erasmus said it would not be successful unless other critical factors were adhered to. These were:

- Complete commitment of the people involved.
- Proper project-specific planning.
- Economic viability of projects.
- Goal setting.
- Continuous extension and support.
- Proper monitoring and control.
- Termination of non-successes.

Failure to stick to these conditions would only worsen the poverty trap, Erasmus said. Even though land ownership was a privilege as it could offer security of investment "if not tampered with by Government" and could be used as collateral for financial purposes, it had certain specific responsibilities attached to it.

He said landowners had to ensure they utilised their land productively and in a "sustainable way" to maintain and improve the land’s long-term production capacity.

He said the EPAU could "add value to the land reform process in South Africa". - ECN.
Land wrangle in playgrounds of the rich

Ann Eweloth

The development hopes of a poor rural community bordering the lucrative Sabi Sands game reserve have been delayed by bickering between conservation interests vying for a slice of the community’s untapped treasure.

The tiny community of Huntington in the fringes of Bushbuckridge region in Mpumalanga plans to meet this weekend in an ongoing bid to decide the fate of its richest resource: about 500ha of prime eco-tourism land under its jurisdiction.

Desperate for development, Huntington’s choices are difficult: two companies linked to Sabi Sands landowners are competing for the right to turn about a third of the community’s tribal trust land into a lucrative extension of the region’s eco-tourism industry. One has also promised an airport, but delivery on this has been awaited for at least eight years.

The other is led by young developers with no proven track record, whose proposal may also put the community at odds with its neighbours.

Both developers claim they want the best for the community, but neither seems capable of reaching a compromise. In the meantime, the land remains underutilised and firewood collectors are walking away with its potential every day.

Rural Ventures, a company linked through its membership to Londolozi Game Lodge and its highly regarded operator Conservation Corporation Africa, wants to expand Sabi Sands westwards by moving the existing game fence and turning the coveted piece of land into a “big-five” reserve.

The company has also promised to build an airport next to the village and wants to put a game lodge on the eastern strip next to Sabi Sands. Both, Rural Ventures says, will be owned and eventually run by the community.

Shangaan-Shiluba, the second company, is linked through its membership to the More Family Trust, which owns a different piece of the Sabi Sands. It wants to build a Shangaan cultural village on the Huntington community’s land. It has promised the community partnership, continued access to the land and at least 56 jobs.

Abelmgxhoza, chair of the local reconstruction and development committee, says the community has been waiting for a long time for the promised airport. “On the way somehow we came across a problem because the funders are different for the airport and the cultural village. It seems they are fighting for the same piece of land. That’s how we have experienced delays.”

Rural Ventures’s representative, Allan Taylor, says the airport plans, first put forward in 1990, have been delayed by the ownership quagmire affecting tribal land and by difficulties in obtaining consensus in a divided community.

Subsequently we decided to shift the airport from the eastern section of Huntington to the middle to allow the eastern side to be used for a game reserve. But this raised the cost of the airport, required a whole new set of surveys, and caused further delays,” says Taylor.

Community members say the arrival of surveyors and engineers in recent weeks has convinced them the airport will finally materialise. But they were not so certain when the issue derailed a tribal meeting in January.

That meeting was expected to vote on the cultural village proposal put to the community by James Delaney and Rob Moré of Shangaan-Shiluba. Their company wants to lease 442ha of Huntington’s eastern land to build a cultural village with a soft game overlooking the natural landscape leading to Sabi Sands.

“We agreed on a consultation process with the Department of Land Affairs, and everything was going well until the airport people pitched up at the final meeting,” says Delaney. “Now the community are afraid that if they let us go ahead, they’ll lose the airport.”

Not so, says Taylor. “The airport is going ahead, but Shangaan-Shiluba want me to give them a letter saying I’ve moved the airport west so they can go ahead with their project on the eastern section. I think that land is better used for a game reserve.”

But, says Delaney, the community has rejected at least four proposals to turn the land into a game reserve. He thinks Rural Ventures is stalling until its competitors give up and the community will be forced to accept a game reserve.

Taylor admits the community is “worried they’ll lose the land forever” if the fence is moved. But he argues that the community is “waiting for me to deliver the airport first”.

Khoza partly agrees. “We want to see the airport. But I don’t think the community will agree to a game reserve. We are adjacent to Skukuza and the people are still claiming their land there. The community is against moving the fence. But this week we will meet to decide between the game reserve and the cultural village,” he says.

Complicating matters are plans by the Hlulani Trust, set up by Huntington with the neighbouring communities of Justicia and Lillydale as joint recipients of a 27ha farm, to build a cultural village as part of the Maputoland strategic development initiative which may compete with Huntington’s plans.
Another tribe seeks to recover land in the Kruger Park

By Jean Le May

The title of this article is "Another tribe seeks to recover land in the Kruger Park". It appears to be an article about a tribe seeking to recover land in the Kruger National Park. The article is not fully visible in the provided text, but it seems to be focused on the issue of land rights and recovery for a specific tribe in the Kruger Park area.

The article is signed by Jean Le May, who is likely the author of the piece. The content of the article is not fully visible, but it seems to be addressing the legal and political aspects of the tribe's efforts to reclaim land within the Kruger Park.
WHEN the animals start acting weird, something big is about to happen, say the Khomeni Bushmen. Should the gemsbok start strutting around on two legs or the giraffe roost in a camel-thorn tree, then you bet your last desert melon that a mighty rain is on its way — big enough to drown the setting sun.

The Khomeni Bushmen have been acting strangely for years. Gradually muscled out of their hunting grounds in the Kalahari Gemsbok National Park since the park was proclaimed in 1931, most of them have ended up as costume performers at a remote nature reserve in the Cederberg, about 1,000km away from the nearest gemsbok roost.

Dressed in skimpy animal skins, they carry bows and arrows but gladly surrender them at camera-crew, for a trickle of restless tourists bearing hard currency. They paint animal figures, sing traditional songs and, when the moon is full, dance around the campfire with flaming eyes and waving limbs. But it's more business than pleasure — a kind of rite of ethnic attraction for wide-eyed first-worlders.

The Khomeni can even be heard remonstrating about the old days but, by their own admission, they've got a telephoto lens rammed so far up their culture that they're not sure what's going to happen next.

Such is the predicament of the country's last remaining indigenous San people. About 500 in total, they are descendants of nomadic hunter-gatherer clans that used to follow the once-huge herds of buck and elephant through the Kalahari.

Squashed together in the no-man's-land between their stone-age heritage and a bewildered race that is desperate to remember something older than Coke, they survive off hand-crafted curios and cash handouts from aid organisations.

The problem is no one's quite sure where Bushmen belong. Some say fence them off — others fence them in.

The Khomeni leader, Dawid Kruper, believes all these strange occurrences are a sure sign that the really big something has been happening for years and is day by day. He says his people are about to return to their proper way of life back in the Kalahari, where they belong.

Kruper said: "I see the signs. It has been prophesied — the time has come to solve our problems and get our land back.

He would look out of place anywhere else. Short with bony legs, his thin frame and skin as white as rice, he is the picture-perfect image of a Bushman darting between the thorn trees with a quiver of poison arrows slung across his shoulder. Instead, he squints into the sun, waiting cross-legged in the sand near the fence of the park for something to happen.

Last month, he and some of his family left the Kagga Kamna Nature Reserve in the Cederberg and trekked northwards, taking a break from the tourist trade to settle on a small plot of land about a kilometre outside the park — where they intend to stay until they return to Kagga Kamna later this year.

Their neighbours — about 100 in total and all living close together in a tiny, uncharted corrugated-iron settlement — are Mier people, who have been spreading across the narrow finger of South African territory that juts between Namibia and Botswana. Both the Mier and the Khomeni have lodged a land claim incorporating a large chunk of the park.

Kruper said he couldn't wait much longer to get back into the park — where he was born 64 years ago and where his father, Rogopstaan Kruper, and his forefathers practised traditional ways dating back to the time when, as they say, things happened that no longer happen.

Kruper said: "That place in the Cape gets a bit cold for us — we're used to the hotter weather up here. We'll go back at the end of the year when it's warmer, but we prefer being up here. This place is in our blood.

"The (Kagga Kamna) owner gave us land, but it's too high in the mountains and there are leopards — not our sort of place. We want land in the Kalahari. At first, I wanted a Khoi there, but I realise I had just forgotten the old ways. It's time to go back."

Last year, they collected enough funds to build a small grass shelter decorated with family portraits and memorabilia, courtesy of the South African San Institute. The institute is part of a worldwide lobby working to entrench the rights of indigenous people — particularly people such as the San, who enjoyed a distinct cultural identity, living in the Kalahari in relative isolation until fairly recently.
But while there’s little doubt about their troubled past — hunted and shot for sport by white settlers or conscripted into the defence force as expert trackers — their present status is a political hot potato.

Like many groups seeking redress after years of dispossession and abuse, the success of their claim depends largely upon actively distinguishing themselves from everyone else.

But just how distinct are Kruper and his family, sitting under their grass shelter, from everyone else sitting around in the rainbow nation waiting for the promise of a better life? Kruper no longer hunts regularly — only the occasional honey badger after dark. During the day, he still smokes his fair share of Boesmanlakote while fastening skin lids onto bottles of multi-coloured Kalahari sand to sell by the roadside.

At night, the family huddles around a small campfire fed by expert hands that are always busy rolling tobacco or stoiling the coals to shed light onto assembled faces. The conversations are an otherworldly blend of guttural Afrikaans, Nama clicks and their Kabee dialect.

Old men talk in animal metaphors, children trace exaggerated car shapes in the sand. When the evening chill sets in, weary bodies bed down on the sand inside the open-air grass shelter while the fire sheds its last sparks into the night sky.

About 20km away, their hillier neighbours sleep indoors in small, electrified houses, surrounded in all directions by hundreds of kilometres of Kalahari.

"We’ve got no problem with our neighbours," Kruper said. "Mostly, we get along fine."

Which is why some people feel the two should integrate — as they probably would over time.

Or should “ethnically distinct” culture be self-consciously preserved in Kagga Kamma-type reserves with visitors charged R7 a head? Some say there’s already no such thing as a distinct Bushman or San culture, that the ways of old have long since died out, often replaced with social evils such as alcoholism and domestic violence.

Park officials doubt Kruper and his family would survive for long if left alone inside.

"The Bushmen of today are not used to living as their parents did," said the park’s socio-ecologist, Henriet Engelbrecht.

"So many things have changed that original lifestyle. The people themselves decided to change — they saw an easier lifestyle and wanted it. They should be allowed to develop like anyone else if that’s what they choose."

According to Roger Chennells, a lawyer acting on behalf of the San Institute, the Khomani are not asking anyone to turn back the clock — they simply want back a piece of what was rightfully theirs, to at least be allowed to try to fend for themselves.

"South Africa has done a most effective job in eliminating the San. The poignancy is that they are on the point of extinction — only a handful of people still speak Kabee," Chennells said.

Only 18 people to be exact, according to the first official count earlier this year, Kruper said.

"Preserving our culture has everything to do with land. We need a place to call our own, where we can pass on the old knowledge to our children.

That knowledge still exists — sometimes, when people see us at Kagga Kamma, they say it looks as if we just live for the show, but we know the knowledge is still there. You can see it in little things — the way a small, lost child looks for its mother’s footprints in the sand," he said.

It’s likely he’ll have to wait a few more years until those footprints again lead into the Kalahari Gemsbok National Park.
Clan reclams tribal land in Kruger Park

By Khathu Mamatha

The Makuleke clan, forcibly removed from the Kruger National Park by the apartheid regime, received their ancestral land back at the weekend.

A ceremony to celebrate the return of their land was held at Nthaveni village about 60 kilometres east of Thohoyandou in the Northern Province.

A spokesman for the 8000-strong clan, Mr Lamson Makuleke, told Sowetan they were forced from their land in 1989.

Authorities resettle them in Nthaveni village about 60 kilometres from their original land.

"We are aware that the land is now part of the park. As a people we discussed the most effective way of claiming our land but finally agreed that it would not be in the best interest of everybody to go back and live in the Kruger National Park. We agreed that although that is our land, we do not have to disrupt the thriving eco-tourism industry in that area. "After a marathon of negotiations we reached an agreement with the South African National Parks Board that we will jointly manage the land. Our young people are now studying nature conservation and business management so that our participation in the control of the area can be effective.

"In terms of the agreement, if there are new jobs our people will be the first to be considered. We are all happy about this agreement which has a lease span of 50 years," said Makuleke.

In his address, Land Affairs Minister Derek Hanekom congratulated the Makuleke community for allowing their land to be used for nature conservation.

He said the community had been removed from its land and turned into invaders of their own land because it was considered to be a threat to conservation.

Northern Province Premier Ngoako Ramatlhodi praised the parties involved in the deal.

"This is a unique settlement in that it was reached in an amicable way without resorting to a long legal procedure."
Hanekom defends land reform policies

Louise Cook 02.3.16/98

LAND and Agriculture Minister, Derek Hanekom, has defended land reform policies although some redistribution projects show signs of crashing.

Speaking on the new DSTV agriculture network television launched on Monday, he said land reform could not be scrapped because "a few" projects turned out less successful. He was asked about the Labuschagneeskraal project at Colenso in KwaZulu-Natal where several land beneficiaries are reportedly deserting their newly acquired farm as they cannot afford equity contributions or they say they are moving to "better accommodation on another farm".

Hanekom said he would not let potential problems or less successful projects scupper land reform. It was normal for new ventures to face obstacles and unrealistic to expect a 100% success rate.

At Labuschagneeskraal, 88 families pooled their land settlement grants to obtain R1,42m from the land affairs department to buy and develop a farm to produce food and generate an income. After the community moved there last year, the farm was overstocked, irrigable land was not being farmed and tensions developed between the community and the Nkanyezi transitional local council.

Research commissioned by the National Land Committee found a "real danger" of the community losing the land if it did not insure for public liability.

The report by Mike Lyne of the Lima Rural Development Foundation questioned key aspects of redistribution, such as whether the R15 000 settlement grant was reaching the poorest of the poor.

Lyne asked whether people could manoeuvre subsequent grants from government and what the status was of money paid for development when beneficiaries withdrew from a project.
Plea to solve Crossroads crisis before it escalates

People have the right to complain

MOSHE MTHELELE MACKAY

A former human rights commissioner has called on the Government to deal with the crisis in Old Crossroads before it escalates.

Rhoda Kadalie, head of the District Six land claims unit, said it was important for councillors to be responsible and deliver on the election promises they made in the local government elections.

Her call comes amid bitter conflict between Crossroads Women’s Power and the councillors for the area, Depoitch Else and Melford Gwayi.

Since January, the women’s group, a coalition of members of the African National Congress, Pan Africanist Congress, United Democratic Movement, National Party and Inkatha Freedom Party, have protested against the absence of development and alleged nepotism and mismanagement by councillors.

Other complainants have included claims that Cape Town councillors are demanding fees from residents occupying unserviced sites and failing to provide nightsoil services. Ms Kadalie said the women should provide evidence.

"The women should point out and name the family members or relatives of councillors who got jobs at their expense and they also should prove that the councillors mismanaged funds."

"Is it true that the councillors have failed to provide nightsoil services and demanded fees from residents occupying unserviced sites? Is there substance to the allegations?"

Ms Kadalie said people had the right to complain if the allegations were true, and it was irregular to demand taxes and service fees if the services were not provided.

She said high-profile people such as the chairwoman of the Cape Town municipality executive committee, Nomalndlo Mhloko, and Mayor Theresa Solomons and the Cape Town municipality as a whole had failed to resolve the crisis in Old Crossroads.

Ms Kadalie said Western Cape Local Government Minister Patrick McKenzie should not use the women’s grievances as a political football between the National Party and the African National Congress. Electoral politics determined the way these grievances were addressed.

It was important for councillors to take up these issues. Ms Kadalie said councillors should not give the National Party any space to exploit the women’s grievances.

And, women should avoid being used by political parties at this time of elections. However, they also should insist that their grievances be addressed.

"What is important is that these allegations should be investigated and grievances be addressed as a matter of urgency."

"These women have made repeated appeals to the Cape Town municipality, the Western Cape minister of housing and the councillors to address the issues."

"It is clear the women don’t have confidence in the capacity of councillors to address their problems and, therefore, they are appealing to local authorities to come to their aid."

She said there was a long history of resistance in Old Crossroads and she hoped that within the new Government, these problems would be sorted out before they escalated.

Ms Kadalie said after three years of new government, Old Crossroads had not improved much. "What prevents the Government from upgrading, developing and providing basic services?"
Land reform targets are far, far away

Ann Eveloeh M+G 6/11/98

The Government cannot achieve its land reform targets — set in terms of legislative, procedural and resource limitations, according to the findings of a multi-disciplinary research project conducted by the National Land Committee.

The market-based restrictions, misconceived legislation, narrow legal definition and a lack of co-ordination between different government departments are hindering progress, according to a series of hard hitting research papers released last month by the committee’s NGO spin-off, the NGOs.

The NGOs, whose members produced the research, have been at the forefront of efforts to help landless communities access the package of land reform options provided by government in the wake of the 1994 elections.

But more than three years after the enactment of these laws, less than 1% of South Africa’s total farmland area has been redistributed to land reform targets — poor, black, rural households, said redistribution researcher Sando Baatokham in.

This contrasts starkly with government’s Reconstruction and Development Programme promise to redistribute 30% of the country’s land to black hands in its first five-year term.

While Minister of Agriculture and Rural Affairs Breyer Moleme has pointed out that land distribution is picking up pace this year, Baatokham predicted that the 30% target would never be met with the market-based approach to land redistribution cited.

“The market-based approach is not appropriate for South Africa because of the huge historical inequalities due to land dispossession and the constant irreversibility of income,” he said.

Bontl Baatokham suggested that the increased demand created by land reform might cause itself to drive up the price of land, thus further limiting the resources available for redistribution.

The average price per hectare had risen an average of 2% annually in real terms during the three years of land reform.

From 1996 per hectare in 1999 to 870 per hectare in 1997 by contrast, land prices generally fell between 1999 and 1998, and currently about 12% a year in the preceding decade.

These high land prices make it impossible for individual rural households to access significant portions of land with their R16 500 grants, forcing beneficiaries to group together in communities with varied and sometimes incompatible interests, he added.

Bontl Baatokham said the redistribution programme would have to be augmented by other non-market measures, many of which had been implemented to varying degrees in countries as far afield as China, Cuba, Taiwan, and South Korea.

“In the redistribution of farmland in other countries, the disposal of vacant state land, and the expropriation of unutilised, underutilised and unused farms are very popular options,” he said.

Land ceilings may also be used to meet the requirement of a given demand. And land tenancy agreements, “enterprises within the redistribution programme,” he said.

Bontl Baatokham at the 3.3 million hectares by 2001, about 40 hectares on 25 400 farms had been sold to the land Bank in 1999, and the state owned an estimated 34.3 million hectares of land, negating these programmes could free substantial land for redistribution.

But other researchers said the provision of vacant state land for land reform had not yet gained priority status within government.

Land Reform Unit researchers Chris Wood and Tereesa Yates blamed “confusion” within government over the definition of state land, a lack of co-ordination between government departments and the influence of some public land boards in selling land to the highest bidder for the state’s failure to use its land effectively for land reform.

The South African National Defence Force, the Department of Minerals and Energy were generally seen to part with land. The Department of Public Works and Public Enterprises had a policy of selling land to the highest bidder, while the Department of Agriculture and municipalities owning commons tended to issue their available land to commercial farmers.

Similar confusion and resistance marked the process towards land tenure reform, with Association for Rural Advancement researcher Dona Horsby arguing that the 1986 Land Reform (Labour Tenure) Act was “misconceived” and had led to increased insecurity for rural dwellers.

Most labour tenants who contested government help did so because they were threatened with eviction, or faced efforts to impose their cattle or reduce their ploughing space.

Often this occurred because farmers found cheap, but drought and changing agricultural processes also threatened tenants.

The Act, a precursor to the 1997 Extension of Security of Tenure Act, had an “undertaking, hidden intention” to eradicate labour tenancy. The Act also had a “backward, apartheid specific practice, but a rational and viable component of a multiple livelihood strategy on the part of the poor as well as a rational labour strategy for small farmers unable to compete with highly capitalised farmers,” argued Horsby, who called for amendments to recognise the permanency and value of the practice.

Failure to do so meant that while the Act had come too late to protect most labour tenants, it was also failing to allow and regulate new labour tenancy contracts.

And 34 months and millions of rand into the redistribution process, researcher Zizi Danglow argued the programme had “made little tangible difference” to the millions of South Africans dispossessed by agrarian-reform removals.

While nearly 25 000 individuals and communities had submitted their land claims, only seven had been finalised by the Land Claims Court, she said.

“Some of the problems lie at the door of politicians, policy-makers and processes, while others can be attributed to the continued treatment of communities as a surrogate cohesive unit, whose interests and struggles are uniform,” added Danglow.

Other issues include the effect of budget cuts on redistribution, a shaky legal framework, and dependence on the free market. The Commission on the Redistribution of Land Rights and the Department of Land Affairs were also hindered by the “large and unexpected numbers of claims being lodged.”

The Commission on the Redistribution of Land Rights, Department of Land Affairs and the National Land Committee launched a 20 million “Rural your claim” communication campaign this week in a bid to inform people who lost land under apartheid of their rights and help them file restitution claims before the new December 31 1996 deadline.

The campaign will use radio programmes and the Communication task network to help spread the word.
Court returns Vryburg land to deprived community

PRETORIA — A community of more than 600 families who lost their land near Vryburg in the North West Province is to move back after the Land Claims Court ordered that the land be restored.

Regional restitution commissioner Emma Mashinini said yesterday the Dithakwanecheng community had to move away in 1969 in terms of the previous government’s black spot policy and forced removals.

Subsequently the land remained the property of the state and talks between the parties led to an agreement, ratified by the court, that the land be restored.

The claim was the eighth to be finalised by the court, leaving a further 21 that have so far reached the court.

The total number of claims before the restitution commission — which deals with claims before they go to the court — was 25,000, with more than 20,000 in urban areas.

However, restitution commission spokesman Thys Human said the number of urban claims was deceptive as in several cases, like Cato Manor in KwaZulu-Natal and District Six in Cape Town, a single area handled as a group claim consisted of thousands of individual claims.

Meanwhile, Land and Agriculture Minister Derek Hanekom has urged any would-be claimants to submit claims before the December deadline.
Land valuations by passed in a bid to speed up restitution

Louis de Cook

WESTERN Cape land claims commissioner Walla de Mgoqi told up with waiting for the land affairs department to provide valuations on several properties to which there are claims, sent the cases to the Land Claims Court without the required valuations in a bid to speed up restitution.

Mgoqi said yesterday there were "extensive delays" in the preparation of valuations for the land affairs department and the situation could no longer continue.

Most land claims go the restitution commission before they are sent on to the court. The commission's brief is to ensure all aspects, including land values, are investigated and properly documented for the court.

Chief land claims commissioner Joe Seremane said that eight of the 10 claims sent to court this week lacked valuations.

The incomplete claims all came from Goodwood in Cape Town where the claimants had been ejected from the land in terms of the now defunct Group Areas Act. They had to move to other areas and often faced poorer living conditions.

Valuations were also delaying the process, in other provinces, the chief commissioner's office in Pretoria said yesterday.

However, Jean du Plessis, the chief director at the land affairs department, said valuations were complex, particularly in cases where past values going back many years had to be determined. "We welcome any initiative designed to expedite the process and if this strategy works, we certainly back it," he said.

Du Plessis said in most cases valuations were needed to facilitate out of court settlements. It was vital that the state paid the right amount for the land and discussions between the land affairs department, public works and the commission would go a long way to resolve the problem.

Meanwhile, in another claim before the court, a quarry is at the heart of the dispute between a KwaZulu-Natal family and the Durban city council. The family left their house in the old Cato Manor area outside Durban and was prevented from starting up a quarry while the new land owner—the council—went ahead with the operation.

Seremane said the claim would lead to guidelines from the court on several important issues like mineral rights and the present and past valuation of the rights.

The family is refusing financial compensation and wants the original land back and compensation for all stone taken out so far.
Aged women join R18-bn land battle

Griquas tackle De Beers empire

FABOOK KHAN
Agale Correspondent

Durban — Five elderly women have taken on the British government and diamond giant De Beers in a battle for billions of rands in reparation for land taken from their ancestor, the legendary Griqua leader Adam Kok.

Olga Moira Samuels, 70, who lives in an old-age home, and her four cousins — Annie Etley Ontong, 74, Susan de Bruin, 80, Joanna Oakes, 80, and Dorothy Henry, 70 — have added their names to a national list of Griqua people who are suing for compensation.

Mrs Samuels said they had been unaware their relatives had filed the claim until they saw a newspaper report.

"I was staggered. Here we are living in poverty and I, for one, believe that what was taken away from my great-grandfather must be given back," said Mrs Samuels.

President Mandela has backed the bid for reparation. He instructed that a Griqua national forum be set up and a meeting of all members be called next month at a venue near Bloemfontein.

However, Mrs Samuels and her cousins were unaware of this development.

After inquiries in Kokstad, where Adam Kok was exiled, and Kimberley, where he lived and where his land was taken away by the British, our sister paper, the Daily News in Durban, located the chairman of the Griqua forum, Anthony le Fleur.

He was surprised to hear about his relatives in Durban.

However, they spoke on the telephone and established their respective positions among the descendants from Adam Kok.

Mr Le Fleur said that, apart from the claim against De Beers and the British government, claims had still to be lodged in various other areas where Griquas had been dispossessed.

"Her (Mrs Samuels’s) story checks out and we want everybody who has a legitimate claim to be included. Now that we have established contact with our relatives in Durban, they will not be left out," promised Mr Le Fleur.

According to a correspondent, the Griqua community is suing the UK government and De Beers Consolidated Mines for more than R18-billion in losses suffered after they were dispossessed of their land in the Northern Cape and Free State in the 19th century.

They are suing De Beers for R8.7 billion for royalties on the mineral rights of the company’s Northern Cape and Free State diamond mines, which they say were taken from their ancestors.

And they are suing the UK government for about R10-billion for "robbing and driving our ancestors off their land and property".

A letter from the Griquas stating their intention had been passed to Queen Elizabeth II.

A spokesman for De Beers, Brian Roodman, said the company was the legal owner of its land and it had been lawfully acquired.

“We are aware of the intention to sue, but no further moves have been made and I want to say that De Beers bought this land from the legal owners. Furthermore, the sale went through long before the 1913 cut-off date set by the Government for reparations of lost land," said Mr Roodman.
Land reform to go ahead ‘regardless of donor aid’

HARARE — A Z$40bn, five-year land redistribution and resettlement programme, to proceed with or without foreign donor backing, should be an example to other states in the region confronting a racial imbalance in land ownership, ruling ZANU (PF) party chairman Joseph Msika said yesterday.

Msika, who has just assumed overall responsibility for President Robert Mugabe’s land reform policy, said “The outcome of this programme will send positive signals to Namibia and SA. If we fail here, much more complicated problems will spread to the whole region.”

Msika, who bears the title of minister of state without portfolio in the office of the president, has ousted Agriculture and Lands Minister Kumbirai Kangai who in April gave the United Nations’ Development Programme an assurance that no farms would be taken over without full commercial compensation.

Msika further fanned controversy over last November’s public listing of 1 600 farms for takeover, declaring much of the total 5-million hectares was being held by its white owners “for speculative purposes” and hence would not be eligible for compensation.

A million hectares would be redistributed each year, the first settlers moving within a fortnight. Unless overseas donors came up with extra money, the government would pay only for development such as dams and barns, Msika said.

“We want to remove the white monopoly on farms. It is in their interest,” he said.

He announced that 200 of the 600 farms reportedly “delisted” because they were productive, or failed to meet other criteria announced by Mugabe, had been restored to the list targeted for takeover.

The complexity of Zimbabwe’s problem was yesterday highlighted when 150 families from the Nyamajira resettlement scheme near the eastern border city of Mutare refused to vacate nearby white ranchland they invaded at the weekend, just as other squatters had moved off farms near Marondera.

“The land resettlement programme will start immediately and will not wait for the September donor conference,” said Msika.

The conference was postponed in June, despite support from the local European Union office, in the face of a threatened boycott by Britain and Germany.

Msika said documents had now been prepared and “selectively distributed”, to provide a basis for negotiation with donors.

The first 12 of 110 farms totalling 239 266ha were ready for resettlement, starting a nationwide programme to benefit 100 000 families.

“The donor conference is now convening to determine whether or not Zimbabwe will reform its land system,” said Msika.

“This is a matter of sovereignty and the responsibility of the Zimbabwean people through their government,” Msika said some farms would be given to black Zimbabweans for large-scale commercial agriculture while others would be broken up into three models of small units, dependent on the ecological region.
Constitution will be tailored to ease land transfer

Michael Hartnack

HARARE — President Robert Mugabe announced plans yesterday for the overhaul of the Zimbabwean constitution to eradicate legal barriers to land reform and black empowerment.

Outlining his government's legislative plans for the coming year, Mugabe told parliament there was "wide recognition of the inadequacy" of the 1980 constitution drawn up by the UK at the Lancaster House conference. Zimbabweans felt it was "ill suited to the needs of the people," he said.

Mugabe said recent invasions of commercial farms underlined the impatience of inhabitants in communal and resettlement areas for more land. Redistribution would begin on 112 farms before the next rains.

Last November 1,480 mostly white-owned commercial farms, totalling 5 million hectares, were targeted for takeover.

Mugabe said a land reform conference would convene with the aid of the European Union in September. While Zimbabwe's constitution has been extensively modified by 14 amendments since 1980, notably those in 1987 abolishing the senate and white representation, providing for 30 seats nominated by government and creating an executive presidency.

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Mining houses face land claim

Louise Cook

ANGLO American Platinum Corporation and Gencor subsidiary Billiton Properties are facing land claims that could jeopardise their platinum and chrome mining operations if an out-of-court settlement is not reached.

Talks are in progress between the Baphalane community, the land affairs department and the mining companies to sort out the claim.

However, the department said yesterday that a recent study showed that it would not be feasible to restore the original land to the community, which lost it through expropriation in 1917.

The Baphalane claim to have lived on the land at Northam in what is now the Northern Province since the early 19th century, acquiring title to the farm Schulpadnest in 1917.

They say six years after lodging their first claim with the land commission of the former government, no one—not even the land affairs department—has officially acknowledged that they are the rightful owners of Schulpadnest.

The Transvaal Rural Action Committee, representing the claimants, said yesterday a claim was submitted to the advisory commission on land allocation in 1992, but “apart from acknowledging that the claim had been received, the commission did nothing.”

Land affairs department spokesman Samuel Molepo said that the claim was acknowledged by all the parties concerned, including the mining houses, and was published in the Government Gazette some time ago.

The Baphalane want the land restored, but have undertaken to lease it to the mining houses, who are the holders of the mineral rights. They also want the mines to rehabilitate each portion of land as mining operations end.

The committee said the international practice was “if someone else owns the mineral rights to your land they cannot exercise those rights without consulting you and negotiating proper compensation. However, at Schulpadnest, the people were conveniently removed by the apartheid government shortly before mining operations began.”

Molepo said talks had resulted in a proposal that the mining companies help the community develop the land they were living on. It was clear from the investigations that restoring the original land to them was not feasible.
Great progress in land redistribution

Derek Hanekom

A
nn Eveleigh’s article “Land reform targets are far, far away” (Monitor, June 8 to 11) ignores the remarkable progress we have made in the past four years and the complexity of land reform processes.

The central argument is that we will never meet “the reconstruction and development programme promise to redistribute 30% of the country’s land to black hands in five years”. This was a broad aim, not a promise, and was never adopted as policy.

