RESETTLEMENT — 1995

JAN. — OCTOBER

Hanekom releases shortlist for land claims commission

(271) Star 6/11/95

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

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

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

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

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

Others on the list are Mary Simons, Dr S K Matseke, Joe Seremane, the Rev Mamabolo Radifadi Raphesu, Werner Kirchhoff and Buntu Boniface Mfenyana.

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

Written comments should be faxed to (012) 341-4188. — Sapa.

Short list released for land commission posts

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

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

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

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

Academics listed are Prof Aubrey Cliffton Redlinghuis of the University of the Western Cape, Cheryl Walker of the University of Natal, and Dr Peter Mayende of the University of Transkei. BD 6/1/95

Non-government organisation officials are Josette Cole, director of the Cape-based Surplus People's Project, Johannes Rantete, co-ordinator of the National Housing Forum, Emma Mashinini, a trustee of the Transvaal Rural Action Committee, and Harald Winkler, a field worker for the East London-based Border Rural Action Committee. (271)

Others on the list are researcher Mary Simons, educationist Dr SK Matseke, SA Communication Services assistant director Joe Seremane, SA Council of Churches official Rev Mamabolo Radifadi Raphesu, Johannesburg land surveyor Werner Kirchhoff, and Buntu Boniface Mfenyana of the Queenstown Education and Training Forum. The public is invited to attend interviews with the candidates on January 12 and 13 in Pretoria. — Sapa.

Land Claims court nominees named

(271)

By BARRY STREEK
Political Staff

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

Others on the short list include Professor Aubrey Redlinghuis, Surplus Peoples' Project's director Ms Josette Cole and iKapa interim administrator Mr Wallace Mgoqi. CT 6/1/95

Also nominated were attorneys Mr Wouter Jordaan from Kuruman and Mr Marchand de Kok from Bloemfontein, Ms Cheryl Walker of the University of Natal and Dr Peter Mayende of the University of Transkei.

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

Others on the short list include educationist Dr S Matseke, Mr Joe Seremane, the Rev Mamabolo Raphesu, Johannesburg land surveyor Mr Werner Kirchhoff and Mr Buntu Mfenyana.

They will be interviewed publicly on January 12 and 13 in Pretoria.

Redress for Group Areas victims?

(271) CT 13/1/95

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

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

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

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

At the same it warned against "the danger implicit in the view that affirmative action is of a retributive nature".

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

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

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

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

General principles on the relationship between individuals should rather be embodied in specific legislation, the commission said. — Sapa

'Group areas victims should be recompensed'

(271)

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ARGT 13/1/95

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Group Areas victims should be compensated – law commission

Star 13/11/95 (271)

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Regulate

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HANEKOM'S TEAM . . . panelists Mojanku Gumbi, Barley Sibisi, candidate Johannes Rantete and panelist Louise Tager

Candidates vie for land commission's shortlist

By TENDAI DUMBUTSHENA

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

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

Chaired by Barley Sibisi, adviser to Mr Hanekom, the panel interviewing the candidates comprised Louise Tager, Mojanku Gumbi, Bonile Jack, Aninka Claassens, Nic Olivier and Appie Steenkamp.

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

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

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

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

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

All claims must be lodged within three years of establishment of the commission.

(271) STIS 11/95

Land: Hanekom will choose

Star 17/1/95

BY JO-ANNE COLLINGE

(271)

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

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

The 15 candidates are Wallace Mgoqi, Professor Aubrey Cliffton Redlinghuis, Josette Cole, Wouter Hugo Naude Jordaan, Johannes Matshutshu Rantete, Marchand de Kok, Mary Simons, Cherryl Jane Walker, Dr S K Matseke, Emma Mashinini, Joe Seremane, Harald Ernst Winkler, Dr Peter Gili Ntsikelelo Mayende, the Rev Mamabolo Radifadi Raphesu, Buntu Boniface Mfenyana and Werner Kirchhoff.

Land reform: Who'll talk?

CT 18/1/95

PRETORIA. — Land Affairs Minister Mr Derek Hanekom has forbidden officials in his department to discuss the land reform pilot programme with the press, a source has claimed. (271)

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

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

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

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

Nod for land commissioners

CT 19/7/95

PRETORIA. — The cabinet yesterday endorsed Land Minister Mr Derek Hanekom's choice of commissioners to consider claims of people who lost their land under apartheid. (271)

Mr Hanekom named Mr Joe Seremane, of the SA Communications Service, as chief land claims commissioner. — Reuter

NEWS

Guidelines for claims still to be drawn up

Land rights commission set up

(271) Star 19/1/95

BY JO-ANNE COLLINGE

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

The position of chief land claims commissioner will be filled by Joe Seremane, best known for his human rights work in the South African Council of Churches. The regional commissioners are. Western Cape — lawyer Wallace Mgoqi of the Legal Resources Centre; Eastern Cape — Dr Peter Mayende, who formerly held the Pan Africanist Congress's land portfolio and now works for Idasa; KwaZulu/Natal and Free State — academic Cherryl Walker, a major contributor to the Surplus Peoples Project which helped raise awareness of forced removals in the early 1980s; and Gauteng, North West, Northern Transvaal and Eastern Transvaal — Emma Mashinini, former trade unionist and a leading figure in the Anglican Church's social justice programmes.

Congratulating the successful candidates, who were chosen from an initial 202 nominees, Hanekom said it was now up to the commission to "draw up guidelines, procedures and requirements for the lodging of land claims" by those who were dispossessed of their land

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

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

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

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

Unpaid bill keeps land out of reach

BD 19/1/95

LOUISE COOK

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

(271)

Only 100 members of the 500-member community, forced to move 20 years ago, had so far returned after government restored their land to them as part of the land restitution process, officials said.

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

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

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

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

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

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

Sources said government had budgeted about R12 000 per family for resettlement aid. R316m was allocated last year for pilot land reform projects.

The Riemvasmaak community won their land resitution claim last year. The first group returned to the Upington district at the weekend.

Land commissioners named

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

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

BD 19/1/95

The appointments were SA Communication Services assistant director Joe Seremane as chief land claims commissioner; Cape attorney Wallace Mgoqi as regional land claims commissioner for the Western and Northern Cape; Transkei University's Peter Mayende (Eastern Cape); Natal University's Cherryl Walker (KwaZulu/Natal and Free State); and Transvaal Rural Action Committee trustee Emma Mashinini (Gauteng, Northwest, and Northern and Eastern Transvaal).

Hanekom said it was now up to the commission to take the process further by drawing up guidelines, procedures and requirements for lodging land claims and other related measures.

"The commission will have the full support of myself and my department," Hanekom said. "Provision has already been made for the appointment of staff of the Land Affairs Department to serve the commission in an administrative and professional capacity.

The commission's regional offices were also being selected and would be made public once the issue was settled.

He said there had been 202 names received at the closing of nominations on December 31.

Some candidates had been unable to serve on a full-time basis. If the workload required expansion of the commission later on, he would "approach some of the other members on the short list".

INGRID SALGADO reports that Mashinini said she hoped there would be co-operation and assistance from all parties involved.

There were a number of people who had been "parcelled around so much they did not know when they had been removed and she hoped this would not prove to be a problem.

The commission was likely to operate for three years, she said.

(271)

Pupils replace peer's Titian

Own Correspondent

LONDON — The Marquess of Bath has had his stolen £5m Titian replaced by a series of children's impressions of the masterpiece.

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

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

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

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

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

Army has no plans to recognise union

BD 19/1/95

BONILE NGQIYAZA

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

Col Brian du Toit said: "As far as I know there are no negotiations with the union at this point although there have been negotiations with (SANDF chief) Gen Georg Meiring at army headquarters previously."

Union organiser Maj Cor van Niekerk said last year he expected the army to recognise the union by the end of this month.

New army chief Lt-Gen Reginald Otto said on Tuesday there was no necessity for a union within the army. "It is not necessary for anyone to decide for a soldier. Proper channels exist."

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

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

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

Van Niekerk said last year his union had received more than 3 500 membership applications.

(271)

Another boost for land reform

(271)

Star 20/1/95

■ STAFF REPORTER

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

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

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

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

Other members of the commission are Dr Deon Brand (Department of Finance), Dr Helena Dolny (Wits Business School), advocate Steven Goldblatt (Johannesburg Bar), Fanie Hugo (Land Bank), Bonile Jack (National African Farmers Union), Deon Joubert (Department of Agriculture), Dr Mike Lamont (Reserve Bank), Totsie Memela (Perm Bank), Daphne Motsepe (National Sorghum Breweries), Kgotoki Nhlapo (private consultant), Jack Reath (South African Agricultural Union), Dr Nick Vink (Development Bank) and Peter Wrighton (Premier Group).

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

Submissions should be sent to: The Secretary, Commission of Inquiry into the Provision of Rural Financial Services, Box 1234, Halfway House 1685. Fax number: (011) 313-3405.

Land claim agents prey on victims of apartheid

ARG 24/1/95

(271)

CLIVE SAWYER
Political Correspondent

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

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

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

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

Regional offices of the commission were being set up.

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

Individuals and communities could submit claims.

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

They could also contact the national land committee or legal resources centre.

Land laws probe ordered

CT 24/11/95

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

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

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

(270)

Restitution rip-off alert

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

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

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

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

Hanekom warns claimants

ADRIAN HADLAND

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

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

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

Hanekom said the restitution process had been structured in such a way that claims from both individuals and communities could be submitted directly and free of charge to the Restitution of Land Rights Commission. (271)

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

"The commission will be accessible to everyone and will be able to assist claimants in documenting their claims."

A campaign would be launched soon to inform people how and where to submit their claims, Hanekom said.

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

Hanekom, meanwhile, told Parliament yesterday that a task team had been appointed to undertake a comprehensive investigation of all existing land administration laws. BD 24/1/95

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

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

The occupation of state-owned land in these areas, the granting of permits and lease contracts, the subdivision of land and general township administration functions were among difficulties that would be addressed by the task team.

ARG 24/1/95

Move on land administration

CLIVE SAWYER (271)
Political Correspondent

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

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

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

Some land matters could be performed effectively only on a local or provincial level, he said.

RDP office approached for land cash

LOUISE COOK

THE Land Affairs department had approached the office of the RDP minister for a "substantial" amount of money to be able to meet Eric Builen's claims, it was said yesterday.

Builen said the amount it can meet by the department so far had been but R100m less than the amount he had asked for.

The money has been provided by the Development Bank of Southern Africa.

Builen said claims under the Restitution of Land Rights Act, which covered 4 000 people, could cost R4,5bn.

It was also said that the department had spent R64,5m in the last financial year.

Builen said the department was not part of the amount still left over from last year's budget.

The R64,5m was spent on basic infrastructure, it is claimed.

Builen said the first 10 communities to be settled would cost R1,2bn.

"This support should be spent during 1995 and 1996 on the development of the communities who succeed in claiming back land which they had lost," he said.

Builen said the department had spent R1,2bn on the upcoming land restitution process.

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

(271) Sowetan 26/1/95

Clan plans to repossess their land

By Khathu Mamaila

HUNDREDS of families of the Nefolovhodwe clan, who were forcefully removed from their land near Messina to gave way to for white farmers, are preparing to repossess their land, a spokesman has said

Mr Pandelani Nefolovhodwe, who is also deputy president of the Azanian People's Organisation, said the families were preparing to move back to their land which was taken from them shortly after the 1913 Land Act was passed.

He said the clan had approached attorney Mr Don Nkadimeng to lodge a claim with the land commission

The area, now known as Madimbo and Tshenzhelani, has been developed by white farmers.

Asked if the clan would continue with farming in the area, Nefolovhodwe said his people's ability to farm was unquestionable.

He said his people's farming had not been very prosperous in the past few decades as they had been forced to stay on barren land.

"We are going back to our ancestral land," said Nefolovhodwe. "Even the white farmers who are still staying on the farm know that the land belongs to us. That is why they allow us to go to our ancestors' graves once a year to perform rituals.

"There should be no problem for them to give us what is rightfully ours."

Nefolovhodwe said the local headman, Mr Samuel Nefolovhodwe, who died in April last year, was buried with his forefathers on the land.

Nkadimeng confirmed that the clan had requested him to handle the matter.

"We will register our claim with the land commission as soon as it has started operating. We will demand the land and compensation for the damages caused by the forced removals," he said, adding that the claims would amount to several millions of rands

He said it was up to the Government to compensate the farmers for any developments made on the land.

'Compensation not solely based on market value'

(271) Star 27/1/95

Seizure of property possible – ANC

Cape Town — The seizure of property is possible in a future Bill of Rights if the seizure is done in the public interest, meets the objectives of the constitution and is accompanied by a just compensation, according to the ANC's preliminary submission to theme committee 4 yesterday.

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

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

"Unless special interventions are made, the patterns of structured advantages and disadvantage created by apartheid and patriarchy (will) replicate themselves from generation to generation."

The ANC mooted the creation of a new system of just and secure property rights as well as the creation of special agencies to ensure equal opportunity between women and men.

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

Workers' charter

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

The ANC proposes the granting of social and economic rights through the provision of homes, education and employment.

All parties agreed that the interim Bill of Rights had limitations as it was written to deal with the transition and was thus not expansive enough.

Although the Bill will be entrenched in the constitution, it should be implemented exclusively by provincial legislatures and the executive in respect of matters of provincial competence.

"The national Government might have the power to co-ordinate this implementing role of provinces. The jurisprudence of the Constitutional Court will also give a uniform interpretation."

In addition to the Bill of Rights, the IFP proposes a Bill of duties and obligations, which would lay down the duties and obligations of the individual.

The National Party raised an objection to the inclusion of socio-economic rights in its submissions, because they were legally untenable and would give rise to immense practical problems for the Government.

The PAC suggested the courts should not be the only authority to adjudicate on the Bill. Other agencies such as the Human Rights Commission should be empowered to enforce the Bill. — Sapa.

Employers of illegal workers face action

INGRID SALGADO

BD 27/11/95

GOVERNMENT would take strict action against employers using illegal immigrant labour, Home Affairs Minister Mangosuthu Buthelezi said yesterday.

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

His department intended to do "everything in its power to curb the influx".

However, there was a distinction between foreigners who "contribute to unemployment and the high crime rate" and refugees or immigrants who possessed residence or work permits. The latter were in SA legally and fully entitled to the rights stipulated in their permits.

Repatriation of illegal immigrants would continue but would be executed in a "civil, humane" manner.

Buthelezi expressed concern at steps taken by Alexandra residents this week to oust foreigners from their township.

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

Bill may allow land seizure

BD 27/11/95

271

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

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

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

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

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

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

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

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He has seen the law aid the poor

AG 27/1/95

271

BACKGROUND TO THE NEWS

VUYO BAVUMA, Political Staff

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

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

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

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

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

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

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

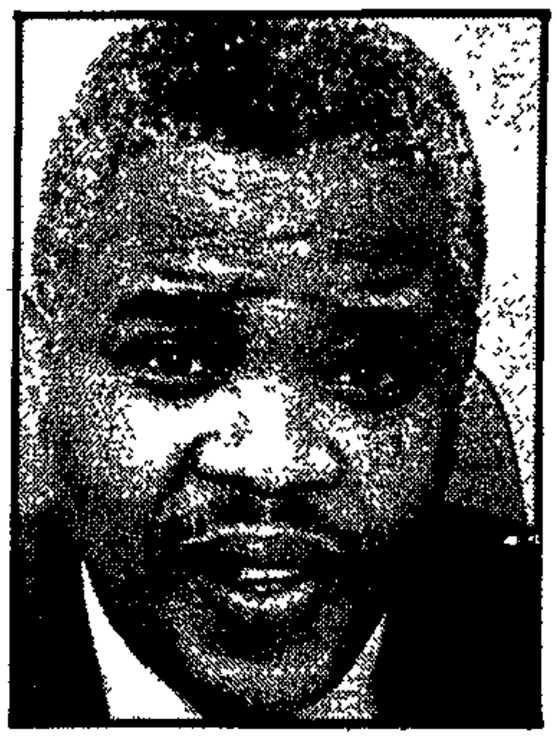
To improve his effectiveness, he took to law studies.

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

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

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

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



Wallace Mgoqi

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

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

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

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

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

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

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

Land: A past to redress

(271) (3) ARG 28/1/95

■ First steps will soon be taken to fulfil the government's promise to settle land claims resulting from apartheid dispossession within five years. **ESTELLE RANDALL** reports.

AS 1995 gets under way, an important mechanism to redress apartheid's land legacy is taking shape.

In January, the cabinet approved the appointment of five commissioners to the new Commission on Restitution of Land Rights.

The newly-formed commission will have its first formal meeting with the Minister of Land Affairs in early March.

It is expected to open regional offices in Cape Town, Johannesburg, East London and Pietermaritzburg, while the chief commissioner's office is likely to be in Pretoria

It expects to be in a position to receive its first claims by early April.

Broadly, the commission must resolve claims as quickly as possible How it should do this, is detailed in the Restitution of Land Rights Act, passed in November 1994

To the Commission falls the tasks of.

■ Publicising information about who can make claims and how to do so. Simply put, these are people, or their descendants, who were dispossessed of land rights by the State from June 19 1913 for the purpose of furthering a racial law, now inconsistent with the new constitution of South Africa Such people will be able to lodge their claims on claim forms available at all offices of the commission

■ Receiving claims for restitution and investigating their merits If a claim does not qualify for restitution, in terms of the Restitution of Land Rights Act, the commission will recommend to the Minister of Land Affairs how best to deal with the claim.

■ Helping claimants to prepare submissions on their claims

■ Negotiating, mediating and settling disputes arising from claims, including claims for compensation

■ Keeping claimants informed about the progress of their claims.

■ Ensuring that priority is given to claims affecting a substantial number of people, or people who have suffered substantial loss, or people with particularly pressing needs

Claims which the commission accepts as falling within its brief will be publicised through the Government Gazette and the media and people who may have an interest in the claim will be invited to make submissions

Once the commission has given public notices of a claim, the status of the claimed land cannot be altered without written permission from the Chief Land Claims Commissioner

Altering the status of the land includes the sale of land, claimants being evicted, improvements being carried out and resources or infrastructure being removed or destroyed Where there is a risk that claimed property may be damaged or destroyed, commission staff, drawn from the Department of Land Affairs, may take an inventory of the property and the condition of land.

The staff's other tasks include making information about claims available to claimants who cannot provide the information and making government files available to claimants and other parties involved in the claim

The commission will meet at least thrice a year and report to parliament on its activities annually

Its work will be supplemented by the Land Claims Court, still to be established by the Judicial Services Commission Besides dealing with cases with the commission is unable to resolve, the Court will ratify claims which the commission settles.

Once the Land Claims Court makes an order on a claim, the commission will help to ensure it is implemented. This includes helping successful claimants to make effective use of land they are awarded

Land Claims Court orders will be based on the need for equity and justice Orders will take into account the desirability of restitution to people dispossessed of land rights through racial laws, remedying past human rights violations and avoiding major social disruption.

Commissioners getting ready for claims deluge

FIVE people on whom thousands of dispossessed people pin their hopes for restitution were chosen out of 202 nominations.

They bring with them a range of skills and experience likely to help them achieve significant success in their task.

■ **JOE SEREMANE**, who heads the commission, built close links with relocated communities through his work for the SA Council of Churches' Department of Justice and Reconciliation for about 12 years and later the Ubuntu Social Development Institute.

About two years ago he joined the SA Communications Services (SACS) as assistant director Before his appointment to the commission he had the responsibility of setting up the provincial office of SACS in the North West province.

■ **CHERRYL WALKER**, the KwaZulu-Natal regional commissioner, was acting head of the sociology department at the University of Natal, and has extensive knowledge and experience of communities affected by forced removals. As a fieldworker the Association For Rural Advancement (AFRA) in the early 1980s, she worked with rural communities affected by forced removals and was responsible for documenting and exposing the extent of forced removals in KwaZulu-Natal.

This documentation formed part of a national research project, which today comprises possibly the only authoritative and extensive publication of the extent of forced removals in South Africa. Professor Walker cites her involvement with AFRA as one of the main strengths she is bringing to the commission and says she will build on those early experiences in her new job.

■ **EMMA MASHININI**, Regional Commissioner for Gauteng, North West, Northern and Eastern Transvaal, brings with her many years of organising and negotiating experience as a former general secretary of the Commercial, Catering and Allied Workers' Union of South Africa (Ccawusa), predecessor of the Cosatu-affiliated SA Commercial, Catering and Allied Workers' Union.

■ **WALLACE MGOQI**, Western and Northern Cape commissioner, was a lawyer with the Legal Resources Centre in Cape Town since 1988 and has worked with squatter communities in the Western Cape since he was a student.

■ **PETER MAYENDE**, commissioner for the Eastern Cape and the Orange Free State, is an academic with a special interest in land, who has worked with non-governmental organisations in the Eastern Cape and former Transkei. Mr Mayende also worked as a consultant for the World Bank and for the Transkei Agriculture Organisation. He headed the land and agriculture department of the Pan Africanist Congress (PAC), but resigned from this position to devote more time to his research and consultancy work. He is careful to point out that his position on the commission is not as a PAC representative, but as "someone who wants to make a contribution to resolving the land issue."

Despite their different backgrounds, common threads which bind the new commissioners are their experience in working with communities and a keen commitment to draw on the strengths outside the commission, especially from those of non-governmental organisations (NGOs) in the land sector

Professor Walker plans to meet with AFRA, her old employer, to discuss co-operation around land claims in KwaZulu-Natal.

Mr Seremane acknowledges the importance of working closely with the land sector NGOs but adds that the Commission should also draw on other stakeholders, such as farmers and removed communities themselves. "My experience has been that people are quite creative about finding solutions to problems themselves This is something we, as the Commission, should explore. We should allow creativity to germinate and grow," he says.

A further common thread he identifies is the new commissioners' ability to transcend party political boundaries. "Forced removal cut across party political lines," he says, "and we won't solve the problems through party politics."

Despite their enthusiasm, the commissioners acknowledge the daunting task facing them. "It's not going to be easy," Mr Seremane states bluntly "We will face recalcitrance from both sides. People can sometimes be over-zealous in their expectations and these may have to be trimmed. On the other hand, those who now own land will act as a bulwark. But, the problems are not insurmountable," he muses. "Human beings have unlimited goodwill and people are tired of strife."

Mr Seremane sees the commission's role as a proactive one. Referring to misgivings that the property-rights clause in the interim constitution's Bill of Rights could be a stumbling block to restitution, he says "It will be one of the tasks of the commission to point out possible impediments to its work. We will have to speak out, when necessary. We are, after all, the eyes, ears and pathfinders for the country"

Professor Walker points to the danger that the commission could get so swamped with claims that its ability to deliver is hampered Possible ways of managing this are to group different kinds of claims together (a suggestion contained in the Act) and to develop a system for efficient processing of claims.

Govt unveils land plan

STATE HOLDINGS MAY BE SOLD

CT 15/5/95 (271)

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

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

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

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

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

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

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

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

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

Equitable distribution

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

"The priority of land reform was to meet the needs of the poor, who are most in need of land", the document continued.

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

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

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

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

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

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

Thursday February 9 1995 SOWETAN

NEWS State-assisted sup

Process to return land begins

(271)

Sowetan 9/2/95

■ CLAIMS COURT

Campaign will inform claimants on procedures:

By Ismail Lagardien
Political Correspondent

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

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

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

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

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

Ancestral land 'hot'

CT 10/2/95

KING WILLIAM'S TOWN. — Four families who left here last month for their ancestral land in the Northern Cape have returned. (271)

The families were among about 100 people who left their homes at Welcomewood when their ancestral land at Riemvasmaak in the Northern Cape was returned to them 20 years after their forced removal.

The families said they could not stand the heat and it was too expensive to start again from scratch. — Sapa

(271)

Land staff appointed

Sowetan 14/2/95

Political Staff

FORMER director of the SA Council of Churches Mr Joe Seremane has been appointed Chief Land Claims Commissioner.

Four regional commissioners have also been appointed. Mr Wallace Mgoqi, an attorney with the Legal Resources Centre (Western and Northern Cape); Dr Peter Mayende, a Doctor of Philosophy from the Transkei University (Eastern Cape); Ms Cheryl Walker, sociology lecturer at Natal University (KwaZulu-Natal and Free State), and Mrs Emma Mashinini, former general secretary of the now defunct Commercial, Catering and Allied Workers' Union of SA (Gauteng, North-West, Northern and Eastern Transvaal).

(271) ARG 16/2/95

Land claims 'will not carve big budget slice'

Political Correspondent

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

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

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

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

Accurate budgeting for the process would be possible only in the 1996/97 year.

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

But legislation provided for alternative ways of settling these claims.

The act covers only claims for land seized after 1913.

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

A separate redistribution programme would seek to deal with the needs of communities denied access to land on racial grounds.

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'Compensation' for victims of apartheid

By BARRY STREEK, Political Staff

CT 16/2/95

THE Commission for the Restitution of Land Rights would examine all valid land claims but would emphasise justice, reconciliation and negotiation in its approach, its chief commissioner Mr Joe Seremane said yesterday.

In urban areas it would concentrate on compensation for victims of apartheid removals rather than the restoration of land, because that was usually impossible, he said

There could be restoration in urban areas where there was vacant land, such as District 6.

(271)

The commission is to be publicly launched this morning in Cape Town.

Mr Seremane said the commission would start to function on March 1. "The set period for the commission is three years," he said.

There would be four regional commissioners, each with their own office. The commission's investigations would cover all land which had been removed from people in terms of apartheid legislation.

Most of the commission's work would be in the rural areas but it would also include urban areas. "We will concentrate on compensation in the urban areas, and not the restoration of land. That is the only way"

Land claims will not batter the Budget, says Hanekom

(271) Star 17/2/95

Bid to calm fears . . . Minister Derek Hanekom.

■ OWN CORRESPONDENT

Cape Town — Minister of Land Affairs Derek Hanekom has moved to calm fears that land restitution claims will carve a huge slice out of the national Budget.

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

At a press briefing yesterday, Hanekom said money had been set aside in this year's Budget for land claims.

But just how much money would be needed would become clear only when the restitution process was under way, which was expected to begin later this year.

Accurate budgeting for the process would be possible only in the 1996/97 year.

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

But the Restitution of Land Rights Act provided for alternative ways of settling these claims.

He said he was elated that a commission had reached the point where it could start work.

Acknowledging that the Act was not enough to address all wrongs in land matters, he said the measure still set South Africa on the road to reconciliation and reconstruction.

The Act covers only claims for land seized after 1913.

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

A separate redistribution programme would seek to deal with the needs of communities denied access to land on racial grounds.

KwaZulu recruits refuse medicals

■ OWN CORRESPONDENT

Durban — Several trainees at the KwaZulu Police college in Ulundi have refused to subject themselves to medical tests.

Already 14 recruits have been found to be carriers of contagious diseases, which debar them from being police officers.

This refusal has made it impossible for KwaZulu/Natal police authorities to meet a deadline set by national police commissioner George Fivaz for all information about the trainees to be handed to the investigating task unit.

The number of trainees who have been found to have criminal records among about 600 recruits due to have graduated recently has increased to 42.

Star 17/2/95

Whistle and tickle convince jury

London — All it took was a whistle and a tickle for a stolen parrot to convince a jury of its identity and owner.

Jurors were hearing the case of a man accused of handling stolen goods when Georgina Morgans, a 27-year-old garden centre manager, tickled the bright green-and-red parrot without being nipped.

"There was laughter in the court as the parrot turned itself upside down to be near her as it emitted two loud whistles," observers said.

The display of affection was enough to convince the jury that the bird had been stolen from Morgans, and that it did not belong to the defendant, who was found guilty. He will be sentenced next month. — Reuter.

3 000 land restitution claims submitted to govt

(271) ADRIAN HADLAND

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

Introducing new appointees to the Restitution of Land Rights Commission, Hanekom said the applications would be passed on to the commission for its consideration. BD 17/2/95

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

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

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

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

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

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

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

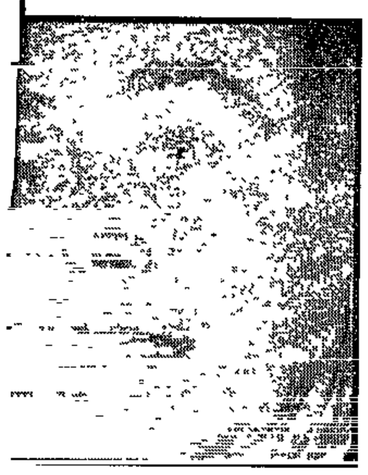
While hundreds of thousands of people were likely to be affected by the restitution process, the land involved was not that extensive and should not cost the country too much, he said.

Other members of the commission include chief comissioner Joe Seremane, Peter Mayende, Cherryl Walker and Emma Mashinini.

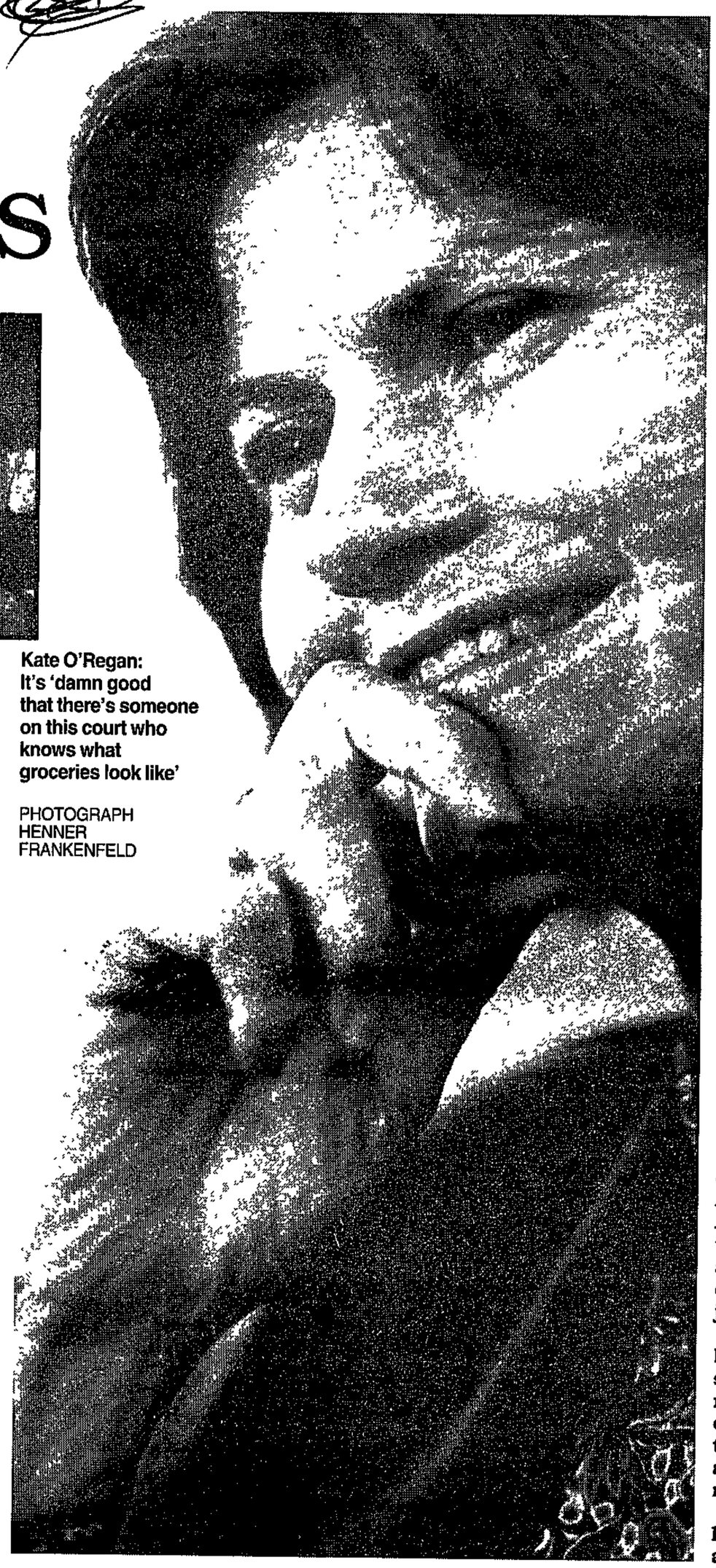
. for here it is the law that is judged, not individuals. **Justin Pearce** reports

ruip. Their eliberations

WM 17-23/2/95



..., Ismail Mahomed, Johan Kriegler and Albie Sachs



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

PHOTOGRAPH HENNER FRANKENFELD

y popular demand". Yet an ch which dwells on the dis- ary clauses allows consid- room for political manoeu- Such an approach was by the retentionists in the of capital punishment — y so, since for decades it en the abolitionists who ampaigned against the shment.

arguments favouring the tention of the death penal- make much of the fact ction 33 allows the right to be waived if this is in the s of "a free and democrat- y". Retentionists told the with public opinion in Africa favouring the death y as an effective crime nt, it would be fundamen- democratic to abolish it ntionists also argue that s more to section nine — ht-to-life clause — than iately meets the eye. While ve argued that "the first le is the right not to be by the state", retentionists et the right-to-life provision uring the protection of life state — which could in turn he retention of the death as a measure against vio- ne.

o surprise that the argu- submitted to the court by the retentionists form a much fatter document than those of the abolitionists — a graphic illustration of the complexitity of interpretation favoured by the those who wish the death penalty to remain in South African law.