In reality, almost 250,000 people, in 279 projects, have received land. In the past year, more land has been distributed to more people than in the previous three years.

And the pace continues to accelerate: In the first quarter of this year, more than 60,000 people obtained land through the ‘redistribution programme’. A further 250 projects are in progress. In total, the more than 500 projects involve the transfer of nearly three million hectares of land.

The land acquisition/settlement grant of R15,000 is a flexible mechanism used by the poor and landless to buy land. For example:

- the Willams family in Stellenbosch, threatened with eviction from a farm they lived and worked on for 50 years, now own a house;
- the 1,600 families of the Joe Slovo village bought the land they are living on to build houses and secure fresh title; and
- the families at Fair Valley, Nelson’s Creek and Freedom Road now have a stake in wine farms, own land for housing and are producing wine under their own labels.

While the Land Claims Court has only ruled on eight cases, 27,000 people have benefited from restitution, recovering approximately 150,000ha of land. This excludes the 10,000 people of Makuleke and the 23 claims before the court.

While 23,000 land claims have been made, the Stake Your Claim campaign will ensure that after December 31, 1996 no new claims will be accepted. And while we will have to work very hard to resolve these, it will bring closure to a painful chapter in our history. This will be a significant achievement for our new democracy, given that New Zealand and Australia are still grappling with the issue decades later.

No one would be happier than I if the process moved faster, and we constantly evaluate our procedures to speed things up. But we must recognise that land reform is slow because good process takes time and money.

In defining our policy, we made hard choices about which route to follow. Instead of the quick-fix option, we chose a market-based approach to create stability and certainty in the land market, to create opportunities for landless people to buy land, and to ensure “buy-in” from communities and the sustainability of projects.

Some non-market options to redistribution do exist, but not on the scale alluded to. There are probably fewer than one million hectares of state land available for redistribution and the process is in motion. The fact is, however, that the majority of land reform cases will depend on the purchase, and availability, of privately owned land.

The process of planning and consultation, of empowering individuals and communities to make decisions about their needs and land use, takes time. Abandoning these processes would be at the expense of the long-term sustainability of projects and people’s security and livelihoods.

In four years our land-reform programme has created stability and certainty. Millions of beneficiaries are involved in processes that will see them becoming the owners of land. This work in progress lays the foundation for long-term security and stability.

Your article simply did not do justice to the extraordinary progress which has been made and the joy experienced by those who have acquired land of their own.

Derek Hanekom is minister of land affairs and agriculture.
Four decades after independence, the question of who will own the land has, rather anachronistically, resurfaced across much of southern and eastern Africa.

As the countries of the region consolidate moves away from state-run socialist economies and towards the free market, privatizing most of the industrial and commercial enterprises that the state acquired over the past four decades, an anomaly is becoming increasingly evident: that the bulk of land is often still owned by the state.

Or where it can be privately owned, use of it is often restricted by entangling red tape.

The lack of private ownership is both a disincentive to the foreign investment Africa desperately needs and, perhaps more importantly, a discouragement to the development of domestic agricultural entrepreneurs.

Both foreign and domestic entrepreneurs - and that includes farmers - need full security of tenure to make large-scale investments of time and money. On farmland this is essential to transform the prevailing subsistence farming into major surplus production that will in turn create large exports.

Restraining this, several countries have recently begun moves to privatise land ownership, most notably Mozambique and Uganda.

But the resistance to privatising land ownership has been strong. In Mozambique, typically peasant organisations mounted a strong campaign against efforts to legalise private ownership of land, on the grounds that if their land were privatised, they would inevitably have to mortgage it to afford improvements and agricultural supplies, becoming vulnerable to creditors who would seize the land if they defaulted on payments. The government balked and eventually offered legislation that permitted long leases but not full ownership.

Similarly in Uganda, the debate on new land legislation has run into strong opposition from all sides. Tanzania is facing comparable problems, and is trying to deal with it by separate systems for basic land and village land.

These fears from farmers immersed in socialist states all their lives are very real, and the state will have to deal with them by creating some means of helping to ensure that farmers are able to work their lands profitably once they acquire it. That requires a whole range of support services, from easy credit through to agricultural training.

WINDOW ON AFRICA

Land issues still rankle decades on

Handing fields back to untrained farmers will make the situation far worse, writes Peter Fabricius

Star 24/7/96

Though the land problem in Zimbabwe is different, the solution is essentially the same. As the proposals to seize white farmland and transfer it to small black farmers now stand, they include no measures to try to ensure that the farmers will be able to work the land to any good effect, raising the spectre of productive farmland being destroyed and very disillusioned farmers returning to impoverishment, having had their hopes falsely raised.

It was for the lack of such a plan that the British government refused to endorse President Robert Mugabe’s land reform moves, suspecting that confiscated land would simply find its way into the hands of already rich political cronies of the government, as has happened all too frequently.

Were Zimbabwe to offer a coherent plan that offered some hope of properly establishing needy farmers on the land, Whitehall would support it.

It is also likely if other countries tackling land ownership presented similarly coherent plans to give indigenous private landowners a real chance of making a go of farming, that the international community would be prepared to help.

But in any case, there is no economic reason why countries should not be making the decision in principle to allow selective private ownership of land by investors, both local and foreign. The resistance to this is more emotional and political than economic, deriving from a fear by leaders that if they allow private ownership, they will be accused of returning land to the former colonial masters.

In a sense these countries are only tackling the colonial legacy of land deprivation now. The years of state-run economies mostly just postponed and masked the central problem of land ownership for nearly four decades – placing the ownership of land in the hands of the state and therefore, in Marxist theory, in the hands of the people.

But that was essentially a fraud, and now that the real decisions about land are being faced, these countries deserve greater attention and support from the region’s multilateral organisations.
CHURCHES that own land should fully disclose the amount of land they owned, chief land claims commissioner Joe Seremane said yesterday.

He said at a meeting of the National Land Committee that churches "had a right" to participate in the land reform programme.

"The churches through the SA Council of Churches... were very active in attempting to assist communities resist forced removals (under the previous government) and through their programmes, assisted communities already relocated. Churches could also monitor, support and encourage the land reform programme, he said."
Former Sophiatown landowners hope to get their properties back.
Receiver agrees to drop land donors tax.

Louise Cook
LAND REFORM

ALL THE KING'S MEN

The new Ingonyama is born

It almost caused apoplexy in ANC ranks and then became the subject of a David-and-Goliath battle of wills between the KwaZulu-Natal administration and central government. But now the Ingonyama Trust Act finally looks set for acceptance.

When the revised Act is signed by President Nelson Mandela and published in the Government Gazette — probably in the next week — it will drop the curtain on a dispute that was at the core of the differences between the Inkatha Freedom Party and the ANC.

In terms of the new Act, King Goodwill Zwelithini will still head the trust, but will be assisted by an eight-member committee appointed by the Land Affairs Minister Derek Hanekom — in consultation with the KwaZulu-Natal premier. The committee sits for the first time on August 17.

In addition, urban lands that used to fall under Ingonyama Trust have been handed over to local authorities.

Parliamentary records reflect that the previous Act — conceived in the last days of National Party rule — was rushed through parliament so hastily that MPs did not even see copies of the legislation they were approving. The Act placed all tribal land in the former KwaZulu homeland into a trust to be administered by Zwelithini. One of its stated objectives was the orderly release of land for development.

The ANC was aghast at what it perceived to be conspiracy between outgoing President F.W. de Klerk and IFP leader Mangosuthu Buthelezi to entrench and strengthen the IFP's traditional rural power base and block land reform.

For its part, the IFP viewed the ANC's hostility as blatant evidence of central government meddling in provincial affairs, so as to weaken Inkatha.

The KwaZulu-Natal legislature did not help matters when it passed its own Ingonyama Trust Act. The Act's validity was later challenged by the ANC in the Constitutional Court, a development that forced the IFP-led provincial government to back down before judgment.

But, after heated exchanges between Buthelezi and Hanekom, both sides conceded that parts of the Act needed review.

Its main flaw was that the monarch didn't have the capacity or infrastructure to administer the Act. It also emerged that urban township land had been accidentally included in the trust, adding to the development logjam.

The beneficiaries of the new Act are the land occupants who now have security of tenure and the right to decide on the structure of land ownership.
Valkenberg area: people want Khoi to be consulted

Jenny Wall
Staff Reporter

When Dutch sailors, ill with scurvy, were washed up in Table Bay hundreds of years ago, they were taken in, cared for and cured by Khoi people living in a settlement on the site which is now known as Valkenberg.

The history of the Valkenberg area dates back much further, however, than the arrival of white settlers.

At a public meeting on Saturday, called by the council to discuss the future of the Valkenberg-Black River confluence area, participants asked that the Khoi people, who have lived in the Cape for 37 000 years, be consulted on the future of the site.

The meeting was the first public forum to discuss the future of the area, which is about 330ha in extent and has three main landowners: the City of Cape Town, the Western Cape Province and Transnet.

The City Council’s idea is to use and manage the area as an urban park, a joint initiative by the community, the local authority and landowners.

Jan van Daalen, of Propnet, the property arm of Transnet, told the meeting that Propnet would participate in the public participation process, as it had done for the past six years. The third large landowner is the province, and land used for Valkenberg Hospital has been transferred to the Department of Asset Management.

David Rennie, chief director of the department, before Saturday’s meeting said: “The province has got to raise money for the development of schools, hospitals and infrastructure. Can it afford to leave this area as a green lung?”

“We have to balance this with the other needs of the province. I don’t consider I’ll be bound by the council’s development framework for the area,” he said.

“I see province as the landowner of a valuable piece of property and it’s going to take a lot of convincing for us to give away land of commercial value for a park.

“I don’t see us selling the land, but rather entering into a joint public/private sector venture, perhaps for an office park development,” said Mr Rennie.

The area owned by the province is zoned for community facilities and on the Pinelands side has an undetermined zone.

At the meeting, the council presented its “conceptual proposal”, which suggests that the edges of the park be clearly defined by a strip of high-density housing overlooking the park, with footpaths leading into the park.

This would mean using the sports fields at Malta Park for housing as well as building more houses to the south of Maitland Garden Village.

The council proposal also includes an extension of Berkley Road in Maitland to cross the site and join up with Liesbeek Parkway.

Council officials stressed that this was only a proposal and not a fixed plan.

If you want to be part of the process, or have comments, contact Desree Shepherd 400 2398.
Computers for schools left to rot

Stephane Bothma

PRETORIA — Computers worth R18m which were ordered for Northern Province bridging schools — many of them held under trees and without any electricity — have become the focus of a high court dispute between three computer suppliers and the provincial MEC for education.

The 1 600 computers are currently gathering dust in a warehouse in Plettenberg, the court heard this week.

Former Northern Province education MEC Aaron Motsoaledi has denied any complicity in the purchase of the computers in 1996 and has told the court he never made any decision to buy them.

He is being sued by Telcotec, Mago Business Systems and Advanced Systems Technologies for payment of nearly R18m.

The education department said the transaction was concluded by officials without the necessary authority. However, according to the suppliers, the purchase was approved by the province’s department of finance and expenditure in terms of a letter dated March 10 1996 and an official purchase order was issued.

Motsoaledi testified this week that he had only become aware of the purchase at a meeting in April that year when he was asked why IBM had not been asked to tender for the contract. He said that none of the top officials in his department had known about it either and that “there was definitely no funds available for such a purchase at the end of 1996”.

The computers were withdrawn from the bridging schools when the department launched an inquiry into the deal. The concept of bridging schools was formulated by Motsoaledi to fight the unacceptably high matric failure rate in the province.

Five senior officials in the department were suspended pending the outcome of an internal inquiry into the transaction.

However, the officials were acquitted by a presiding officer, Gerick on charges that they had unlawfully and without authorisation bought the computers and ignored financial regulations and treasury instructions. Gerick said it was “strange and funny” that a department could buy computers for schools some of which did not have electricity.

Community evicted through ‘racist’ Land Act

Pule Molebeledi

and Sivabulela Gxatwe

THE 1913 Land Act, which resulted in scores of people losing their rights to land now occupied by the SA National Defence Force’s Lobatla battle school in the Northern Cape, was racist and discriminatory, advocate Wim Trengove argued yesterday in the Land Claims Court in Randburg.

Three Northern Cape communities: the Gathise, Maremane and Khosis, have filed a restitution claim for 135 000ha of land against the departments of defence and agriculture and land affairs. The two departments have indicated that they will oppose the application.

Trengove, appearing on behalf of the communities, told judges Fikile Bam and Sharaz Meer that the Khosis made their claim as descendants of part of the Gathose and Maremane communities.

The rights of the communities were continuously eroded from 1976 until the final eviction of their members in 1990. Their claim is “far fetched” a suggestion by the defence department that the last community to be removed from the reserve, the Khosis, voluntarily surrendered its rights by unanimously agreeing to relocate to Jenn Haven.

It was perverse to suggest that the entire community had waived its rights when some members agreed to relocate to Jenn Haven. Those who agreed to relocate did so in the knowledge that they could be evicted against their will if they did not agree to move. “They did not exercise free choice.”
Community evicted through ‘racist’ Land Act

Pule Molebelele and Siyabulela Gasa

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Agricultural union unaware of land release talks

Louise Cook

FREE State Agricultural Union president Piet Gous said yesterday the Union was unaware of talks between the Pan Africanist Congress (PAC) and farmers in the province on releasing more land for redistribution.

The agricultural press reported last week that PAC leader Stanley Mogoba said farmers on large farms should co-operate in making additional land available.

PAC secretary-general Michael Mzilane was reportedly "talking to farmers", but Gous said it was unlikely that farmers would be prepared to give land away.

"The only acceptable way of obtaining land is through the free market — the union will not deviate from this principle."

Indications are that new tax concessions to land donors could prompt farmers and land owners to consider donating land. The receiver of revenue would no longer penalise land donors with a donations tax.

Mogoba reportedly said unless farmers co-operated in releasing more land, the "landless masses" — not the PAC — would simply take the land.

Gous rejected this, saying that "landless masses" was a political slogan. Not even state-owned land was given away, he said.
Lohatla land dispute postponed

THE Land Claims court granted a postponement yesterday in a protracted six-year dispute between the defence department's Lohatla bantustan and three Northern Cape communities, in order for the feuding parties to reach an out-of-court settlement.

In a day characterised by legal technicalities and at least two adjournments, the Randburg-based court granted the postponement to allow the defence department to gather additional information from possible new witnesses and to explore a peace settlement.

Judge Shenaz Moer told Rit van Rooyen, the defence force's senior council, to present a progress report on the matter by the end of next month.

Three Northern Cape communities: the Gathose, the Maremane and the Khosie, have filed a restitution claim for 135 000ha of land against the departments of defence and agriculture, and land affairs.

On Tuesday Wim Trengove SC, representing the tribal communities, told the court that the three communities were removed from their land on the basis of the 1936 Land Act, which was discriminatory and racist.

Yesterday the court heard arguments from Van Rooyen, who claimed that the communities voluntarily agreed to be resettled and were involved in a land swap with the state.

He said only a small minority of the "true and full Khosie community", led by Joseph Froe, refused to abide by the community's acceptance of a land swap.

However, Van Rooyen later argued for a postponement, on the basis that there was a possibility of a resumption of negotiations between the departments and the leaders of the communities.

The defence department said it was willing to explore the possibility of offering the community land south of the Lohatla bantustan which was safe and relatively uncontaminated.

Van Rooyen said it was dangerous for the communities to live in the area at present and that their presence there would inconvenience the school.
Commission's view of land claim disputed

Louise Cook

A CLAIM on high-potential farm land at Barberton, in Mpumalanga, will be thrown out by the Land Claims Commission unless the claimants show within two months that they were short-changed when the state auctioned two farms belonging to their ancestors in the late 1940s.

The claim was accepted initially by the regional commissioner for Mpu

malanga and published in the Government Gazette in March, but commissi

ioneer spokesman Tony Harding said yesterday it subsequently materialised that the claimants had received £7 600 pounds, not £700, when the land was auctioned in 1948.

Last week regional commissioner Dirkje Giffen gave notice that the claim could be thrown out "unless cause to the contrary is shown ..."

However, the Johannesburg Legal Resources Centre, representing the claimants, said yesterday that the family and descendants of the original land owners — two brothers — received no compensation from the auction.

When the brothers died within three months of each other, their family had to leave the farms in terms of racially biased laws.

"Money from the auction and due to the children lay in an account at the Pretoria Supreme Court for years because no one took the trouble to notify them to collect it," a spokesman for the centre said. "Eventually the account was made dormant."

One of the claimants, who did not want to be named, said she was unaware of any possible rejection of the claim. She said the claimants wanted fair and equitable compensation, not land restoration, as none of them were farmers.

The amount to be claimed would be decided once the land had been_value, the claimant said.

The Legal Resources Centre, as well as the regional commissioner's office, said the original two farms outside Barberton were now cut up into about 30 highly lucrative farming operations. The land was mostly under irrigation for citrus, sugar cane and subtropical production, they said.

"In terms of the Land Restitution Act, land commissioners could reject claims that did not meet the requirements of the law. However, any such decisions were subject to review by the Land Claims Court."
Handkom Issues Orders to Accelerate Land

restitution process

The restitution process is expected to
be completed within 12 months. The
Handkom Board has directed the
General Manager to expedite the
process and bring it to conclusion as
soon as possible. The process will
involve the identification and
notification of eligible beneficiaries
and the drafting of restitution
orders. The process will be
monitored by an independent
commission.

*Note: The text is partially obscured and difficult to read due to the quality of the image.*
A commission into ... a commission

 Pretoria - It has finally happened. The state has appointed a commission to investigate a commission. Or, at least, find out why, of 26 323 land claims, only nine have been processed so far.

 The Commission on Restitution of Land Rights was appointed in 1995 to investigate land claims by people who had their property expropriated by the apartheid government.

 It aims to compensate people for land they lost and redistribute land bought by the state specifically for that purpose.

 But with elections less than a year away, Land Affairs and Agriculture Minister Derek Hanekom has told his staff:

 "At our present rate of delivery, we will not meet our targets set in the white paper on South African land policy and we are at risk of losing the support and patience of claimants and landowners."

 In an open letter to staff announcing the establishment of a review team to investigate the snail's pace at which claims are being finalised, he said: "While the resolution of cases has increased over the last few months, the pace is still unsatisfactory."

 The review has one purpose – to find ways of resolving claims more quickly without compromising on the integrity of the process.

 Farmers, too, are criticising the red tape in the restitution system, saying they are burdened by legal costs, while claimants are entitled to free legal aid.

 Philip du Toit, legal adviser to the Agricultural Employers' Organisation, cites numerous problematic cases and points out that in some instances farmer's lives are endangered because of the emotions stirred up by the land restitution issue.

 The Department of Agriculture and Land Affairs had employed more than 2 700 staff and spent R315 million since 1994, said Mr Du Toit.

 And yet tens of thousands of land claims were still waiting to be processed.

 Wallace Ngoqi, regional land claims commissioner in the Northern and Western Cape, has indicated that one of the reasons for the delays is the inability of the Department of Land Affairs to provide valuations for property people need to be compensated for.

 But the main reason was that the restitution process was a logistical one, he said.

 "It's driven by the Land Claims Court and we all know that courts move inherently slowly."

 A spokesman for the commission said: "The commission is on record as saying that, yes, the process is too slow. But it must be realised that this is a very involved and complex process. It can take years just to finalise one claim."

 The findings of the review team are expected to be released to the minister by mid-October.
Task team to speed up land restitution

By Joshua Raboroko

LAND and Agriculture Minister Mr Derek Hanekom has appointed a small task team to review the land restitution programme in an attempt to dramatically accelerate the resolution of land claims.

The team, to be assisted by staff in the office of the minister, started its work in July and will complete it by the end of next month, Hanekom said yesterday.

He had instituted a comprehensive review of the entire process of restitution, including the functions of the various role players in that process.

The role players include the Commission on Restitution of Land Rights, the Ministry of Land Affairs and the Land Claims Court.

Hanekom said the purpose of the investigation was to analyse the restitution process and the institutions introducing it, and on that basis to recommend the procedural institutional, legal and other changes necessary to effect a "dramatic acceleration" of the rate at which land claims were resolved.

Sources said it has taken three years for the Commission on Restitution of Land Claims and the Land Claims Court to finalise nine claims.

The sources said more than 26 000 claims had been lodged so far and with the deadline for submission of claims being the end of the year, it is likely the total number of claims will be far greater than 30 000.

Hanekom said so far 19 restitution cases had been finalised and 155 311 hectares of land had been given back to a total of 27 738 people.

In addition, he said, there were presently 30 cases at different stages of intensive negotiations.

Four significant agreements, which would affect 30 000 hectares and more than 18 000 people, had already been signed and were awaiting approval by the Land Claims Court.

Restoration

A number of other cases were close to final agreement. A final settlement of a claim could take the form of restoration of land, financial compensation, or an alternative remedy agreed upon between the parties.

Hanekom said the total amount used for restitution purposes in the 1996-97 and 1997-98 budgets was R46 million, adding that restitution was a key to reconciliation affecting countless South Africans.

The role players in restitution had made an impressive start to a long, hard journey.

The review was intended to make the process quicker and more effective.
Reports shows gaps in reform paper

Louise Cook

PRETORIA — A special report adopt-
ed last week by the parliamentary
portfolio committee on land affairs
stated that the major stakeholders in
land reform felt there were gaps in the
white paper on land policy that should
be addressed.

The stakeholders — banks, landless
communities, claimants, tribal author-
ities and organised agriculture — tes-
tified at public hearings before the
committee earlier this year that the
white paper was "in general a good doc-
ument". However, it had shortcomings,
both in the document and in the im-
plementation of policy, concerning is-
ues like the 1913 cut-off date for land
claims, the December 1998 deadline to
submit claims and the alleged auction-
ing of state land.

According to the report, the parties
told the committee there was a need for
new tenure legislation and for the state
to return tribal land held in trust to
traditional authorities.

Some participants said the John-
nesburg-based Land Claims Court
should become a travelling court to
make it more accessible.

The report said that the banks' 
biggest problem was that the different forms of
communal tenure made it difficult to lend
to land owners.

In cases of nonpay-
ment, financiers would
be unable to or face se-
vere restrictions in exer-
cising a right to evict, the
banks said.

All the parties agreed
that government's
R15 000 land settlement
grant was inadequate.

The grant was intro-
duced to facilitate land
redistribution to the
poorest of the poor, but
this led "to people having
to pool money togeth-
er...on a piece of land
which cannot sustain
that number of people."

The report also sug-
gested that the land af-
fairs department failed
to respond to offers of
land donations, but this
could not be confirmed
yesterday.

It said one offer came
from the Catholic
Church in Bethlehem in
the Free State and an-
other was on farmland
near Maritzburg.

The report said the
assistance required from
land affairs was not
forthcoming. The Free
State farm went into
overdraft and the dio-
cese was unable to meet
the costs.
invalid insists NP Leader
Sophiatown claims are.

In the early 1960s, a group of Sophiatown residents, led by the late Nozizwe Madlala-Routledge, organized a protest against the government's plan to relocate them to a new area. The protest was met with violence, and many people were injured or killed. Despite this, the residents continued to resist the forced removals, and their struggle became a symbol of resistance against apartheid.

The government eventually banned the protest and arrested many of the leaders. The Sophiatown residents continued to fight for their rights, and their struggle inspired many others to stand up against injustice.

Today, the memory of Sophiatown remains a powerful symbol of the struggle against apartheid and the fight for justice and equality.
Projects worth millions to be suspended

By Joshua Raboroko

PROJECTS worth millions of rands are to be suspended in Alexandra township, east of Johannesburg, because property owners fear their land will be expropriated in the process.

The Alexandra Land and Property Owners Association (Alpoa) wants developments to be temporarily suspended so that the Land Claims Court can settle their disputes.

Alpoa media liaison officer Mr Keke Koalepe said yesterday more than 2 000 families had claimed their land back after it was seized by the apartheid regime.

However, he said, their claims had not been processed. Greater Johannesburg’s Eastern Metropolitan Local Council (EMLC) wanted to upgrade and develop the township.

Property owners feared that the process might affect their land, and have urged the council to suspend the projects worth millions of rands.

Unfortunately the projects could be suspended at the time when the community desperately needs them.

The projects include the improvement of infrastructure, roads, sewerage and drainage systems, street lights and the building of schools, houses and recreational facilities.

In a letter to the Gauteng Land Claims Commissioner Mrs Emma Mashinini, Koalepe said should such projects get off the ground without consultation, the rights of a large number of families would be violated.

To avoid such an eventuality, Koalepe urged the commissioner to intervene by talking to the EMLC.

Researcher in the Land Claims Commissioner’s office Mr Humphrey Mashane said more than 1 066 land claims had been received from Alexandra and some had been gazetted.

Process delayed

He said the process was delayed because the department engaged consultants who did not speed up the process. However, the Government would hurry up the process.

Mashane said the EMLC after consultations, agreed to withhold some of the projects.

Alpoa will hold a meeting at the Alexandra Technical College from 9am on Sunday.
Consulting blocks land restitution

By Claire Keeton
Feature Writer

The restitution of land to those dispossessed by racially discriminatory laws in South Africa is being delayed, ironically, by the post-apartheid commitment to consultation as well as by bureaucratic red tape.

Although a swifter process of restitution would ease the deprivation of some, it would impact on the rights of those communities that now occupy the land.

"Everyone has fundamental right to be heard," said Land Claims Court judge Alan Dodson in an interview with Sunday Times together with fellow judges Shenzh Meer and Antonie Gildenhuys.

Dodson explained that the court must balance the rights of communities occupying land with those making a claim to it when making a restitution order.

"Procedurally we have to look at those affected and those affected now; both have rights. All the complexities have to be taken into account," said Dodson. "It is not a simple case of deciding in favour of one party or another."

Restitution invariably means dealing with events that took place years ago and affected a large number of people, many of whom have since been displaced from their land.

Unique powers

Established in 1996 with the status of a high court, the Land Claims Court has been proactive in tackling these complexities, using its unique powers to conduct informal proceedings and to convene hearings.

"We are very conscious of the (slow) pace of restitution, and instead of waiting for cases, we have taken a number of initiatives to try and speed up the process," said Meer.

"We have held pre-trial conferences on a regular basis to look at the most effective and expedient way of resolving a case and removing obstacles."

Another aspect is that we've called (our own) witnesses to the court.

"We've also held workshops with the commissioners."

"We've tried within judicial constraints to be as accessible as possible."

This process is deemed "essential integral to the work of the Land Claims Commission and affects the pace of its work too.

Officially called the Commission on the Restitution of Land Rights, it is a body with regional offices, and must assess all claims for settlement, investigate and prepare valid claims and present a report to the court.

This involves not only notifying interested parties, but practical details like titles deeds, boundaries, surveying and valuation. The commission's investigations have been hampered, however, by few staff members, skills and resources relative to the number of claims.

And valuations by the restitution section of the Ministry of Land Affairs have been a protracted process.

But the ministry's director of restitution Jean de Plessis said this problem had now been addressed by the establishment of a panel of service providers to provide prompt evaluations.

When all preparations are done, the claims are either settled by the commission and approved by a court order, or they are taken to trial at the court if there is a dispute.

"Every settlement must fulfill legal requirements - we can't rubber stamp a nice agreement that is presented to us," said Dodson, explaining why there have been referrals backwards and forwards between the commission and the court.

Most of the nearly 27,000 cases lodged with the commission have not even reached the court. At that point only 12 claims, giving land back to 10,000 people, have been finalised.

Meer said that the court welcomed the recent appointment of a review panel to investigate the reasons for the delays and accelerate delivery.

During a meeting with the panel last week, the judges encouraged them to have terms of reference which were as wide as possible.

It seems clear that the panel, chaired by ministerial adviser Alan Roberts, needs to look at the law governing restitution: the Restitution of Land Rights Act (No 22 of 1994).

In its attempt to be inclusive and equitable, the law has failed to define key criteria which govern the implementation of restitution.

"Among the problems we are faced with is that the Act has no clearly defined criteria - for example, who are direct descendants (with a right to claim) or what formula is used to arrive at an amount for fair compensation," said Meer.

"We have encouraged the ministry to look at the legislation as part of its review. The legislation could be improved."

On the other hand, deputy chief land claims commissioner Advocate Wallace Mqipi has appealed to the court to establish precedents to allow similar cases to be dealt with administratively rather than through the court.

Court researcher Heidi Barnes said that some countries, for example Germany, dealt with restitution administratively after re-unification in 1990.

South Africa's commitment to transformation led to a decision for restitution here to be a public rather than an administrative process.

"The legislation is aimed at righting wrongs. We must look at equity and justice, and can make orders that are far reaching. We're even allowed to give an order to monitor the implementation of restitution," said Meer.

Glaningly Inadequate

A small settlement grant provides for the development of the land after restitution, but it is glaningly inadequate for sustained derelopment.

A recent amendment to the Act allows claimants, if they wish, to come directly to the court without going first to the commission. If they choose to do this, however, they must do all the investigative and preparatory work for their claims themselves.

"The commission and court are completely independent of each other," said Dodson, responding to criticism that they duplicate work. "There is never any area in which we overlap."

He pointed out that the court's responsibilities extend far beyond restitution: "We are not just dealing with land claims. We deal with all land reform legislation and disputes arising from it, which gives us jurisdiction in a significant number of cases."

Their jurisdiction includes the Land Reform (Labour Tenants) Act of 1996, which protects farm workers against arbitrary eviction, and the new Extension of Security of Tenure Act, which affects illegal occupiers of land.

It appears that the court is able to manage these responsibilities along with restitution: it is the commission that needs to be supported and streamlined.

"The stumbling block (in restitution) has not been the capacity of the court," Gildenhuys said.

"We have encouraged the ministry to look at the legislation as part of its review. The legislation could be improved."
District Six owner fears housing ‘slum’

GLYNNE UNDERHILL
SPECIAL WRITER

When a Cape Town computer analyst bought a house in District Six last year, he was assured his property would not be affected by the proposed redevelopment of the area. Today, fears about the fate of his R260,000 home are growing.

The resident, who does not want to be named, has been trying unsuccessfully to get reassurance he will not be evicted when the area is redeveloped.

On Sunday, a historic deal to be signed by the District Six Beneficiary and Development Trust, Land Affairs Minister Derek Hanekom and the City of Cape Town is expected to speed up the development.

In what Anwah Nagla, chairman of the trust, has described as “the deal of the century”, vast tracts of Government-owned land will be made available in District Six for an integrated development, with the emphasis on affordable housing.

A major concern of the homeowner is that the value of his house will plummet when an estimated 45,000 people move in.

“Bringing all these people into the area will destroy the values of houses here. They will create a slum.”

Mr Nagla said yesterday every piece of land in District Six was subject to restitution. However, there was no desire to evict people.
A new day dawns for District Six

By Anne Keenan

The move to reclaim the land and lay off of District Six was a focal point of the redevelopment project. The District Six residents settled on a site south of the old site, which was known as the "Shining Economy". The two government bodies and the local community worked together to ensure that the residents had a voice in the planning process. The District Six Development Trust, led by Juma Nkosi, the resident of the apartment, took on the responsibility of managing the transformation of the area. The residents fought for their rights and, after years of struggle, the new District Six was born.

The site of the old District Six is now a vibrant community, with new housing and businesses emerging. The residents are proud of their journey and look forward to the future. The project was a significant step towards healing the wounds of the past and building a brighter future for all.

Picture: Residents of the new District Six with their families.
Signed, Sealed - but now to deliver District Six

LOH VUIGIE

CURTIS EVERETT
SALDRU - A Directory of disable person power and resources in Western Cape
Skyascapers ruled out as district six rises to the

challenge

(231) May 19/19 age.

Although 600 people are happy.

The original scenic would remain.

The project's timeline and marketing.