But in responding to the retentionist position, the abolitionists did more than just reiterate section nine. Advocate George Bizos argued that the majoritarian position was not necessarily the right position: if every black South African demanded restitution without compensation of land that was conquered in colonial times, this would not necessarily mean that the Constitutional Court would endorse the demand

Debate on this level — hammering out the principles without the luxury of a specific instance — would, it appears, be impossible anywhere other than in the rarified setting of the Constitutional Court.

And who would not forgive the judges the occasional academic chuckle if it allows them to deal rationally with the emotionalism of graphic descriptions of hanging submitted by the abolitionists — and on the other hand, with the letter from a member of the public crying that "bloodshed is polluting our beautiful South Africa, and the only way to cleanse our land is capital punishment".

What the judges say about hanging

ON the face of it, the Constitutional Court is loaded in favour of abolition of the death penalty.

At least five of the 11 judges are on record as expressing abolitionist views. The *Weekly Mail & Guardian* could find no record of any of the 11 having declared themselves in favour of the death penalty.

Judge John Didcott endorsed the 1988 relaunch of the Society for the Abolition of the Death Penalty in South Africa, saying "convinced as I am that capital punishment degrades a society that resorts to it, I warmly support efforts to abolish it."

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

Constitutional Court president Judge Arthur Chaskalson and Judge Richard Goldstone are also known to be opposed to the death penalty. So is Judge Sydney Kentridge, who is a temporary member of the court in Goldstone's absence.

This imbalance of opinion has caused some concern. The South African Police Services and South Africa's Attorneys General raised the issue of potential bias in the arguments they submitted to the court, but did not call on these judges to stand down.

But it is inevitable that judges will have, at some stage in their professional lives, have expressed views on many of the matters before the court. The test for them is whether they can rise above their set views and base their decisions on the arguments before them.

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

...s from school'

Interview by Mark Gevisser

In legal circles, there is much talk out whether the new Constitu- al Court is going to be "proce- al" or "substantive" — in laymens' terms, whether it is going to simply test laws against the constitution, or whether it is going to take an "activist" role by making substantive decisions itself.

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

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

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

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

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

She may look, to some, like a tourguide, but she holds one-eleventh of the power to determine whether the state has the right to kill people. Perhaps even the former supreme court judges who are now members of the Constitutional Court, who have had alleged murderers before them in the dock, feel the weight of their first decision.

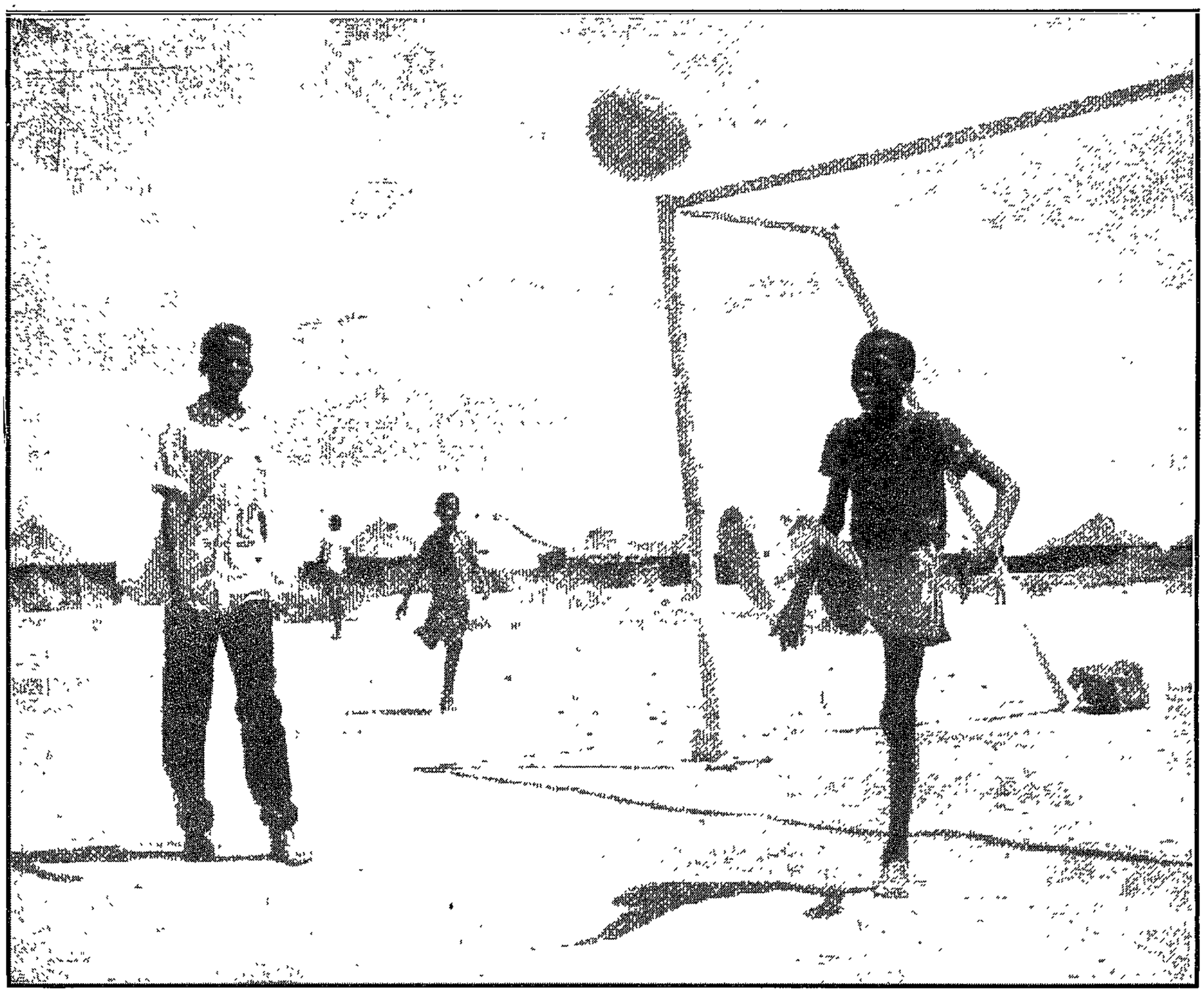
But Judge O'Regan is a first-timer: she admits to being overwhelmed. And yet she seems, to the observer, thoroughly collected; as if she has absorbed the thousands of pages of argument, planned her questions and worked out the issues.

One does not get the sense that she has legal arguments banging about her brain as she takes the kids home from school.

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

Granted, the majority of South Africans have never heard of a lift club. But the majority of South Africans are working mothers and, in very real ways, Judge O'Regan represents them.

vindswept veld ... which the army has made into a base



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

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

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

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

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

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

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

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

> ❛We will not share with the bushmen. I am not talking of apartheid. We cannot have two different peoples on the same land❜

Late in 1993, the military set up the !Xu and Khwe Trust which is now trying to find alternative land for the people who, in the words of a white army officer at Schmidtsdrift, find themselves "caught between the devil and the deep blue sea".

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

For the rest, the trust has earmarked a white farm near Kimberly as a place where the people can resettle, although problems around how the deal will be financed has slowed down the process.

Hanekom's push to settle the land issue has galvanised an apparent resolve from the Ministry of Defence. Asked what would happen to the !Xu and Khwe now that the land affairs minister has promised the Bathlaping a speedy return, Defence Minister Joe Modise said: "We are doing everything in our power to find an alternative place for them."

His deputy, Ronnie Kasrils, visited the camp late last year and made a similar commitment The residents are not entirely disbelieving. "They fought an election with statements about a better future for everyone so we have to give them a chance," says a soldier called Jason Mirinda. "Even if they come here and say 'look stand back for a while. We've got our own problems to solve first. Then we will do this and that for you.' That will be okay."

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

Says Mahongo: "Many of us believe these promises are just *praatery* (hot air). We will wait and see. *Intussen die onsekerheid vreet ons op* — in the meantime, uncertainty eats us up."

'Blood on our land!'

Khosis up in arms at deaths on ancestral grounds used by SANDF

(271) CP 19/2/95

By WALLY MBHELE

THE GRUESOME deaths of two members of Kuruman's Khosis community – who were blown to pieces by a SA National Defence Force ground-to-air missile last week while they were searching for cattle on the grounds of the SA Army Battle School – has raised tempers in the Northern Cape community to boiling point.

Land claim

The land where P P Jacobs and his son, only named as J J, were killed – apparently when they picked up an unexploded missile – belongs to them, the tribe says.

And the deaths of the two, which still have not been publicly explained by the SANDF, have made the tribe furiously renew its efforts to reclaim the land used by the army.

The Khosis community claims the land used by the army near Kuruman belongs to their ancestors and was forcibly taken from them in 1977 – at the height of forced removals – and awarded to the SADF for training purposes.

According to the National Land Committee (NLC) – an umbrella body of organisations dealing with land issues – the Khosis settlement is located in the middle of the hi-tech SA Army Battle School (formerly the PW Botha Army School).

Together with the exiled Gatlhose and Maremane tribes, who now live in the former Bophuthatswana, the Khosis community is claiming all the land near Kuruman which is still occupied by the SANDF.

Several members of the Khosis tribe resisted attempts to move them out in 1977. As recently as 1992 they were again threatened with removal – and the community claims it is still faced with considerable harassment as residents are allegedly frequently threatened and their livestock is shot at.

The NLC said tempers were running high in the community this week after the Jacobs' bodies were found – two days after they went missing while in search of stray cattle.

In a confidential statement to Northern Cape Premier Manne Dipico, SANDF Colonel J Smit is reported to have claimed that the deceased were collecting scrap metal for resale on the army school grounds at the time of their deaths.

Smit is said to have told the premier that the pair had picked up an unexploded ground-to-air missile, which immediately went off.

The NLC claimed that when angry community members asked the SA Police Services to investigate the incident on their behalf, police were refused entry into the army school.

The NLC said investigations had been delayed because of the isolation of the community "and the fact that the SANDF has not co-operated in the inquiry".

Even the Khosis community leader, Joseph Free, was refused permission to enter the army school grounds because he was not carrying an identification document, the NLC claimed.

It described the deaths as scandalous and put the blame squarely on the SANDF – saying it "should take responsibility ... as the deaths are a direct result of the army's occupation of the Khosis land".

The NLC called upon the Government of National Unity and the Ministry of Land Affairs to "show their commitment to redressing the situation by dealing with the community's claim as a matter of extreme urgency".

It said while discussions over the future of the Khosis continued, a negotiation meeting had also been scheduled for the end of the month.

Restrictions

Negotiations about the future of the land will involve various organisations, including the NLC, community lawyers, the provincial government and the Department of Land Affairs.

The NLC has demanded that the army immediate lifts restrictions on the free movement of the Khosis on land historically "belonging to them".

■ At the time of going to press, the SANDF had not responded to City Press' enquiries.

Land Act 'not enough'

THE work of the Land Claims Court and the Commission on Restitution of Land Rights would be jeopardised if it did not include additional redistribution programmes. Land Affairs Minister Mr Derek Hanekom said yesterday. (271)

The Restitution of Land Rights Act was not enough to address all the wrongs and imbalances in land distribution, he said at the launch of the commission in Cape Town. ET 17/2/95

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

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Commission to start hearing land claims

(271) BD 24/2/95

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

POLITICS Court officials and PAC clash ● 3 000 claims to be heard in April

PAC in surprise march on court

THE Pan Africanist Congress staged a surprise march to the Grahamstown Supreme Court yesterday after the refusal of court officials to fax their petition to Justice Minister Mr Dullah Omar last week

The march was defused

Date set for land claims kick-off

Sowetan 24/2/95 (271)

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

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

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

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

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

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

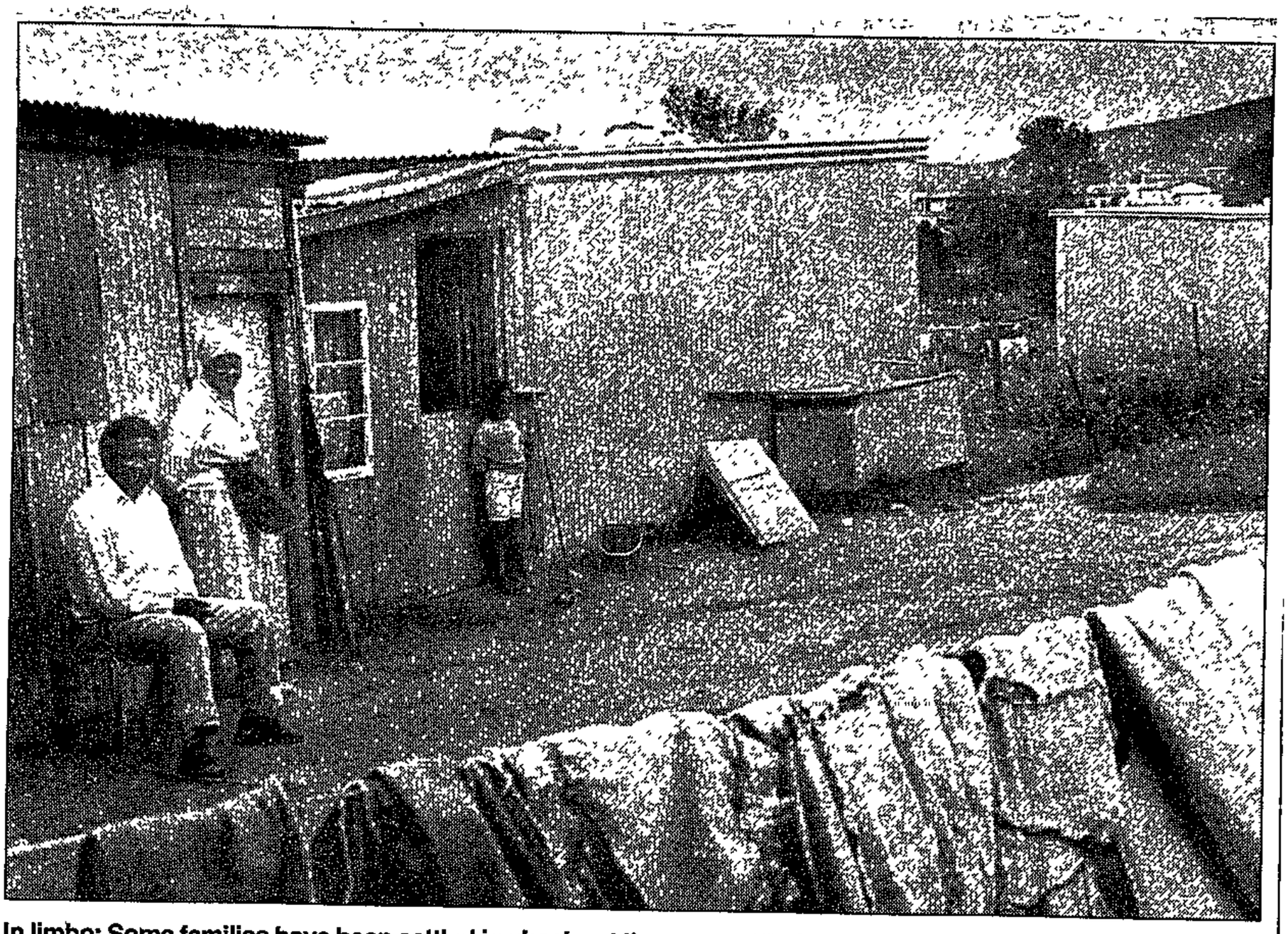
Generally, claimants could have their land rights restored, be offered alternatives or compensation.