The project's estimated.

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The project's estimated.
Call for state land to be handed over

Wyndham Hartley

CAPE TOWN — The National Land Committee (NLC) put pressure on the national land reform programme yesterday by calling for the property clause in the constitution to be scrapped and for all state land to be released to individuals immediately.

In a submission to the national assembly’s land affairs committee, the NLC challenged the government to speed up its process of assigning full ownership rights to people living in the former homelands and to give vacant state land to rural black people without charge.

The NLC also challenged the “market based approach” being used in the land reform process and claimed it was inadequate to achieve the redistribution of 30% of the land to disadvantaged black people.

It said other nonmarket mechanisms such as expropriation should be used. Only once the 30% redistribution threshold was reached and the playing field was level then market forces should again be allowed to “fully function” it said.

The land affairs department has been under considerable pressure since the African National Congress (ANC) took office in 1994 to give freehold title to those living on land in the former homelands or on trust land which was scheduled for incorporation into the homelands.

A resolution from its conference last December asked for the legislation providing for title in tribal areas to be speeded up.

The granting of title will inevitably wrest the power of land administration from traditional leaders. For this reason, the legislation is unlikely to be pushed through until after next year’s election.

The idea will be to minimise the loss of votes in places such as the ANC stronghold in the Eastern Cape.

It also urged the use of a land tax and said a capital gains tax on compensation payments following land expropriations should also be imposed.
Govt urged to transfer land faster

KERRY CULLINAN

THE government should expropriate farms without paying market-related prices to speed up its land redistribution programme, which has transferred only 0.2% of land to dispossessed communities.

This proposal was put to Parliament’s portfolio committee on Land Affairs yesterday by the National Land Committee (NLC), which argued that the government's market-based approach to redistribution was "not appropriate for South Africa".

The NLC also proposed that "in order to minimise the cost of expropriation, the government should repeal the property rights clause in the Constitution". According to this clause, no one may be deprived of property.

Alternatively, said NLC researcher Sam Sowu-Ankomah, the Government should "amend the Expropriation Act to allow landowners to be compensated at the productive value of the land, rather than the market value".

Committee chairperson Chief Parekile Holomisa said the NLC’s proposals had the sympathy of ANC members on the committee.

"It is our view that, given our history, land reform should be exempted from market forces," said Holomisa.

However, he said that while the property clause was a "potential impediment", there was "not enough evidence to blame it for the lack of land reform".

"The clause does say that the market value of property must be considered when paying compensation, but it also says the manner in which the land was acquired must be considered."

Meanwhile, the Democratic Party has "condemned and rejected" the NLC’s proposal that the property clause be scrapped.
Hanekom defends property clause

BY KERRY CULLINAN
Star Parliamentary Bureau

Cape Town – Land Affairs Min-
ister Derek Hanekom has dis-
mismissed a call for the property
clause in the constitution to be
scrapped as "stubborn frivo-
lousness", and confirmed the
Government's commitment to a
market-based approach to land
reform.

The Government remained
convinced that paying land-
owners market-related prices
for properties for dispossessed
communities was the wisest
approach, Hanekom said yest-
day.

Hanekom added that the
property clause in the constitu-
tion had not hampered a single
land claim, as alleged this week
by the National Land Commit-
tee (NLC).

"Besides, the property clause
does allow us to expropriate
land as a last resort. But there
is more than sufficient market
opportunity for my department
to buy land without resorting to
expropriation," said Hanekom.

He also dismissed the NLC's
suggestion that the state should
pay farmers for the "productive
value" of the land rather than
market-related prices. He con-
ceded that some farmers, once
they were aware that the Gov-
ernment was backing commu-
nity attempts to buy their
farms, increased their prices.

"An independent evaluation
has to take place which checks
the price against recent sales in
the area," said Hanekom. "I see
no sense in going through a
long process to determine the
productive value. Sometimes
the productive value will be
higher than the market value if,
for example, there have been
land invasions."

He added that "land reform
is not pushing up the prices".

The NLC, a coalition of rural
organisations, was "in danger
of losing its reputation as
an organisation conducting
credible research", Hanekom
added.
Committee: Derek Fiskum

23 areas win state land transfer
HANXOM DEFENDS PROPERTY CLAUSE

The National Assembly yesterday approved the transfer of 7,000 people's land to the Transvaal.
Land reform under way

One of the major challenges that the black majority Government faced in taking power in 1994 was redressing the loss of land by victims of apartheid.

Land grabbing by the ruling minorities had forced indigenous landowners to become either labour tenants or squatters on private land, or on state land without any prospect of ownership.

In the Government’s drive to redress the situation it has - through the Ministry of Agriculture and Land Affairs - embarked on various programmes aimed not only at making land accessible to previously excluded communities, but also at providing security of tenure that will benefit communities.

This has led to Parliament passing legislation giving the department teeth while embarking on programmes of redress. One such law is the Transformation of Certain Rural Areas Bill, which was passed last week.

In passing this new Bill, Parliament has set in motion the biggest transfer of state land to 23 communities in the Western and Northern Provinces, Eastern Cape and the Free State.

According to the ministry this move will change the lives of at least 70 000 people.

Introducing the Bill in Parliament, Agriculture and Land Affairs Minister Derek Hanekom explained that its objective was to “transfer the trusteeship of the land from the minister to legal entities decided upon by the residents that will best serve their interests”.

“The Transformation of Certain Rural Areas Bill forms part of the department’s tenure reform programme and will have the effect of transferring 1.7 million hectares of state land to the people,” said Hanekom.

“In terms of the Bill we are giving residents living on the 1.7 million hectares of state land, formerly the coloured reserves, the right to decide on the ownership and administration of the land they have been living on all their lives.”

This Bill repeals the Rural Areas Act of 1987 which governed the administration of the so-called coloured reserves.

These areas are occupied by descendants of indigenous people of South Africa who had managed to retain certain rights, despite the ruthless dispossession of land.

With the passing of the Population Registration Act of 1950, most of the residents in these areas were classified as coloureds.

The management of the land and mineral rights in these areas was then vested in the former Coloured Persons’ Representative Council and later in the House of Representatives under the old tricameral system.

According to the new Bill residents “could decide to transfer the land to a democratically elected municipality, to a communal property association, to any other legal entity, or to individuals”.

Hanekom indicated that a range of principles would apply in cases where the land is transferred to the municipality, to ensure that the municipality acts as a trustee on behalf of the community.

The land, for example, would be used communally for the benefit of the people living on it, and not for all the residents of the municipality as a whole. The municipality also could not sell the land without the consent of the inhabitants.

The Bill states that the Minister of Minerals and Energy Affairs must ensure that any deal granting mineral expropriation rights to any company benefits the residents of the area.

This may include payment of rent to the community or the development of equity partnerships where possible.

Hanekom said the Bill was the culmination of a process which started three years ago, involving the department and the residents in the affected areas.

“A rural areas committee consisting of the department, the provincial government’s officials responsible for administering the Rural Areas Act and non-governmental experts in the field was established to facilitate the consulta-

A new land Bill will offer security of tenure to communities like these dismissed farm labourers.

PIC KHATHU MAMAILA

Under the new Act 23 communities throughout South Africa will have access to previously state-owned land.

Ido Lekota surveys developments.

The committee then developed a policy position in consultation with the affected communities.

“This extensive and inclusive process with people who have never had a say over their own affairs and who have never been consulted on issues affecting them, has resulted in the Bill,” said Hanekom.

“In the next two years the communities of Concordia, Rektersveld, Stemkopf, Komagas, Riopoort, Lefesofo, Ebenzer, Pella, Mier, Eksteenskuil in the Northern Cape, Saron, Munre, Pniel, Genadendal, Suurbraak, Stangrivier, Friemserswilh, Haarlem, Zoar, Kranstoeck in the Western Cape, Enos in the Eastern Cape. Oppennamgronde and Thuba Patcho in the Free State, will become owners of their own land.”

These communities have 18 months to decide what form of ownership they want.

Hanekom described the transfer as a major step in redressing the racially skewed ownership of land in South Africa.

On the other hand, he is the first to admit that a mammoth task still lies ahead in addressing land ownership in the former homelands.

Central to this is the question of communal ownership of land with the traditional leaders as the trustees.

This has led to complications where residents cannot, for example, secure bonds to buy or develop their properties because they do not have title deeds.

Draft legislation is in place but there is still a need for further negotiations with the various stakeholders, according to Hanekom.

“There is a need for consent by the larger communities. The interests of the traditional leaders, for example, are not the same as those of civic associations.”

The issue of land ownership in the rural areas is a political hot potato which has so far created tensions between traditional leaders and the Government’s tenure reform programme.

In general, the traditional leaders feel that changing the communal ownership of land would erode their powers as the stewards of traditional systems of access to land.

Hanekom denied last week that the Government was delaying passing legislation in this regard in view of the coming election.
HIV—Volunteer and Other Concerns

First of two parts: How to deal with it

ROGER FREEMAN and BENNY DOOLIGHT, Division of Communicable Disease Surveillance, explained that some of the negative aspects of the epidemic are that it can be frightening and can create fear and anxiety. They suggested that people be honest about their feelings and talk to others about them. They also recommended that people focus on the positives and be active in their communities.

A REPUBLICAN OF KALAHARI out for a run

THE SANDS
Land celebration in North West

By Joshua Raboroko

Families who were forcibly removed from their land by the former regime in the Ditsongle district, North West, will commemorate the day in Rustenburg today.

The occasion will coincide with other Heritage Day celebrations that will be held in Mpopaleng and the Eastern Cape, where communities have been called on to mark land reform as a milestone on the country’s route to democracy.

The focus of today’s celebrations will be in Rustenburg, where about 156 families of the Ditsongle community will be handed title deeds to their properties as a result of claims lodged with the restitution commission.

Black spot

Department of land affairs spokeswoman Ms Dumisa Seshabela said that in 1959 the Baikweva Ba Modamosana Ba Manka community lost their land as a result of the former apartheid government’s Black Resettlement Act of 1954.

The area was declared a “black spot” and the community removed to Brakkuil and Taiboskuil, about 109km away.

After the Restitution of Land Rights Act was established in 1994, the tribe lodged a claim for the restoration of their land, said Seshabela.

She added that the Government would spend R4 million to help the community develop the land to its former potential.
Kli'fontein handed back to its people

Methodist Church gives up 70ha

CHANTEL ERFORT
Staff Reporter

After being owned by the Methodist Church for 134 years, 70ha of land have been handed back to the people of Kli'fontein mission station near Philippi.

Kli'fontein is home to almost 600 families and the official return of the land has ended a long-standing feud between them and the Methodist Church of Southern Africa.

In 1864, the land on which Kli'fontein stands was acquired by the church.

In the decades that followed, people grew dissatisfied because, although they occupied the land it belonged to the church. Then, in 1996, the community took the church to court for the return of the land on which they had lived for generations.

In 1998, the church started negotiations with the community and the legal case was dropped. The result was yesterday's handover.

Among speakers at the ceremony were Welfare and Population Development Minister Geraldine Fraser-Moleketi and presiding Bishop of the Methodist Church Mvume Dandala.

Ms Fraser-Moleketi, who grew up in the close-knit community, reminisced about her years at Kli'fontein or “Kli'-fontein” as it is known to residents.

"Today, I am speaking not only as the national minister of welfare and population, but as a child of our beloved Kli'fontein," she said.

Sydney January, a member of the community for 45 years, was overwhelmed when he watched official proceedings that would result in the land on which he lived becoming his own.

“I can’t describe my feelings. We struggled for years and years to get this land. Now, we can develop it. We have a place for the children.”

Handing over the official documents to executive trustee Samuel van Wyk, Bishop Dandala said: "We are committing ourselves to building a community with a culture of hard work.”
Diratsegae have farm land returned to them

Louise Cook

THE Diratsegae, a community exiled from their Rustenberg farm land 40 years ago, are the latest recipients of government’s land settlement programme. About 171 families from the community had their land returned at the weekend.

The land affairs department said yesterday it had bought the land back from a variety of owners in order to transfer it to the community.

The Diratsegae were forcibly removed in the late 1950s in terms of the previous apartheid government’s “black spot” policies.

The white-organised farming community in the area began lobbying for the removal of the community as it was the only black-owned land surrounded by white farmers. The actions of the white farmers were in keeping with the discriminatory laws of the then apartheid government,” the department said in a statement.

The land consisted of two farms of 3 952ha and would be developed in terms of a business plan drawn up by the chief of the community in consultation with other parties.

A land affairs department spokesman said the claim was the nineteenth to be finalised, totalling 15 311ha of land restored to 27 738 people so far.

Meanwhile, a farmer from Ermelo in Mpumalanga, Bart Harmse, said yesterday a land claim on his farm, which was eventually withdrawn after two years by the provincial restitution commission, left him financially ruined and his farming operation in tatters.

The claim was cancelled when detailed research showed that it had no merit, but Harmse said he was unable to obtain production credit from banks while the claim was being processed and his farming enterprise could not be developed in that time.

The law stipulates that once a claim is published in the Government Gazette, the land owner is prohibited from making improvements to the property without the consent of the minister.
Ann Evelth

Hanekom fires Seremane

September 18 when he broke ranks with other restitution role-players to air his grievances about the power struggles at the heart of the restitution delays during a presentation to the National Council of Provinces (NCOP) standing committee on land affairs.

Commissioner Seremane said a deal had been agreed not to publicise criticism of each other until a review team appointed to identify bottlenecks in the restitution process completed its work.

But Seremane lashed out at several of his colleagues, and questioned the integrity of the review team during his address to the NCOP. He accused the NCOP of “continuing with the same old ways,” and of failing to discuss the matter with his fellow commissioners.

The National Land Committee, the NCOP body that prompted the review process, accused Seremane of jeopardising the integrity of the review process, which they regarded as the “last chance” to get restitution working.

Seremane’s outburst came shortly after the review team’s first report back on its initial findings. Those findings, included in the final report released this week, were sharply critical of Seremane’s leadership style, as well as that of Hanekom and the chief director of restitution in the Department of Land Affairs, Jean du Plessis.

Asked whether this had motivated his NCOP presentation, Seremane said: “I no longer see the wisdom of talking about this.”

The report, not surprisingly, highlights “inefficiencies” between Seremane and regional commissioners over the past 18 months.

Pointing to a “leadership crisis” within the commission, the report says: “According to the regional land claims commissioners, the leadership of the chief land claims commissioner has been marked by a passive approach and a refusal to use his power and authority proactively to deal with problems; the lack of a facilitative, consensus-building and co-ordinating management style; a high degree of administrative centralisation; and a high degree of defensiveness about problems in the functioning of the commission, and a tendency to see the pointing out of problems as evidence of persecution.”

National Land Committee director Bren-
The Land Claims Court will this week receive its first urban claim in Gauteng, involving former residents of the Highlands township near Pretoria who were forcibly removed from their homes in 1961. At the announcement of the claim yesterday by the provincial commission on restitution of land rights were Peter Mhangwani and Emma Mashumi, left, from the Gauteng Land Claims Commission; chairman of the Highlands committee, David Marupeng, top, and George Seekle, right, and Ivan Seekle, background.

Newlands owners to retain their homes

Louise Cook

PROPERTY owners in the upmarket Pretoria suburb of Newlands will retain their properties following action by land claimants, but residents in neighbouring Garsfontein are less certain of their fate.

In the case of Newlands (formerly Highlands), the group of 48 claimants who are mostly descendants of the original land owners, lodged claims with the land restitution commission more than a year ago.

However they confirmed at a media briefing in Pretoria yesterday that “there was no way” they would perpetuate the forced removals of the past.

The claimants opted for financial compensation from the state instead, but a dispute about the compensation due to them will see the case go to the Land Claims Court in the next few weeks.

The original owners of Newlands were ejected in the early 1960’s from the area which today is a trendy suburb situated around the Menlyn shopping mall in eastern Pretoria.

“The issue is, where would we have been today if we were not shifted? No money can measure the losses suffered in terms of businesses that had to be started over from scratch, the loss of entrepreneurial skills and the emotional harm,” said George Seekle, the secretary of the Highlands claimants committee.

The court would be asked to rule on whether the state’s valuation of R1.20m/ for the properties in 1961 was accurate. The claimants believe it was worth more than they were paid.

Regional land claims commissioner Emma Mashumi said it was impossible to say how long it would take for the court to rule on the matter.

She said negotiations about the claims for Garsfontein, formerly known as Eastwood, had not started. At the beginning of last year, Eastwood land claims committee chairman Kenneth Sibiya said the claimants would refuse any other form of compensation.

“Land owners and claimants have the opportunity to state their case in the Land Claims Court,” Mashumi said.

However she conceded that to qualify for legal assistance, an applicant first had to pass the Legal Aid Board’s means test, a requirement that generally went in the claimants’ favour.
Seremane’s extraordinary attack on Hanekom

The chief land claims commissioner says he is being made ‘a sacrificial beast’ as his remarks in Parliament embarrasse him, writes Wally Mbhele

Chief land claims commissioner Joe Seremane broke his silence this week over tension that has enveloped the Commission on the Restitution of Land Rights, saying that Minister of Agriculture and Land Affairs Derek Hanekom had “a Queer way of setting fences.”

The commissioner is close to collapse after Seremane walked out of an urgently convened meeting last week, in which he said, commissioners and Hanekom accused him of embarrasse the minister at a joint sitting of the parliamentary portfolio committees on land affairs and agriculture.

Seremane told The Mail and Guardian that he “expects to be made a sacrificial beast.” The bureau of land affairs are always the ones who have their heads cut off, and this is a feeling I have.”

But Hanekom’s adviser, Alan Roberts, says the intention of the meeting was “to make a judgment as to whether there is an issue between the commissioner and the minister.”

Seremane believed the meeting was “to make a judgment as to whether there is an issue between the commissioner and the minister.”

The chief land claims commissioner said that the meeting, in the spirit of transparency, could provide an opportunity for all parties to set their concerns on the table and resolve the crisis, he said.

The root of the problem is the slow delivery of land restitution claims. Of the 37,000 claims received by the commission, it has managed to deliver only nine.

Seremane’s criticism of the minister and the Department of Land Affairs in Parliament on September 13 was ignored. The minister’s position against Seremane was strengthened when Seremane’s deputy, advocate Wal- lace Nuki, appeared before the committee urging him to orchestrate the chief land claims commissioner.

Seremane said this week: “If justice is done, it’s fine, but if there’s any element of substantive, I’m not going to accept it lying down. If you can’t protect other people’s rights and yours too, whose rights are you going to protect?”

Seremane said the restitution process is a national programme and “not a party programme.” It does not make sense to make it an elec- tioneer tool. This is a national programme that belongs to all par- ticipants.”

He said his falling out with Hanekom had its roots in his responses to questions from members of the portfolio committee. “If I hadn’t seen the minister, I would have been at work for him.”

Seremane said he found Hanekom “to be the most loyal guy. What happened are more irritations and I have the right to express my- self. How often has the minister been in this office of mine?” I’ve never seen him since I don’t know what the minister looks like.”

The situation is not this year, 2004.

Seremane said: “He gave me a set of dates for meetings but 50% of them were not realised. I said there must be frequent and regular interaction amongst all.

“Seremane said that his manner of being at Par- liament had been taken like I said them in a foreign country. I was saying that to a partner in a spirit of transparency.”

“I did not have to change it in my book. I am now being taken to court for how I am not adhering to your pronunciation. If it is true then I am going through a phase where the lapses are cut against me.”

Seremane said he was concerned about the lengthy procedure that needs to be followed when the committee requests resources from the Department of Land Affairs.

“Thus rather big and complex, it’s all like the commission is an appendix to the department. This would seem to be some awkward and negative ramifications. That has caused a strained relationship between us and the pressure that there’s friction between the two.”

Seremane found the most frustrating and embarrassing issue to be his budget. He hired the commission in ChECER, but the budget is not yet in place. The public is not to be disappointed in the budget.

Seremane said he had commissioned to be very careful when dealing with the department because they’re dealing with people who are project- ing either favouritism or racial bias. I’ve never seen a black commissioner get assistance as fast as my white commissioners.”

For the media: I am a racist. I am the cre- ator of South Africa. We have this racial back- ground and it’s still there. That’s why we still have transformation forums. What are we transforming after all? A mind made of cosine exiles and white dominion is this country where people continue to die and difficult to carry directions from a black person.”

Seremane says Hanekom told him at a commis- sioners’ meeting last week that he did not see the two of them working together side. He said he had found it strange that Hanekom hired to receive the offer by taking sides.

“He should have called me first and made me accounts for my utterances. I took strong ex- ception to the process that removes my right to be heard, that prejudices me even before we’ve started.”

He added he hoped an inquiry into his report to Parliament would resolve the matter “in the meantime, I’ll continue doing my work until I told to stop.”

Seremane accused Mogo of “some obscurity for power. I don’t know who sent that letter (Mogo’s) to me. I immediately phoned my deputy to request my dismissal. I used the phrase that ‘there’s no honour amongst thieves’ This is tantamount to treachery.”

“I told him he’s a backslider, he should have confronted me. What would you think?” I said. He just kept quiet.”

Seremane said he communicated with Mogo- to happen before Hanekom convened the meeting of commissioners.

“Without listening to my side of the story, he (Hanekom) agreed with everything my deputy said about me. To him, my side of the story was pure fantasy. That had nothing to do with me to the parliament and parliamentary joint committees.”

Seremane launched a stinging attack on the other commissioners and accused them of ly- ing. “The problem with some of them is that they have no hands.” In the committee, they express these same views, they support them just as they are used to operating.”

“It is surprising they didn’t come to me to express reservations about my address to the House. My deputy was sitting right next to me. He was the next to speak after me. We went out and nobody said anything.”

Robert said the minister called a meeting of the commissioners in good faith after re- ceiving a letter from Seremane’s deputy re- questing all the regional commissioners, “which clearly reflected a serious crisis of leadership within the department.”

“Did I call a meeting with Seremane in view of this letter because by then a meeting had already been set up and he chose not to meet with either of the commissioners alone.”

A response from Hanekom to last week’s Mail story on the issue said: “The situation is that the commission must head to head security with Seremane’s remarks before the parliamentary portfolio committees, even which commissioners are personally distanced themselves.”

Hanekom said: “It is my responsibility as the minister to ensure that is received and we are trying to find a way of doing this.”
Handkom to let go of Coloured Reserve Land

Am Evelth

(34) MFG 15-2310.94

IN THE ACT

Handkom to let go of Coloured Reserve Land
Land claim accord may put pressure on SANDF

LOUIS COOK
Army to return ancestral land

Settlement of claim still leaves the defence force with seven others to sort out

BY RAPHAEL BANDA

A cherished dream will soon come true for the Barolong Sa Mositu community in the North West when they make an emotional return to their ancestral land from which they were forcibly removed by apartheid to give way to the military.

"It is precedent setting as a settlement agreement," said Heidi Barnes, a researcher at the Land Claims Court, which a few days ago granted an order for the restitution of military land to the 3,000-strong Mositu community who had been resettled in Vryburg.

It is the first time that victims of forced removals have taken back land now being utilised by the military.

The court granted mineral rights for the land to the Mositu community, and it has ordered that they be given access to state resources for the development of housing and other infrastructure on the land.

The settlement of this claim leaves the army with seven other claims to sort out, some of which is contesting and others in which settlement agreements are in sight.

One such claim is at Lothathla in the Northern Cape, where three communities are seeking the return of their land where the army established an army battle school in the 1970s.

"It's not feasible to give the land back," said Franz Zotte, spokesperson for the Western and Northern Cape Commission on Restitution of Land Rights.

The case, which the army is contesting, has been referred to the Land Claims Court and was postponed in August to allow the parties to reach an out-of-court settlement.

The military argues it has built infrastructure worth more than R200-million on the land, and wants the Khosis, Gathose and Maremane communities to be settled on alternative land - a proposal which the communities reject.

According to a feasibility study conducted last year, the land is contaminated with explosives and military authorities say lifting the explosives will be a costly exercise.

In another complication, some of the Khosis community had resisted being removed and claim they were effectively dispossessed when the military established the battle school.

The Land Affairs Department says the claims of the other two communities will depend on the resolution of the Khosis case, which is expected to be dealt with by the court in January.

The military has been using most of the land now claimed by communities around the country for training.

At Wallmanns-Hill, Pretoria, a mobilisation centre was established and authorities say the infrastructure is also worth hundreds of millions of rands.

Brigadier-General G. J. Cordier of the Defence Department said no agreement had been hammered out for the return of the land, but "we have already decided that a portion of the land be given back".

A former German settlement, the military is contesting 1,500 individual claims to the land.

In another claim, military authorities say they have reached a settlement with the Schmidtshof community near Kimberley for the return of land now used by the army for training. The matter still has to be finalised by the Land Claims Court.

Cordier said the army was looking for alternative land for their training base which would cost about R7-million.

Defence Minister Joe Modise has meanwhile approved some of the Makuleke community's claims to military land in the Madibga Corridor in the Northern Province and the army has also decided to give back land - which is vacant - in Simonstown near Cape Town.

Dispossessed communities are also seeking the return of land used by the army for training at Boshoek in Dundee in KwaZulu Natal and authorities say a claim for military land in Roodevlei in Pietersburg, which is a bombing range, will be lodged soon.

Up in smoke ... munitions are destroyed in this file picture at Lohathla in the Northern Cape - one of the military bases which may be returned to its original communities.
Land claims commissioner looks set to lose job

Louise Cook

AN "IRRETRIEVABLE break" in trust between chief land claims commissioner Joe Seremane and Land and Agriculture Minister Derek Hanekom pointed yesterday to changes in the status of the Pretoria office of the restitution commission and the possibility that Seremane might be relieved of his position.

Reacting to the future over the slow restitution process and attacks by Seremane, Hanekom said the lack of trust was not conducive to delivery.

The process has so far seen only 10 of about 26 000 claims finalised, partly because of cumbersome legal technicalities.

Hanekom said: "I have a duty to resolve the crisis to ensure that restitution is effective. I am considering how best to do this."

"My own concerns ... have been about the process itself and, to be frank, about the role of the office of the chief land claims commissioner."

A source said there were indications that the future of the Pretoria head office, headed by Seremane, could come under review when a special investigating team appointed by Hanekom reported back next month.

The investigating team was appointed some months ago.
A study reveals the way in which poor people were placed far away from their workplaces and urban areas and are still there, writes Cecilia Russell

From apartheid – a way forward

When 23/10/98 (271)

Winterveld, near Pretoria, provides a cauldron for post-apartheid planners.

The densely settled informal settlement situated about 40km from Pretoria defies the logic of new ideas in planning which emphasise the densification of urban settlements and the compacting of cities so that poor people can live in close proximity to their work.

According to a study released yesterday by the Centre for Development and Enterprise, Winterveld is just one of about 60 “displaced urban areas”, with a population of about four million people.

They are a distinctive result of apartheid planning which created cities where the poorest need to travel the greatest distances to their place of work.

During the 1970s and 1980s areas like Winterveld, Botshabelo and Bushbuckridge burgeoned.

The huge settlements, strained at the apartheid-created homeland borders, as they filled with people who were either the victims of forced removals or needed to escape the relentless poverty in rural areas.

The areas lacked, and still lack, economic, commercial or industrial infrastructure but despite the demise of the Group Areas Act, which meant that the people could move closer to town, many people choose to stay.

The study estimates that only about one fifth of the respondents indicated they wished to move.

“Living in these areas is very expensive, in both personal and financial terms, this is particularly so because of long-distance commuting. On the other hand, many people now choose to make such journeys, and not all displaced urban settlements impose public and private costs that are significantly beyond those in the metropolitan areas,” the report says.

The reason people continued to live in the areas could be as a result of a trade-off between the high commuting costs, lower residential costs and the fact that residents had invested significant sums of money in their homes (average around R1 000), CDE argues.

The study found that while the income of people living in displaced urban areas was slightly lower than blacks living in urban areas, people living in these areas were considerably better off than people living in rural areas.

But there are still many anomalies which need to be addressed, the CDE argues.

Winterveld, for example, is administered by the North West Province, but most of its residents are dependent on Gauteng and Pretoria in particular for their livelihood.

Likewise Botshabelo should be incorporated into the Bloemfontein metropolitan, the CDE argues.

“It is unlikely that most of Botshabelo’s remaining residents will move away, or that it will become an effective autonomous municipality... If Botshabelo is to avoid becoming a “welfare” municipality, the demarcation board will need to seriously consider including Botshabelo in a Bloemfontein metro,” the CDE recommends.

By doing this, the grants from national government would be used effectively and the area between Botshabelo and Bloemfontein could be “planned coherently, with a probable mix of small-scale farming, market gardening, service industry and related entrepreneurial activity benefiting the region”.

But beyond these individual recommendations, the CDE argues it is essential, in a climate of scarce resources and a possible threat of a decrease in the subsidisation of public transport, that an urbanisation strategy is developed for the displaced urban areas.

“One suggestion is that policy proposals should try to meet a goal economists describe as pareto superiority – that is to make as many people as possible as much better off as possible while making none worse off than before.”

The CDE action plan for the policy development for these areas includes:

■ That policymakers should recognise and build on the lessons of the apartheid past. Decision-makers cannot ignore the primary relationship between economics and residential settlement, nor should they ignore the voices of ordinary people;
■ A national register of displaced urban settlements should be compiled and a classification developed which recognises that no displaced urban area is a town in its own right;
■ An urbanisation strategy which would include reliable statistics on migration and urbanisation which makes choices about urbanisation and the “where” of development should be developed. This should include a realistic rural development programme.

Regardless of the policy, CDE says it is essential not to view displaced urban places as “towns in their own right, and planning for their future will require continual reference to their linkages to adjacent towns and cities and a recognition of their contexts within wider settlement systems.”
Planners see District Six, the soul of the city, as key to rebuiding and unifying Cape Town.

Officials lose confidence in land claims boss

Regional commissioners of the Commission on Restitution of Land Rights have unanimously passed a motion of, no confidence in chief land claims commissioner Mr Joe Seremane, calling for Land Affairs Minister Derek Hanekom to intervene urgently.

The five commissioners said in Johannesburg last week they had lost confidence in Seremane's ability to provide effective leadership and to represent the views of the commission.

This followed an aborted meeting last Thursday between the commissioners and Seremane. The five walked out after they discovered that Seremane had called the media to what they expected to be a closed meeting.

They said the meeting was called to discuss the leadership crisis, as well as the commission's position on the Ministerial Review of the Restitution Process.

"Due to the sensitive nature of these issues, all of us were of the understanding that the meeting would be confidential," they said. "However, to our surprise we discovered that Mr Seremane had invited the media to be present throughout our deliberations."

The commissioners said this was another example of a "disturbing pattern of autocratic behaviour" by Seremane:

"After maintaining silence over the leadership crisis within the Commission on Restitution of Land Rights in the belief that the matter could still be resolved internally, we are left with no choice but to make our position publicly known," they said.

Last Thursday Seremane issued a statement calling for a full and independent inquiry into the dispute.

"I will not accept anything less than a comprehensive independent inquiry. This, I believe, should include whether utterances and actions of the minister and certain commissioners were proper or not."

The conflict between Hanekom and Seremane stems from an address in September by Seremane to a joint sitting of the parliamentary portfolio committees on land and agriculture in which he had harsh words for Hanekom.

"I wish to state that the sentiments expressed are neutral. I have long lost confidence in a lynch mob. Do your damnest, the heavens won't fall," Seremane said. - Sapa
Hostelry within the Restitution commission has not been dealt with, writes Louise Cook

Land restitution report will be ready this week
Top land claims official told to go immediately

Louise Cook

PRETORIA — Chief land claims commissioner Joe Seremane's contract was terminated with immediate effect yesterday.

Land and Agriculture Minister Derek Hanekom announced the move as part of a package of changes to land restitution to "unleash speed" in the claims resolution process.