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

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

Hanekom said his department was progressing with restitution, land redistribution and tenure rights.

Fellow departments had offered infrastructural help to those people who moved back to previously dispossessed land. — *Sapa.*



In limbo: Some families have been settled in shacks at the nearby Clarkson village PHOTOGRAPH TARYN CASS

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

WM 24/2-2/3/95 (271)

Shadley Nash

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

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

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

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

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

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

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

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

In terms of an agreement brokered by the government, farmers and the Mfengu last March, the community received some 6 000ha, comprising 19 white-owned farms. An addendum to the agreement stated that the trust would allow the farmers to remain on the land until January 21 1995 and that it could enter into lease agreements with the farmers which would provide some R1-million a year in income for the Mfengu. This is at the centre of the community dispute.

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

But for Msizi the solution is more simple than that: "They (the farmers) have to leave. We want to come back to the land of our forefathers".

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

3 000 want land back

(271) CT 24/2/95

Political Staff

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

The claims, mostly from the urban areas, would be examined by the Commission on Restitution of Land Rights, which will operate from April 1 and try to mediate and setttle all claims

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

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

Details of nine reform projects will be released on Monday.

Land crisis threatens Mfengu community

(271) CP 26/2/95

IN terms of a historic agreement signed a year ago the Mfengu got back the bulk of their land in the Eastern Cape — bequeathed to them by Sir George Grey in the 1800's, but sold at fire-sale prices by the National Party government to white farmers.

Now the community is threatened with a split down the middle because the Tsitsikamma Development Trust (TDT) has extended the lease agreements of 18 farmers who were supposed to have left the land at the end of January.

Members of the Mfengu community sit on the TDT.

The MEC for Public Administration, Ezra Sigwela, has called on the Mfengu community to address, as a collective, the land crisis.

According to Kobus Pienaar, an attorney acting for the Trust, the extended agreements will provide the community with at least R1-million annually in income which could be used for the development of the Mfengu land.

But disgruntled community members said they wanted to return to their former land immediately, saying the Trust had not consulted them on the issue of lease extensions. — Ecna.

April launch for land court

(271) ST(CM) 26/2/95

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

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

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

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

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

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

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

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

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

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

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

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

Land reform would mostly be a local government function It had to address land needs and concentrate on the most desperate cases. Infrastructural help had been offered to dispossessed people moving back on to their land. — Sapa.

Delport on land plan

LOUISE COOK (271)

EASTERN Cape Agriculture minister Tertius Delport warned Land Affairs Minister Derek Hanekom at the weekend that his land reform programme would cause problems.

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

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

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

He warned that the RDP could become a "self-devouring monster" if it did not extend beyond welfare. This was why many previous job creation projects had failed. BD 27/2/95

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

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

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

POLITICS Mediation services and tr

R315-m for land reform

(271) Sowetan 28/2/95

GROWTH PROJECTS Minister envisages community involvement:

By Ismail Lagardien
Political Correspondent

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

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

Priorities needs

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

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

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

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

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

National level

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

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

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

This, according to Lund, will bring the Government and civil society closer together in defining the needs and process of land reform and redistribution.

Seeds of land distribution planted along Garden Route

(271)

TYRONE SEALE
Political Staff and Reuter

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

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

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

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

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

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

Each of the provinces will deal with one district only.

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

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

Apart from the magisterial districts, the land reform district includes 50 identifiable towns and settlements at Witsand, Suurbraak, Slangrivier, Melkhoutfontein, Barrydale, Kwanokhotula, Albertinia, Buisplaas, Herbertsdale, Klein Brak, Brandwacht, Great Brak, Ruiterbos, Vermaaklikheid, Blanco, Thembalethu, Herold, Wilderness, Sedgefield, Smutsville, Barrington, Hornlas, Nekkies, Covey and Plettenberg Bay.

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

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

Project manager Susan Lund said yesterday that it was impossible to predict how many people would benefit from the project, but a rough calculation of the subsidies available suggested that about 13 000 families could be given access to land. ARG 28/2/95

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

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

She said each community would have to make a direct contribution in addition to loan and grant finance.

Land redistribution begins

(271)

LOUISE COOK

SA's land redistribution programme was launched yesterday with R316m from foreign donors and reconstruction and development programme (RDP) funds.

The Land Affairs Department said the amount would be payable over three years and each province would receive R35m. Details would be announced today by Land Affairs Minister Derek Hanekom and Minister without Portfolio Jay Naidoo.

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

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

About R167m would be spent during this financial year. Of this R123m would come from RDP funds and R45m would be made up of grants from foreign donors.

Land affairs spokesman Helmut Schlenter said government aimed to redistribute at least 30% of private and state agricultural land over the next five years. Restitution cases would be dealt with by the proposed land claims court and would fall outside the redistributed land scheme.

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

B/Day 28/2/95

NEWS Horrifying footage shows carnage at alleged police ambush

Death videos in court

Sowetan 1/3/95

By Josias Charle

TWO video tapes of the scene of the massacre in Nelspruit where four unarmed would-be robbers were shot dead by police in 1992, were shown in the Eugene de Kock trial in the Pretoria Supreme Court yesterday.

The horrifying video footage form part of the state's case against De Kock, who has pleaded not guilty to 121 charges ranging from murder to fraud.

Mr Justice Willem van der Merwe and two assessors watched in silence as the videos were shown, while both counsels, reporters and the public watched with keen concentration.

Covering a wide area on the KaNyamazane Road, scores of spent cartridges as well as live rounds, shattered glass and chunks of human flesh could be clearly seen.

The burnt-out shell of the minibus also bore testimony to the number of bullets allegedly fired by police with R5 automatic rifles during the ambush on March 26 1992.

The driver apparently died instantly as he was still in an upright position.

Two other charred bodies were in the back of the minibus. They were huddled against each other on the floor. Two AK-47 rifles were placed under the bodies.

The fourth body was blown clear of the minibus and was covered by a red blanket next to the vehicle.

Those who died in the inferno were Mr Khona Gabela, Mr Lawrence Jacey Nyalende, Mr Glenack Masilo Mama and Mr Oscar Nxolisi Ntshaota.

Testimony has already been heard that the men were victims of a police trap. State witness Captain Leon Brand of the Nelspruit detective branch yesterday told the court that over 250 rounds were fired at the four.

He arrived on the scene of the shooting at about 5am that day and saw the minibus burnt to a shell.

He immediately took charge of the investigation of the case.

Miss Soweto Rethabile Matseke visits Bethesda House for abandoned and abused children in Soweto to present a cheque for R10 000 from the co-sponsors of the Miss SA Pageant.

Land reform test

(271) Sowetan 1/3/95

By Ismail Lagardien
Political Correspondent

NINE pilot land reform projects, one in each province, were announced yesterday by Minister of Land Affairs Mr Derek Hanekom.

The programme is built around five core facilitation grants of R35 090 000 in each province:

The grants for the land acquisition are set at a maximum of R12 500 a household. The programme is expected to run until 1997.

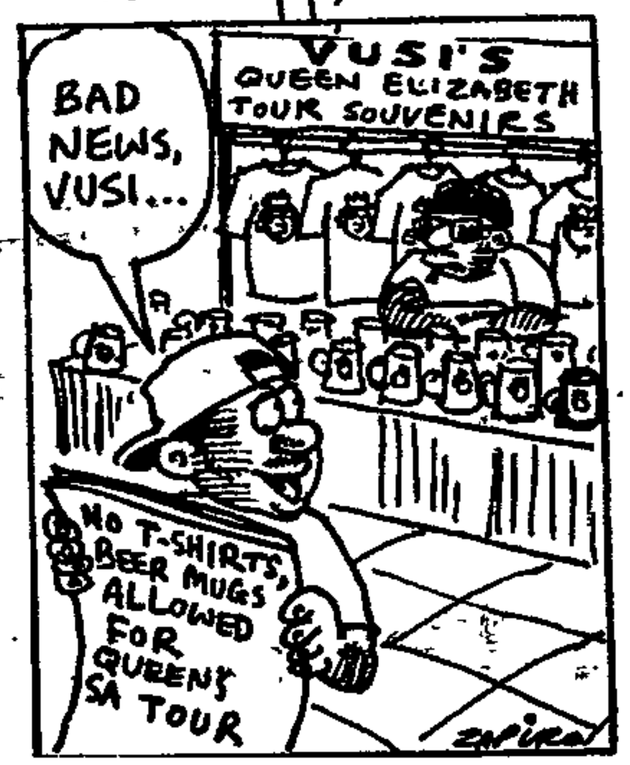
Benefiting areas include Northern Transvaal: Potgietersrus, Pietersburg, Waterberg, Soutpansberg, Bochum, Seshego and Mokerong.

Gauteng's Rust de Winter area, the land earmarked includes parts of the Wonderboom, Cullinan and Bronkhorstspruit magisterial districts and towns like Hammanskraal, Pienaarsrivier, Refilwe, Cullinan and Rayton, Rethabiseng and Bronkhorstspruit.

Free State: Bloemfontein, Dewetsdorp, Thaba Nchu, Botshabelo, Excelsior and Brandfort.

In KwaZulu-Natal: Estcourt, Wembezi, Winterton, Colenso and Weenen. Rural and freehold settlements include Cornfields, Thembalihle, Draycourt, Grannhoek and Loskop.

Western Cape: Knysna George, Mossel Bay, Revierdale and Heidelberg, and the eastern part of Swellendam.



Free

State land credit plan in pipeline

BD 1/3/95

DREW FORREST

(271)

GOVERNMENT is planning a state credit guarantee scheme to give hundreds of thousands of landless people in rural areas access to the land market.

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

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

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

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

The scheme will play an important role in government's land redistribution programme, under which communities will play an active part in land acquisition.

● See Page 3

R35m land project in south-west Cape

(271)

By BARRY STREEK
Political Staff

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

The programme was part of a R315m pilot redistribution project involving dispossessed and landless communities in the nine provinces, Mr Hanekom said.

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

State land, including at least 16 state forests and more than 2 500ha of agricultural land, would now come under the control of the communities in the area.

CT 1/3/95

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

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

The Western Cape project will be in the district consisting of the southern heights and coastal plain from Swellendam and Witsand to the west of Nature's Valley and the eastern boundary of the province.

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

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

The ministry said R10,2m of the grant was a "land acquisition assistance grant". A further R18,8m was a "homestead basic needs grant" for beneficiaries of the land grant, with a maximum of R12 500 per household. to cover such items as water supply, sanitation, internal roads and homestead land.

Govt flexible on land redistribution

BD 13/3/95 (271)

LOUISE COOK

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

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

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

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

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

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

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

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

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

He also said money, over and above the R316m currently allocated, would be put into the programme from RDP funds. This would happen only after the 1995/96 financial year.

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

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

● Comment: Page 14

The land issue

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

Sowetan 2/3/95 (271)

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

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

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

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

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

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

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

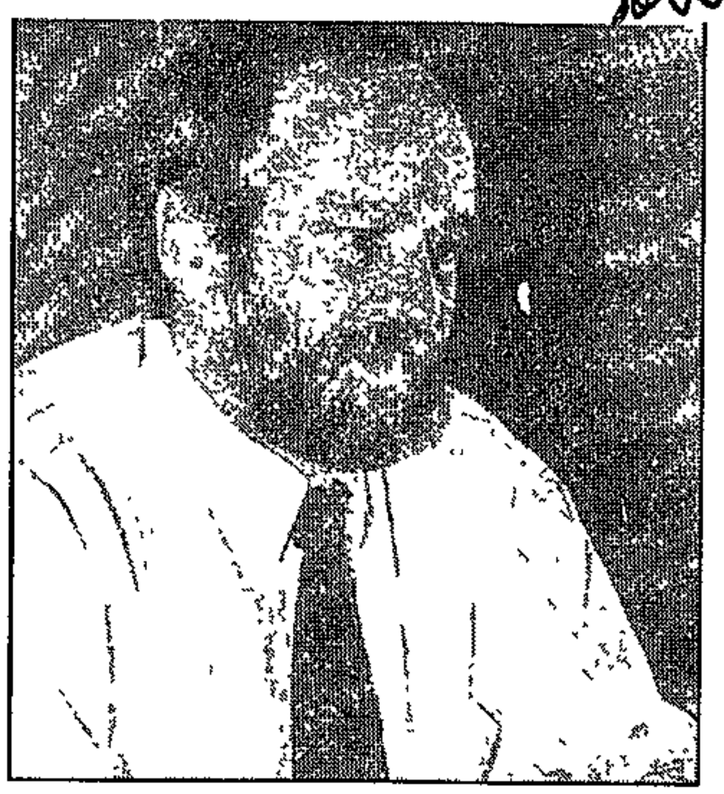
He said· "Our Pilot Land Reform Programme ... is a concrete first step in our land redistribution programme, which is part of a rural development strategy to address poverty and introduce equitable access to the land market ...

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

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

Strict criteria for selecting the present districts — one in each province — were laid down and each had to include at least five possible transfers (to communities, tribes or individuals).

In order to span the net of restitution as widely as possible, the districts had to include as many of the following conditions and characteristics as possible



Land Affairs Minister Mr Derek Hannekom.

- State owned land,
- Private land for acquisition;
- Farmworkers requiring tenure security,
- Labour tenants requiring tenure security,
- Rural conditions,
- Peri-urban conditions;
- Small conditions;
- High rates of poverty,
- Small town conditions,
- Small groups of potential beneficiaries;
- Larger groups or communities as potential beneficiaries,
- Potential for leasehold land use,
- Communities seeking restitution;
- Organised communities or groups with articulated land needs, and
- Unorganised communities.

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

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

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

Crucial to the process is what is known as the Pilot Programme Logic, which stresses that the use of state resources for land distribution must ensure that

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

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

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

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

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

LAND REFORM (271)

Learning to walk

FM 3/3/95

The success of government's R315m land reform pilot programme, launched this week, could open the way for the creation of a significant new grouping of small commercial farmers.

One district in each of the nine provinces has been identified for inclusion in the pilot project, unveiled in Cape Town by Land Affairs Minister Derek Hanekom and Minister in charge of the RDP Jay Naidoo.

The areas identified total just 450 000 ha of which only 238 ha is privately owned. The size of some of the properties in the districts was not known. The southern Cape district includes about 16 State-owned forests. The beneficiary communities will decide what to do with the forests.