The changes, recommended by a special restitution review team headed by ministerial adviser Allan Roberts, include the integration of the restitution commission — up to now an autonomous body — into the land affairs department.

It also recommends that the land affairs director-general be accountable for restitution, the Land Claims Court deal only with disputed claims and the scrapping of settlement agreements going to the court for ratification.

Hanekom said Western Cape regional commissioner Wallace Mgczi would be acting chief commissioner until a permanent appointment is made.

He said the situation with Seremane had become "untenable" and blamed the media for "distorting" the issue. "I have unfortunately come to the conclusion that Mr Seremane is no longer able to hold the office of the chief land claims commissioner.

Seremane fell from favour some months ago when, addressing the land affairs portfolio committee, he accused Hanekom of ignoring key recommendations on restitution. The minister said yesterday Seremane failed to consult his regional commissioners before addressing the committee.

Hanekom also released a draft report by the review team appointed in July to probe problems with the restitution process. It said metropolitan governments had been able to "walk away from any onerous responsibility" in dealing with restitution claims. There was a "crisis" resulting from factors such as suspicion between the land affairs department and the restitution commission, the fact that the minister did not act more "proactively" at an early stage, strong white male representation within the top management of the department and a "high degree of defensiveness" within the commission.

The land affairs department's leadership had been "tripped up by the very system-wide absences and problems it has sought to overcome". Commission staff tended to identify with claimants.

Hanekom said the report confirmed his suspicion that the slow delivery lay within legislative and institutional shortcomings. Only 10 claims out of about 26 000 had been finalised in the past four years, but the 10 claims had taken a "huge" amount of research and work.
HEAT'S ON HANEKOM

Release land or face squatters

Agriculture & Land Affairs Minister Derek Hanekom is, according to farmers’ unions, in a race against time to make State-owned land available for the creation of a black commercial farming sector, or have the land laid to waste by squatter invasions.

More than 30% of the 500 000 ha of government land suitable for agriculture in KwaZulu-Natal alone has already been taken over by squatters. Yet there seems to be no progress in addressing the issue other than to serve eviction notices to between 20 and 50 black State farm tenants in the Matatiele Ongcuthisnek area.

It is bizarre, says KwaZulu-Natal Agricultural Union (KwaNalu) director Steve Shone, for government to be putting people off State land that is being used productively when there is so much pressure for better utilisation of land.

A spokesman for the Department of Land Affairs’ directorate of State land management says there is a programme to isolate unencumbered State land in all provinces for the development of a black agricultural sector. Some of this land has been made available to black farmers for lease since 1994. There is also a farm development pilot project at Bucklands in the North-West province. Other land will be released to give farmers a tenancy stake as it becomes available.

"We are trying to investigate all State land to ensure it is contractually clear and not, for example, subject to restitution claims. Though the process is slow it must be done before decisions can be taken on how best to dispose of the land," he says.

Land Affairs’ Eastern Cape principal planner Dahl Matta says no legitimate tenant farmers are being evicted anywhere in the country. "A Heath special investigation unit probe has, however, shown that some so-called black emerging farmers leasing former SA Development Trust land are on invalid leases and have been served notices to vacate," says Matta.

Northern Cape, Eastern Cape and Transvaal agricultural unions have also expressed concern about agonisingly slow progress in re-allocating fallow State land for more productive agricultural purposes. They all refer to the SA National Defence Force land that has been left vacant as a result of defence cut-backs.

Herb Payne
Fired land claims boss vows to act

By Ido Lekota

Chief Land Claims Commissioner Mr Joe Seremane has vowed to take legal action against Land Affairs and Agriculture Minister Derek Hanekom who fired him yesterday.

Yesterday the conflict between the two came to a head when Hanekom announced Seremane's immediate dismissal.

Hanekom said in a statement: "After careful consideration I have taken the decision to terminate the contract of the Chief Land Claims Commissioner. I have done so following procedures as required by the Labour Relations Act. It has not been an easy decision for me to make but I sincerely believe it is in the interests of the restitution process."

"I have unfortunately come to the conclusion that Mr Seremane is no longer able to hold the office of the Chief Claims Commissioner. I have today informed him of my decision to terminate his contract with immediate effect."

Seremane told Swanepoel that he would "definitely" take legal action against Hanekom because the Minister had "totally disregarded the Labour Relations Act".

He claimed Hanekom had disregarded the law by publicly announcing his dismissal before informing him. He also disputed Hanekom's claims that he had sent a letter yesterday informing him of his dismissal.

Seremane said he heard the news of his dismissal over the radio and through friends yesterday while on his way to Kuruman in the Northern Cape on the Land Commission's business.

He said Hanekom had based his decision to fire him on calls made by, among others, Department of Land Affairs director-general Mr Geoff Budlender. The Minister had informed him of Budlender's calls two weeks ago and asked him to respond to the allegations made against him.

Seremane said he had gone to the commission's offices at midday yesterday to deliver a letter in which he was asking for more time to consider the matter, but was not informed of his dismissal.

He said his dismissal did not come as a surprise because he was not a "yes man."

Seremane and Hanekom have been embroiled in a conflict following the commissioner's public objection about the slowness of the land restitution process.

Seremane also raised objections about the fact that his commission received funding from the Department of Land Affairs. He recently told the parliamentary committee on land affairs that his commission could not continue going "cap in hand" to the department for funding.

Yesterday Hanekom indicated that moves were under way to integrate the commission with the Department of Land Affairs so that the restitution becomes part of the overall land reform programme.

Seremane's spokesman, Mr Thys Human, said that in his letter to Seremane last week, Hanekom had told Seremane that the allegations against him included that he did not consult his fellow commissioners on certain things, and that he did not inform them about what he was going to tell the parliamentary portfolio committee on land affairs.

"This apparently embarrassed them," Human said.

He said the director of the secretariat to the commission and head of Seremane's office in Pretoria yesterday also received a letter from Hanekom's office, informing him of the Minister's intention to dismiss Seremane.

The letter requested the director to track down Seremane, who was on his way to Upington and then "in a smooth and compassionate manner, assist him to vacate his office today."

Human said the director was also informed of the immediate closure of the commission's head office. Commission staff would be incorporated into the Land Affairs Department.
Fired land claims boss spills beans

By GLYNIS UNDERHILL

Former chief land claims commissioner Joe Seremane, who was fired by Land Affairs Minister Derek Hanekom this week, has taken part in a television documentary dealing with the execution of his brother Timothy Seremane in the ANC’s Quatro camp in Angola.

The documentary is certain to embarrass the ANC as it focuses on its camps, the some of some gross human rights violations according to its own admissions in several commissions of inquiry and the final Truth and Reconciliation Commission report.

The TV programme Issues of Faith has apparently been scheduled for screening on SABC2 on December 6 and 13.

Seremane recently travelled to Angola to be featured in the documentary and to try to shed some light on the execution of his brother, who was allegedly accused of being an apartheid spy.

While the TRC did not call the ANC leadership to account publicly for the deaths in its camps, Seremane has been vociferous in his call for transparency on the circumstances that led to his brother’s death.

Meanwhile, Seremane has said Hanekom’s decision to dismiss him would be challenged in court.

The former land claims chief, a Pan Africanist Congress activist detained on Robben Island, heard about his dismissal on a radio broadcast on Thursday after Hanekom held a news conference at Johannesburg International Airport.

No consultation

Hanekom said at the press conference that Seremane had been dismissed because there was irreparable damage to the relationship between himself and his fellow commissioners.

In a statement Seremane said: “I do not believe the minister has applied his mind properly regarding his decision to dismiss me, totally disregarding the very Labour Act he purports to uphold.”

Hanekom said the allegations against Seremane included that he did not consult fellow commissioners, and that he did not inform them about what he was going to tell Parliament’s committee on land affairs.
Dismissed land claims chief to go to court

Sibonelo Radebe

FORMER chief land claims commissioner Joe Seremane is to take the land and agriculture ministry to court for what he claims was an unfair dismissal.

Seremane said that reasons for his dismissal put forward by the ministry were a "plethora of distortions and outright lies". The real reason could be political, he said.

Seremane was dismissed last Thursday by Land and Agriculture Minister Derek Hanekom, who said the dismissal was part of a move to "unleash speed" in the claims resolution process.

The dismissal followed a report by the restitution review team which concluded that administrative inefficiencies contributed to the slow delivery in land restitution. Seremane accused Hanekom of shifting to him the blame for the failures of his ministry.

He demanded a commission of inquiry to look at the work of his former department and the behaviour of Hanekom and other officials in the department.

"Only then will it become clear that this is another shocking instance of the blame game played in this country," said Seremane.

He said the true reason for his dismissal was the criticism he levelled at Hanekom in a report presented to the joint sitting of the Parliament portfolio committees in September. The report accused Hanekom of ignoring recommendations on land restitution. Seremane said his criticism claimed the restitution review commission was biased, a factor which he said contributed to his dismissal.

He said the review team had a hidden agenda of enhancing the political image of Hanekom on the eve of the elections.

Seremane said he would lay a complaint with the labour court for an insufficient period of notice before dismissal. He said Hanekom "dismissed me within two hours of my plea for an extension."
Govt violating land restitution law – Seremane

The government was quietly changing the process of land restitution in violation of the Restitution of Land Rights Act, axed Chief Land Claims Commissioner Joe Seremane claimed yesterday.

"That will mean that when amendments are laid before Parliament ... it will be a matter of just putting a rubber stamp on what has already been done in practice," he told reporters in Pretoria.

Seremane was sacked on Thursday. The reasons cited included his alleged refusal to take part in a review of land restitution. He earlier criticised the review, saying it would turn land restitution from a transparent process into a clandestine one.

Officials yesterday said the proposed changes would eliminate the need for land claims to be ratified by the Land Claims Court.

Seremane contended this would amount to waiving land rights for claimants, leaving the discretion on alternative compensation to officials. This was open to abuse, he said.

"What you and the public are not fully made aware of is that the adaptation of the restitution process started today with an implementation workshop here in Pretoria."

A spokesperson for the Department of Land Affairs confirmed that a workshop was being held to examine ways of putting some of the recommenda-

dations of the review team into effect.

He declined to elaborate, saying there were no plans to disclose details of the meeting to the media at this stage.

Meanwhile, Seremane vowed to challenge his dismissal in court. He said his sacking by Agriculture Minister Derek Hanekom was unfair and unjust. His lawyers would indicate whether the matter would be challenged in the High Court or Labour Court. – Sapa

Shaw 10/11/99 (afp)
Fired land claims boss threatens legal action

By McKeed Kotlolo and Ido Lekota

FORMER Chief Land Claims Commis-
sioner Mr Joe Seremane, who was fired
last week, has threatened legal action
against Land Affairs Minister Derek
Hanekom for unfair dismissal.

He also denied that he was offered a golden
handshake of about R2 million.

Seremane, who only received his dismissal
letter, dated November 5, yesterday, told the
Pretoria Press Club that he had already
obtained legal advice on the matter.

His expulsion allegedly came after a request
by his deputy, Advocate Wallace Mgoqi, in a
confidential letter to Hanekom to oust him after
a parliamentary speech in which he criticised
the minister and other commissioners.

Seremane said his office, with 15 staff mem-
bers who would be re-deployed, would be
closed.

"I shall certainly take the matter to court. I
shall tell the court that Hanekom dismissed me
within hours of my plea for an extension of time
to state my case and in spite of several pleas to
him to institute a full-blown inquiry into the
whole matter."

Seremane, who described Hanekom as a
"bully and hard farmer who would tell you to
pack and go", said the minister and his
"cronies" would "not stand the full glare that a
public inquiry would have brought on their dis-
tortions of truth and illegal and unethical
actions."

He charged "Joe Seremane and his head
office are no longer there to prevent some
people from buying grand and expensive new
furniture for their offices."

Spoilt brats

"Like spoilt brats they insisted on leather-
bound diaries with gold inlay lettering or mis-
used and abused the commission's vehicles and
equipment, not to mention continuing anti-
treeze on higher salaries and more perks like
only travelling business class."

The conflict between Seremane and
Hanekom reached a peak last month during a
briefing of the parliamentary committee on the
restitution process.

There Seremane raised concern about the
downcast of the process and said it was unten-
able that the commission depended on the Min-
istry of Land Affairs for funding.

Seremane also said the ministry was staffed
mainly by white males.

However, Seremane's concerns were not
well-received, especially by the Minister. It was
felt that he was undermining the restitution
process.

Seremane was accused of a "lack of facilita-
tive, consensus-building and coordinating man-
agement style and a high degree of defensive-
ness about problems."

Some of the recommendations made by a
review team on the restitution process are that
the commission be integrated with the ministry
and become accountable to its director-general,
Mr Geoff Budlender.
Empowerment initiative helping thousands of rural poor

BY RYAN CHESSWELL

Queues are forming outside Land Bank branches in some small towns as rural residents take advantage of a black empowerment initiative that is helping thousands of disadvantaged people get access to credit and land for the first time.

Land Bank management presented their 1997 annual report and the 1998 interim report in Pretoria yesterday. The report showed a profit of R242 million so far this year, compared with R132 million for the same period last year.

Chairperson designate Bonile Jack said the Land Bank had been “mandated” by the Government to help empower the rural poor and that this was becoming a major function of the organisation.

“I recently had a meeting with the African National Farmers’ Union and was told that disadvantaged communities believe the Land Bank is moving in the right direction,” he said.

Since April more than 10,000 people have taken advantage of a micro credit scheme which allows the poor to start with a loan of R250 and then build up in steps to a total of R18,000. These “Step Up” loans require a deposit of 20%, and the interest rate is 2% a month.

Several thousand people have also taken out a 15% bond for first-time buyers of up to R250,000 that was only recently launched. About R50 million has been lent to emergent entrepreneurs whose loan applications would never have been granted in the past.

The new scheme is being funded by R100 million allocated from reserves, and R30 million more for this year which will come from the Agricultural Credit Board.

Managing director Dr Helena Dohy said places like Vryburg in Northern Cape now had queues of eager black borrowers outside Land Bank offices. The Vryburg branch already had 800 new black customers.

She said although R50 million was a fraction of the R4.5 billion lent by the bank, the amount that went to emerging entrepreneurs and farmers would grow quickly over the next few years.

Dohy also said white farmers took out very large loans and thousands of emergent black entrepreneurs took out small ones, so it was hard to say what percentage of the total loan figure emerging farmers would end up with.

The bank has about 26,000 long-term borrowers.

Dohy said there had been some concern the bank would curb lending to commercial in favour of emergent farmers, but this idea “should be dispelled”. 

More details ... Business Report
Sacked chief lashes land claims chaos

Six of 10 000 settled

Former chief land claims commissioner Joe Seremane, fired by the Minister of Land Affairs last week, has released a damning review of the progress of land restitution in South Africa.

In the 1998 annual report of the Commission on the Restitution of Land Rights, which has now been tabled in Parliament, Mr Seremane did not gloss over the slow pace of delivery to land claimants.

Instead, he revealed his growing unhappiness over the hamstrung commission’s relationship with the Department of Land Affairs, which controlled its administrative functions and budget.

He said just six cases had been finalised in the Land Claims Court in 1998 — although 10 218 cases were submitted.

Nine cases were pending and another five had been submitted but referred back for various reasons.

“There is very good reason for a great deal of concern at the low level of cases being finalised,” he said.

The slowness was because of “a total lack of real capacity to handle this deluge of claims”.

Even more startling, he said, was the inability in “responsible circles” to realise that only expansion of such capacity on a huge and almost mind-boggling scale will solve the problem.

The present stop gap, almost ad hoc measures, are not going to work, Mr Seremane said the few settled claims had had a positive impact on the lives of hundreds of households and thousands of people, representing a “thicker of hope”.

He said early in the year it had been agreed that some kind of fast track mechanism would be devised to finalise more cases.

“Unfortunately, the process of mutual consultation apparently stopped there,” he said, because the commission was not consulted about changes to the Restitution of Land Rights Act submitted to Parliament.

Referring to the commission’s budget, Mr Seremane said R16-million had been allocated — only after a fight. It had been cut from R4-million the previous year. This meant a serious lack of resources.

“Staff find it increasingly difficult to cope with the volume of work.

“Bottlenecks are created once the claims reach the research stage as the researcher must carry the workload of two and, in some cases; three people,” Mr Seremane said.

More funds would mean more researchers could be employed and the process speeded up.

The slowness of valuations of properties was also a problem. The process of appointing valuers was controlled by the Department of Land Affairs and not by the commission.

“In some cases, a valuation has taken as long as a year.”

Delays had also been experienced in the formulation of policy on what constituted just and equitable compensation at the time of dispossession.

As yet a formula for compensation had not been finalised.

Swift and brutal axing of Seremane, page 10
Seremane's axing
swift and brutal

Existing rift with Hanekom

Olynnis Underhill
Special Correspondent

The axing of Chief Land Claims Commissioner Joe Seremane from his top-level post was swift and brutal.

A letter from Minister of Agriculture and Land Affairs Derek Hanekom to Lucas Molandzi, director in Mr Seremane's office, told him of the decision to fire him with immediate effect last Thursday.

"Please provide him with a smooth and compassionate exit and the support he needs to pack up his office today," the letter said.

The offices of the Chief Land Claims Commissioner would be transferred to the offices of the Department of Land Affairs, said Mr Hanekom in the letter, now in the possession of Cape Argus.

"Staff from the Department of Land Affairs will be mandated to work jointly with you to bring about a smooth removal of files and equipment and the negotiated deployment of staff. 'I trust that the entire process will happen as quickly as possible so as to ensure the delivery and support of services to the regional Land Claims Commissions and not to create a break in the restitution process, which is of paramount importance.'"

The fact Mr Seremane claims he heard about his dismissal first from the radio says much about the dissent between himself and Mr Hanekom.

The rift became obvious to insiders after Mr Seremane delivered his introductory remarks to the parliamentary portfolio committee on land affairs and the select committee on agriculture and land affairs on September 18.

Mr Seremane told the committee he felt the commission had a "Cinderella" status. The slow pace of land claims cases had caused anxiety and impatience "verging on anger", he said.

He referred to the forthcoming report by the review team appointed by Mr Hanekom to look at the slow delivery of land restitution, as "a witch-hunt exercise".

"In a possible presentiment of what was to happen to him, he added: "Perhaps this should suffice lest one fall victim of the consequences that often befall a bearer of bad tidings.""

Mr Seremane said he had proposed to the review team that the commission be given full control of its administration and budget, so that it no longer fell under the Department of Land Affairs.

Last week Mr Hanekom told a press conference he was firing Mr Seremane as there was irreparable damage to the relationship between him and his fellow commissioners.

He also released the findings of the restitution review process, which was set up amid growing frustration over the slow delivery of land restitution.

Among other issues, the review team had recommended that the commission should be integrated into the Department of Land Affairs to eliminate problems of duplication, different interpretations of roles, unclear lines of accountability and confused policy.

The review team felt this would deal with the lack of integration of restitution into the land reform programme - a lack that had had a negative impact on its potential to realise development and economic empowerment opportunities for claimants.

The review team said the restitution process had suffered from the emphasis on a judicial process and the requirement that each and every case be ratified by the Land Claims Court.

"To this end, it recommended that there be a shift in emphasis to a more administrative process which would allow for the mass processing of claims, in particular those where compensation only is required," said Mr Hanekom.

Use would be made of a range of alternative dispute resolution mechanisms to resolve conflicts, he said.

The Land Claims Court would still play a role in adjudicating claims that could not be resolved through dispute resolution, and as a court of review or appeal for dissatisfied parties.
Land redistribution pace increased — Hanekom

Louise Cook

PRETORIA — The pace of land redistribution had picked up, with 277 projects affecting 33,928 households in their final stages of transfer, Land and Agriculture Minister Derek Hanekom said.

Hanekom said in his keynote address at the National African Farmers' Union annual congress in Potgietersrust, Northern Province, that the performance of the programme exceeded expectations.

However, he conceded that large groups of people on a single piece of land redistributed to them tended to run into problems.

Redistribution — as opposed to restitution, which is based on land claims — is government’s land reform programme aimed at the poor and landless.

Redistribution is based on each family receiving a R15 000 settlement grant from the land affairs department. In most cases, beneficiaries pool their grants to acquire land.

“What is especially gratifying is the increasing number of joint venture projects and share equity schemes.

“These projects, including the high-profile wine estate projects in the Western Cape and Inala Farms in Mzembeni, are three-way partnerships between government, large commercial farmers, agribusinesses and land reform beneficiaries,” he said.

In another development, the land affairs department decided to give priority to the disposal of state land.

The land disposal programme focused on about 750,000ha of former SA development trust land, not all of which was available.

Other state land in the programme was held by the agriculture and public works departments, he said.

“The department … has been investigating the status of the land with regard to contractual obligations, leases and invasions to find out what is available for disposal,” Hanekom said.

Hanekom has been criticised in the past by landless community leaders as well as commercial farmers for not disposing of state-owned land.

In Gauteng, farm land belonging to the province is subject to a tailor-made farmer settlement programme in terms of which successful emerging farmers buy the land after proving their farming skills over a number of years of leasing.

However, other provinces have lagged behind. In the Eastern Cape, emerging farmers leasing land from the provincial government have been threatened with eviction after their leases expired.

They claimed attempts to buy the land have come to nothing.

Hanekom said disposed state land could be subdivided to allow for individual ownership of smaller units.
300 evicted families get farms back
Families return after 33 years

After 33 years of exile, the people of Bethany in the Free State will finally return to their home after the Land Claims Court ordered that the land be returned to them.

The Bethany community, 69km south of Bloemfontein, were evicted in 1966 under the Native Trust and Land Act, in terms of which missionaries situated in white areas had to be removed to black areas.

More than 100 families were forced to move to Thaba Nchu, but in 1995 they lodged a claim against the state in terms of the Restitution of Land Rights Act.

To facilitate a smooth return to the land, the state has bought a section of the farm from the current owner on behalf of the claimants.

The Commission on the Restitution of Land Rights said the land would be held by a democratically elected communal property association. It also said a number of projects had been identified to enhance sustainable land use and generate income for the families.

Agriculture and Land Affairs Minister Derek Hanekom said: "Now that the community has their land back, the real work of re-establishing their lives and rebuilding the community begins."

Hanekom is to visit various land reform projects in Mpumalanga today and tomorrow to assess their progress. – Staff Reporter
Land-reform grants drive commercial farms

BY JUSTIN ARENSTEIN

Nelspruit – Rural communities in Mpumalanga are increasingly using their land-reform grants to establish profit-driven commercial-farming ventures that are run and managed by professionals, Land Affairs Minister Derek Hanekom heard yesterday.

Grants were in the past used to buy land purely for resettlement purposes, and seldom led to large-scale upliftment for communities.

Hanekom toured a number of the new commercial projects yesterday including a 200-household community at Solane near Malelane, where families used a R3-million grant to buy a prime 300ha farm.

The Solane community opted to remain in its village, Viuktahl, and will instead use the farm and a linked R1-million production loan for large-scale sugar-cane and citrus cultivation.

"Land reform isn't about chopping high-potential agricultural land up into small plots for resettlement any more. It is increasingly about taking fertile but fallow land and putting it under production," the department’s regional senior planner Chris Williams said.

"That’s why land reform programmes are so much more important in rural areas than housing projects. Houses don’t generate income for rural families, but agriculture provides both income and employment."

The new farm of the Solane Farmers’ Association is only 20km from the giant TSB sugar mill near Malelane, and already has a water quota for 80ha sugar and 20ha citrus.

TSB has undertaken to provide backup training and technical support for the farm’s sugar projects.

Williams said the Department of Land Affairs also hoped to establish semi-commercial food gardens and cattle grazing on the farm.

The farm employs only 80 Solane community members but is expected to generate regular profit dividends for the rest of the beneficiary community and will employ more people once it is firmly established.

The project also represents Mpumalanga’s first successful attempt to transfer government grants directly into a trust fund account set up for rural communities by their attorney.

Government land-reform grants are usually transferred to provincial governments, where they are difficult to access, because provincial authorities are unable to guarantee that the funds will be available when needed.

Hanekom is scheduled to visit other Land Affairs projects in Mpumalanga today including a small labour-tenant community which has been evicted by a farmer near Delmas. – African Eye News Service
Court decision revives project

Louise Cook

The protracted R1.4bn Cato Manor urban renewal development near Durban could go ahead again after the Land Claims Court ruled against a group of about 100 claimants last week who accused the state and the Cato Manor Development Association of breaking agreements previously before the court.

The court ruled that the claimants — who sources said had been misled by lawyers — must pay the R500 000 legal costs on behalf of the land affairs department, the regional restitution commission and the Cato Manor Development Association.

The claimants are part of a larger group who want the original properties from which they were ejected about 40 years ago in terms of the Group Areas Act. However, the feasibility of restoration versus monetary and alternative compensation is still under investigation.

Cato Manor Development Association CEO Clive Forster said the project could now “hopefully” continue unimpeded. “A huge amount of taxpayers’ money went into the defence of the case. The association is determined to recover this money,” he said.

The wrangle, brought before the court earlier this year, was one in a series of legal jabs hoggling down the project and scaring off potential investors over the past two years. The project is aimed at providing 30 000 low-cost housing units, clinics, schools and an industrial node by 2003.

In 1996, the developer for the Durban Metropolitan Council, the Cato Manor Development Association, brought an urgent application before the Land Claims Court to stop claimants from claiming back original parcels of land. In April last year, a settlement agreement provided for restoration of land “where possible”.

Forster said 226 feasibility studies and 68 mediation cases had been completed, showing the claimants had no base for their complaints before the court.

Regional restitution commissioner Cheryl Walker said the commission was committed to trying to find the best settlement for land claimants, one that “acknowledges fully the history of the area”.


Louise Cook

PRETORIA — The Land Bank and the Agricultural Business Chamber agreed yesterday to set up a task team in the new year to map out ways in which agribusinesses could assist black farmer empowerment and land reform.

The Agricultural Business Chamber is a body similar to the SA Chamber of Business (Sacob), but focuses exclusively on its agribusiness members who have a combined turnover of about R23bn a year. The sector makes up the largest proportion of the Land Bank’s commercial client base with about R16bn currently on loan to agribusinesses.

Land Bank MD Helena Dolney said after the meeting that the bank was keen to enlist agribusinesses in developing its commercial portfolio further and to map out ways of improving black farmer empowerment.

Black empowerment in rural areas is one of the prime tasks of the bank in terms of the Strauss Commission recommendations about two years ago.

The bank had brokered a deal with the land affairs department to boost land redistribution to black farmers. The bank would give the first option to buy repossessed land to the department, thereafter to black entrepreneurs and joint venture farming operations.

Agricultural Business Chamber chief director John van Rooyen said unless there was a strong link between land reform and “some form of farming activity”, land reform was likely to fail. There was room for cooperation between the chamber and the Land Bank.
Rush on land claims expected as compensation deadline looms

PRETORIA — With the deadline to lodge land claims only three weeks away, land affairs director-general Geoff Bulleender said yesterday he expected the current 30,000 claims to grow to between 40,000 and 42,000.

Bulleender said he expected urban claims, which made up 80% of the total number of claims — submitted for monetary compensation rather than the return of the original land — to be finalised within the next two to three years.

Government embarked on an active publicity drive over the past six months to make the public aware of the coming deadline to lodge claims, as restitution was the only constitutional right that expired within a specified period.

"We bought trouble for ourselves by actively promoting the claims process, but since the review team’s recommendations on streamlining restitution, we are confident that the process will improve. We had an extremely clumsy structure due to the restitution act and the constitution requiring that there should be a separate body in the form of the restitution commission to deal with claims. This will be changed now."

A special review team released a report to Land and Agriculture Minister Derek Hanekom last month proposing that restitution becomes administrative rather than legally driven, the land affairs department and restitution commission amalgamate to eliminate tension between the two bodies and that settlement procedures rather than court verdicts are used to deal with claims. Only disputed cases would go to court.

Bulleender said the new methods would go far to cut down the cumbersome process. Commissioners would be empowered to settle claims for up to R25,000 where claimants alleged they did not receive just and equitable compensation for their properties in the past.

Twenty-five claims benefiting between 60,000 and 70,000 people had been wrapped up since 1995 and 284 thrown out due to invalidity, Bulleender said.

Redistribution, the other land reform programme by which government gives settlement grants to beneficiaries to obtain land, would be speeded up in cases of small projects.

He said large projects involving hundreds of people tended not to run as smoothly as smaller projects. With the end of the financial year approaching, more land transfers could be expected due to the department not wanting to lose money allocated for this year.

In the past few years expenditure on redistribution increased by about 50% a year. Bulleender expected to spend R137m out of an allocated R240m on land reform in the current financial year.
I want land back

Simnors Town man says he's tired of waiting in 8,000-strong queue

WEETJE VAN BENDA

SIMNORS NEWS

SUNDAY TIMES METRO DECEMBER 6 1998
Dispossessed urged to claim

By Joshua Raboroko

Organisations representing millions of people who have been dispossessed of their land through apartheid since 1913 have urged them to lodge claims for the restoration of land today.

The Commission on Restitution of Land Rights, the Ministry of Land Affairs and the National Land Committee will celebrate the 15th anniversary of the Universal Declaration of Human Rights by urging the disposed to claim their land.

They would celebrate with the rest of the world the principles of dignity and equality inherent in all human beings.

They will also remember and accept that everyone was entitled to rights and freedom as set out in the Universal Declaration of Human Rights.

The organisation said: "We remember, too, the practices of colonialism and apartheid that stripped black South Africans of their rights to own land and houses in their country of their birth.

"And we condemn the practices of apartheid that separated white and black, neighbour from neighbour, through the forced removals of millions of people from "white areas" in our towns, cities and countryside."

They said democracy was the door to basic human rights and if not exercised, such rights would only exist on paper.

"Forced removals and land dispossession violated the human rights of millions of people who have been given the deadline of December 31 to reclaim their land."

In the face of this situation, the National and Civil Society Initiative for Rural Development has been launched to mobilise around their needs and priorities.

A series of provincial activities, workshops and conferences have been planned for each province to highlight the problems of the disposed during next March.

The ministry has employed 600 people to expedite one of apartheid's contentious legacies - the land question. It expected to process 200 claims before the end of the year.

So far the ministry has resolved 225 claims representing 11,358 people and involving no less than 261,897 hectares of land.
Commission did not have opportunity for any input.

Lousie Cook

THE Restitution Commission found itself at the end of last year with an amended Restitution Act which it had no meaningful input, ousted chief land claims commissioner John Seremane said in the commission's annual report.

Seremane, who was sacked by Land Affairs Minister Derek Hanekom last month, said the amendments to the legislation had been passed without the commission being given adequate opportunity to comment. The report said an amendment to the act which gave claimants direct access to the Land Claims Court rather than going through the commission was likely to run into difficulties, but there was not enough time to suggest changes. In addition, fast-track procedures brought into the restitution process last year had not been properly cleared with the commission.

"A claim can be investigated by the commission and the "extensive" efforts made in negotiating and mediating between different parties to obtain a settlement; a great deal of effort can be "expended" in drafting a report to the court, only for all this work to be seemingly "swept" away in a single administrative action by the minister and the (land affairs) department."

A review team appointed by Hanekom some months ago recommended that the land affairs department and commission merge to cut out duplication of work.

Seremane appealed to the Commission for Conciliation, Mediation and Arbitration (CCMA) to intervene on the 'ground' that his dismissal was unfair. Hanekom is scheduled to appear before the CCMA next week and will defend his decision.
San dream moves a step closer
San Rejoce over their Promised Land in Kalamari

Project Seeks

Mier Dunes

Microchip
Unfair dismissal claim to go to Labour Court

Louise Cook and Sapa

former chief land claims commissioner Joe Seremane, sacked last month by Land and Agriculture Minister Derek Hanekom, will take his complaint of unfair dismissal to the Labour Court following yesterday's failure of the parties to reach an agreement at the Commission for Conciliation, Mediation and Arbitration.