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

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

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

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

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

WEEKLY MAIL & GUARDIAN
March 3 to 9 1995

Trouble where the tarred road ends

WM 3-9/3/95

(271)

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

On the fringe: Simon Cele points to the farm he hopes to buy

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

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

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

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

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

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

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

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

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

> If I buy one of those plots, I will make at least R120 000 profit. The only problem is the money

"If they can give me the money for a deposit, they musn't worry about it, because I've been farming 200 to 300 hectares every year successfully. But I only have R30 000 and I will need that to run the farm, to pay labourers and to buy equipment," adds the prospective entrepreneur.

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

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

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

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

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

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

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

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

Zuma could not be reached for comment.

Less restriction in agriculture urged

BD 6/3/95

LOUISE COOK

PRESSURE is mounting on government to free up agricultural markets and scrap legislation aimed at regulating them.

Pretoria University academics, food company Tiger Oats and the Land and Agriculture Policy Centre rejected at the weekend the redrafting of the 1968 Agricultural Marketing Act, calling for it to be scrapped.

The Agricultural Marketing Council completed work on a new Agricultural Marketing Act recently, following criticism two years ago by the Kassier Committee, appointed by government to probe agricultrual marketing. The draft Bill is due to be released for comment this week before it goes before Parliament next month. A new Act could be in place by August, council spokesman Gerhard Basson said.

But Pretoria University agricultural economist Jan Groenewald said the new act would "perpetuate discrimination, nepotism, monopolies and political patronage". He called for the draft to be referred to Nedlac before it went to Parliament.

Agricultural economics department dean Johan van Zyl said legislation to regulate marketing had "harmed consumers and the poor".

Van Zyl called for equal opportunities through tariffs and "visible support" through access to land, credit-extension services and streamlined co-operatives.

Tiger Oats executive director Hamish McBain said there was no need for an Agricultural Marketing Act.

"But should there be legislation, any marketing scheme should be based on consultation and negotiation as opposed to the present situation where producers can force through decisions that may not be in the overall interest."

Premier group economist David Frost agreed. He accused government of a lack of consultation in redrafting the Act.

Agricultural markets division spokesman John Wixley said "government intervention in the market should be directed at the small-scale farmer and those disadvantaged in the past".

The Land and Agriculture Policy Centre said existing legislation provided undue power for the Agriculture Minister.

Farmers' union rejects land plan

271 LOUISE COOK

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

In terms of the programme, details of which were announced last week, the Land Affairs Department has allocated R316m to displaced communities to redistribute 450 000ha of land nationally. Of that total, about 238ha is privately owned.

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

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

DP Land Affairs spokesman Errol Moorcroft said his party supported the programme's basic provisions. BD 6/3/95

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

The SA Agriculture Union was not available for comment.

Worker involvement is 'necessary' in SA mines

BD 6/3/95

RENEE GRAWITZKY

WORKER participation agreements in SA merely paid lip service to the concept as opposed to allowing for true worker involvement in how work was being done.

Speaking at a seminar on workplace change through worker participation, Mark Anstey, director of the Industrial Relations Unit in Port Elizabeth, said worker participation agreements carried no real weight but merely carried "statements of intent".

He said the reason for the success of the German system was its detailed and compulsory nature.

He said future SA labour legislation should have a far more powerful thrust on workplace forums and co-determination.

Gauteng NUM co-ordinator Archie Palane said worker participatory schemes implemented to improve productivity and relationships without involving workers from the outset were doomed.

One of the reasons for the failure of profit sharing schemes was the lack of worker involvement in the calculation of production targets and the processing of information.

He said that at Gencor's Grootvlei mine the parties were close to signing an agreement intended to improve productivity for the continued viability of the mine.

This agreement would provide for:

- ☐ Building work teams;
- ☐ Taking discipline enforcement out of the hands of management;
- ☐ The appointment of full-time health and safety stewards;
- ☐ Work teams to decide which workers should go on skills training and adult basic education and
- ☐ Production target monitors to be appointed and trained jointly by the union and management on all aspects relating to production, and their involvement in the formulation of production targets.

Farmers' union rejects land plan

(271) LOUISE COOK (8)

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The SA Agriculture Union was not available for comment.

Search for land court candidates

(271) Star 7/3/95

■ STAFF REPORTER

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

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

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

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

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

- A judge of the Supreme Court, or a qualified advocate or attorney who has practised as such for at least 10 years, or who has lectured law at a university for an equivalent period.
- A person "who by reason of his or her training and experience" has expertise in relation to land matters and laws.

State Mr Warren Christopher arrives in the region in a bid to revive them.

Even before the meeting at

Palestinians — though not the three million refugees of the 1948 Arab-Israeli war — but never specified a timetable. — Sapa-Reuter

Angola calls on UN for peace deadline

CT 8/3/95

LUANDA: Hit by almost 200 Unita rebel attacks a month, the Angolan government called yesterday for the UN to set and enforce a deadline for peace.

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

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

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

Government General Higino Carneiro said over 300 Angolans have been killed by Unita guerillas since the treaty signing.

Despite promising some 7 000 armed UN troops to shepherd Angola back to peace, the UN has so far put less than 40 unarmed UN monitors into the Southern African nation's battle zones.

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

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

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

tor Colonel Mengistu Haile Mariam and his family had been granted Zimbabwean citizenship.

Maize harvests hit by drought

CT 8/3/95

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

Officer seized in Lesotho

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

Riemvasmakers going home

(271)

CT 8/3/95

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

— Sapa-Reuter

White farmers warned against selling land at inflated prices

CT 16/3/95 (271)

POLITICAL STAFF

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

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

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

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

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

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

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

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

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

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

The 10 communities which had been accommodated consisted of about 2 192 families. Seven communities were getting additional RDP funds for basic infrastructure.

FOREIGNERS: Mrs Patricia de Lille asked why they can buy land

Millions uprooted in terms of group areas legislation

(271) Star 16/3/95

Cape Town — At least 73 000 properties were bought from "disqualified" owners during the apartheid era in terms of the Group Areas Act.

Land Affairs Minister Derek Hanekom yesterday told the National Assembly it was estimated that 3,5-million people were removed in terms of the Group Areas Act and a further 2-million faced the constant threat of being forcibly removed.

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

Forced removal legacy 'hangs over millions'

(271)

☐ *Justice sought for property owners*

ARG 16/3/95

TYRONE SEALE
Political Staff

ABOUT 3,5 million people were forcibly removed in the apartheid era, while another 2 million faced a constant threat of removal, Land Affairs Minister Derek Hanekom told parliament.

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

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

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

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

"Also, they do not account for the huge numbers of removals before 1960."

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

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

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

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

Land redistribution kicks off

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

ARG 25/3/95 (271)

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

MXOLISI MGXASHE
Weekend Argus Reporter

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

Consultant from Langa in Cape Town, Mongezi Guma, who helped set up the project, has called for a much larger Marshall Plan-style financial arrangement to help enterprising black commercial farmers buy farms from white farmers as part of the empowerment emphasised in the reconstruction and development programme (RDP).

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

The Marshall Plan was a massive injection of funds from the United States and was designed to reconstruct a devastated western Germany after World War 2.

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

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

Dr Guma left his teaching job in the United States last year to help found the R75 million Sakhile Development Trust Projects which is buying 20 farms for black farmers in Elliot and Barkly East in the Eastern Cape The farms cover about 31 000 ha of land.

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

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

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

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

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

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

The management board, drawn from the board of trustees and the farmers, will run a few of the farms for research and training, and divide others for use by families of farm workers

"South Africa has a long history of giving to blacks non-viable projects guaranteed to fail We shouldn't repeat this sad part of our history.

"Sakhile wants to play its modest role in the implementation of the broader objectives of the RDP by providing support services to some of our people who would otherwise have no other sustainable means of 'making it'.

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

"And it is my hope that the 2 000 participants in the Tuesday conference in Durban will address the issues raised in Sakhile's objectives, so that the purchase of white-owned farms for the struggling black subsistence farmers becomes part of the broader debate on land acquisition which, I must submit, should reflect the demographics of the country if the RDP is to be taken seriously," Dr Guma said

Picture BRENTON GEACH, Weekend Argus

□ **TIME TO REAP:** Sakhile Development Trust Projects consultant Mongezi Guma. His trust is committed to empowerment of black commercial farmers.

Picture. OSCAR MTHEMBU.

□ **OLD STYLE:** The Sakhile Trust aims to change the face of old-style African subsistence farming pictured here.

Land project launched

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

He was speaking at the launch of the kwaZulu/Natal Land Reform Pilot Programme at kwaNobamba.

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

Mr Mandela said the pilot programme was a concrete step in the government's land redistribution programme, which, in turn, was central to rural development. (271)

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

CT 27/3/95

Mandela launches project

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

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

271 Sowetan

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

"Our pilot land reform programme is a concrete first step in our land redistribution programme. This in turn is central to rural development, which will address poverty, unemployment, malnutrition and economic depression that characterise so much of our rural areas.

"As such, land reform is an integral part of the Reconstruction and Development Programme." Mandela urged the Estcourt-Weenen community to register for the local government elections.

27/3/95

NEWS

'Concrete first step'

271

Star 27/3/95

Mandela gets land reform project going

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

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

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

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

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

"Our pilot land reform programme is a concrete first step in our land redistribution programme. This, in turn, is central to rural development, which will address the poverty, unemployment, malnutrition and economic depression that characterises so much of our rural areas."

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

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

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

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

"Their needs can't be denied. There's an incredibly urgent need for land, and (white) farmers have come to accept that they can be part of the solution," he said. — Reuter.

Land plan 'aims to end social disparities'

AMANDA VERMEULEN

LAND reform was part of a plan to eradicate social disparities, and was not a punitive and unproductive exercise, President Nelson Mandela said yesterday at the launch of the KwaZulu/Natal land reform pilot programme at KwaNobamba in the Estcourt-Weenen district.

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

Land redistribution policy would demand the effective, productive and sustainable use of land as a resource. The pilot programme was a concrete step which was central to rural development.

The land reform programme would also attack poverty, unemployment, malnutrition and economic depression which many rural areas had experienced.

The KwaNobamba project and eight similar initiatives in other regions would serve as a test, and the lessons learned in their implementation would eventually be applied to each district across SA.

The Estcourt-Weenen district was chosen because land-related and planning programmes were already under way.

(271)

"The people of this area have demonstrated that they are ready to shoulder responsibility for their own development and resolve their own problems," Mandela said.

BD 27/3/95

The way in which residents had dealt with a threatened land invasion last year, and the farmworkers and farm tenants' strike this year, had demonstrated their maturity.

"We are confident the R35m which will be invested into this project in the next three years will be money well spent," Mandela said.

The programme would benefit 45 000 people by improving their living standards and by creating employment opportunities.

He said local authorities had a major role to play in the implementation of these programmes as they would receive the state grants for the communities, determine who the beneficiaries would be and oversee the deployment of the money allocated.

"This is why you should register for the November elections," Mandela said.

... and the people grappling with it

Fragile pact staves off war in Weenen

Eddie Koch

NELSON MANDELA'S air force helicopter was covered in camouflage paint and created a scene from a war film as it thudded over the green hills and thorn trees that surround Weenen.

Although unintended, the image was appropriate because the president had come to this farming town in kwaZulu-Natal on Sunday to help settle a land battle that has verged on civil war in the past six months

"We seek a solution that is generally acceptable to all, an approach that eliminates the suspicion, mistrust and anger that have characterised land disputes over the years," Mandela told a few thousand people who had gathered on a rain-soaked football field near the town

His was a timely effort to help end a bout of social trauma that has swept through the region ahead of anticipated agrarian reforms after last year's elections. White farmers, fearful of claims from people who have lived on the land for decades, have been evicting scores of black families, impounding their cattle and burning some of their homesteads. These workers and farm tenants responded first by threatening an armed invasion of white-owned land late last year, and then by waging a massive labour strike this year that ended only in February. At different stages of these ferocious conflicts, cattle were hamstrung, fences ripped down and two farmers assassinated.

Class conflict of this nature has become chronic, embedded in the countryside around Weenen, ever since Boer settlers invaded during the 1830s and broke the power of the Zulu state in a series of bitter battles whose monuments still litter the surrounding hills.

After they seized vast tracts of prime cattle country, the settlers forced the local inhabitants to work on their farms for six months of the year in return for a small plot and some land to graze their cattle. That system of labour tenancy, known colloquially as *isithupha* (the Zulu word for six), has survived in modified form as a reminder of the region's colonial past.

As the social conflicts that *isithupa* has always generated in Weenen sharpened after the April elections, Land Affairs Minister Derek Hanekom was forced to step in. Late last year he brokered a deal whereby the farmers agreed to a moratorium on evictions while the workers promised to hold off on the invasion.

A Weenen Peace and Development Committee, made up of black tenants and white farmers, was established to identify land which can be acquired for

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Don't use 'bantustan solutions'

(271) 31/3-6/4/95

The concerns of commercial farmers should be taken into account, argues **Graham McIntosh**

ALTHOUGH some of our farmers have a racist prejudice that blacks can't be good farmers, they represent a lunatic fringe.

Commercial farmers who produce the nation's food are hardy, realistic, resilient, cautious and adaptable. They are a precious national asset and their views on land reform should be taken seriously.

Any programme for the redistribution of rural land should begin with the strengths that are inherent in South Africa's land system. These include a strong commercial farming sector which employs huge numbers of people and produces for the country and for export.

On many farms these days, reasonable wages are provided, as are housing, primary health care and schooling. Farms are a safety net for poverty in the countryside, which protect society's most vulnerable: extended families, widows, pensioners and single mothers. And our modern system of human rights and labour legislation now applies to agriculture.

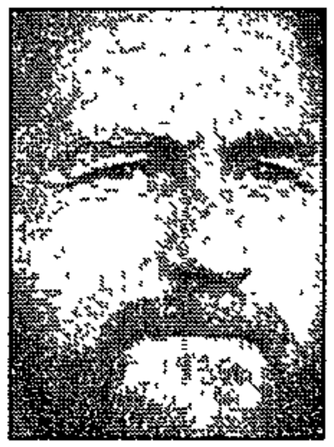
We must harness and transform

(271) 31/3–6/4/95

and excluded people who were moved by various betterment schemes that were conducted in the homelands. It also focused only on people moved in the post-1948 period.

Recently, anthropologist Chris de Wet has calculated that seven million victims is a more accurate figure — but the truth is that we just do not know the true extent of post-1913 social engineering in the countryside.

More importantly, it would be a mistake to assume that the victimised communities remain as homogeneous and identifiable groups capable of demanding unitary pieces of land. The land claims process is likely to be contested, conflictive and much lengthier than the five year period allowed for.



Derek Hanekom: Walking a tightrope

The most likely beneficiaries of the restitution laws are victims of "black spot" removals These are relatively coherent communities for whom removals were an event marked by the arrival of government trucks and bulldozers which destroyed their homes and dumped them in the homelands

But for large numbers of people forced removal was a more subtle, ongoing and chronic process. Millions of former sharecroppers and labour tenants saw land rights being eroded as farmers issued some family members with *trekpasses* while allowing others to remain Many people were moved twice or more as labour tenancy was gradually phased out and eventually outlawed

The restitution process demands that coherent groups of beneficiaries be identified. This poses two questions· what is a community and who decides? Frequently, the victims of forced removals lack cohesion and have been dispersed over a wide geographical area. Our countryside is a mosaic of overlapping claims which could choke the restitution process.

The land affairs ministry has pointed out that those who do not qualify for restitution can join the redistribution programme. Where land claims fail, people will be channelled through this second course of the reform strategy.

The central role of the market in the redistribution scheme reflects the role that the World Bank played in the development of South Africa's land reform policies. Throughout the Third World, the spread of markets through this kind of ideological interference has made large numbers of people increasingly vulnerable.