Seremane's lawyer Lukas Coetsee said yesterday Hanekom did not appear at the hearing, held in Johannesburg, but that the matter had been delegated to land affairs director-general Geoff Budlender. No agreement was reached between Seremane and Budlender, he said.

Budlender was unaware of Seremane's decision to approach the Labour Court.

However, he said that after listening to Seremane's representation at yesterday's hearing, he was satisfied that the dismissal had been fair and was therefore not in a position to concede to Seremane's demands.

Hanekom was being charged with unfair dismissal by allegedly contravening the Labour Relations Act.

Chief commissioner Mohammed Jajibay presided over proceedings at the hearing.

Coetsee claimed Seremane was unfairly dismissed because no hearing was held to supply the reason for his axing.

"He was only told to supply reasons why he should not be dismissed. No evidence against him was presented to a formal hearing.'

Seremane would apply to the Labour Court to have his dismissal declared unfair, for an apology for the way in which he was treated, and for compensation for his loss of income since he was fired in November.

Seremane claimed he was sacked because of criticism he had levelled against the minister and the land restitution process.
Claim your land, dispossessed told

By Joshua Raboroko

Land Affairs Minister Mr Derek Hanekom is to discuss problems of people forcibly removed from Sophiatown at a meeting at Diepkloof Hall, Soweto, at 10am on Saturday.

A representative of displaced persons, Mr David Pooe, urged all dispossessed people to apply for land claims or compensation.

He said that Gauteng Land Restitution Commissioner Mrs Emma Mashinini had received about 300 applications from former residents of Sophiatown. However, he said, about 1,700 people had owned properties in those areas.

The minister’s visit to Soweto comes shortly after a final call to the public to submit their claims before December 31.

Communities that lost land rights due to apartheid laws are given until the end of December to submit their claims.

A statement from Hanekom’s office said the form restitution to be taken would depend on the circumstances of each claim.

**Restore land**

Alternative compensation would apply if the claimants preferred it, or if it was no longer feasible to restore the actual land.

Claimants would be involved in negotiating the settlement.

Pooe said it was essential that former Sophiatown residents attend the meeting because they would have to make important decisions.

While the initial progress has been slow, the review of the restitution process, as commissioned by Hanekom, had yielded recommendations that would make the process quicker and less complicated.

A committee was established to advise as well as to look at various options the dispossessed people of Sophiatown could opt for.

Pooe may be contacted at (011) 935-6514 or fax (011) 935-2157.

Claims may be submitted at a satellite welfare office at the corner of Sauer and Jeppe streets, Johannesburg.

Meanwhile, the Tsakane Simunye Civic Organisation is calling a meeting for Tsakane, Geluksebal and Langaville residents at Tsakane Stadium at 9am to discuss land restitution problems.

Former residents of Brakpan Old Location are urged to lodge claims for loss of property and land.

People may lodge claims at the Dutch Reformed Church, Tsakane, on weekdays between 9am and noon.
Ireland Press Conference

Pursue SA Land Claims

The raising of Swazis
Aventura land claim issue settled

Robyn Chalmers

COSATU's investment company, Kopano ke Matla has settled two verified claims on Aventura-owned land by entering into 99-year leases with communities at the Blydepoort and Swadini resorts.

Settling verified land claims was a key aspect of the recent bidding process for the former state-owned holiday resort company. Kopano Ke Matla beat a number of rivals with a R93m offer for Aventura and a plan to turn the loss-making company around by attracting blue-collar and upmarket local and international tourists.

Industry officials said a deal had been struck with the Legal Resources Centre, representing the Mashilane and Moletele communities, which had laid claim to the land on which the two resorts are situated.

In terms of the deal, officials said Aventura would lease the land from the communities for 99 years.

Trustees would be appointed to ensure that communities received payment, skills transfer and training.

The claims on Aventura properties threatened to scupper the deal earlier this year after the Land Claims Commissioner and Legal Resources Centre applied for an interdict to halt the privatisation. Intervention by Deputy President Thabo Mbeki and a court agreement between the claimants and the public enterprises ministry allowed the sale to go forward.

Officials said a further prerequisite of Kopano’s bid was to conclude a management support agreement.

This support was bought from DanSk Folketejeri, a Danish labour-union holiday company.

In terms of this agreement, 12 Danish managers would be seconded to Aventura to bolster the domestic management team.

A new CEO has been identified following the departure of Alan Louw and should be appointed by next month.

Kopano’s business plan was based on the creation of affordable holidays for blue-collar South Africans and foreign visitors in a similar income bracket. It also aimed to ensure that Aventura’s existing, largely middle-income, client base was retained.

Officials said five profitable resorts had been identified for upgrading to serve a domestic client base and to attract an international and domestic clientele. Aventura’s 15 resorts operated at a pretax loss of almost R2.5m in the year to August from a R2m profit previously, but the company predicts a return to profitability within two-to-three years.
Years of insecurity finally at end
Gift of land brings joy to fishing village
Land grant means San people will walk among the lions again

Special assignments from Roger Friedman and Benny Good report.

There was lots of good news for the long-suffering people of the Kalahari last week.
Land grant means San people will walk among the lions again
Land in their Christmas stocking

By Justice Mohale

Christmas comes once a year. For 14 families who have been tenants on privately owned land in Broederstroom, West North, Christmas this year was unforgettable.

Former trade unionist and now business consultant Mr Roger Roman stunned them with the good news that they were going to divide his 13-hectare farm into parcels of land for each family.

This means that since Christmas the families have free title deeds, effectively making them co-owners.

Roman acquired the farm four years ago for R280,000 and it is now worth more than R500,000.

Just after he occupied the land, Roman realized that the only way for the landowners and landless tenants to live together in harmony was to share it.

"The land issue is a very hot one and it needs to be resolved amicably in order to avoid the chaotic situation that has been prevailing in Zimbabwe. Peace will never be achieved as long as the majority of people who were forcibly removed from their ancestral land under the notorious Group Areas Act are not given back the land or are compensated for it," he said.

Roman said when he bought the farm he found that black tenants were living in deplorable conditions. There was no proper sanitation, infrastructure or clinics in the vicinity.

The entire farm is covered with long grass and thick vegetation and this makes the area prone to snakes. Like the Bihu Good Samaritan, Roman approached the community and outlined his plans for developing the land.

His vision was to see the land developed and its long-term occupants given the right to own it.

But, Roman's plans and vision of a non-racial neighbourhood have cost him dearly.

The real battle began in October when the Hartbeespoort Dam Local Council (HLC) informed him in a letter that it disapproved of the development plans for the farm.

The letter read: "It came to our attention that you are supplying informal housing on your farm which is causing health nuisance. You have allowed people to live in conditions which are in contravention with the health by-laws."

"Therefore, the council had given you 30 days to make proper supply of water to the occupants of the land, erect adequate toilets, ensure no dumping of refuse on the farm."

But Roman told Sowetan last week that the council's letter was just a ploy to compel him to evict the tenants.

"I can't provide them with all the basic essential services but at least I offered them the portions of land whereas the HLC failed to help the poor community," Roman said.

He claimed that there was a group of black people (council employees) who were dumped next to a big sewage farm and who had no chance to own the land.

If things go as planned, the families will be able to apply for the R1,000 low-cost Government housing subsidy. And Roman has vowed to help them fill in the application forms for the loans.

White farmers in the vicinity have also ganged up against him in an effort to block Roman's plans.

He claimed that last week he was physically assaulted by a white computer technician when he went to fetch a computer.

Two weeks ago, the animosity towards Roman reached boiling point when about 60 white farmers held a closed meeting to discuss ways of blocking the project. At this meeting the farmers formed a resistance committee aimed at blocking the handing over of the free title deeds to the families.
People rush to lodge land claims before cut-off

PRETORIA — South Africans wishing to regain land unjustly taken from them by former governments were flooding the offices of the Commission on Restitution of Land Rights prior to tomorrow's cut-off for claims.

The commission said in Pretoria yesterday that some of its regional offices were receiving more than 1 000 telephone calls a day.

Spokesman Evelyn Bramdeow said 33 265 restitution claims had been received by December 17. "By now, we can safely say that we have very nearly reached 40 000, if not more."

Of these claims, about 4 000 had been accepted and were being investigated, the commission said.

So far, 27 claims involving 247 597ha of land and benefiting 13 928 households, had been resolved.

The commission said the next five years would be spent researching and processing the claims lodged. "It is an understandably complex process and claimants are therefore encouraged to be patient and tolerant."

Acting chief land claims commissioner Wallace Mgqiyi said the number of households which had regained their land so far was heartening.

The system of processing claims would change from next year, becoming more administrative and less of a "heavily judicial process". More decision-making powers would be vested in the commission.

This was expected to speed up the resolution of land claims. — Sapa.
Flood of claims for land on eve of deadline

A flood of land claims has poured into the Commission on Restitution of Land Rights, ahead of tomorrow's deadline.

The commission said some of its regional offices had received more than 1 000 calls yesterday alone.

Department of Land Affairs director-general Geoff Budlender said they expected the number of claims to reach 40 000.

The original deadline for land claims was March 1998, but this was extended because of the lack of claims. The trickle of those applying to regain land, from which many were forcibly removed, has since become a torrent.

Budlender said it was highly unlikely that the deadline would be postponed again.

He said the department had intensified its communications and information campaign over the past few months to ensure that everybody was aware of the new deadline.

Budlender said his department would approach Parliament to expedite the land restitution process. "It is going to take a few years to finalise the claims. It can't take three years to reverse all this (dispossession over decades)," he said.

The system of processing claims would change from next year, becoming more administrative and less judicial.

Currently, all claims have to go through the Land Claims Court, but in future, more decision-making powers would be vested in the commission. This was expected to speed up the resolution of land claims.

But Pan Africanist Congress secretary-general Ngila Muan- dane condemned the Government for the deadline.

"This is further dispossessing and disempowering our people, and will only fill people with anger and frustration," Muan-dane said. - City Reporter

► Report and picture
Land claims coming in thick and fast

SOUTH Africans wishing to regain land unjustly taken from them by former governments are flooding the offices of the Commission on Restitution of Land Rights with claims prior to the December 31 cut-off date. The commission said in Pretoria yesterday that some of its regional offices were receiving more than 1 000 telephone calls a day.

Commission spokeswoman Ms Evelyn Bramdewo said 33 265 restitution claims had been received by December 17. "By now, we can safely say that we have very nearly reached 40 000, if not more," she said.

The commission advised the public to make use of its toll-free telephone number 0800-11-10-21, which would be open from 8am to 4.30pm on working days, and until 9pm tomorrow — the closing date for applications.

It said people wishing to lodge restitution claims could submit their application forms after hours at collection boxes at all its offices.

Collection boxes had also been placed at municipal offices, police stations and offices of the Ministry of Land Affairs. Of the 33 265 restitution claims received by December 17, about 4 000 had been accepted and were being investigated, the commission said.

So far, 27 claims involving 247 397 hectares of land and benefiting 13 928 households, had been resolved.

The commission said the next five years would be spent researching and processing the claims lodged.

"Each restitution claim presents its own unique difficulties which must be dealt with from the lodgement stage through to the stages of validation, research, negotiation, and finally settlement," it said.

"It is an understandably complex process and claimants are therefore encouraged to be patient and tolerant."

Year of delivery

Acting chief land claims commissioner Mr Wallace Mgosi said the number of households which had regained their land so far was heartening. "This imbues us with optimism that 1999 will be a year of delivery."

The system of processing claims would change from next year, becoming more administrative and less of a "heavily judicial process."

Presently, all claims have to go through the Land Claims Court, but in future more decision-making powers would be vested in the commission. This was expected to speed up the resolution of land claims.
New legislation aims to speed up claims
'More time please, Mr Hanekom'

CHRIS BATEMAN (271) 3112 98

A WELLINGTON farmer and NP member of the provincial legislature, Pierre Jeanne Gerber, called yesterday on Land Affairs Minister Derek Hanekom to extend today's land claims deadline "by at least six months".

"How can he expect to fix in 4½ years what's been happening for the past 85 years? While I take my hat off to the efforts they've made, how can you have such a short claims time, especially in the Western Cape where it's more complicat- ed," Gerber asked.

The Wellington farmer recently handed over two pieces of former Group Areas-zoned land he owned to communities in Calvina with Archbishop Desmond Tutu agreeing to act as a patron of the trust.

Gerber said state properties in the Cape had been sub-divided, rezoned and developed while many Capetonians owned title deeds—often in contrast to elsewhere in the country.

"That's not even accounting for the lack of sophistication and literacy of some of the applicants and their lack of access to legal advice," he argued.

A spokesperson for Hanekom was unavailable for comment last night.

The Commission on Restitution of Land Rights, which is handling the land claims, warned in a statement this week that the deadline would not be extended.

Meanwhile, claimants streamed to Land Affairs offices throughout the country as today's deadline approached.

Altogether 2 000 Cape-tonians have lodged applications over the past fortnight.

Widowed elderly women and middle-aged men hoping to right historical wrongs for deceased parents crammed Land Affairs bureaux clutching precious claim forms.

From Monday, queues at the Land Claims office in Strand Street grew by 100 people a day.

Anwar Adonis, local deputy director of administration in the department, said that since the process began in 1995, over 11 000 Western Cape claims had been made while daily applications were up this week by nearly 60%.

On Monday 155 claims were made on Tuesday 255 and by 3pm yesterday, 343.

He said most local claims came from District Six (over 2 000), Goodwood (800), Simon's Town (900), Ndabeni (600) and Paarl (400).

So far, the government has settled 27 claims nationally, representing 247 597ha and benefiting 13 928 families.

Reuters reports that Ronnie Stevens, a Gauteng director responsible for the transfer of houses and restitutions, believes the process could see a R10 billion transfer of wealth over the next five to 10 years.

The commission has received 65 000 claims since it was set up in 1995.

Also, PATRICK LEEMAN reports that KwaZulu-Natal has submitted most of the land claims, according to a statement by the commission. By yesterday, 10 000 of the claims were from this province.

Prospective claimants may phone a toll-free number, 08-0011-1021, today from 8am till 9pm with queues.
Resettlement
1999
PRESA GONZÁLEZ

Sunday Times

JANUARY 3, 2005

News

Bitter dispute turns sugar farms descendants of White Zulu chief

Picture: Michael Waker

Not budgeting George Nkosi his 2 children and 4 relatives.

Picture: Michael Waker

The сахаревцы were awarded the сахаровы by the government and became the сахаревцы of the Zuckerfabrik in the province of KwaZulu-Natal. However, they were forced to work under harsh conditions and were frequently subjected to violence and abuse. The сахаревцы of Zuckerfabrik were also responsible for the displacement of hundreds of thousands of people from their homeland to make way for their sugar plantations. The сахаревцы of Zuckerfabrik were also known for their irregular payment of wages and the exploitation of workers.

The сахаревцы of Zuckerfabrik were eventually forced to leave by the government in 1994, and the sugar plantations were taken over by the Zuckerfabrik workers. However, the сахаревцы of Zuckerfabrik continued to protest their treatment and demanded compensation for their losses.

The сахаревцы of Zuckerfabrik are now leading a quiet life in the province of KwaZulu-Natal, but they still remember their past and the sacrifices made by their ancestors. The сахаревцы of Zuckerfabrik are an example of how African workers have faced exploitation and injustice in South Africa's sugar industry.
Appeal to extend land claim cut-off deadline

The Sowetan Reporter

The Alberton Old Location Land Restitution Committee has sent a last-minute letter of appeal to the Land Claims Commission in Pretoria asking for an extension of the December 31 deadline for land claims submissions.

The committee's spokesperson, Mr. Caswell Khanyile, said yesterday it had been decided to ask the commission for an extension in order to allow many of the members, whose properties had been destroyed during the 1990 to 1994 political violence, more time to make submissions.

The official cut-off date for the submission of land claims with the Land Claims Commission was December 31 last year.

Thokoza, which is now home to thousands of former Alberton Old Location residents, was the battleground for running and bloody fights between members of the African National Congress and the Inkatha Freedom Party. During the strike, at least 4000 people lost their lives and many properties were destroyed.

Khanyile attributed the slow response to the fact that most of the people who had been forcibly removed from Alberton Old Location in 1958, as a result of the Group Areas Act, were now residents of Thokoza.

Khanyile said his committee had decided to request further time after a drive to enlist the support of displaced families had produced only 239 of the expected 520 families.

However, the committee's letter is dated January 4, and it is not clear if the appeal will succeed.
Over 50 000 land claims flood in

By Malcolm Ray

The pace of land restitution since the enactment of the Restitution of Land Rights Act in 1994 has picked up as people dispossessed since 1913 scrambled to stake their claims ahead of the deadline for applications.

Although no accurate figures were available at the time of writing, it is estimated that more than 50 000 claims countrywide were received by the Ministry of Land Affairs’ Land Claims Commission.

The lion’s share of the claims are from Gauteng and North West, commission spokeswoman Ms Emma Mashimini said this week.

The flood of claims follows the failure of the initial March 1998 deadline to attract a significant number of applications.

According to figures released by the ministry, between November 1994 and March last year only 24 516 individuals and communities had submitted their claims and seven claims had been finalised by the Land Claims Court.

Despite the resounding success of the registration process, the challenge of implementing restitution claims is expected to be onerous.

“Most simply filled in the application forms in a hurry to meet the cut-off date without providing proof of claim to the land,” Mashimini said.

“Untangling these claims within the limited (five-year) timeframe laid down by the Restitution Act in the absence of legal records will not be easy. We will have to rely on lengthy oral testimony by people to land courts to prove or disprove their claims,” said Mashimini.

But there are strong reservations by rural lobby groups about the process.

Brendan Pierce, the National Land Committee director, said: “Something has to be done to accommodate people in the far-flung rural areas who did not meet the deadline.”

“We fear the strictly legal and administrative focus of the commission and land courts will further exclude people who cannot prove dispossession after 1913 from the ambit of the Restitution Act,” Pierce said.

The South African Agricultural Union welcomed the principle of restitution. Union legal officer Mr Annelize Crosby said the deadline for claims will “hopefuly create certainty for landowners who have sustained losses because of the volatile agricultural market”.

Sowetan 8/1/1999
Farm settlement scheme reviewed

Mass land settlement projects — ‘Derek’s dumping grounds’ — could face the axe, writes Louise Cook

PRETORIA — Land and Agriculture Minister Derek Hanekom and senior management of the land affairs department will delete next month on the future of mass land settlement projects. The rumoured possibility of the projects being scrapped is bound to disappoint landless communities, but the farming community is all for it — black and white farmers commonly refer to the projects as "Derek’s dumping grounds". Should the mass settlement projects be formally scrapped, Hanekom is likely to delegate authority to provincial land affairs directors to approve smaller partnerships and share equity settlement projects.

At present, all redistribution projects need the personal approval of the minister.

However, Richard Levin, chief director of implementation and co-ordination at land affairs, says the R16 000 grant normally given to evicted farm labour households so they can settle on alternative land, is not in the balance.

Levin confirms with Hanekom and land affairs director-general Jeff Budlender that large group land settlement projects have not been effective and probably are not sustainable. He says projects undertaken since 1994, in which government has settled large numbers of people comprising 250 households or more, tended not to meet the department’s basic project criteria of providing SA’s landless with land to live on, cultivate for farming purposes or to create jobs.

"This is not a major policy shift (as stated in weekend newspaper reports) but rather an implementation or programme shift," Levin said. Explaining the new sentiment, Budlender said in December that although the new approach meant it would take longer for people to benefit from government’s redistribution programme, the department favoured quality over quantity.

One of the key problems with large group settlements is the failure of a host of land reform beneficiaries to move onto the land. Levin says in several cases where the state bought white commercial farms for large groups of people, they did not move onto the land but tried to farm by "remote control". This lack of a hands-on approach has often resulted in projects underperforming or failing, Levin says.

Another key problem is that large groups frequently lack cohesion and struggle to reach consensus. "We find that there are often problems in setting up a proper management structure for the legal trusts or communal property associations."

Communal property associations function along similar lines to the body corporates of sectional title housing developments in urban areas. Asked if the contemplated changes to the redistribution programme had been influenced by pressure from organisations such as the National African Farmers’ Union and the SA Agricultural Union, Levin says the land affairs department is "certainly taking the agricultural viability of land more seriously. In the past, differences on the issue of land use caused friction between the government departments of land affairs and agriculture, and resulted also in tension between predominantly black organisations such as the National African Farmers’ Union and the National Land Committee, a nongovernmental organisation representing landless communities.

The committee declined to comment on the possible scrapping of mass settlement projects until it met Hanekom and senior officials. A meeting was scheduled for yesterday at which it would raise concerns over talk that grants to evicted labourers might be scrapped.

Levin says reports that the department will stop all financial support for the resettlement of evicted farm workers are wrong, but the National Land Committee wants this confirmed by Hanekom in person. Minutes of a land affairs department meeting in December, at which the issues were discussed, stated that "off-site, non-Esta (Extension of Security of Tenure Act) resettlements" would in future fall under the housing department.

In terms of the act, legally evicted farm workers do qualify for state assistance to resettle elsewhere, but landless communities and farmers alike fear that government wants to shift the burden of financing alternative accommodation to the farmer.

National African Farmers’ Union acting CEO Joe Kotsekane says: "We have always disagreed with settling people without knowledge, skills or resources in large groups. That is just dumping and destroying our very scarce agricultural resource base.

Levin said if mass settlements were formally scrapped next month, preference would be given to subdividing commercial farms bought by the state into viable, small-scale farms. Several highly successful but smaller redistribution projects have been run along share equity and partnership deals, whereby government, farm labourers and the private sector all have a stake in the farming enterprise and share the profits."
Conquest of Rome, the Hunger Striker

M13-311-99

Barbara Boden

...
Pay us for the loss we've suffered.
Squatter camp residents attempt to evict soldiers

Peter Dickson

Armed with brooms and a letter of demand, 30 residents of Mandela Park informal squatter camp in Umtata last week marched through the gates of the OR Tambo complex, which houses police and defence force units, and told officers they were trespassers who had until January 8 to clear out.

The land and the complex — a network of mansions that once housed ministers of the Transkei bantustan — was theirs, they claimed, and they had come to take stock and clean up the “community centre”.

The police advised them to negotiate with the Department of Public Works. The group left but returned later in force, after “persuading” more than 200 “supporters” to leave passing taxis and join the demonstration.

But the complex houses some of the toughest units, including the crack Tsolo and Qumbu special task forces, and after a warning, the rent-a-crowd group were sent packing with two thunderflashes and a can of tear gas.

“Our action was very restrained,” said Wayne Hackart, Umtata public order police commander. “I told them we had to uphold the law and that it was totally unrealistic to think they could ever run the police and the South African National Defence Force, as this was a challenge to the law of the whole country.”

Jonas Ndzimabele, chair of the Umtata Peri-Urban and Rural Development Agency, has a different version of events. His body was formed the day after the march “to co-ordinate rural development projects for community benefit and create jobs and combat poverty”.

The group wants the “Vlakplaas-type residential enclave” for community development, he said.

Ndzimabele said the group had “official permission” to set up community projects in the complex. When it tried to do this “in keeping with the call made by the government that communities should organise themselves to fight poverty — white personnel... fired tear gas canisters and assaulted men, women and children who were cleaning the premises...”
We will not allow squatters here! We want all to go back to their own country.

CP: April 1, 1999

Whoever annoy that farmer wants to give land to workers
Hurdles in land claims

Four years after the unveiling of the land restitution programme, bureaucracy and the absence of visionary leadership seem to threaten the process, argues Malcolm Ray.

Institutional structures have been overwhelmed by a flood of land claims. Few communities have consequently returned to their land.

The Act is explicitly “rights-based”. This means that the settlement of claims has to pass through the maze of current legislation on land, then through the Commission before their adjudication in the Land Claims Court.

“Complicating matters is a desperate shortage of capacity in the DLA, low staff morale, the absence of a unified and visionary leadership, and an uncooperative and conflicting relationship between the DLA and the Commission.”

“Racially motivated” in terms of the Act, 1913 is a legal benchmark for racially motivated disposessions. “This deviates the long history of land inequality. A sizeable number of people will consequently be excluded from the ambit of the Restitution Act,” he says.

Then there is the property clause in the Constitution which inhibits the state from acquiring land from current owners. Evidence of the discrepancy between restitution and property rights resonates in the failure of several presidential lead ‘pilot projects’ initiated by the DLA in KwaZulu-Natal during 1996.

In its submission to the poverty hearings last year, the NLC noted that property owners responded to restitution claims by invoking their constitutional right to ownership.

“The interpretive latitude of the Commission and land court caused endless legal disputes between farmers and land claimants,” the NLC stated.

Even assuming the smooth passage of the legal and administrative process, Wegerif cautions against “market constraints” which pose a formidable stumbling block to the implementa-
Campagn to give land away to families who lost homes in the London fire.
Implats land dispute likely to be resolved

More conciliatory moves have helped platinum company's share price soar

David McKay

CAPE TOWN — The 10-year land dispute between Impala Platinum and the Bafokeng community near Rustenburg is likely to be resolved today when the community's supreme council considers a new set of proposals from the mining group.

A source close to the process said indications were that the council would look favourably on Impala's offer.

The long legal wrangle relates to the ownership of mineral-bearing land from which Impala mines the majority of its platinum group metals.

Details of the impala proposals are sketchy, but analysts say it will offer the Bafokeng equity in the company and increased royalty payments.

The Bafokeng's supreme council, which will vote on the proposals today, consists of about 72 members.

However, its decision can be reviewed by the "Dikgosana", or chiefs, whose general meeting — scheduled for Saturday — takes into account the opinion of the local Phokeng people.

The Bafokeng launched their legal battle with Impala in 1988, and the issue has been a thorn in the company's side ever since. Analysts say the uncertainty caused by the row capped Impala's share price for several years. However, recent conciliatory moves by both sides have helped Impala's share price soar.

The company, whose major shareholder is Gencor, is now considered a serious rival to market leader Anglo American Platinum Corporation.

Analysts say a stake in Impala will give the Bafokeng some bargaining power over local platinum deposits.

If the stake is sold, the proceeds could be used to help liberate largely undeveloped chrome reserves on several farms already owned by the Bafokeng, totalling roughly 100km².

According to some estimates, the community controls about 300-million tons of chrome ore about 250m below ground, and more reserves at deeper levels.

Royalties from Impala are ploughed back into the Bafokeng community through infrastructure development.

The recent warming between the two sides appears to have its origins in the resignation of Brian Gilbertson as Gencor chairman. It is believed Gilbertson favoured fighting the Bafokeng in court, but the impala board has now opted for a negotiated settlement.

The March quarter is building up to be a crucial period for Impala.

The platinum producer is also expected to hear the outcome of an appeal to the European Union which blocked 1996 proposals that would have seen Impala merge with Lonrho Platinum.
Elsie River Group Areas

Act Victims Compensated

EGN 1999

FRIDAY, FEBRUARY 5, 1999

CAPE TIMES
Joy as Hancoom pays out victims of apartheid

Woman introduces herself to new owner of property

METHO NEWS

STANDARD TIMES METRO FRIDAY 7 FEBRUARY 1999
Impala signs 'generous' deal with Brokenjoie to end 10-year dispute

08/1999
Bafokeng, Amplats in talks on mine

The Royal Bafokeng Nation is in talks to establish a joint venture with Anglo American Platinum (Amplats) to expand its Bafokeng-Raslomone mine, which will have full annual production of about 250,000 oz of refined platinum by 2002.

Amplats, the world’s largest platinum producer, is developing the mine for about R600m (in 1997 money terms). The discussions with Amplats come during an eventful period for the Bafokeng, who are based in the North West. At the weekend, they accepted proposals from rival producer Impala Platinum, including a seat on the board.

Amplats spokesman Johan Adler confirmed talks were under way with the Bafokeng but declined to give details. An analyst said a joint venture could see each party contribute as much as R600m to fund the expansion.

One of the key points is how the venture will be structured, particularly how equity will be pledged. The Bafokeng could, for example, offer mineral rights to earn project equity. A spokesman for the Bafokeng said yesterday the community’s platinum reserves bordering Bafokeng-Raslomone were “significant”.

Ironically, it was the Bafokeng’s recent agreement with Impala Platinum that strengthened their ability to participate in a possible deal with Amplats, analysts say. In addition to winning a seat on Impala’s board, the Bafokeng are to be given a 1.7% stake in Impala and increased royalty payments or 1% revenue from metal mined — whichever is greater.

The Bafokeng insisted, however, that their discussions with Amplats would have proceeded irrespective of progress in the negotiations with Impala. “We would still have had to raise capital,” their spokesman said.

Greg Hunter, platinum analyst at Deutsche Morgan Grenfell, said Amplats’ Raslomone development was progressing well and an expansion might be looked on enthusiastically.

Amplats is said to be one of SA’s mining companies under pressure to use its mineral rights or lose them under government’s new minerals policy. However, Hunter believed Amplats would not liberate platinum reserves “willy-nilly” as the market was finely balanced.
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Tribe battles with chief over funds

By Matshube Mfoloe

The leader of the Bafokeng nation near Rustenburg, Chief Molotlegi Molotlegi, is considering legal action against three local community organisations who have called for his suspension for the alleged abuse of the tribe's funds.

Two of the three organisations, Thuso Bogo ka Bonwete and the Bafokeng Action Committee, have written to President Nelson Mandela and the North West government to suspend the royal Bafokeng nation administration and start a forensic audit into the financial affairs of the tribe.

The other organisation challenging Molotlegi is the Bafokeng Private Land Owners Association.

In a letter to Mandela, a spokesman for Thuso Bogo ka Bonwete Committee, Mr Buti Mokgocate, alleges that Molotlegi has within two years of foreign acquired three luxury cars and a helicopter valued at R5 million.

Confirmed

They include a BMW 540, valued at R350 000, a Mercedes-Benz worth R650 000, a Range Rover, all bought for R5 million.

Molotlegi confirmed the existence of the cars and the helicopter.

"But I did not buy any of those cars, not even the chopper. None of them are my assets. They are and will remain the assets of the Bafokeng nation. I can assure you that none of these items are registered in my name," he said.

What these people (the three organisations) forget is that there is a compliance responsible for drawing up and overseeing the purchasing of many other things.

"We do not buy things at the drop of a hat. There is a process we go through before a decision is made to purchase anything. I'm going to sue the author of those written allegations to the last cent," he said.

North West government spokesman Mr David van Wyk said the office of the premier was aware of the concern raised by the community organisations and the allegations were being investigated.
Barakage to use royalties for development
New bill aims to speed up land claims process

A new audit report highlights failings of the Land affairs department

Sapa and Farouk Chothia

THE land affairs department, which yesterday unveiled a bill aimed at speeding up the resolution of land restitution claims, had failed to manage the claims process efficiently, says an audit report released by the auditor-general’s office yesterday.

Up to the end of 1997 the department had processed only three out of 17 803 restitution claims, according to the audit report.

The report, which covers the period from August 1 1997 to August 31 1998, highlights a number of serious shortcomings in the department in the areas of planning, management and performance measurement.

The shortcomings had hampered service delivery and the use of resources, the report said.

In some instances, capital funds were not spent. Only approximately R6.9m — or 2.7% of the capital budget of R248.9m — had been spent since the implementation of the Land Reform Pilot Projects up to December 1996.

The report said the Northern Province had not spent any of the R36m allocated to it for land acquisition grants. A total of just more than R13.4m was spent on the Land Claims Commission from its inception to the end of October, 1997.

Adequate feasibility studies were not always conducted to ensure that projects were sustainable. This meant projects could be, and were, shut down soon after they began.

The audit report also revealed shortcomings in other government departments and institutions.

Although corrective steps were implemented by the departments and institutions concerned, much more was needed to be done to address some of the deeply-rooted problems, it said.

Meanwhile, following growing concerns that the land claims process was moving too slowly, the land affairs department has unveiled a bill which aims to speed up the resolution of claims.

The Land Restitution and Reform Laws Amendment Bill, presented to Parliament’s land affairs portfolio committee yesterday, aimed to reduce the role of the Land Claims court by allowing for “mass processing” of claims.

Department legal adviser Adv Johann Havenga said current legislation required that virtually all claims be dealt with by the court.

The amendment made it possible to bypass the court when there was no dispute among parties. In such a case, claims could be resolved through an “ordinary settlement”, Havenga said.

Slow progress in resolving claims contributed to last year’s dispute between Land Affairs Minister Derek Hanekom and the chief land claims commissioner, Joe Seremane. The latter was subsequently dismissed from his post.

Western Cape and Northern Cape commissioner Wallace Mgoqi is currently acting as chief commissioner.

In a sign of better relations, department chief director for restitution Jean du Plessis said the amended bill was a joint effort between the department and commission.

He expressed confidence that the amended bill would fast-track resolution of claims.

There was, however, no “magic cure”, du Plessis said. The challenge was to develop an effective administrative system.

Du Plessis said a second bill, to “rebuild the house completely”, would hopefully be ready later this year. The bill would, he said, aim to bring about “integration” of the commission and department’s functions.
Land department performed poorly, audit finds

Cape Town – The Land Affairs Department had failed to manage the process of land claims efficiently and up to the end of 1997 had processed only three out of 17,603 restitution claims, according to an audit report released by the auditor-general’s office yesterday.

The report, which covers the period from August 1 1997 to August 31 1998, highlights a number of serious shortcomings within the department in the areas of planning, management and performance measurement.

The shortcomings had hampered service delivery and the use of resources, the report said.

In some instances, capital funds were not spent. Only about R6,9-million – or 2,7% of the capital budget of R248,9-million – had been spent since the implementation of the Land Reform Pilot Projects up to December 1998.

The report said Northern Province had not spent any of the R33-million allocated to it for land acquisition grants.

Only three out of 17,603 restitution claims received by the Land Claims Commission were completed by the end of 1997. A total of just more than R33,4-million was spent on the commission from its inception to the end of October 1997.

Adequate feasibility studies were not always conducted to ensure that projects were sustainable. Some projects were shut down soon after they began.

The audit report also revealed shortcomings in other departments and institutions. – Sapa
A HISTORIC agreement returning part of the Kalahari Gemsbok National Park to the Bushmen who once lived there is expected to be signed next month, Land Affairs Minister Mr Derek Hanekom said yesterday.

The claim had reached "the point of settlement" and he was confident the signing ceremony would take place at the park on March 21, in the presence of Deputy President Thabo Mbeki, he told a media briefing in Cape Town.

"Under the agreement the Bushmen will get part of the park, plus additional land of their own."

"For the first time they will have their own land and they will enjoy all sorts of opportunities along with that," Hanekom said.

The Kalahari Bushmen had not only been victims of systematic dispossession of land, but also had their culture destroyed, he said.

"They had almost become a special caste and were treated with disdain by black people in the area where they now lived."

"They really are treated like animals by other black people in the area, which is a disgrace."

Although Hanekom did not give more details at the briefing, it was reported last year that the deal would enable the Bushmen to jointly own and manage more than 1 000 square kilometres of the park. They originally claimed 4 000 square kilometres, almost half the park.

In addition, the Department of Land Affairs would buy 25 000 ha of private land outside the park, some of which would be used for agricultural and commercial purposes, and the rest for a cultural reserve and game farming.

The 300-strong community of Kalahari Bushmen lived in the area for generations until it was proclaimed a national park in 1931. They were eventually reclassified as coloured and resettled in a coloured reserve in 1973.

Hanekom also said Cape Town's District Six claims should be finalised by the end of this year. - Sapa.
Hanekom to move carefully on land reform

EMELIA SITHOLE

Cape Town — South Africa would proceed carefully with its land reforms to avoid the chaos surrounding Zimbabwe’s efforts, Derek Hanekom, the land and agriculture minister, said yesterday.

Hanekom said South Africa had learnt important lessons from Zimbabwe, whose land reforms had been mired in controversy over plans to forcibly acquire white-owned land to resettle landless blacks.

“The observation in Zimbabwe is that there was land resettlement in the first years of independence but what happened since then was virtually nothing. Now the pressure is on and they are trying to transfer land quickly,” Hanekom said.

“The problem is to whom is this land being transferred and what support is being provided to those resettled. It’s much more difficult to achieve sustainability when things are done too quickly.”

Some South African communities have criticised the government for moving too slowly to redistribute land from which thousands of blacks, coloureds and Indians were forcibly removed under apartheid’s Group Areas Act.

“Although (our process) is slow, we think it’s the only way that we can do the land reform programme in a careful way that’s based on a negotiated basis that will buy in all the stakeholders.” Hanekom said.

South Africa’s programme to restore land to blacks herded off their territory by apartheid governments contrasts sharply with Zimbabwe’s, where the government forcibly designates and acquires land for resettlement.

President Robert Mugabe says the 4,800 white commercial farmers who occupy over 70 percent of the country’s most fertile land should not be paid for the land because their British ancestors stole it from black owners when they came to Zimbabwe a century ago.

Land ownership is also one of the most emotive issues in South Africa, where whites make up 13 percent of the population but control over 70 percent of the land.

Hanekom said the government would speed up the settlement of land claims and restitution this year, with the aim of clearing the 63,465 claims within the next 10 years.

So far, only 31 claims involving the restoration of 179,800ha of land have been settled. — Reuters

CAUTIOUS Derek Hanekom, the land and agriculture minister, says South Africa has learnt important lessons from Zimbabwe, where land reforms have been mired in controversy.
Land programme set to be complete in 10 years

Cape Town. The national land restitution programme, which is expected to cost the Government millions, will be completed in only about 10 years, Land Affairs and Agriculture Minister Derek Hanekom said in Parliament yesterday.

"Land reform, as a developmental programme, is a long-term matter for this country. There is no quick fix... we have achieved remarkable progress in five years."

Hanekom said that since 1994, 675 families had gained access to 854,999ha in the redistribution, restitution and tenure reform programmes. In 1995, five projects were approved; in 1996 that number increased to 176. Expenditure had increased 720% in four years. — Political Correspondent
Many land claims deeds still not registered

Louise Cook

More than half of the title deeds for land claims, settled on the basis that claimants move back to the land rather than get monetary compensation, have not yet been registered in the names of the claimants.

According to a land affairs department document released last week, the high-profile claim at Riemvasmaak, supposedly settled nearly five years ago, was still awaiting a legal land transfer to the community trust.

The land was registered in the name of the state after the community moved back more than a year ago. In at least 50% of “settled” cases, land still had to be transferred.

Northern Cape land affairs director Obed Mvula insisted that the Riemvasmaak transfer had gone through. A spokesman for the Cape Town Legal Resource Centre said certain proclamations on 4000ha, which would facilitate the final transfer, would soon be finalised.

Legal Resource Centre spokesman Henk Smith said: “There is no issue around the transfer. The delay is purely technical.”

Regarding the high-profile claim at Smuts-drift, where several thousand people got their land back over a year ago, negotiations with communities were “still under way”. Mvula declined to give details, but said the claim was subject to “conflicting claims” and transfer was not possible at this stage.

According to the document, transfers have gone through in only nine out of 23 “settled” restoration cases.

Mvula said the restitution commission, now being amalgamated with the land affairs department, was responsible for land transfers, but the department said they were the job of provincial land affairs offices.

Meanwhile, another 80 families of the Masizakhe community at Witrievier in Mpu
dalanega received title to land yesterday.

The project was not part of the claims process, but was co-financed by the Dutch government to start up a variety of projects, such as broiler breeding, pig farming, a motor spares business and service station. A supermarket, cafe and tourist chalets would also be rented out.

Land and Agriculture Minister Derek Hanekom and his Dutch counterpart handed over the title deeds at a special ceremony at Witrievier yesterday.
Land returned to dispossessed owners

By Joshua Raboroko

The Department of Agriculture and Land Affairs, and the Commission for the Resettlement of Land Rights, have instituted administrative changes which have already speeded up the return of land to dispossessed communities.

They have approved settlement of a further eight claims, bringing the total of resettled claims to 31 in the past two weeks, Land Affairs Minister Mr Derek Hanekom said in Cape Town yesterday.

Hanekom said in the next month, another 40 claims in Malmesbury in Western Cape would be finalised with the Kalahari San clan. This rate of delivery would increase, he added.

He said the restitution process was not just about restoring land rights, but also about the healing of wounds, promoting national reconciliation, and restoring the pride and dignity of people.

The commission had received 63 455 claims between 1994 and the cut-off date on December 31 last year.

About 4 365 have been gazetted and 379 are being investigated. Large urban claims such as District Six, Cato Manor, Fairview, Sophiatown and 62 others have been referred to the Land Claims Court.

He said the Land Restitution and Reform Laws Amendment Bill would dramatically speed up the restitution process by eliminating bottlenecks and allowing for more administrative and less costly methods of case settlement.

Expenditure on land reform had increased by more than 120 percent in the past four years.

The minister said the most significant change to the process was doing away with the need for the majority of claims to be referred to the Land Claims Court.

Claims would in future only reach the court if there was a dispute or complex legal issues to resolve or in cases of direct access applications.
Threat to expropriate farms could be averted

Louise Cook (291) BD 25/2/99

A threat to have nine farms in the Northern Province expropriated in a land claims case could be averted as government officials and the affected farmers gather in Kuruman today to thrash out last-minute details of sales agreements.

The restitution commission said yesterday indications were that the farms claimed by the Kono community would go back to the community following the state increasing the original offers on the land to about R6.5m for the land owners, one of whom is former Conservative Party MP Jan Hoon.

Two years ago the farmers faced the possibility of having their farms bought out under them when they refused to negotiate with the restitution commission, which recommended to the Land Claims Court that they be expropriated.

However, the court ordered the farmers to get on with talks, a move that resulted in the state improving its original offer on the land.

This week the commission's Cape Town office said Land and Agriculture Minister Derek Hanekom would sign deeds of settlement and sales agreements today. Agreement has been reached that the farms would be sold for 8% more than the valuations done on the land and that the farmers would get half the money within two weeks.

However, yesterday Jean du Plessis, land affairs chief director of restitution, said details still had to be sorted out and the price would go up between 4% and 6% above the valuations. He expected the documents would be signed.

Details of how the state planned to settle the outstanding half of the money promised to the farmers are still not known at this stage.

The Kono community lost their land in 1959 after 'black spot' relocations by the apartheid government. The 137 families were given compensatory land 30km away and some people preferred to move to other destinations. The land was subdivided into 12 farms of which nine were sold to individuals.

At present, the claimants plan to set up a communal property association to manage the farms.
Land restitution deal in Kuruman

KIMBERLEY: Agriculture and Land Affairs Minister Derek Hanekom and the owners of nine farms in the Kuruman district near Kimberley in the Northern Cape will sign a land restitution agreement on Friday.

On Thursday last week the Commission on Restitution of Land Rights said a community trust, Kono, instituted a claim on 12 farms in the area from which residents were forcibly removed in 1959.

The community, comprising 137 families, was moved to compensatory land about 30km away. Some community members settled at Manyeleng and Seoding in the Bathaping area.

The state subdivided the land into 12 farms, sold nine farms to private individuals and retained the rest. The commission said the issue was referred to the Land Claims Court in 1996 after the landowners refused to enter into negotiations with the government for restitution.

The parties were ordered by a court to enter into negotiations, but the landowners said they were unhappy with the prices offered for the land by the state.

The parties agreed the valuation of the farms would be increased by eight percent and when the deeds of settlement were signed, 50% of the purchase price would be paid out to the landowners within two weeks.

The commission said the title deeds to the farms would be handed over to the Kono community at a later stage.

The Land Affairs Department would give the community priority access to state resources for the development of housing and other infrastructure. — Sapa
San regain a slice of

On Sunday, ancestral land will be formally handed back to the Khomani. It is a treasure regained that uplifts their souls, writes...

Sitting on the dusty floor of a dilapidated shack, the elderly headman of a tribe of South Africa’s last Bushmen voices his dream: to return to his ancestors’ land.

“I have lived in darkness,” Dawid Kruger says.

“Getting the land will allow me to stand up and say to the world: ‘Here is Dawid Kruger and here are my people.’”

Some Kruger’s dream will come true.

After the end of white rule in 1994, the new government passed legislation to return land to those from whom it was taken under colonialism and apartheid.

The 50-member Khomani tribe that Kruger leads filed a claim for a huge swath of the Kalahari Desert Bushmen, more properly known as San people, have roamed the Kalahari for thousands of years.

Though much of the land redistribution process has been slow and dogged by legal fights, the Khomani claim is close to being settled.

A slice of land is scheduled to be handed over on Sunday March 31 after the government finishes negotiations to buy it from private owners.

Covering 25,000ha to the south of the Kalahari Gemsbok National Park, the area to be transferred is a harsh land of rolling red sand dunes and stunted bush.

Baked by the midday sun and frozen by cold, clear nights, it might seem scant compensation for centuries of oppression that nearly wiped out all of South Africa’s San.

But for Kruger the land is heaven on earth. His father is buried there amid other ancestral graves, and he has had to get permission from a white farmer to pay his respects.

“We just want the right of living, hunting and walking on our ancestral lands without having to ask for permits or go through any organisation,” Kruger said, his wrinkled face scrunching into a frown.

The modern world has not treated the San well.

They once inhabited most of South Africa. But European settlers and migrating Africans from the north forced them into a few scattered strongholds in some areas they were hunted and killed as unwanted pests.

In the Kalahari, about 1 000km west of Johannesburg, the Khomani are the sole survivors in South Africa. Other groups of San are located in Botswana, Angola and Namibia.

In 1992, Kruger’s tribe was moved from the national park after officials decided they had adopted Western ways. They were reclassified “coloured” and moved to a squatter camp.

They remained there, on a soccer field-size square of land in the middle of a coloured township 10km south of the park’s entrance at Twee Rivieren.

Wearing tattered Western-style clothes and living in huts and tin shacks, they eke out a living selling trinkets and craftwork to passing tourists on the road to their former home.

“They have nothing. They have been forced to live as squatters,” said Belinda Maitiose, a park official who works closely with the tribe and acts as an unofficial translator.

Alcoholism and family violence are rife in the community, but the prospect of a return to their land is having a positive effect in a region where unemployment is a way of life and the nearest big town is 250km away.

“Some people have stopped drinking completely; others have cut down to just occasional binges. They feel a bit of self worth now,” said Geoff Perrott, co-ordinator of the South African San Institute.

Lawyers for the tribe are also negotiating a deal to give the San access to a second parcel of land inside the park itself.

Under the planned deal, the tribe would be given the concession to run 25,000ha of the park.

Plans include drive safaris and walking trails using knowledge of plants...

“That is the part that the matter. Running a will give them a part of the park. A part of the park,” said lawyer Roger as the remnants of a that goes back untold have been raised of a zoo” by using the San. Perrott rejects such
ice of their paradise

Finally handed back to these Bushmen. The area is desolate, but for the
fact that uplifts their souls, writes Paul Harris in Tweerivieren, North West

Endangered... a

group of San, led

by Dawid Krupel,

on the dunes in the

Kalahari Gemsbok

Park on their way

to visit the grave of

his father. The 500-

strong Khomani

tribe had lodged a

claim for a huge

swath of the

Kalahari desert

where they have

roamed for

thousands of years.

nearest big town is

an hour and a half's drive away. They have cut down to just
a couple of trees and have stopped drinking milk.

They feel a bit of self-pity, wrote Scott Perrott, co-ordinator of the African San Institute, but are also negotiat-
ing with the Qwaqwa Park Authority to gain access to a

part of the park.

Perrott was called in to run 55 000ha of

land that will soon be returned to him.

Plains include developing four-wheel-
drive safaris and guiding tourists on

walking trails using the San's unique

knowledge of plants, animals and tracks.

"That is the part that will really change

the way they live," said lawyer Roger Schemels.

As the remnants of a Stone Age culture

that goes back untold generations, the San

have been raised in a "human zoo" by using the San as a park attraction.

The San will run their land and their part of

the park as they please, with the same

rights as any other South African citizen.

"The idea is not to save them as they are.

It is to give them a choice that if they want to carry their traditions on, they can," he said.

For Krupel, the choice is clear. Dressed

in animal skin clothes, he drums under

a barbed wire fence and leads a band of 30

men, women and children to visit his fa-
thor's grave beneath a towering ridge of

rust-coloured sand.

While the distinctive clicks of their

Nama language drift across the dunes, the

group stops to examine tiny tracks made

by deadly scorpions.

Gazing into the distance, across land

that will soon be returned to him, Krupel

now believes his culture will live on long

after he is gone.

"I cannot see very well, but my mind

can see and my heart can feel," he says.

"On the land the children will feel at

home. Then my spirit will know that our

tradition is living," - Sape AP
Bushmen get their ancestral land back
Namaqua land grants

MINISTER of Land Affairs Derek Hanekom will hand over large tracts of land on Monday to communities in Namaqualand.

The land redistribution of about 63,000ha goes to three communities who live in the former Coloured Rural Areas of the apartheid era, and the fourth to people living in the former coloured township of Springbok.

The people of Concordia will get 12,572ha, of Steenkopf 32,669ha, Leliefontein 10,671ha and Bergsig and Mattieskloof near Springbok, 7,039ha.

Land Affairs has already handed over 58,000ha in Namaqualand, and will hand over a further 32,000ha in April.

HANEKOM: His department will have redistributed 120,000ha of Namaqualand land by next week.
Some San get their land back, but there are many others in queue.

BY KITAKUN FAN

Environmental Reporter

They can't be moved, they can't
be moved, the land is

Special welcome... from members of the Krommian San.

...and land back. But there are many others in queue.
Father, we say thank you. A Kremml woman tells McBry during emotional ceremony.

Joy as displaced desert people get land back.
Restitution at last for the Bushmen

SOUTH Africa's Bushmen got some of their lost homeland back yesterday when Deputy President Thabo Mbeki signed a historic land restitution settlement with the tribe.

"This is a step towards the rebirth of a people that nearly perished because of oppression," Mbeki told members of the Khoasani San Bushmen community in the baking Kalahari of South Africa's far Northern Cape.

"This is your land," he told the cheering community, the last remnants of nomadic hunter-gatherers who were Southern Africa's first people. "Take it. Care for it. Thrive on it."

The settlement will return almost 40,000 hectares of the Kalahari to the San people at a cost of R15 million to the Government, which bought out local white farmers after two years of negotiations.

The nomadic hunter-gatherers' parched ancestral land is located south of the Kalahari Gemsbok National Park. Under a deal still to be finalised, the tribe will receive some 25,000 hectares of the park itself, a potentially lucrative source of tourist income.

The restitution deal will also provide 42,000 hectares to the Mier community, a settled coloured community forced into a fenced reservation by the former apartheid government. They will also receive a share of the national park. Mbeki said the Mier and the San were among South Africa's "worst victims of oppression," but now, he declared, "the tide has turned."

The presently San were dispossessed of their lands by white settlers and black tribes who steadily pushed southwards from central Africa.

The Bushmen's "language, culture and wisdom will make South Africa a better place for all of us," Mbeki said.

Later yesterday, speaking at a Human Rights Day rally at Ellis Park Stadium in Uitenhage, Mbeki called for political tolerance ahead of the June 2 general elections, urging African National Congress supporters to allow other groups to campaign in the party's strongholds.

He said political violence was wrong because "everyone has a right to his own opinion."

Responding to an interjection from the crowd that opposition politicians would be beaten, Mbeki said people had a right to support the New National Party and the Democratic Party.

"They have a right to be misled," said Mbeki. Opposition parties had a right to come to Uitenhage and "you must allow them to speak and you must listen to them."
Sweet Victory as San Get Land

SOMAN Wednesday March 24 1999
Living in the shadow of missiles

What is more important: restoring land to a dispossessed community or having the third-largest school in the world?

Nicole Turner reports

It is a matter of some pride for the Southern African Dispossessed People's Forum (SANDF) that the Lobitha Battle School, south of Kaurna in the City of Oudtshoorn, is to open its doors to the Operation Blue Crane in April. For 16 of the 45 years since the Khoi people—more than 26,000 families—were relocated to 14,000 ha with long-range firearms, they could only dream. "When they choose the roads during curfew, we are told to stay in for three to eight hours for fear of being shot. They don't call us if they are sick," says Joseph Frey, leader of the Khoi community, which has had a joint application to the National and Provincial Government for the land, to settle the Khoi community who live in the middle of the battle school.

Six years after a successful application to the advisory committee for land allocation, the community was finally in court to decide in what is probably the most complicated and sensitive land restitution case in South Africa.

As far as the SANDF is concerned, the Khoi people are illegal occupants and should leave. For the three claimants, the battleground lies in the heartland of their claim. At last, in the Khubu, the city of Lobitha, the city has been able to take back the Galiso and Mamersun reserves. It is uncertain whether the application for the last few years has been successful, but the community is determined to keep fighting for their rights.

"The letters in their name may have changed, but we are dealing with the same army," says the SANDF monitor, who points out that the SANDF has been using the same tactics to try to evict them from the land. "They came to us and told us we will get 10 cards so we can enter and leave the base. Then they took the list of names to court and said all these people want to move to the Khoe, says one member.

"We think that the community and SANDF have been talking to the local communities that the SANDF will be decommissioning the Khoi in Leeu. The local communities have been told that the SANDF are not going to be able to evict the farmers from the land. They are going to be able to work on the land with the help of the communities that the farmers will get better wages." The SANDF has been using the same tactics to try to evict the farmers from the land. "They came to us and told us we will get 10 cards so we can enter and leave the base. Then they took the list of names to court and said all these people want to move to the Khoe," says one member.

"We think that the community and SANDF have been talking to the local communities that the SANDF will be decommissioning the Khoi in Leeu. The local communities have been told that the SANDF are not going to be able to evict the farmers from the land. They are going to be able to work on the land with the help of the communities that the farmers will get better wages." The SANDF has been using the same tactics to try to evict the farmers from the land. "They came to us and told us we will get 10 cards so we can enter and leave the base. Then they took the list of names to court and said all these people want to move to the Khoe," says one member.

Monitoring, says, "Our leaders know that people should have their land returned, but they have already hedged on to the benefits that the battle school may offer as a national asset. Someone needs to decide what is more important, restoring land to a dispossessed, impoverished community or building the third-largest battle school in the world?"

"Life in the Khoe community continues to be unbearable. Although there are simple homes running through the land, there are no schools or telephones. Telephones are difficult to install because of the lack of electricity, even though the community has departments of the community." The letters in their name may have changed, but we are dealing with the same army," says the community. The community also claims that

Land claim: The Khoi community lives in the middle of the Lobitha Battle School, PHOTO: NICOLE TURNER

bubbles up from the red earth which is channelled into furrows to feed the orchards and gardens, and their large herds of animals grow fat and healthy.

"We lived well. There was no apartheid then. We shared everything," says Mr. Leepo, a rural agriculturalist who explained the apartheid government which had decided to evict "migrant workers" in 1977. The Tswana families were loaded onto trucks and moved to the former Rupunskiwana zone, and the new army took possession of the reserves to establish the P/WB Battle School.

"The removals happened suddenly. They tore out our roots and threw our things on trucks and destroyed our homes. And we had to make do with a 30km journey daily, many died on the way. Many people died too, during the removal and after, because of the determination to keep moving. Women and children had to be fed and rest before they were forced to move back to the nearest town. Water pumps were broken and buildings were destroyed. More families moved, but the struggle continued. We were then forced to leave."

"I wish the Khoi people were more organized. They have to stand up for their rights. "I was born in the Khoi, and I'll die here," says a resident.
Slowly, the sands are shifting

Ann Evesold

For years now President Nelson Mandela has sought to empower the people of South Africa, the land of his forebears, to reclaim their rights and responsibilities as citizens of the country. His vision was that of a land where everyone could live in peace and harmony, where the rule of law would prevail, and where all could participate in the governance of their nation. This vision has been slowly taking shape, with a focus on addressing the legacies of apartheid and promoting social and economic development.

KwaZulu-Natal, for instance, has been a focal point of this process. The province has a long history of struggle and resistance, and has been at the forefront of the struggle for land reform. The government has made significant progress in this area, with several projects being implemented to address land ownership issues.

One such project is the implementation of land reform, which is a key component of the country's development strategy. This involves the redistribution of land from white farmers to black farmers, as well as the establishment of communal land boards to manage the land. This process is not without its challenges, but progress is being made.

Another area of focus is the development of infrastructure and service delivery. The government has made significant investments in this area, with projects being implemented to improve access to electricity, water, and other services.

The Department of Economic Development and Tourism has been at the forefront of these efforts, with a focus on promoting economic growth and assisting farmers to access markets. This has included the provision of training and support to farmers, as well as the establishment of cooperatives to enable them to access markets.

In conclusion, the slow process of land reform and the development of infrastructure is a testament to the resilience of the people of KwaZulu-Natal. While challenges remain, the hope is that these efforts will ultimately lead to a better future for all.
Race act victims promised redress

Process to be faster

SHARKEY ISAACS
SPECIAL CORRESPONDENT

The chief Land Claims Commissioner, Wallace Mgqozi, has promised Group Areas Act victims an accelerated compensation process.

He pledged to 6,000 people in the Cape Town Civic Centre at the weekend that the system would speed up and delivery would improve from this year.

He was the guest speaker at a reunion of uprooted families from District Six, Claremont, Constantia, Goodwood, Nyadeni, Simon’s Town and other areas. The theme of the reunion, hosted jointly by Radio 786 and the Islamic Unity Convention, was “The heritage of a people dispossessed.”

Mr Mgqozi said he and his staff were processing claims from 54,000 families countrywide to ensure a measure of quality in compensation, and to make sure redress was not merely quantitative.

About 80% of the claims were from urban areas and 20% from rural areas. Of all the apartheid legislation, the Group Areas Act arguably caused the greatest bitterness, being responsible for the forced removal of hundreds of thousands of people from their homes.

It had caused severe personal grief and hardship to the victims, who could never be adequately compensated.

He emphasised that he spoke from personal experience, because he and his family were uprooted from Goodwood to Nyanga.

He said: “The rest is history.”

In the Western Cape, communities had been uprooted and the claims of hundreds of victims had to be processed.

While there was financial redress for the victims of the Act, there was no compensation for the victims of the harsh pass laws, which had controlled the influx of black people into urban areas in the apartheid era.

Islamic Unity Convention chairman Imam Achmat Cassiem said history was unfolding as South Africa moved from the post-apartheid years into the post-Mandela years.

He expressed concern at South Africa’s huge unemployment problem, and urged that some way be found to solve it.
Our Farm Returned to Inhabitants

A tiny patch of land in KwaZulu-Natal was a quirk of apartheid history, writes Nomawela Malingane.

(26) 90941 1996

Focus
LAND RESTITUTION

LATEST PACKAGE COMES WITH SERVICES

Title deeds have been granted in the two latest land redistributions in North-West Province – to the Bakerville and Maputle/Gaanakgomo communities. Laudable stuff as the project includes not just land but services that will make that land habitable.

The Bakerville community got access to R5.95m of the Land Affairs Department’s settlement/acquisition grant to buy about 800 ha of land. R680 000 was used to buy the land and about 372 households are now resident. The remaining funds will be used for development. These include water, sanitation and electricity provision. The North-West provincial government has transferred about R1m through the Premier’s Community Support Programme to boost the project. The funds were given to the Central District Council for the building of a multipurpose centre comprising a community hall, clinic and a crèche. And the district council has provided the community with improved pit latrines.

The Department of Agriculture is also helping. It is involved in setting up a hydroponic scheme for the community to grow its own vegetables and the upgrading and improvement of roads.

The other project involving the Maputle community consists of 12 households who bought the land under the Extension of Security Tenure Act of 1997. The farm is about 12 ha in extent and the Department of Land Affairs granted the community R90 000 after the owner who had previously employed the residents discontinued his farming activities because of illness. The funds will also be used for sanitation, electrification and housing.

The public information machinery of the Department of Land Affairs, unfortunately, doesn’t match its delivery. The FAQ’s inquiries into how much has been spent on land restitution, how long it will take to be completed and how many claims have been received still remain unanswered. We were shunted to almost every division of the Land Affairs Department. Finally, an administrative clerk in the office of chief director of land claims, Dr Richard Levin, shed some light: “All senior staff are on leave and he (Levin) has been instructed to take all the messages,” he said. We’ve left a message.

Selie Mabuza
Hanekom hands over title deeds

By Joshua Rabaroko

AGRICULTURE and Land Affairs Minister Derek Hanekom handed more than 1,500 title deeds to poor people in North West in the past few days, making them property owners for the first time.

Hundreds of hectares of land in Welverdiend, Grasfontein and Bakerville were bought by the Government and involved more than R10 million in development projects for North West. Hanekom also visited similar projects in Klerksdorp's Maputla Gounakgomo farms which are now owned by local communities.

Other projects include those in Harmonie Farm in Pitsberg, Eikenval, Buggler's Post and Karmenekvlei, Luperksesop and Sonop in the Western Cape. The visit, as well as the handing over of the title deeds and developing projects such as agriculture and health and welfare facilities, were important milestones in the development of land restitution and land reform, Hanekom said.

The families of about 250 people at Welverdiend have lived on the farm since 1926. The Government bought the land at a cost of more than R400 000.

He was applauded by hundreds of destitute people who followed him on tour to some of the farms where communities claimed they were evicted from the land by the previous government.

The Grasfontein project cost R3.4 million and would benefit 230 families, while the Bakerville land cost R6 million.

Government was committed to improve the quality of life of the poor and ensure economic growth through land reform, the minister said.

There were 31 redistribution projects in the Western Cape which involved 1,759 households.

In addition, 15 restitution claims had been resolved, affecting 2,004 people.
Govt’s land reform record good – Hanekom

By Joshua Raboroko

SINCE the new Government took office in 1994, it has passed 22 land reform laws and given almost 400 000 people access to 745 015ha of land.

This is according to Agriculture and Land Affairs Minister Derek Hanekom.

In addition, the Government introduced tenure reform laws which provide millions of people with protection.

These laws were part of the African National Congress-led government’s attempts to develop a comprehensive land reform programme.

A key element of this programme is restitution, which deals specifically with the victims of forced removals after the Land Act of 1913.

“Our policies have already demonstrated their effectiveness in dealing with a complex set of issues and the variety of land needs that people have,” says Hanekom.

Hanekom adds that other parties have no policies on land reform or have policies that are “clearly unworkable.”

By contrast, he says, the ANC developed its policies over many years.

“We refine and improve these all the time,” says Hanekom.

“It is hard to believe that the New National Party can possibly be committed to land reform.”

Hanekom believes the Government’s land restitution programme has been very effective.

“It is remarkable that we have made such progress in a matter of five years; most other countries dealing with land claims have spent decades longer trying to work out how to begin addressing the issue.”

“The mere fact that 63 455 claims have been lodged is a clear indication of the legitimacy of the process and the faith that people have in this Government’s ability and commitment to deal with claims properly.”

He recognises the concern about the slow pace of land restitution, but blames confusion around land claims for this perception.

“Many ‘single’ claims affect hundreds of people, and many single cases represent thousands of individual claims,” says Hanekom.

As an example he referred to the Malatlane claim in the Kruger National Park, which represents the claim of 10 000 people.