Experience in other parts of the world demonstrates that the extension of private property accelerates class differences and consolidates a class of small but rich peasant farmers Although Hanekom's department is trying to reform credit institutions, this is a long way off and the banks are more likely to support black farmers who own private property than those who live on communal land

This is likely to create the kind of "bimodal" situation that exists in the commercial agrarian sector of most countries in southern Africa — a core of efficient white farmers with a new smallholder class of rich black peasants added on, which grows wealthy while the majority of rural people remain marginalised

Despite the dynamic way in which Hanekom and his team are approaching the massive challenges of land reform in this country, one cannot help but think that when the year 1999 approaches, the ANC will be looking at the more radical measures the minister alluded to in his recent talk to the farmers.

Dr Richard Levin is a land researcher in the department of sociology at the University of the Witwatersrand.

Staking a claim: Workers in Weenen hoping for a solution to the land battle

PHOTOGRAPH HENNER FRANKENFELD

Looking for a solution: President Nelson Mandela paid a flying visit to Weenen to help resolve the land conflict

PHOTOGRAPH RAJESH JANTILAL

But the commercial farmers who have created this system have serious concerns about the kind of land reform that is being implemented by Minister Derek Hanekom's department.

Hanekom appears to ignore rather than facilitate the inevitable process of urbanisation. As the rural population decreases, the Land Ministry should encourage an end to migrant labour and facilitate stable family settlement in the cities. At present the land reform efforts in the Weenen area look to be a perpetuation of bantustan solutions which will extend rural slums and reinforce, rather than challenge, tribal forms of land control.

If he really wants to promote development and care for the poor, the minister must recognise that the poorest of the poor reside in communal areas of the old homelands. He needs to find a formula that will persuade chiefs to give up their hold on the land, where the major thrust to establish freehold title and viable commercial farming should be.

Land reform should also not destabilise commercial farming and the rights of property owners by talking about moratoriums on dismissals that lead to the eviction of labourers. Fair dismissals in terms of the Basic Conditions of Employment Act and subject to appeal from the Agricultural Labour Court are basic to effective commercial operations.

Compensation and alternative accommodation can be negotiated in these forums. But by his attempts to deduce a land or tenure right from a simple labour contract, Hanekom is reversing South Africa into the feudalism of the Middle Ages or Czarist Russia.

The only way forward for rural land reform is to concentrate on developing and placing on freehold land a class of emerging black commercial farmers — and established white farmers will do all they can to help that process.

Graham McIntosh is a farmer in the Weenen area and a former MP for the Democratic Party

Land reform: An in-depth look at an issue with no easy solution ...

'Ms Land' has a grand plan to reshape SA

31/3-6/4/95 (271)

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

TEN years ago she was an idealistic young student who wanted to change the world. Today, still looking wide-eyed and innocent, Sue Lund is doing just that. She is the author of South Africa's single biggest social engineering programme since apartheid.

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

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

That collective approach, she insists, is the great strength of the land redistribution programme. Its single chance of success in the face of overwhelming odds derives from a team of assistants who honed their skill in years of fighting forced removals in the countryside during the 1980s.

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

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

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

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

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

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

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

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March 31 to April 6 1995

Lund's plan for land

(271) WM 31/3-6/4/95

■ From PAGE 10

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

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

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

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

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

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

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

Makwetu's land fight

(271) Sowetan 5/4/95

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

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

An official in Hanekom's office said the Minister was forced to abide by the rulings but "Makwetu's legal advisor will explore the possibility of appealing against the decision which will see Makwetu evicted".

"Otherwise they can get somebody to evaluate the land and give an offer to Fletcher. If he doesn't want to sell then the department will possibly help look for alternative land," she said.

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

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

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

After numerous attempts to buy back the portions of Hendham Farm and Farm 443 in the Tylden district, Fletcher then fought for restitution winning the court's favour in January. — *Ecna.*

PAC warns on Makwetu farm saga

PAN Africanist Congress southern Transkei leader Waters Toboti on Friday challenged the Fletcher family, which has claimed prior ownership of a farm now leased by PAC president Clarence Makwetu.

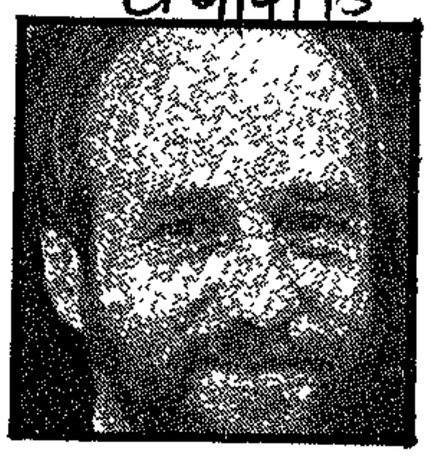
Neville Fletcher's 1 500 hectare farm was expropriated by the former Transkei government in 1979 and he was paid R120 000.

Clarence Makwetu

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

Toboti called on Fletcher to produce a receipt for the "normal transfer" of the land.

"I'm sure that he never bought the land as our land was forcibly taken by Sir Harry Smith after he killed King Hintsa in 1835." CP 9/4/95



Derek Hanekom

He said land dispossession in the Eastern Cape started after the battle in 1818 in which King Ndlambe and King Makana were defeated by the British.

Toboti warned if the matter was not handled carefully it might set a precedent. Other white people whose properties were taken over by the Matanzima government after Transkei became independent would also want their land and properties back. (271)

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

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

How the Nats helped farmers make peace on their land

(271) ST 9/4/95

By CYRIL MADLALA

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

And it was the NP that made it possible.

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

The Cornfields and Thembalihle communities held a celebration a few weeks ago to mark the acquisition of more than 8 500ha from the white farmers.

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

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

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

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

Finally, it was agreed each family would pay a deposit of between R330 and R450. The loan came to between R25 and R35 a month, while the government's commitment was R4,9-million of the R6,1-million total. A trust representing landowners, tenants, headmen, women and youths collects the loan repayments.

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

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

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

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

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

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

And the white farmers are happy to help the people of the two communities. Egon Fortmann, a farmer who sold them 700ha, said the land deal bode well for peaceful coexistence between blacks and whites.

CROSSING BARRIERS ... farmer Egon Fortmann and Simon Mchunu Picture: RANJITH KALLY

HEALING THE RIFT

A Swazi farmer donates land to workers evicted from his farms

271

CP 9/4/95

By DESMOND BLOW

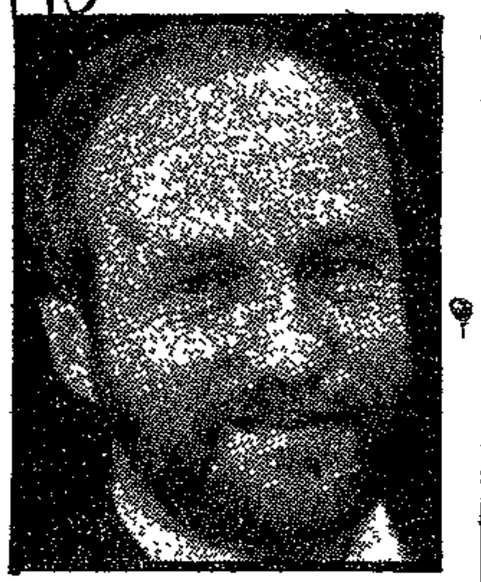
A DISPUTE between an Eastern Transvaal farmer and workers he had evicted has been resolved – by the farmer donating land to the evicted families.

This could set a precedent for all farm workers in the country.

The minister of Land Affairs, Derek Hanekom, welcomed the farmer's action "ecstatically."

He said: "This is a real case of a farmer playing an active role in addressing the widespread problem of unequal land distribution. I find this a real model of generosity and a real effort to bring reconciliation to our country. Here is one person who has made a personal contribution to the RDP and reconciliation, and can serve as an example to other farmers."

■ The farmer, George Potgieter, who is a Swazi national, had purchased five farms in the Badplaas area. A dispute arose between him and some of the workers and he served them eviction notices.



GENEROSITY ... Hanekom was 'ecstatic' about the Swazi farmer's gesture.

Animosity grew as more evictions were planned and a meeting was arranged in Nelspruit between the MEC for Local Government, Potgieter and the ANC, represented by Sonnyboy Maphanga, to resolve the dispute.

The MEC for Local Government was represented by his personal assistant Edwin Morgan, who condemned the burning of the evicted workers' homes by the sheriff when they were evicted.

Potgieter also condemned the action by the sheriff and maintained that he had given no such instructions.

Potgieter said that as a born and bred Swazi, he was committed to uplifting the living standards of deprived people, and that he had only evicted workers who had refused to work for him.

SHINING EXAMPLE ... Former Swaziland MP George Potgieter who donated 60 hectares of his Eastern Transvaal farms to evicted labourers, with his king, King Mswata II of Swaziland.

Morgan then said that a way out of the impasse was for Potgieter to do something tangible for the evicted people who had lived on the lands for many years and suggested that Potgieter donate a piece of land to them.

"Potgieter immediately agreed to donate 60 hectares to not only the three families he was evicting, but to three others who worked for him," said Morgan.

Potgieter agreed to transfer ownership of the 60 hectares to the individual workers as a communal property, or each could have 10 hectares if they so chose.

The three families of workers still employed by him would remain on his farm – but they were still part owners of the donated land, and could move there whenever they wished.

It was agreed that Willie Roux, who manages the farm for Potgietor, would give the new landowners technical and administrative help, and that the province would help them to establish homes on the property.

The Water and Public Works Department agreed to help drill boreholes on the property.

Morgan told City Press that the land was being surveyed and title deeds would be drawn up.

"Potgieter has promised prime land on which the six families can make a fair living, and both Maphanga and myself will inspect the land before the workers move in," said Morgan.

He said he hoped the idea would spread in the Eastern Transvaal and the whole of South Africa.

"We will definitely encourage the scheme," Morgan said, "for it will not only prevent animosity between workers and farmers, but it will prevent farm workers from leaving the farms and surging to the cities in the vain hope of finding jobs, but instead adding to the problem of overcrowded squatter camps."

In welcoming the scheme Minister Hanekom said it was not an example of schemes normally brought to his attention – which were mostly variations of share equity schemes (which mean that the worker has to pay for the ground in some way) – but was a donation by the farmer.

■ Observers say many workers feel they are entitled to the land on which their families have worked for generations and where many of their forefathers are buried, and if farmers donate land to these people it would dissipate the animosity.

Duarte praises role of police forums

BD 10/4/95

DEBORAH FINE and NOMAVENDA MATHIANE

THE reopening of Soweto police stations was indicative of the important role community police forums had to play in building effective police services, Gauteng safety and security minister Jessie Duarte said yesterday.

Duarte was commenting on the resumption of duties by members of the SA Police Union (Sapu) — union members had been on strike over poor working conditions in Soweto — following the promise of a once-off R350 allowance and establishment of a task team to investigate their demands.

The strike had affected only police stations dominated by Sapu. These included Kliptown, Moroka and Jabulani stations, according to police sources.

Duarte said although the forums were primarily communication mechanisms to ensure police were accountable and transparent to the community, the bodies could facilitate reconciliation processes and the building of a firm relationship between police and the community.

By becoming responsibly involved in policing issues, the forums could play an important role in helping to reach jointly acceptable solutions.

Duarte said, however, she believed disgruntled policemen would remain "anxious" until they had been informed of the percentage increase they were to receive.

She said the "hold-up" was coming from the public service's central bargaining chamber, and that the ministry was putting pressure on the chamber to "take cognisance of the crises we face".

"If crime prevention is a priority, then the people who carry out that function must be given special consideration.

"They, after all, put their lives on the line." Duarte said.

Meanwhile, it was business as usual in stations under the control of the ANC-linked Police and Prisons Civil Rights Union (Popcru) such as Meadowlands and Orlando police stations.

Earlier on Saturday, police spokesman Lt-Col Henriette Bester said only Flying Squad and Internal Stability Unit members were attending to complaints in Soweto and confirmed a National Defence Force presence in the area, Sapa reports

A statement from Popcru condemned Sapu's strike action and called on its members not to be involved in "this irresponsible action of Sapu".

Popcru said it was involved in solving the problem of affirmative action and employment within the police force. It accused Sapu of not addressing such issues but in trying only to discredit the present government.

RENEE GRAWITZKY reports that about 1 000 Sapu members marched to the Gauteng legislature on Friday in support of demands on wages, payment of overtime and the establishment of a central bargaining forum.

At the start of the march, Sapu official Peter Holmes said the maintenance of law and order would be undermined further if Sapu embarked on a national strike because only a 3% increase was granted by government to the police force as with other public sector workers.

National Police Commissioner George Fivaz announced on Saturday that the once-off taxable R350 would be paid at the end of May to all police members below the rank of colonel.

Fivaz said that police management and the police labour unions were still negotiating with the government on several other issues related to pay and allowances.

Members of the SA Police Union march to Gauteng safety and security minister Jessie Duarte's office on Friday, demanding higher salaries.

Picture NICKY DE BLOIS

Commission set to hear land claims in public

LOUISE COOK

EXPECTED public interest in land restitution cases has prompted the Restitution of Land Rights Commission to consider throwing open its meetings on land claims to the media and public. (271)(3)

The commission has invited comment from the public about its proposed guidlelines, which were released at the weekend. These include the call for greater transparency in land claim matters.

The deadline for comment will be April 21. BD 10/4/95

But commission secretary Daan van der Westhuizen said it reserved the right to close committee meetings to the public where it was felt a matter could be "more conveniently or advantageously dealt with".

"We have nothing to hide. The proposal is aimed at transparency," Van der Westhuizen said

The commission also proposed that, should it fail to establish a settlement between parties, it would advise the chief land claims commissioner on the appointment of a special mediator.

Such a person could be a member of the commission, an outside party or anyone acceptable to all parties, the commission said.

Van der Westhuizen said, however, that the appointment of special mediators would be a last resort.

About 3 400 claims were already awaiting mediation, he said. These would get attention when the process started on May 1.

"We hope to have the restitution process fully wrapped up within five years. Claims will be received for a period of three years from May 1."

Meanwhile, the Judicial Service Commission, which would handle cases the Land Rights Commission could not settle through mediation, has said that, by the end of this month, it would nominate candidates for the position of president of the Land Claims Court and two judges.

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(271)

Land claims addressed

Sowetan 19/4/95

By Mzimasi Ngudle

CLAIMS for restitution of land rights may be lodged from May 1 this year, according to National Land Claims commissioner Mr Joe Seremane.

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

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

Free State and Eastern Cape residents can do so at Box 1375, East London 5200. Western and Northern Cape residents at Private Bag X9159, Cape Town, 8000 and KwaZulu-Natal residents at Private Bag X9000, Maritzburg, 3200.

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

ARG 21/4/95 (271)

Farmers challenged to accept reform

Political Correspondent

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

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

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

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

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

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

LAND AFFAIRS (271)

Speculators beware

FM 21/4/95

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

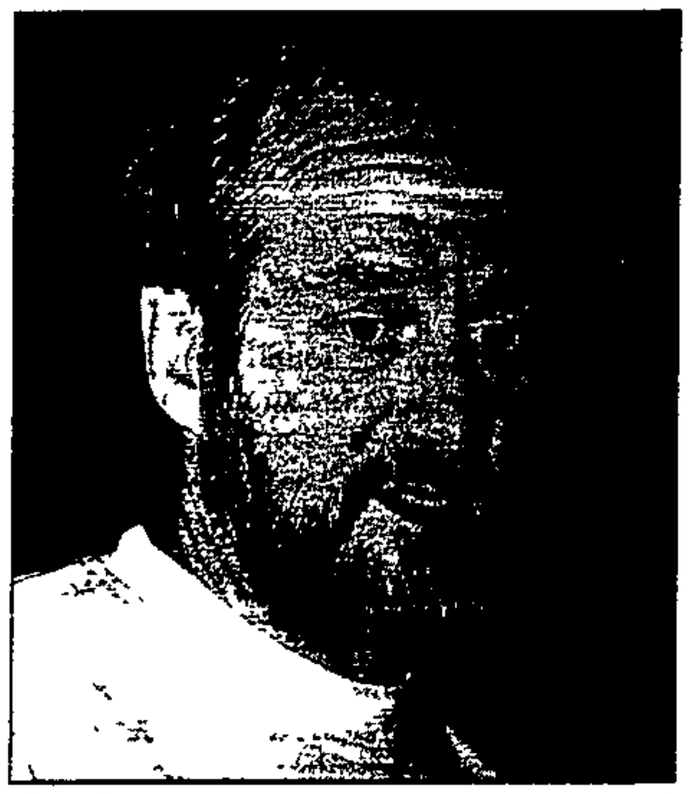
The reform programme is a cornerstone of government policy and an important cog in the RDP machine. It provides mechanisms to restore the rights of people who were forcibly removed and denied land by previous governments.

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

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

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

But "unscrupulous practices" such as artificially inflating land values will not be tolerated. "If reasonable measures are frustrated and do not succeed, government will be left with no alternative but to resort to drastic measures."



Hanekom . . . *don't artificially inflate land prices*

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

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

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

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

The areas total just over 45 000 ha (*Current Affairs* March 3). Funding will come from the RDP and international donors. ■

fire

Land valuers sued

Overvaluations could imperil programme

Star 22/4/95 (271)

ESTHER WAUGH
POLITICAL CORRESPONDENT

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

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

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

Irresponsible

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

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

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

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

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

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

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

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

One of the five farms was sold in 1976 for R62 000. It was sold 10 years later for R280 000. The same farm has now been valued for exproriation at R976 000, while the review appraisal, requested by Hanekom, valued the property at between R650 000 and R750 000.

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

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

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

Lower prices

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

"In at least one case, a 'comparable' property was listed at the price its owner was asking, rather than the price that owner paid to acquire the property about a year earlier."

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

fire

Land valuers

Overvaluations 'could bring down reform programme'

Sunday (271) Star 22/4/95

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Homecoming for displaced Barolong

(271)

By Joshua Raboroko

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

The move follows protracted negotiations between delegates representing the tribe and the Potchefstroom Town Council, Transvaal Rural Action Committee fieldworker Mr Pogiso Molapo said yesterday Sowetan

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

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

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

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

The former Bophuthatswana government threatened to move them from Rooigrond to Bodibe in 1982 but they resisted. 28/4/95

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

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

271

Battle to go home is won

Mar 28th/95

ROOIGROND (Northwest) — Twenty-five years after their forced removal to the Bophuthatswana homeland, 20 Barolong families prepared to leave apartheid and return to their ancestral lands near Potchefstroom.

Their return to Machaviestad where the Bophuthatswana government in 1971 was made possible by the intervention of National Party former Minister Derek Hanekom.

Excited women and children, wrapped warmly against the cold, today convoy of governed trucks that arrived at Rooigrond before dawn.

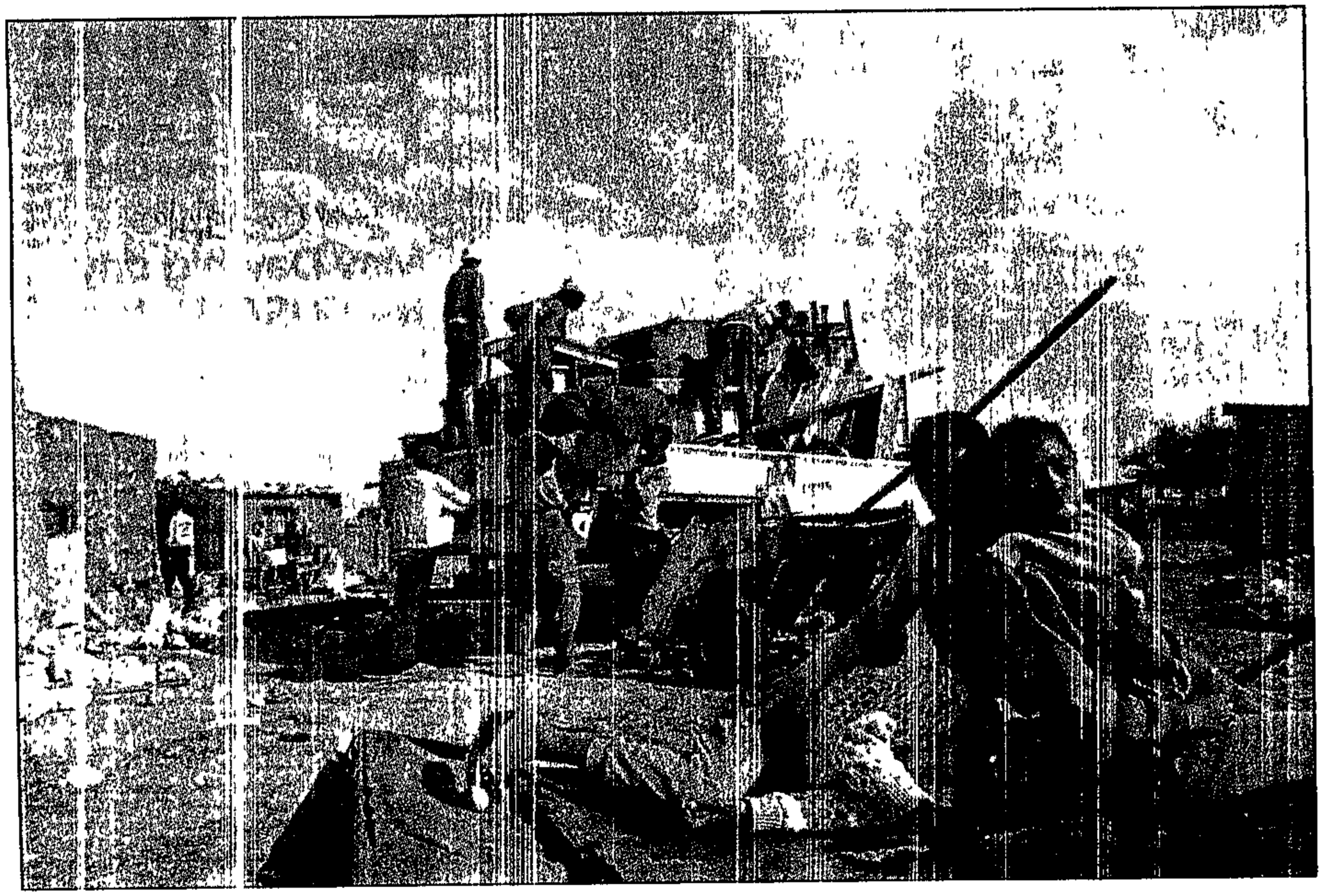
Others carried bundles of belongings, doors shacks and iron roofs using candle light to dig the way.

'I feel so happy,' said 73-year-old Samuel Tsimane, who was born in Machaviestad and remembers riding for nearly to work by bicycle and municipalities in the 1960s and 1960s.

A group of youths and young men and women brewed tea in a tin and warmed themselves around a burning fire as they waited for the trucks to be loaded.

"We're ready to get out of this place," said Gabriel Rapulana, 26, who was a small boy when white moved and stuffed his farm soldiers moved his farm. "We've suffered day since 1971." Life was hard at Rooigrond, where camp about 17km from Mmabatho, schools, long, water, schools, clinics or small made a farm. Most labourers living as casual labour. Much of their livestock was lost to drought.

Sapa



Barolong return with joy to their ancestral land

(271) Star 29/4/95

The long trek back home

Children take it easy as furniture and other belongings are unloaded from a truck after 20 Barolong da Madiboa families returned to their ancestral land yesterday. Together with other displaced Barolong families, they will be settled on 3 489 ha of their former land near Potchefstroom in the western Transvaal.

Photograph: JONATHAN REES

JONATHON REES

POTCHEFSTROOM — Twenty-five years after their forced removal to a tiny barren patch of the former Bophuthatswana homeland, 20 Barolong da Madiboa families began the trek home to their ancestral land yesterday

Together with other displaced Barolong families, they will be settled on 3 489 ha of their former land near Potchefstroom, which was bought by the Ministry of Land Affairs as part of the Government of National Unity's attempt to reverse the legacy of forced removals Several truckloads of furniture and belongings arrived at Machaviestad yesterday afternoon after a morning spent breaking down mud and iron homes at Rooigrond near Mmabatho, where the National Party government moved the Barolong in 1971.

Apartheid dreams

"We're ready to get our place back and change our lives," said Gabriel Rapulana, who at 16 is too young to remember the day his family was moved to fulfil apartheid dreams of racial separation.

From infants to octogenarians, the mood at Rooigrond was one of celebration as government trucks arrived before dawn to take the Barolong home

"I am going back to my birthplace," said Sam Gabashane (32), who remembers Machaviestad as a fertile area where his people once kept great herds of livestock.

Barolong Chief Simon Makodi (70) yesterday described how he resisted removal for 10 years before submitting at gunpoint to the apartheid government plan. "It was our land but due to apartheid the law was against us People were dismissed from their jobs, our livestock was impounded and our schools were closed to force us out," he said. Chief Makodi said R18,20 was paid to each family as compensation. The tribe lost 18 000 head of cattle in the move.

Yesterday's return was hastened by Land Affairs Minister Derek Hanekom after several earlier attempts failed The Potchefstroom municipality, which acquired the land in 1971, resisted the plan

A letter on Wednesday from Hanekom to Potchefstroom Town Clerk Johannes Botha confirmed the purchase of the land at R600 per hectare, with the proceeds to go to assisting other landless people and upgrading Potchefstroom's Ikageng township. The Rooigrond displacees worked and sang by lamp and candlelight from early yesterday morning as they personal belongings from their shacks.

The dwellings were later demolished as people stripped them of doors, window frames, roofs and anything else which might assist new life in Machaviestad.

According to the Transvaal Rural Action Committee, the Barolong da Modiboa first occupied land at Machaviestad in the first half of the 19th century.

In 1872 the Transvaal Republic gave the Potchefstroom municipality title to the land, reducing the Barolong to illegal squatters on their own land

Forcibly evicted

Some people were forcibly evicted in 1874 and between 1907 and 1971 repeated attempts were made to force others off the land by levying taxes on animals and houses, fencing off parts of the land, and de-registering the local school in 1966. The past 24 years have seen the Barolong fighting to return home, eventually winning their right to return briefly each year to tend the graves of their ancestors.

Small groups of people peacefully reoccupied their land in 1990 and again in 1991 They were arrested and charged with trespassing on both occasions — Sapa.

ALSO IN 30'S
TASTE

Home at last

By DAN DHLAMINI

(271) CP 30/4/95

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

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

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

Komane said the government would help the tribe with necessities.

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

Happy to be home . . .

sowetan 3/5/95

The Barolong people of Machiaviestad, near Potchefstroom, returned to their ancestral land after being forcefully removed by the apartheid regime 24 years ago, reports **Joshua Raboroko:** (271)

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

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

There were also posh houses where the chiefs and barons lived. The township was relatively quiet as no serious crimes were reported at the time. The camp was known as Matlwang or Machiaviestad.

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

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

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

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

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

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

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

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

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

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

Brief return each year

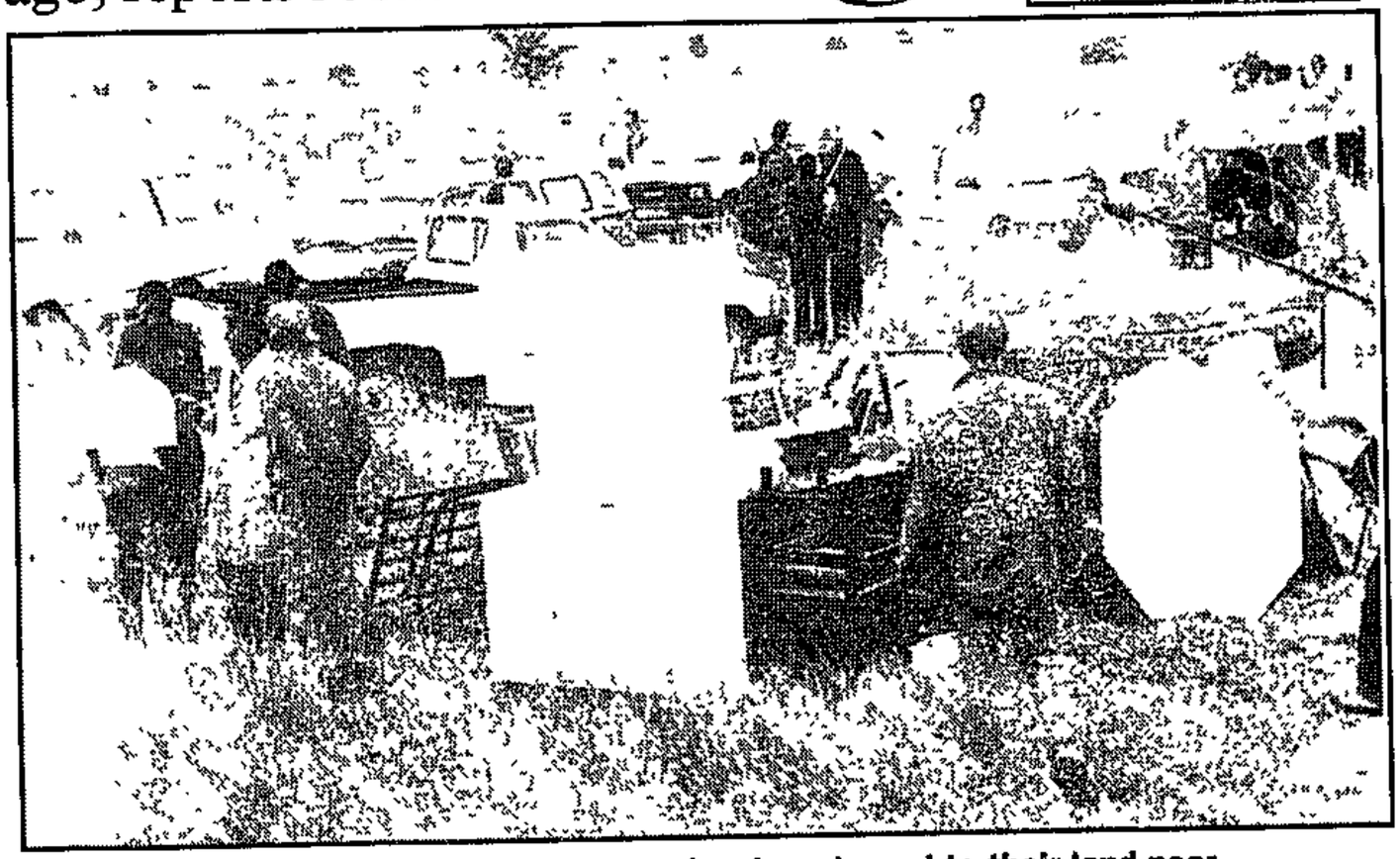
Through their perseverance they were eventually granted permission to return for a brief period each year to tend the graves of their ancestors.

In April 1982 the former Bophuthatswana government threatened to move the Barolong again from Rooigrond to Bodibe. The community resisted, saying: "You cannot fight us forever"

Musegiswa said: "Blacks were not allowed to own land. The laws of the country were too harsh on us."

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

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



Some of the 200 displaced Barolong people who returned to their land near Potchefstroom at the weekend. They were resettled in Rooigrond near Mafikeng by the National Party Government in 1971. PIC: MOFFAT ZUNGU

"We have no toilets, streets or water taps. We will have to work hard to install these facilities," Ntshunga said. "We hope the Potchefstroom Municipality will provide infrastructure as well as transport for us."

Potchefstroom municipal chairman Mr Pieter Prinsloo said they were happy that the people were back at last. Prinsloo said that they would help provide services for the residents

According to Transvaal Rural Action Committee field worker Pogiso Molapo, the return of the Barolong to their land was a tip of the iceberg. There are hundreds of other people who still have to be resettled on their lands.