By Joshua Raboroko

Flashback ... San headman David Krupier (centre) thanks Land Affairs Minister Derek Hanekom and Deputy President Thabo Mbeki after 40 000 hectares of land in the Kalahari Desert were returned to the tribe in March.

“The increasing pace of land reform is reflected in the following figures, which is the amount spent on land for beneficiaries in all land reform programmes, including restitution,” says Hanekom.

In 1996/97, the government spent R90.6 million; in 1997/98, it spent R170.7 million; and in 1998/99 it spent R262.2 million.

With regard to restitution specifically, the department spent R58 million in settling claims since 1995 (this includes the purchase of land and payment of financial compensation). A further R28 million was committed from the 1998/99 budget.

“A total of 63 455 claims have been received now that the date for registering claims is over. To date, about 47 claims have been finalised, representing the restoration of 264 415 hectares of land to 13 467 households (about 87 535 people).

“A further 4 365 claims have been gazetted, 284 have been rejected and another 200 are nearing completion through court or out-of-court settlement.”

Hanekom points out that restitution was an entirely new programme of the Government, started only in 1995.

“We did not even have the benefit of being able to draw on useful international experience.

“Staff had to be employed, systems designed – mistakes were made and a lot of learning had to be done,” he says.

Because of the problems and insufficient progress made in resolving land claims, he started a review of the entire restitution process last June.

During this review, the duplication of functions, unclear lines of accountability and questions around the roles of the Commission on Land Restitution and the Department of Land Affairs came to the fore. The second problem related to the legislative requirement that needed every case to go before the Land Claims Court.

“We have amended the legislation to allow for cases to be solved out of court, and limited the role of the court as adjudicator in claims that cannot be concluded through a negotiated settlement,” says Hanekom.

The Commission currently has five regional offices, which each employs a regional commissioner. The Chief Land Claims Commissioner, based at the head office, oversees the process.

There is also a separate Land Claims Court, with five judges, who hear cases which cannot be resolved through negotiations.

PIC: AFP
Vredendaal turns over new leaf towards mutual respect

...
By December 31 1998, the cut-off date, 64 000 land claims had been lodged, says the new chief land claims commissioner, Wallace Mgogo, who replaced Joe Sere- mane after he lost his position for criticising the efficacy of the restitution process.

Some date back to 1913, the base year for claims — though there are those, like the Pan-Africanist Congress, who would prefer 1652 as the date marking the beginning of dispossession.

Last month Mgogo said that of the 64 000 claims, consisting of individual household claims and community claims, 80% were urban — "meaning about 52 000 households or 300 000 people, some wanting restitution of land (but) the majority preferring financial compensation; and 20% are rural community claims, representing 600 000 households or 3,6m people, and a grand total of 3,9m people who stand to benefit from the restitution process."

He added that by April, 255 claims had been settled — a restoration of 264 615 ha of land — and a total of R882,2m awarded, reaching 83 560 beneficiaries. "There is a rolling action of delivery now in restitution," he said.

One land claim, of course, can cover a number of properties to be valued.

The Land Restitution Act has been amended a number of times, and now allows for speedy out-of-court settlements — which generally involve mediation — and the appointment of regional land claims commissioners. Last year, too, an internal ministerial review proposed that the Land Rights Commission be integrated into the Land Affairs Department to function as its restitution branch.

Land Affairs' task is vast and complex.

There is not just restitution to be considered, but land redistribution, issues of land tenure reform, and financial grants to assist small farmers to acquire land. Invention is the sine qua non, as at Citrusdal this month, when Hanekom presided over the creation of a new company, which gave 36 farm workers a share in what was described as a "prime citrus orchard on the banks of the Olifants River Valley," in the Western Cape.

In March, a Khosan claim saw the award of 40 000 ha of both private and State-owned land south of the Kalahari Gemsbok Park, and 25 000 ha within the park itself. A concurrent settlement gave a further 25 000 ha of park land to the Mier community as well as land outside it. The San and Mier people will attain commercial benefits from the continued functioning of the park as a conservation area.

One big web of claims involves the future of District Six — among the most notorious of forced removals — and disputes, often involving a lack of documentation of ownership, have made this a tricky overall settlement to achieve. A special unit has been created to deal with the matter. In other cases, mineral rights complicate the issue.

The financial compensation of individual household claims is proceeding well in the Western Cape, where within the next few days a third batch of payments this year — amounting to R950 000 to 12 claimants — is scheduled to be made. However, as Franz Zotti of the Land Rights Commission says “Frankly, we are understaffed, we need more manpower to process more claims.” Case files and other documents virtually fill his small, unassuming room.

Household claims involve the process sketched out in the box accompanying this article. The original “compensation” given to Group Areas victims is deducted from the market value of the property at the time, and the difference is then escalated over the decades using a consumer price index formula.

Jerry Margolis, president of the SA Institute of Valuers, has been involved in the difficult area of assessing the market value of dispossessed properties. In some cases, the original properties do not exist anymore in an article in The SA Valuer, he notes that “compassion must be shown to the claimants, yet objective evaluations must be performed at all times.”

The valuer must be independent, and before he or she receives a brief from Land Rights, the commission has to track down such documentation as title deeds before dispossession, transfer papers (often involving the old Department of Community

Continued on page 38
Moravians thank God for their return to District Six

Chapel they lost to apartheid reclaimed for worship

LYNNE RIFKAARD
Star Reporter

District Six's historic Moravian Hill Chapel, which fell victim to the Group Areas Act, is a place of worship once again after years of being used as a gymnasium for the Cape Technikon.

Yesterday, more than 800 Moravian worshippers marched down Searle Street from the Holy Cross Catholic Church to the Moravian chapel to attend their first service at the church since the Group Areas Act forced its closure in 1987.

A small token of appreciation was handed over to Father Isla Ribo of the Holy Cross Catholic Church, where Moravians were allowed to hold their own services throughout the years.

Moravian Church members returned to the chapel after the church and the District Six Beneficiary Trust reached an agreement with the technikon that the chapel could again be used for services.

The chapel is shared with the District Six Museum, whose Buitenkant Street premises are being renovated. The church is also awaiting a decision on a claim which is being considered by the Land Claims Court.

The Rev Karel August said his flock wanted to worship in a building of their own.

"What has been taken from us here is immoral and unjust. We think the (Land Claims) Court is under a moral obligation to the nation to give a token of commitment to people who have been dispossessed."

Moravian Bishop Emmanuel Temmers said: "Like so many people, we are also hoping that the suffering and ill experiences of the past will eventually change for those who have lost so much in years gone by.

"To lose something you hold dearly, something that has become part of your existence, is never a pleasant experience. It is traumatic, it hurts deeply and it is sad."

Anwar Nagie of the District Six Beneficiary Trust told the congregation it was important for people who had lost property under the Group Areas Act to return to District Six to reclaim their land.

He said if they did not reclaim their land, they would indirectly vindicate the actions of the previous government.

"We must and will not ask for our church back. It must be given back to us in the same way it was forcibly taken away from us."

Mr August, who was a minister at the church in 1986, said the church had been forced to sell the building when the Group Areas Act came into effect or face expropriation.

"In October (1989) we had the closing service," he said. "I was the last person to stay in the rectory until December 31. That was the very day the Group Areas people came to seal the church door."

The church was forced to sell the property to the Department of Community Development and the land was earmarked for the development of the Cape Technikon.

Desperate to save the Moravian Hill Chapel from being demolished, the Moravian Church approached the National Monuments Council and the chapel was declared a national monument about two years later.

"We often came here and visited regularly to see how the building was. We never lost sight of the fact that this was our property," Mr August said.

Yesterday William Abrahams, a church council member, carried the original pulpit Bible into the Moravian Hill Chapel during the service to mark the return home of the congregation.

"When there was no hope for us to retain our church, that same gentleman carried that Bible and took it to Hanover Park (Moravian Church)," said Mr August.

"It (the Bible brought into the church) was to consecrate what had been desecrated by the apartheid regime."
More money for land claims — McKee
Compensation at last for lost land

By Claire Keeton

DEPUTY President Thabo Mbeki handed over financial compensation to twelve families yesterday who suffered forced removals in the 1960s, saying the Government was trying its best to deal with past injustices.

"We can correct injustices from the past in a limited way. We can’t fully compensate but it is better than nothing," he said in Bellville, Cape Town.

The twelve families, who lodged their claims in 1995 with the Commission of Restitution of Land Rights, received nearly on one million rand in financial compensation for being forced to move from urban areas in the Western Cape which were declared white areas during the apartheid era.

He said that the compensation paid for land restitution claims should be exempt from tax.

"We can’t compensate for the pain and hurt, but we can go some steps towards overcoming the problems we inherited.

Altogether 241 claims affecting over 80 000 beneficiaries have been settled since 1995, either through compensation or land purchases.

The chief land claims commissioner Advocate Wallace Mgoqi estimates 3.9 million people will benefit from planned compensation.

Mbeki assured Mgoqi that he would heed his request for a bigger budget as long as the commission worked hard to settle claims swiftly.

At the event Mbeki said his voice was hoarse from the extensive public speaking he has been doing in the Western Cape over the past three days.

"My voice is not quite gone but it is threatening to. It is the result of talking too much," he said smiling.

Thousands of people have thronged to ANC meetings to hear Mbeki speak.

ELECTION

During his trip through the southern and Western Cape

At Phillippi yesterday and George in the rain on Saturday, crowds pledged their support for Mbeki’s call to vote ANC and to oust the New National Party (NNP) from the region.

He told ANC followers that the party would speed up the delivery of services and that they must hold its leaders, including ANC premiership candidate for Western Cape, Ebrahim Rassool, accountable for public expenditure.

"Rassool must come back here and tell you what progress has been made ... and if he doesn’t, you must tell me," Mbeki said in Phillippi.

Yesterday afternoon on the last leg of his election tour, more than 15 000 people turned up to hear him speak in the Paarl township of Mbekweni.
Farmers hit out at land claims delay

Louise Cook

PEOPLE who sell their properties despite pending land claims and who fail to disclose this to the buyer could face legal action, consultants involved in land administration have warned.

The warning comes amid complaints over the slow processing of the flood of land claims received by the restitution commission last year.

The consultants said many land owners were in the dark about potential claims on their properties, leaving some unable to finalise deals for the sale of their properties.

Land claims jumped from about 20 000 in the middle of last year to about 64 000 by the time of the commission’s December deadline for the submission of claims.

The commission has set up a database to register the claims, but it is not clear when it will start operating.

Kobus van Vuuren, a consultant acting for farmers and land owners, said land owners were still in the dark about the status of their properties, four months after the December deadline.

"This is not a war about land, it is a war about information on land. Land owners cannot make informed decisions or protect their rights if they do not know whether or not their land has been targeted," he said.

He said standard estate agents’ contracts could not protect owners selling despite pending claims.

The only way farmers can cover themselves legally is by obtaining an interdict to hold the state responsible for damages suffered due to land claims, or an order to force the commission to make a full disclosure on all claims.

Potgietersrus attorney Francis Barnard said one of his clients had yet to be informed of a claim lodged with the restitution commission in June last year.

"My client recently heard about the claim through other sources. The delay in notifying him cost him substantial financial losses as he had embarked on a costly programme of marketing the farm in order to sell it."

In KwaZulu-Natal and the Western Cape, officials were working around the clock to load all claims onto the new database by next month, according to Western Cape commissioner Alan Roberts.

"Before the review commission’s investigation last year, there was no adequate system for land claims. They were mostly registered manually in files."

"The new system will link data from the provinces, the surveyor-general, claimants, land owners and the deeds’ offices for the first time," he said.

Roberts said the new system would also identify cases where there was more than one claim on a single piece of land, as well as conflicting claims on the same land. Most of the Western Cape’s 12 500 claims had already been loaded, he said.

A spokesman for the commission said 47 claims had been finalised in Pretoria so far, either through the Land Claims Court or the fast track settlement procedure adopted last year. Most claims were in urban areas. The SA Agricultural Union was not available for comment.
SA gives land to Bushmen

KIMBERLEY: President Nelson Mandela yesterday handed over the title deeds of a large parcel of South African land to a Namibian Bushman community who once fought against the ANC in Angola.

During a colourful ceremony at Platfontein farm, 22 km outside Kimberley, Mandela presented the deeds to leaders of the !Xhu and Khwe people, who fled with the South African army at Namibia's independence in 1990.

It is the first time the ANC-led government has donated scarce land to its former foreign enemies.

Speaking in Afrikaans, Mandela told the 4 500 people at the ceremony that although the government had donated the land, it was up to the community and the private sector to help develop it.

He said private businesses in Kimberley had undertaken to finance the building of a school on the farm.

The !Xhu and Khwe community, he added, had also been victims of apartheid.

The Bushmen, highly skilled trackers, were used by the former SADF to trail ANC and Swapo guerrillas to their bases in Angola during the struggle against apartheid.

Land Affairs Minister Derek Hanekom told the community that South Africa was "proud" of the diversity they had brought to the country.

Speaking to journalists earlier, Hanekom said poverty, intimidation and violence against their community had forced many to join the former SADF.

"They were later dumped in a camp and had to re-establish themselves in a new environment."

He was referring to Schmidtsdrift military base, about 80km from Kimberley, where 894 !Xhu and Khwe families have been living in tents.

General Makabongwe Nethinga, officer commanding the Northern Cape military, said around 360 Bushman soldiers had been integrated into the post-apartheid South African National Defence Force.

!Xhu leader Mario Mahongo said he felt that, finally, he and his community had a place to call their own.

"We have come home," he said, adding that historic San paintings had been discovered at Platfontein.

He expected the first families to move from Schmidtsdrift to Platfontein before the end of the year.

They plan to begin farming the land — cattle, sheep and game — and become self-sufficient. — Sapa-AFP
President Nelson Mandela handed over title deeds yesterday for a large parcel of South African land to a Namibian Bushmen community who once fought the African National Congress in Angola.

Mandela, at a colourful ceremony on Platfontein, a 12 800 hectare farm 22 kilometres from Kimberley, presented the deeds to leaders of the 'Xu and Khwe people, who fought with the South African military at Namibian's independence in 1990.

In a short speech delivered in Afrikaans – the language most understood by the 4 500 people gathered on the farm for the ceremony – Mandela said while the Government was able to donate the land, it was up to the community and the private sector to help develop it.

"The community has an important role to help themselves," Mandela said. "These title deeds show you now have a place of your own."

He also announced that private businesses in Kimberley had undertaken to foot the bill for building a school on the farm.

The 'Xu and Khwe community, he added, had, like their counterparts in South Africa, also been victims of apartheid.

Highly-skilled trackers, the Bushmen – or San – were used by the South African military to track ANC and South West African People's Organisation guerrillas to their bases in Angola during the fight against the former white minority South African government, which also ruled Namibia until its independence in 1990.

Land Affairs Minister Derek Hanekom told the community South Africa was "proud" of the diversity they had brought to the country.

"You were victims of an unjust system and brought into an army of oppression," he said.

Speaking to journalists earlier, Hanekom said the 'Xu and Khwe had been "brought into a war that was not of their own making."

Poverty, intimidation and violence against their community had forced many to join the South African military, he added.

"They were victimised and later dumped in a camp. They had to re-establish themselves in a new environment."

He was referring to the Schmidtsdrift military base about 80 kilometres from Kimberley, where the around 894 'Xu and Khwe families have been living in tents since they were moved from Namibia by the apartheid military.

"They didn't come out of choice," Hanekom said. "They were brought here as part of a military machine and it is up to us to assist them."

'Xu leader Manie Mahongo, who was born in Angola but who relocated to Namibia before ending up at Schmidtsdrift, said he felt that, finally, he and his community had a place to call their own.

"We have come home," he said, adding that he had been forced at gunpoint to join the apartheid army. "I have travelled a long way but now I am home."

Mahongo said, adding that historic San paintings had been discovered at Platfontein.

"Our people used to live on this land. This is our place," – Sapa-AFP
Giving South Africa its soul back

Marianne Morton

It was a bittersweet moment this week for 12 Cape Flats families who finally received compensation for their homes and land lost to the Group Areas Act more than 30 years ago.

Bitter, because most of them cannot return to the homes they lost when the apartheid government declared they were not white enough to live in them. Sweet, because the democratic government paid them R300,000 in compensation.

The families — from Goodwood, Malmesbury and the northern Cape Town suburbs of Goodwood, Bellville and Paarl — were forced to sell their properties in the 1960s and 1970s. Margaret Fredericks is an elderly widow. She received R6 401 for the Goodwood home of her late husband. The family had to sell it at a quarter of market price in 1977. Fredericks says her family was relocated to Mdantsane as the new owners moved into their home. The pain is still with her. "My house in Goodwood has sentimental value to me. No amount of money will bring it back to me," Fredericks says.

For Brian Brown the compensation allowed memories of "have to be told to his Jaws. Goodwood home a year after the Group Areas Act came into force. He has sold for R180 000 to the Community Development Board. This week he accepted the compensation on behalf of his wife, who remained silent and tearful.

"It was particularly hard on the old folks. They were already in their fifties and they could not retire because of the financial strain," Brown says. The R24 000 they received will be distributed among the family's children. The other three received a few thousand Rand.

Brown says there is nothing left of the past. "It's a house that has been sold and removed by the new people. It's no use to think about that now."

George Hendricks and his wife Naomi were dispossessed of a 800m² property in 1966. He now has been compensated with R32 035. Hendricks says although the money does not relieve the family of their hardships and pain, it is a gesture. "I believe this is a gift from God and a step toward for all the hardships that we had because of the Group Areas Act."

For the Hendricks family from Stellenbosch it was a sad day. William Hendricks died 10 months ago. The former teacher was forced to sell his semi-detached Cape Dutch home on a 1 744m² property in Stellenbosch's Bergrivier Street when the town was declared white in 1964. His son Edward accepted the R16 979 on behalf of his mother and two siblings.

The Hendricks family lost four properties in 1966 when they were forced to sell their properties in Belville, Buitenvlei and Wellington streets. Edward Hendricks lodged the claim on behalf of himself, his siblings and the child of his late brother. They received R10 832.

All 12 families started the long road to compensation in 1966 when the sons, daughters and surviving spouses of those who were forcibly removed from their land began the claims with the land commission. Sunday's awards are the third round of compensation in the Western Cape.

Land commissioner Willie Mazibuko says the pace of compensation is picking up. "The pace is becoming so fast that it could exceed delivery capacity." But he warned more would follow despite difficulties with getting authorities, particularly in the Western Cape, to participate in the process.

Some even have quit. While they get the properties for a song, they will only release them at market value," Mazibuko says.

Deputy President Thabo Mbeki handed over the cheques to the emotional recipients. He said: "The government acknowledges money cannot compensate for the sufferings of forcibly removed and dispossessed families, but financial compensation is a step towards justice."

"It says we can correct these injustices of
TITO Richard, 26, has lived in an army camp all his life, yet he has never worn a uniform. The apartheid army took him and his mother in after his father, a soldier, was shot by Swapo while he was a baby.

"I didn't know my father... and I don't know how I got my surname," Richard said this week, while escorting Cape Metros around his home town in Schmidtshoek, an army tent town nicknamed "the camp of shame".

The settlement is fenced in and divided into sections that separate the two San clans, the Ikau and Khau. Richard lives about 100 km outside Windhoek, along a dirt road and access is monitored by a military guard and a boom. The camp consists of worn huts and hundreds of faded army tents housing about 4,000 men, women and children. The few buildings are used for a general store, a bottle store, a clinic and a few classrooms.

Richard was born in Angola, but grew up in Omega army camp in Namibia, where about 300 San were co-opted into the SA army in 1974 because of their tracking skills.

When Namibia obtained independence, rumours spread that the clan lives were in danger and the army offered them citizenship and relocation to "temporary" tent homes.

That was nine years ago and Richard is fed up with living in limbo.

Uncertainty has plagued the community as they were relocated. An army plan to settle the clan permanently at Schmidtshoek never materialised and the farm is now part of a land claim by a Twana group.

About four years ago, Agriculture Minister Derek Hanekom stepped in to establish a redistribution trust fund for the San. This enabled clan leaders to stop around for a new home. Three years ago, they bought a 100-hectare farm for R1.6 million. Then for a few years there was little action.

The community last year accused the provincial government of not acting on development plans, the government in turn blamed the army for not letting officials see leaders to negotiate a development plan.

This year there was cause for celebration as President Nelson Mandela handed over the title deeds for 12,800 ha of land to the two clan leaders. Mandela also pledged that a school would be built with the help of the private sector. The plan for the town, which has involved lengthy consultations with the community, has also been completed and building of houses is due to start in two weeks.

Although opposition parties questioned the timing of the handover — two weeks before the elections — this did not concern the Ikau leader, pastor Mario Mahongo, who just wants to get the show on the road. He hopes to be relocated by the end of next year.

"We have lived with uncertainty and in tents for nine years. Lots of promises have been made. We hope this time we will move to a permanent home," said Mahongo, who fought against Swapo and is still a soldier.

Mahongo, 46, feels at home in South Africa, the home of his San ancestors. "Our life is secure; we are the yellow people, and we belong here. Our history is here," he said.

For his part, Richard hopes their new home will mean they can complete matric at last.
Northern Cape's first land claim speedily settled

THE first land claim in the Northern Cape was settled at the weekend when the Ronaldae community near Kimberley was officially given back the land.

The deal involves De Beers Consolidated Mines, which retains the mineral rights to the land, the community and the state, against which the claim was lodged.

This brings to 241 the number of restitution claims settled since 1995 at a cost of R90m.

The past few weeks saw just under 200 claims settled out of court in terms of new last-track procedures introduced in the restitution process at the end of last year.

At Kimberley, the Ronaldae community, consisting of black, coloured and white people, was removed between 1965 and 1966 in terms of the former government’s group area laws.

The now-defunct Group Areas Board bought Ronaldae without the mineral rights from De Beers in the 1960s, but the area was never developed into the planned white suburb next to Kimberley airport.

At the end of last year, the Land Claims Court ordered the Northern Cape provincial government to transfer the land to the Ronaldae Community Property Association, following the land claim lodged a year before.

At the time of the forced removal, the victims received between R600 and R2 000 compensation from the state, but they will now be able to return to the land.

Chief land claims commissioner Wallace Mgoqi said restitution claims were being processed faster since new procedures were set up.

Provincial and local authorities could not “stand and watch the parade go by”, as central government would consider legislation to enlist the co-operation of the authorities in settling claims on their land.

AB 24/01/99
It would have stood forever, says sorrowful son after accepting compendium from Handkom.

Family finally paid out for the house dad built.
My name is Ann, and I'm 25 years old. I was born in Hong Kong and have lived here all my life. My family and I have been working on this farm for generations. Our ancestors farmed here long before I was born.

We face many challenges, including unpredictable weather and occasional pests. But we are a strong and resilient family. We work together to ensure that our crops grow and our livelihood is secure.

One of the biggest challenges we face is the lack of water. Our land is dry, and the water table is low. We have to work hard to irrigate our fields and ensure that our crops get enough water.

Despite these challenges, we are grateful to be able to continue our way of life. We are proud of our heritage and our connection to the land. We hope to pass on our knowledge and our love for the land to the next generation.

Thank you for listening to our story. We appreciate your interest in our life on this farm.
COMPENSATION: Maxi Geswind received a cheque as the claimant for her late grandfather’s Malmesbury property, which her family was forced to vacate in 1972 under the Group Areas Act.

R1,6m payout for claimants

MELANIE GOSLING
STAFF WRITER

MAXI GESWIND was 21 years old when the apartheid government told her family they had to move out of their Malmesbury home and into a coloured township.

Yesterday Geswind was one of a group of 18 claimants given cheques by Land Affairs Minister Derek Hanekom as compensation for losing their homes in Malmesbury. The cheques amounted to R1.6 million.

“We lived in a big house with a big garden and a wendy, right in the dorp,” Geswind said. “I was born in that house, so was my grandfather. He said, ‘No, we’re not going.’ He went all the way to Cape Town to the Community Development Board and told them he wasn’t moving. They said: ‘We’re still going to bulldoze your house down.’”

That was in 1972, when many families were forced to move under Group Areas Act and were paid way below the market value for the properties they lost.

Geswind continued: “We lived in a cosmopolitan street. Our neighbour on one side was a Muslim and on the other side an Anglican priest. Next to him were real boeremense, next to them a Jew and next to him a Catholic Church.

“It was nice and cosy. If you didn’t like the food in your house you ran over to the neighbour. There was no racial stuff. We played together, ate together and slept together. We didn’t call each other ugly names. We just went to different schools,” Geswind said.

Her grandfather was the town blacksmith, as was her great-grandfather. “He was also the undertaker and made the coffins in the old wendies. But after he was forced to leave he had two strokes and could never work again.”

Many of the claimants, some in their 70s, had tears in their eyes as they waited to collect their compensation cheques.

There was a light moment when Hanekom quipped to a man in the audience: “And as soon as you’ve got your cheque, you’re going straight to the pub, aren’t you?” When the man failed to respond, Hanekom repeated his remark. Still the man sat silent.

Eventually the woman sitting behind the man said: “No sir, he’s our honmenee.”
State Launches New Land Reform Loan Facility
Launch of Land Reform Credit Facility
Tribe wants ancestral land

By Joshua Raboroko

Representatives of the Bakabong tribe in North West and a Government delegation were locked in talks in Pretoria yesterday about claims for the restitution of land rights in the Lichtenburg district.

About 1 000 people were forcibly removed from the district and resettled in Ramatlapana near Maikutse after the previous government declared their area a "black spot" in the then Bophuthatswana homeland.

An executive of the Land Access Movement of South Africa representing the tribe, Mr Chris Mabaliane, said people lodged claims for the restitution of land rights in 1991, but the process had been delayed.

He claimed the delay had apparently been caused by bureaucracy and that some farmers who had bought the land cheaply were reluctant to leave while others wanted to sell the land for millions of rand.

A Government source said the commission spokesperson Ms Japhatlane Kobali said the meeting was to discuss the claim lodged by the community living in Hebron.

Meanwhile, the regional land claims commission is to hold a meeting at Mmamoloko Moduane High School in Hebron village to discuss the claim lodged by the Gabane community who claim restitution of land rights for Sijambok Zyn Oudelxam.

The area comprises the land on which part of the Medical University of South Africa, Ga-Rankuwa township and neighbouring industrial premises are built.

The community was removed in 1962 and the land was developed to accommodate the university and the town.
Gillimberg community get own land

By HANGWANI MULAUDZI

PERCHED between two mountains and embedded in a stretch of green citrus trees, Gillimberg farm just outside Potgietersrus, Northern Province, will be full of activity when Land Affairs Minister Derek Hanekom visits the village today.

The community is set to get a stake and rights to occupy the state-owned land when Hanekom officially signs an occupational and shareholding agreement between the state, which is the land owner, the Bohwa Bha Rena Communal Property Trust and the Gillimberg Farming Company.

Land Affairs spokesperson Anton Janse Van Rensburg said the occasion symbolizes the government's commitment to give poor communities the right to buy shares and have a stake in the running activities of the farms they work on. He said during the 1970s the farms were expropriated from their white owners to create an "buffer zone" between the former Lebowa and Seshego whose land owners were compensated, for their loss, at market related prices.

The Agricultural and Rural Development Corporation (ARDC), as a subsidiary of the state and acting on behalf of the department of agriculture, established Gillimberg Boerdery on the farm.

The ARDC was the sole shareholder of this operation which established a citrus, tobacco, and cattle farm. The company employs 500 permanent and seasonal workers, most of whom live on the farms.

"In terms of the agreement, the 14 villages which make up Gillimberg will buy shares in the farming company and will receive occupational rights to a 22,952 hectare portion of the Gillimberg farms and houses will be built for them. In addition, the five tribal communities living adjacent to the Gillimberg namely, Matlala, Bakenberg, Bavaria, Mapela and Mashashane will receive portions of the farm not allocated to the trust for grazing," said Van Rensburg.

He said the state will purchase additional grazing land for these communities to meet their desperate need for land.
State to speed up land delivery

By Joshua Rabotoko

THE Government's land delivery process gathered momentum in two provinces at the weekend, including in one instance where Land Affairs Minister Derek Hanekom handed title deeds and share certificates to communities.

- A committee has been formed to investigate various options which Bakwena Ba Mogopa tribe could take to regain their land back or to opt for compensation or alternative land near Hebron village in North West.

The community was forcibly moved from Sambok Zyn Outskraal land, north of Pretoria, part of which comprises the Medical University of South Africa (Medsun) and the Garankuwa township and shopping areas.

- In a separate development, Hanekom visited a land reform project to hand over title deeds and to sign an occupational and share holding in Rethabseng in Gauteng on Saturday.

The project involves 309 households and encompasses small-scale commercial and subsistence farming. Hanekom handed over 11 title deeds.

- In another development, North West agriculture MEC OJ Tsipudi gave R3 000 "discretionary grants" to 22 people to facilitate their return to Doornkop near Ventersdorp where they were uprooted in 1978.

More than 100 people were settled in Canalagte district near Lichtenburg after their area was declared a "black spot" by the apartheid regime.

- A meeting between representatives of the Batloung tribe in North West and Land Affairs officials in Pretoria was postponed to Friday.

Gauteng and North West Land Claims official Mr Elias Khama said the projects showed that the Government was attempting to expedite the delivery process.

Communities that have problems should contact Land Claims commissioner Mrs Emma Mashuini in Pretoria.
Land reforms need more muscle, says SA official

Resettled communities need support to escape poverty trap, conference hears

Michael Hartman

"Government cannot compensate for mistakes when newly acquired land must not be allowed to constrain individual productive efforts and initiatives. Therefore, the department had to be strong in the rural areas," he said.

At a conference here yesterday, Adans told the 60 participants that the rural areas were starred to organise themselves. "Lack of support is needed from officials and society at large," Adans said. "The workshop, sponsored by the United Nations Development Programme, was attended by representatives of local government authorities, NGOs and other stakeholders."

Adans said that in the early stages of land reform, "it was difficult to negotiate with more beneficial and disadvantageous interests. It is important to provide production grants and training and strengthen and improve the practice of new government regulations."

"The process of land reform is a long one and it requires more muscle," Adans added.

"The process of land reform requires more muscle and support," he said. "The government must ensure that land reform is successful and that it is not constrained by the existing economic and social conditions."
Land reform and opening export markets head Didiza’s challenges

ALLAN SECCOMBE

Johannesburg – Opening export markets and hastening the development of black farmers and land reform was the challenge facing Thoko Didiza, the new agriculture and land affairs minister, economists said yesterday.

Didiza was appointed last Thursday, taking over from Derek Hanekom. Hanekom served as the first post-apartheid land and agriculture minister and is credited with fundamental reforms in a thorny portfolio.

Didiza was Hanekom’s deputy during the period he scrapped government subsides and agricultural boards that controlled marketing, and implemented land reform programmes.

“Hanekom freed up the markets but South African agriculture still has a lot of work to do to get into export markets,” said Johan Willemsen, an agricultural economist.

The market was pleased with Hanekom’s approach to liberalising agriculture and it was hoped that the course he had set would be maintained, said Jan van Zyl, the senior agricultural manager at First National Bank.

Critics say that the land reform and restitution process has been painfully slow, with some 64,000 land claims still to be dealt with over the next 10 years at enormous expense. By February only 31 claims involving the restoration of 174,000 hectares had been resolved at a cost of R25 million.

Although the government could expropriate land to tackle the most difficult of cases, to date it has not done so and has stuck to the willing buyer or willing seller route.

The National African Farmers’ Union, which represents small black farmers, said Hanekom had spent too much time on land issues and dealing with commercial farmers at their expense.

“The first thing we want Didiza to do is to help resource-poor farmers who want to become commercial farmers,” said Joe Kotsokoane, the union’s executive director.

Other issues for Didiza to address include disaster aid and the role of governmental finance institutions such as the Land Bank, which was supplying money at too competitive a rate, Van Zyl said. – Reuters
Land bill 'may not be best solution'

Wyndham Hartley

CAPE TOWN — Legislation allowing freehold title to tribal land may not be the best solution to tenure insecurity in traditional areas, Agriculture and Land Affairs Minister Thoko Didiza said yesterday.

She promised further consultation before a decision was made.

Didiza was responding to questions about a draft bill — prepared in the land affairs department — which is designed to give individuals title to tribal land in what would be a hammer blow to the authority of traditional leaders in outlying rural areas.

She acknowledged that the bill had been produced by the department, but emphasized that she would engage in further discussions with certain parties.

She warned that these discussions could show this legislation is not the desired instrument.

Didiza said that the challenge was to allow those who required communal ownership of land to do so, but to design a system which allowed freehold to those who wanted it and which also provided checks and balances so that ordinary people did not become victims of unscrupulous traditional leaders.

She said there also had to be measures which provided security for investors in rural areas.

Any legislative action taken had to avoid creating further problems of landlessness which could be caused by poor people selling land given to them for short-term economic relief.
Reclaiming the ‘good land’

Evidence wa ka Ngobeni

That’s where my father’s house used to be,” says Michael Ngobeni, pointing to a pile of rocks in the middle of an open field in Ventersdorp. “My parents built it in 1953. At the time, it was a comfortable home for us. We had a school nearby and a clinic. The soil was rich, considering that I used to plough potatoes, beans and sugar cane here. Really, our lives were good.”

He pauses. “White people then shunted off our wonderful home and dumped us on a dry land.”

Rusting trucks and an old car are all that remain from the days Ngobeni’s family left their land in a rush two decades ago. Yet, says the upbeat Ngobeni, the land is a paradise. “This land may have many rocks but we can remove them. This land may look dry now but there is underground water which once served our farming needs very well. As you can see, some of the boreholes are still visible and there are many who were ruined. I plan to live my whole life on this good land.”

The “good land” is Doornkop farm in the district of Ventersdorp in what was the Transvaal, later part of Bophuthatswana. Ngobeni’s family was among the first to settle there in 1953. In 1965, Ngobeni and 120 others were forcefully removed from Doornkop, despite having paid R55 each for their 8,5ha plots.

Ngobeni was only 15 years old when the trucks arrived to relocate his community to Gammadanga, more than 390km away. But he remembers every detail of November 3, 1979, when he was awakened by the sounds of dogs barking and people shouting. His father’s house was razed to the ground by police and soldiers in bulldozers.

The people were herded at gunpoint on to open trucks with sheep and cattle, and transported to their “new home”. “In that place any attempt to plant was futile. My father had to sell his trucks and farming equipment he used here,” said Ngobeni.

In Gammadanga, Ngobeni worked at a diamond mine, but he was retrenched in 1989. Since then he has been doing only “piece” work.

But now, 20 years after his father’s land was given to white farmers, Ngobeni has his farm back.

The commission on land restitution restored the Doornkop community’s ownership last week.

“We had been fighting a long battle with the government to give us our land back in the past, and now we have it, we must use it well,” said a delighted Ngobeni, adding that the R8,000 settlement grant he and the other 22 families received proves he will have a better life again.

The Land Claims Court will move swiftly to certify the ownership of former residents. Chief land claims commissioner Wallace Mgoqi said his department will soon issue certificates of ownership to the claimants.

He told the community: “We regret that some people died before they could receive their land, but it is with great rejoicing that those of you who are here today have your land back.”
Back to the Bad Old Days

Peter Dickson

M7 18-4-1999
The bittereinders of the Kalahari Desert

At a tiny settlement in the centre of Botswana's Central Kalahari Game Reserve, a small village is fighting a rearguard action against removal from their land. These are the bittereinders, among the last of the first people of Southern Africa. Photographers Paul Weinberg and writer Tony Weaever report.

Ten years later the reserve is open to tourists. In February last year, to celebrate Botswana's 20th birthday, a tour guide took tourists into the reserve - a one-hour drive from Maun's town. That same guide - a Bushmen man referred to as 'The Bushman' - says that he has been in the reserve for over 40 years. He lives in a wooden cabin with a thatched roof and a small garden. He has two children, a daughter and a son. He also has a dog which he takes out to hunt with him. The guide speaks five languages: Setswana, English, French, German and Arabic.

The Bushman says that he has lived in the reserve all his life and that he has never left. He claims that he has never had any problems with tourists. He says that he has never had any problems with tourists and that he has never had any problems with tourists.

"We have always had wild animals around us. We have always looked after them. We never killed more than we could.

"We have always had wild animals around us. We have always looked after them. We never killed more than we could...

The chief of Malopo, Sepe Gutsako, says that they say they want us out of here because of the animals, but we believe it is because of diamonds or oil.

"They say they want us out of here because of the animals, but we believe it is because of diamonds or oil...."
his grandfather lived with the animals, they are like our parents.

"We have always had wild animals around us. We have always looked after them; we never killed them more than we needed to. When I was a child, I knew the animals well. They were my friends."

At dusk, we walk around Mbololo with the chief's son. The chief says that he went to look for his grandfather against the wishes of Botswana's traditional leaders.

"I think the government will come with guns, we have no choice but to leave."

For years, the village has been asking government for compensation for the losses they have incurred. The government has not responded.

His grandfather says, "The government has promised us a lot of compensation, but we are not sure if we will receive it."

The chief says that the government has promised to pay compensation for the losses they have incurred.

New Xade: It is the permanent land of the Bushmen in the Kgalagadi, but it is a wasteland. It's just like this land and our children. There is very little wild food. The government has thrown us away, and we have no land.

The chief's grandson, who works in a nearby town, says that he is happy to live in a place where he can see wild animals.

"I am happy to be here, I can see wild animals. They are my friends."

The chief's grandson says that he is happy to live in a place where he can see wild animals. He says that he is grateful to be able to see them.

This is a place where we can see wild animals. We are happy to be here, we are happy to live in a place where we can see wild animals.
Reform land laws

The most creative way of combating South Africa's unemployment is to reform land laws and not labour laws, contends LC Jain.

Out-of-work adults wait on street corners in Johannesburg suburb in the hope of finding work or attracting the attention of potential employers.

One ground on which Kane-Berman wants Mbeki to cut Cosatu and others down to size is that the Government can then implement the Growth Employment and Redistribution (GEAR) strategy unhindered.

But the author must be aware that GEAR also envisages enhancement of employment and productivity in the agricultural sector. A precondition of such an enhancement is a reversal of the distortion induced by obe and oppressive land policies since 1912 - disposing millions of small black farmers of their productive assets and reducing them to servitude and destitution.

They are the bolt and hard core of the poor and the unemployed. Nearly three million of such farmers are still today condemned to the ghetto of degraded marginal holdings, underemployment and subsistence.

The first creative step in combating South Africa's remnant unemployment is to take steps to increase jobs and income manifold. The increased purchasing power will give a boost to demand for consumer goods and consequently to jobs in the secondary and tertiary sectors.

This requires reform of repressive land laws - more than of labour laws. Kane-Berman concludes: "The Mandela era is over and the country has to get down to business." But, dear author, whose business?

(The author is a development economist and a former high commissioner of India in South Africa.)
San fear land reform spells end of a people

ARGUS CORRESPONDENT

Kimberley – The San (Bushmen) fear “ethnic merging” could soon make them extinct.

The surviving 4 800 in South Africa of one of the world’s most ancient peoples are particularly fearful about a planned move from the Schmidsdrift military camp, about 100km from Kimberley, to a new site closer to the town.

The move is part of the land reform process, which will result in the eventual return of thousands of hectares of military property to the original inhabitants – one of many land claims being investigated.

The Tswana people succeeded in reclaiming Schmidsdrift, sparking the relocation of the San, said yesterday: “The Bushmen fear a swallowing up of their culture and their values when the 2 000 young people of the Schmidsdrift community reach Kimberley in the next few months. They want somewhere they can belong.”
Land claims meetings

By Gershwin Chuenyane

THE Regional Land Claims Commission for Gauteng and North West will hold a series of report-back meetings with Sophiatown claimants in Soweto this month.

The series of meetings, whose purpose is to report on the progress of the claims, discuss the valuation of Sophiatown houses, elect a representative, and collect the outstanding documents, will start tomorrow at Mampuru Hall in Dube at 2pm, according to the commission's spokesman Mr Molefe Mafou.

He said the second meeting will be on Saturday at Pace Commercial College in Jabulani at 2pm and the third at Diepkloof Hall, Zone 1 at 1pm on July 18.

Transport for the Mampuru Hall meeting has been arranged.

A bus will leave from Vincent Road, Zone 1 Meadowlands, next to Moshoe's old house, at 12.45pm.

It will stop at Meadowlands Police Station; Zone 5 shopping complex; Dube Hostel; Maponya's and Youth Alive Centre.

After the meeting the claimants will be transported back, Mafou said.

He said 460 claims for the restitution of land rights had been lodged to date.

Mafou said they had received about R 1,000 for property rights from people who had lived in Sophiatown.

He said Sophiatown was one of the urban claims that had been prioritised for a historical valuation.
Former SADF trackers stranded by the wayside in post-apartheid SA pay hidden price for bush war

in the wind

African dust

Life 19
Farmers spurn burials, fearing land claims

LOUIS TRICHARDT — Some farmers in the Northern Province are fighting to prevent dead farm labourers from being buried on their land because they fear the graves will be used as evidence in land claims.

The bodies of some elderly workers have been lying unburied in mortuaries for months while others have been dumped after farmers refused to allow the burials.

In the latest incident a farmer allowed the body of a 105-year-old labourer to be buried on Sunday only after the man’s wife signed an agreement never to use the grave as a basis for a land claim.

The agreement signed by Mampho Muravha also prohibits her children or any other relatives from claiming the land on which the couple had lived for 40 years while working as cattle herders for Gert Smith.

Muravha’s husband, Majoni Ncube, died on July 4 and was buried only after a week.

Smith insists there was no malice behind the agreement.

“I care for these people. I’ve known them my whole life. They’ve been loyal but I am afraid that their children or other relatives might come back in 20 years and use the grave as an excuse for a land claim. I have to protect my land and my own children’s future,” he said.

The couple worked for Smith’s father in Soekmekaar until 1981 when Smith brought them to work on his Luvuhu Farm near Louis Trichardt.

The agreement was brokered by Nkazi Development Association fieldworker Shirimbi Shirinda.

Shirinda concedes the agreement is unusual but emphasizes that it allows Muravha to continue living on the farm, to bury her husband with dignity and grants her free access to the grave until her own death.

“It’s a far better deal than others have got in this province and it is all that Muravha wants at this stage,” said Shirinda.

Messina police have meanwhile charged a local mortuary owner for dumping the corpse of an 82-year-old farm labourer in a shed two weeks ago.

Messina Funeral Undertakers owner Nico Stapelberg admitted to dumping the body of Chequela Mabasa after it lay in his mortuary for six weeks because the man’s employer refused to bury him on his farm.

Farm owner Andries Fourie was not at home when Stapelberg dumped Mabasa’s corpse in a small farm shed.

However, farm workers immediately phoned the local police station to collect the body.

The police drove 40km to Fourie’s farm and took the body to their own mortuary. Mabasa was given a pauper’s funeral in the Messina cemetery last Friday.

Stapelberg told his workers to return Mabasa’s body to Maswi farm after Fourie refused to bury it and no one paid the R800 the mortuary was charging for storing it. — Sapa.
Farmers fear workers' return to haunt them

LOUIS TRICHARDT: Farmers in the Northern Province are fighting to prevent farm labourers from being buried on their land for fear the graves may be used as evidence in land claims.

The bodies of some workers have been lying unburied in mortuaries for months. Others have been dumped after farmers refused to allow the burials.

In the latest incident, a farmer only allowed the body of a 105-year-old labourer to be buried on Sunday after the man's wife signed an agreement never to use the grave as a basis for a land claim.

The agreement signed by Mampho Muravha prohibits her children or any other relatives from claiming the land on which the couple lived for 40 years while working for Gert Smith.

Muravha's husband, Zimbabwean-born Majoni Nhube, died two Sundays ago at the reputed age of 105. He was buried last Sunday.

Smith insists there was no malice behind the agreement. "I care for these people. I've known them my whole life and they've been loyal but I am afraid that their children or other relatives might come back in 20 years' time and use the grave as an excuse for a land claim," he said.

"I have to protect my land and my own children's future."

The couple worked for Smith's father in Soekmekaar until 1981, when Smith brought them to work on his Luvuvhu Farm near Louis Trichardt.

The agreement was brokered by farm activist and Nkuzi Development Association fieldworker Shirimi Shirimba.

Shirimba concedes the agreement is unusual but says it allows Muravha to continue living on the farm, to bury her husband with dignity and grants her free access to the grave until her own death.

"It's a far better deal than others have got in this province and it is all that Muravha wants at this stage," said Shirimba.

Messina police have meanwhile charged a local mortuary owner for dumping the corpse of an 82-year-old farm labourer in a farm shed two weeks ago.

Messina Funeral Undertakers owner Nico Stapelberg admits to dumping the body after it lay in his mortuary for six weeks because the man's employer refused to bury him on his farm. — Sapa
San Group at Schmidtheirft faces extinction

Skillful trackers backed the wrong horse when they volunteered for Righted's Millitary machine
Farmers stop burials for fear of land claims

Farmers in Northern Province are fighting to prevent dead farmworkers from being buried on their land for fear the graves will be used as evidence in land claims.

The bodies of some elderly workers have been lying unburied in mortuaries for months, while others have been dumped after farmers refused to allow the burials, reports Sapa.

In the latest incident a farmer allowed the body of a labourer to be buried on Sunday only after the man’s wife signed an agreement never to use the grave as a basis for a land claim.

The agreement signed by Mrs Mampho Muravha also prohibits her children or any other relatives from claiming the land on which the couple have lived for 40 years while working as cattle herdsmen for Mr Gert Smith.

Muravha’s husband, Zimbabwean-born Mageni Nkwebe, died last Sunday at the reputed age of 105 years. He was buried a week later on Sunday.

Smith insists there was no malice behind the agreement

“I cure for these people. I’ve known them my whole life and they’ve been loyal but I am afraid that their children or other relatives might come back in 20 years time and use the grave as an excuse for a land claim,” he said. “I have to protect my land and my own children’s future.”

The couple worked for Smith’s father in Soeknecuur until 1981, when Smith brought them to work on his Luvuvhu Farm near Louis Trichardt.

The agreement was brokered by farm activist and Nkunzi Development Association fieldworker Mr Shabhami Shirinda.

Shirinda concedes the agreement is unusual but stresses that it allows Muravha to continue living on the farm, to bury her husband with dignity and grants her free access to the grave until her own death.

“It’s a far better deal than others have got in this province and it is all that Muravha wants at this stage,” said Shirinda.

Meanwhile, Messina police have charged a local mortuary owner for dumping the corpse of an 82-year-old farm labourer in a farm shed two weeks ago.

Messina Funeral Undertakers owner Mr Nico Stapelberg admits to dumping the body of Mozambican-born Chequela Mabasa after it lay in his mortuary for six weeks because the man’s employer refused to bury him on his farm.

Farmer Nzer Mr Andre Fourie was not at home when Stapelberg dumped Mabasa’s corpse in a small farm shed but farmworkers immediately phoned the police to collect the body.

The police drove 40 kilometres to the farm and took the body to their own mortuary. Mabasa was given a pauper’s funeral at Messina Cemetery last Friday.

Stapelberg told his workers to return Mabasa’s body to Muswin Farm after Fourie refused to bury it and no one paid the R800 that the mortuary was charging for storing it. Mabasa has no relatives in South Africa.

Thembela Molefe reports that in North West the battle continues to stop pauper burials of farmworkers.

Efforts are at present underway in Sonop, near Brits, to prevent paupers’ funerals for 18 farmworkers whose bodies are being kept at a private mortuary after being transferred from various state mortuaries, said welfare official Mr Ottilie Moselele.

In March the Sonop welfare department arranged the mass burial of 22 people, including a one-month-old baby, after they were dumped in surrounding hospitals and in the open, allegedly by farmers in the Hartbeespoort Dam area.

Earlier in January another 18 farmworkers’ bodies were exhumed and reburied in Sonop.
Sophiatown Land Claims Meeting

Selection 16/14/19

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A First for the Land Claims Court
Land vouchers may replace cash payments for restitution claims.
From forced-removal victims to drivers of SA land reform

Sharp shift in thinking is under way about residues of resettlement, writes Louise Cook

IMPACT: What is happening to 600 000 landless households?
R16-m payout on land claim deal

Durban - The Land Claims Commission today announced that an agreement had been reached on the restitution claim lodged for land on the eastern shores of Lake St Lucia, north of Durban.

The agreement makes provision for those households removed from their land between the 1930s and 1970s to receive more than R16.6-million in financial compensation for lost land rights.

Each verified claimant household will receive about R80,000.

A deal was being finalised between claimants and the KwaZulu Natal Nature Conservation Services for a heritage site on the eastern shores. - Sapa
Milestone set with St Lucia land restitution settlement

Louise Cook  BD 17/1999

A LAND claim on southern Africa's largest natural estuary nominated as a world heritage site at Lake St Lucia in KwaZulu-Natal was settled on Friday.

In a historic agreement between the 450 claimant families and Nature Conservation, provision was made for the households who were removed from their land between the 1950s and 1970s to receive R16 880 000 as financial compensation for lost land rights.

A further agreement is being finalised between the claimants and the KwaZulu-Natal Nature Conservation Services for a 3ha heritage site on the eastern shores of the lake.

The restitution commission said at the weekend the claimants would also have access to various other benefits, like a cut of the gate levies for tourists who enter the area. This would be paid into a special trust.

"This agreement heralds a milestone for restitution outcomes despite the complexities of the eastern shores claim," regional commissioner Sheryl Walker said. The claim had been a major focus of attention for years as it had been on conservation land covered by the Lubombo Spatial Development.

Negotiations brokered by the restitution commission on the eastern shores of the lake moved slowly but steadily, she said.

"In October last year the commission organised a successful preliminary poll of the individual members of the community, followed by a further poll in February this year to finalise the range of restitution options desired by the members of the claimant community.

"In the meantime, the land affairs department completed a valuations exercise and prepared a formally mandated offer for the community," she said.

This weekend's agreement recognises the interests of all primary stakeholders in the area. The commission said that while claimants' rights had been recognised, the ecotourism potential of the area would continue to contribute to the economic development of the province. Each claimant family would receive R30 000 compensation."
This field is our field, says people of N Cape

LEGAL TUSEEL OVER RICHFIELD
Toskern, September 4, 1999
Only the scent of land, and nothing more.
Claremont falls under land claims scrutiny

PRISCILLA SINGH

THE land restitution process has moved to Claremont, where resettlement will become a reality in six months' time when the 330 claims for the area are to be settled by the Land Claims Commission.

So far, 270 Claremont claims are on track to be settled by March, while 500 claims will be ready for District Six claimants.

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.

Chief commissioner Wallace Mgqol is confident that claims for Claremont and District Six will be finalised by March next year. He added that a national target of 3 000 settled claims has been set for this deadline.

Mgqol briefed the National Council of Provinces and the parliamentary portfolio committee for agriculture and land affairs yesterday and said that each of the six offices had been asked to settle 500 claims by March next year. So far only KwaZulu-Natal and the Eastern Cape have reached that goal, according to Mgqol.

Among the claims to be finalised by the end of March are properties in Sophiatown and Fageville in Gauteng, Moutse in the Northern Province and Cato Manor in KwaZulu-Natal.

Kwandl Kondlo, head of research for the Land Claims Commission in the Western Cape and Northern Cape, said the Claremont claims have to go through various processes before they can be finalised.

Currently about 36 claims are being researched in Claremont and six are ready for resettlement. These are erven 53373, 53167, 53223, 53311, the remainder of erven 53607, erven 55461 and 55577.

Some of the land claims fall on the sites of Cavendish Square and Harfield Village. Most claimants have indicated that they want monetary compensation because restoration is not feasible and the land is developed.

"There are claims on the Cavendish Square site and these will be going for initial validation to verify the claims," said Kondlo. "The Western Cape is quite advanced with the claims and..."
NGO accuses Didiza of halting land reform

By Jimmy Seepe
Political Correspondent

THE National Land Committee (NLC), a non-governmental organisation which has championed the rights of the rural poor, has launched a scathing attack on Minister of Agriculture Thoko Didiza’s performance, claiming that rural reform has come to a standstill.

The committee, which recently held its AGM in the Southern Cape, said it has noted with great concern that the post-June 2 election period has seen a marked slowdown in land reform.

The NLC accused Didiza of showing little interest in land and agrarian reform which it defined as “key pillars of any sustainable rural development programme in the country”.

Spokesman Wayne Jordaan said the NLC and its rural constituency had hoped that it would see the new minister introducing new programmes to expand the options of the rural poor.

“As the 100-day mark of the new Government has come and gone, the NLC notes with alarm that land reform efforts have come to an apparent standstill,” he said.

Minister of Agriculture Thoko Didiza.

Jordaan said this was true about the long-awaited Land Rights Bill, which appeared to have been put on hold indefinitely.

“Draft legislation has been in the pipeline in the Department of Land Affairs for more than two years. This legislation aimed to provide tenure security to millions of people using or occupying land in the former homelands and South African Development Trust lands,” NLC said it wants Didiza to give an indication of when she intends to forward this important draft bill to the Cabinet.

Jordaan said the land reform redistribution programme had also come to a standstill. “No new redistribution projects have been approved since the new minister was appointed.”

“Redistribution is one of the three government land-reform programmes and it is the most important means of shifting the balance of land ownership away from our apartheid past.

“It is the only way that many landless people can access land for housing and economic activity with the help of a R16 000 government subsidy,” he said.

“Many families and communities that have endured the long application process for land through the redistribution and restitution programmes have not moved on to their new land simply because there is no support available for them to do so,” he said.

“Successful land reform requires that basic needs, including water, housing, road access, schools and clinics be made available.”

Didiza’s office said yesterday that she was not available to respond to the NLC accusations as she was in Nigeria accompanying Deputy President Jacob Zuma.
Minister defends freeze on grants
Swiss cash for change

A t the Masakhe Primary School in Duncan Village outside East London, the entire school came out on Wednesday to welcome their guests with singing and fluttering flags.

Surrounded by newly built classrooms, they were gathered on a tarred courtyard with the markings for a netball court.

A few metres away there was the shell of a burned-down school, damaged in the late 1980s, like the rest of 11 schools in the area, during violence in the township. At Masakhe, the principal and staff are proud that they have lived up to their name of “let us build”.

But it has taken since 1988, when work first began, for the school to be fully operational again and its completion is due to money donated by the Swiss government.

The school is one of several in the region supported through aid programmes, and is now seen as a success story, says Markus Antonetti, counsellor at the Swiss embassy.

Swiss foreign affairst minister Joseph Deiss visited the school and a land restitution project on Wednesday to get an idea of some of the projects his government’s R240 million programme has sponsored.

Since 1994 aid has been granted to educational, human resources development, human rights and land reform projects.

Special emphasis was placed on democratization and conflict resolution for which another R80 million was granted.

While strong ties already exist between the two governments — former president Nelson Mandela visited Switzerland in 1997 and the Swiss president, Flavio Cotti, visited here last year — Deiss says his government decided there was a need to “remain committed to assisting South Africa’s transition”.

He and his counterpart, Dr Nkosazana Zuma, signed a memorandum of understanding this week which commits the Swiss to further development cooperation until December 2004.

The agreement “recognises that the reduction of poverty and the democratic transformation of society are the main objectives of development cooperation”.

Again emphasis will be placed on education, good governance and land reform.

At the school, the minister was told by Eastern Cape education MEC Stone Sizani of the need for partnerships in the reconstruction of the country and emphasised the government’s inability “to do things on its own”.

He outlined plans for building up the capacity of the staff, improving on the management and material resources of the schools, greater community involvement and the formation of an Eastern Cape Development Trust, which is being done in concert with local industry. Later, in nearby Macleanstown, Deiss was told of how local organisations had worked out a model for more integrated development around restitution.

Unlike the rest of the country, sorting out land claims has been slow. There have been 200 settlements out of more than 7200 claims received in that province and there is still the issue of some who had missed the deadline.

In Macleanstown, at least 72 families, now scattered all over Eastern Cape, are in line to get their land back.

They will share the land with 150 farm-dweller families already there.

The Border Rural Committee, which has been spearheading the claim, boasts that they have set up a steering committee with representatives from the communities as well as the government “to ensure accountability throughout the process”.

They also insisted on the local government being represented so as to get guarantees that the sites will be serviced once given back to the original owners.

However, whether or not there will be adequate employment remains unclear.

For the Swiss foreign minister, seeing “the determination of people to change their lives was most rewarding”.

“When we started with our special assistance for South Africa in 1994, we wanted to contribute to the peaceful transition. We remain dedicated to that.”

Before 1994, Swiss aid was dedicated almost entirely to non-government organisations.

Ironically, South Africa does not strictly qualify for aid, since it is not seen as a completely poverty-stricken and under-developed country.

However, the Swiss government decided that there would be “long-term benefits” from assisting in the transformation, says Antonetti.

Deiss says that the partnership with South Africa extends to cooperation in the region and the rest of the continent.

Cooperation is also taking on a unique form: a Swiss diplomat will serve an internship at the Institute for Security Studies in Pretoria to gain a better understanding of security issues in the region.

“As we help in peacekeeping activities, we need to work together with South Africa,” he says.

Both countries are backers of the Arasha peace talks for Burundi. The talks hit two setbacks this week, with renewed violence in the Great Lakes region and the death of its chief broker, former Tanzanian president Julius Nyerere.

Despite that, he has no doubt that both Switzerland and South Africa were firmly committed to the process, and would remain so, says Deiss.

As for the contentious issue of debt incurred by the apartheid regime at Swiss banks, Deiss said that the facts were being “looked at”.

He would not say whether or not his government would urge the institutions to write off the debts, which is being demanded by local and global lobby groups.

“There is research still to be done and the facts are being put on the table. If we find that there was illegal activity, then we can look at taking action.”

Deiss was on his first abroad since he became foreign minister. His visit to Africa included Tanzania and Mozambique.
WE WANT OUR LAND BACK
Bid to settle District Six claims hampered

Louise Cook

DIVISION among claimants was hampering progress in settling the high-profile District Six land claim, sources said yesterday.

In addition, a special office set up two years ago to deal specifically with more than 2 000 claims in District Six, was facing closure in March next year.

Regional restitution commissioner Alan Roberts said yesterday that once the office was shut, the work would be taken over by the land affairs office in Cape Town.

"By the end of next year I hope to have tangible agreements to take forward. Restoration of original land will be very difficult as development like the Cape Technikon has taken place in the area and restitution would probably have to include a combination of financial settlements and alternative land."

The District Six Restitution Trust representing many of the claimants was not available for comment.

During the 1960s and 1970s more than 20 000 people, many of them tenants, were removed from the area by the previous government.

Roberts confirmed that no claims in the area had been settled yet.

23/11/99 (81) (571)
Land court orders expropriation

Loure Cook

The Land Claims Court has ordered the expropriation of land for restitution purposes since its inception. In addition, the claimants in land rights were upgraded to full ownership of the farm despite having enjoyed only informal occupation of the land in the 1950s. The landmark judgment last week relating to the 100-member Kranpoor community is expected to benefit thousands of labor tenants on farms in South Africa. Regional land claims commissioner Duilio Galli said yesterday that the court accepted that if it was not for the racially discriminatory laws of the past, they would have been the land owners. Mr. Galli said it was also the first time that the court took into account the hardship suffered during the removal of the Kranpoor community from its farm in 1995 when conflict erupted between different groups on the land. However, insisting that they be allowed to return to the farm. The church subsequently sold the land to the community. However, insisting that they be allowed to return to the farm.
Big push to speed up District Six land claims

UWC roped in for validation

ASHLEY SMITH
Star Reporter

The University of the Western Cape has been roped in to speed up the painfully slow validation of more than 1,700 claims of District Six tenants who were forcibly removed in the 1960s.

And D-day for their final report is June next year.

The validation and processing of about 900 claims of individual landowners who were also thrown out by the apartheid government under the Group Areas Act will be taken over by the Land Claims Commission, provincial Land Claims Commissioner Alan Roberts confirmed.

This dramatic move follows an ongoing battle by District Six residents to reclaim their heritage 39 years after apartheid bulldozers razed their cosmopolitan community, nostalgically known as Fairyland.

At the heart of the matter are families who were moved to what has become the soulless, crime-infested areas of the Cape Flats.

People wanted to move back to District Six, but delays in the processing of claims have stalled the process.

Healing the painful wounds and legacy of racism in District Six has taken several knocks over the last few years with squabbling between former residents and the government about who should control redevelopment of the area.

It took several discussions and intervention by the then Minister of Land Affairs Derek Hanekom to get things moving. He ordered the land restitution and development process back to the drawing board in January last year.

Eight months later residents claimed victory when the Land Claims Court ruled that they should drive the redevelopment of the area, but because of the slow process of validating claims the development has been on hold ever since.

It is in this context that the university enters the fray: as the city enters a new millennium still battling to heal the scars of the apartheid past.

Mr Roberts confirmed this week that the District Six Validation Unit which had previously dealt with the claims and was administered by the Restitution Trust Fund (RTF), would close its doors at the end of March because of a lack of funding.

The university – which successfully tendered to replace the processing and validation of the tenant claims – would speed up the process because compared to the validation unit which only had three people working for it, UWC had access to more resources, Mr Roberts said.

As part of UWC’s contract with the commission they are required to hand in a final report by June.

Mr Roberts said this in turn would speed up the redevelopment of District Six and go a long way to finalising what financing would be offered to those claimants whose land had already been developed as part of the Cape Technikon and surrounding businesses.
E Cape land claims court returns land to Transkei Methodists

WHEN the Methodist Church took a stand against separate development 20 years ago by refusing to send Christmas greetings and goodwill messages to apartheid and homeland presidents it was banned by the Transkei government. In the process, its property was confiscated as well.

This week the Bensonval Missionary Institute, a branch of the Methodist Church of South Africa in Herschel, regained its inheritance when the Eastern Cape land claims commission settled the church's claim to have its land and property returned.

Eastern Cape land claims commission spokesperson Wanda Mabuthuwa said: "This is the first time that we are celebrating the settlement of such a claim. This provides an opportunity for the commission to further develop a rural focus to the settlements claims."

The Bensonval Institute was used by white missionaries and later by educated blacks for developmental purposes and had among other projects, a dairy farm, tennis court, mission houses, a college of education and a clinic, Mabuthuwa said.

A member of the Bensonval Institute, the Rev Selby Madwe, said the claim was instituted by a group of lay people belonging to the church and was well supported by the bishop of the Methodist Church, the Rev Mvume Dandala.

Madwe said it would cost millions to rebuild the church and start development projects as the centre was looted and left in ruins by Transkei ruler Kaizer Matanzima and his administration.

Explaining the split of the church into South African and Transkei blocs, Madwe said on January 12, 1978 the Methodist Church of South Africa was forced to hand over several movable and immovable properties in the Transkei to the homeland authorities.

The process was made permanent by a piece of legislation passed by the then Transkei government banning the church for opposing apartheid.

Ironically Matanzima was a senior member of the church and had attended a conference that passed the decision to take a stand against separate development, he said.

"In his reaction, Chief Matanzima said that the Methodist Church of South Africa was an undesirable organisation, therefore a Methodist Church of Transkei would be established and South African members of the church would be expelled from Transkei," Madwe said.

Following the ANC's take over of government, the Methodist Church lodged a claim last year for the return of its property, which had since become "seriously dilapidated".