Another TRAC field worker, Mr Elias Khama, said that more than 5 000 other people who were displaced by the "abhorrent system" of apartheid still have to be resettled on their lands

He said that they were negotiating with the Government of National Unity, the mines and farmers in an attempt to settle the people on their land. The mass removal of people from their land has been a very thorny experience.

TRAC and the National Land Committee have made various representations to the present Government to return people's land to them

The resettlement of the Barolong people was one of the bitter battles the associations had with the regime. Khama said it was going to be another struggle for the people who returned. There are no toilets, taps, schools, shops and the land is dry.

Pupils will be forced to leave their schools at Rooigrond when their parents go back to reclaim their land. But the community will struggle on despite these hassles.

National Land Committee advocacy and Land Rights Officer Mr Jabu Dada said the land-claiming communities of Majeng, Schmidsdrift and Groenewater in the Northern Cape reoccupied their land at the weekend.

The people decided to occupy the land as a result of what the communities perceived as a "slow process by government in addressing their plight".

Back to the land

The communities are part of the "back to the land" campaign which has been supported by the NLC. Dada said that the main reason for the removal of the people in the Northern Cape seemed to have been a military one.

Many areas out of which people were removed in Schmidsdrift, Gatlose and Maremane reserves, have been converted into military camps. The other reason for removal in the Northern Cape should be seen in the context of the previous government's efforts to justify its bantustan philosophy

Dubious land deals face curbs

ADRIAN HADLAND

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

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

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

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

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

"If reasonable measures are frustrated and do not succeed, we may be left with no alternative but to resort to more drastic measures," he said.

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

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

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

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

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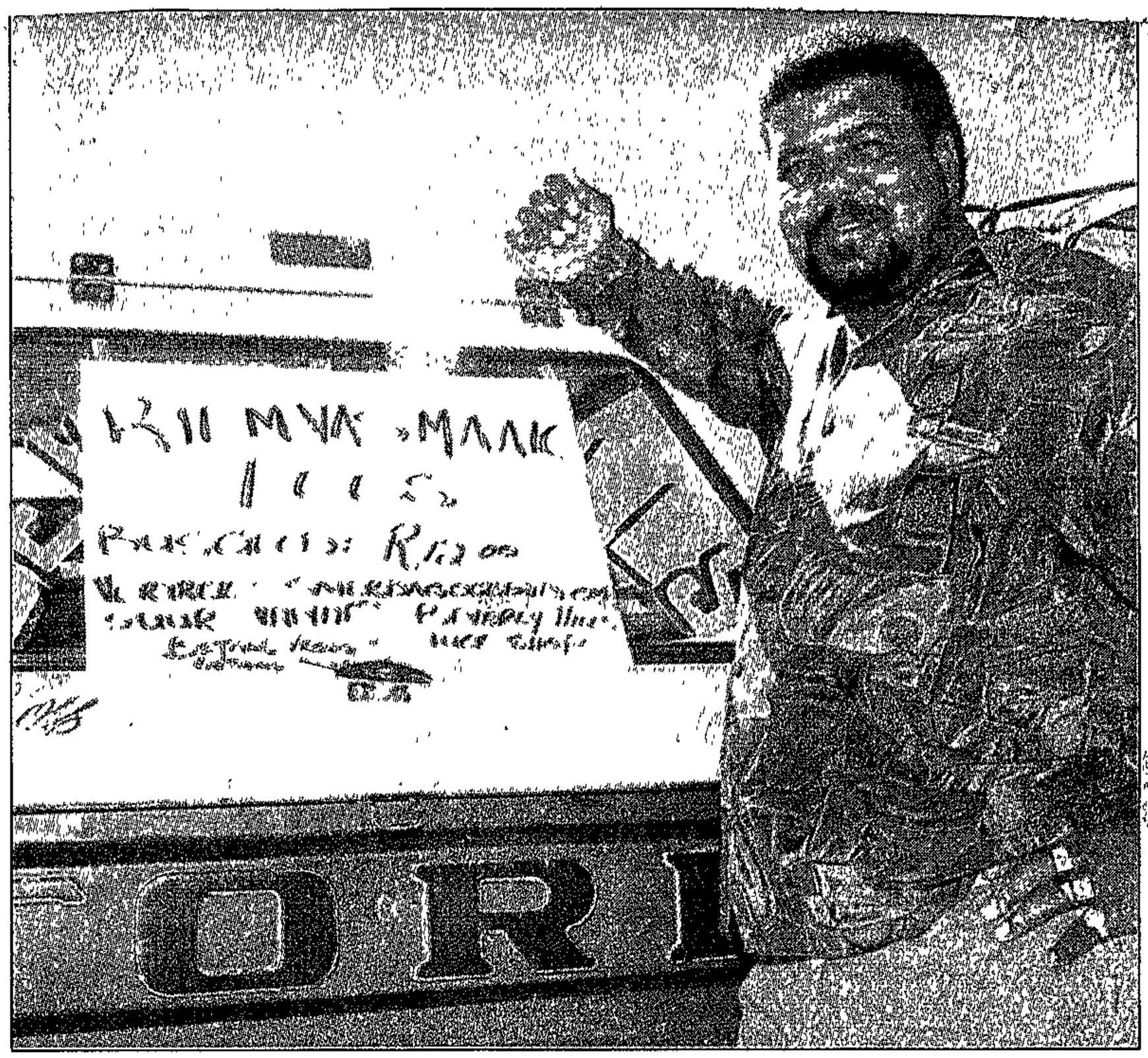
TODAY'S WEATHER

Gauteng: partly cloudy and mild. (Daytime temperature: Johannesburg 21°)
Eastern Transvaal: mild but warm in Lowveld. (Ermelo 21°)
Northern Transvaal: mild but warm in Lowveld. (Pietersburg 22°)
Northwest Province: warm with showers. (Mmabatho 24°)
Free State: mild to warm with showers. (Bloemfontein 23°)
Northern Cape: cool to hot with showers. Wide-



BUSINESS OPPORTUNITY . . . Kakamas taxi operator Ambrose Thomas is offering to drive people from surrounding towns to the party to celebrate the return of their relatives **Pictures: JOHN HOGG**

Arid hills ring with hope as exiles return

ARG ST 7/5/95 (271)

By CHIARA CARTER

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

About 1 000 members of the Northern Cape community and their friends and relatives in surrounding towns yesterday celebrated the return of the Riemvasmaakers to their land after more than two decades of exile.

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

Those classified Nama-Damaras were sent to Welwitchia and Khorigas, 1 300km away in Namibia; Xhosas were moved to Welcomewood, a barren part of the Ciskei; and those people regarded as coloured were scattered in surrounding towns.

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

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

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

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

They are living in army tents pitched around a mission station in barren hills about 16km from the Orange River. It is a bleak place of heat and dust, stone and scrub

But appearances are deceptive.

Riemvasmaak includes about 500ha of prime agricultural land, called Blou Puts, along the north bank of the Orange River.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

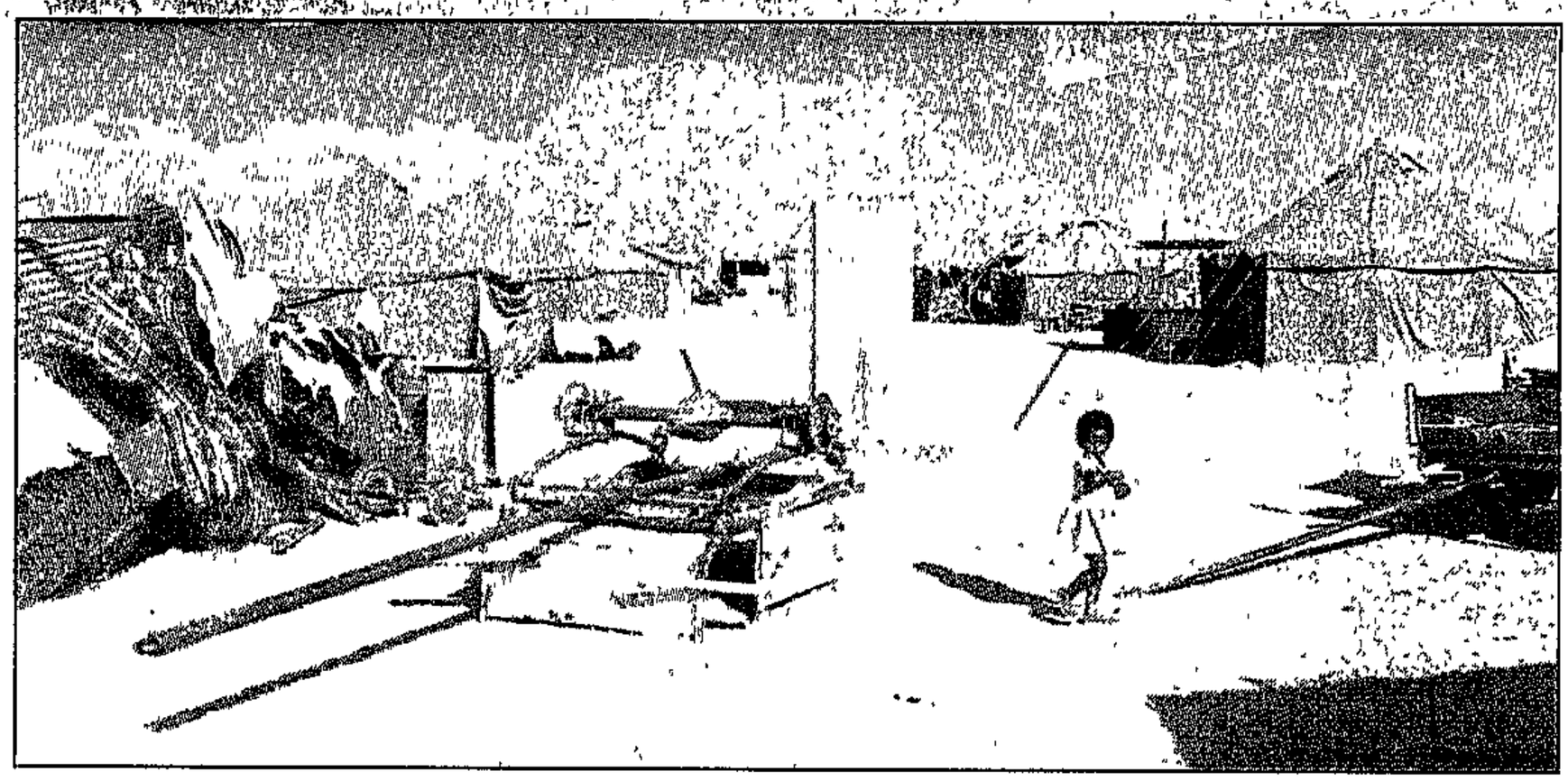
Willem Vass, the leader of the people who were moved to the Ciskei, said he was delighted that he was back where his parents were buried.

"I can end up where I began and for my grandchildren there is hope," the grey-haired 70-year-old said.

Small wonder that the community and their friends and relatives decided to celebrate the Riemvasmaakers' return with a huge party this weekend.

Sunday Times

7/5/95 271



STRANGE EDEN . . . people are living in a bleak transit camp, but say they have returned to paradise

Restitution of land celebrated

(271) CT 8/5/95

SPECIAL CORRESPONDENT

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

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

"We cannot expect the Reconstruction and Development Programme to materialise in one day as Riemvasmaak is not the only restitution case in South Africa that needs to be developed."

He said it was necessary to remain positive and join forces with the provincial government to see to it that the area developed to its best potential.

Commission receives 450 land claims a day

(271)

By Mzimasi Ngudle

Sowetan 9/5/95

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

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

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

The rules, which were amended after the commission received input from important stakeholders, including non-governmental organisations, would supplant the existing provisional rules.

Documents to be attached to a prescribed claim form differ in accordance with the title of the claimant.

An original owner who lost a right in land must submit certified copies of his identity document and title deed.

In addition to the above documents, a descendent must bring a certified copy of the person who lost a right in land as well as the power of attorney authorising him to claim the land if the original owner is still alive.

In the case of inheritance, certified copies of the will and liquidation and distribution accounts and the written consent of all heirs with an interest in the land must be furnished.

SANDF grazing deal seen as racist

Star 12/5/95

■ BY JO-ANNE COLLINGE

Angry accusations of racism have been levelled at the South African National Defence Force as a result of its agreement to let white farmers use a portion of the Lohatla training camp in the Northern Cape for emergency grazing.

The non-governmental National Land Committee says the area of the base is subject to a land claim by the Khosis, Maremane and Gatlhose communities, who were forcibly removed under apartheid. (271)

"It is illegal in terms of the Restitution of Land Rights Act to lease or allocate land that has a claim pending," the NLC said on Wednesday.

"We therefore call on Minister of Defence Joe Modise and Minister of Land Affairs Derek Hanekom to intervene and resolve this matter as speedily as possible."

But Colonel Dirk Hanekom, senior staff officer of logistics at Lohatla, contended that the portion of the base made available to the farmers was about 20km away from the "traditional land" which concerned the claimants.

He said that in terms of a formal agreement with the Northern Cape Agricultural Union, the farmers would be using up to 12 000ha of the 150 000ha base.

Major role for private sector in land reform

(271)

ARG 13/5/95

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

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

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

Mr Hanekom said yesterday the draft should provide a basis for discussion leading up to a public conference on land policy set for August. — Reuter.

Son of the soil faces new battle for land

(271) ST 14/5/95

By CHIARA CARTER

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

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

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

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

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

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

He asked Land Affairs officials to stop the settlement growing.

But when he returned in February this year, he found the settlement had swelled to 57 shacks, several buildings had been erected and the squatters were ploughing fields.

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

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

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

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

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

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

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

"If Mr Molakeng has all the proof needed and wants to occupy the plots on an individual basis, we are obliged to let him do that," Mr Enslin said.

4 000 land restitution claims lodged so far

Sowetan 30/5/95

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

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

Forcibly removed

It has been estimated that between 1960 and 1982 3,5 million people were forcibly removed, 745 500 of them in KwaZulu-Natal.

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

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

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

Land reform

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

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

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

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

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

In current budget

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

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

Nine shortlisted for land claims court

(271)

ARG 18/5/95

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

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

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

The shortlist is:

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

Past will haunt Triomf

(271) Sowetan 18/5/95

By Mzimasi Ngudle

TRIOMF residents will soon be haunted by their Sophiatown past.

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

With the enactment of the Restitution of Land Rights Act, displaced people may now reclaim their right of ownership of properties from which they were evicted or for compensation in cases where this is not possible. Of the 3.740 claims lodged with the National Land Claims Commissioner, 11 are in respect of land in the old Sophiatown.

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

As sole heir to the estate, Daya wants his father's land back His claim is one of some 4 000 received by the commission so far Unlike many others, Daya has a strong case, having documents to support his claim Daya contends that his father, a wealthy businessman who frequently bailed out the South African Indian Congress when it was in financial straits, was a victim of racism.

His father owned four Sophiatown properties registered by a company.

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

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

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

(271)

LAND AFFAIRS FM 19/5/95

Bashing the boss

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

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

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

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

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

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

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

Hanekom

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

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

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

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

Defence Force discipline debate

ADRIAN HADLAND

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

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

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

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

The accused did not have the right to legal representation or to a public trial, Retief said. BD 24/5/95

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

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

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

Land ownership rights 'are safe'

(271) BD 24/5/95

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

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

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

But Hanekom assured his audience government would not impinge on current property ownership rights. This policy was likely to be contained in the White Paper due to be presented to Parliament in October.

"It is a tricky situation. It is not our intention to encroach upon the rights of existing landowners.

"We will embark on land reform without creating new injustices and in so doing secure property rights for all South Africans."

Government wanted to remove impediments to land ownership.

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

This system had been practised largely in the former homelands.

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

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

Hanekom said he did not believe land reform could be left solely to the dictates of the free market system. Land resources and access were tightly held, and in such instances the free market would be skewed in favour of that clique.

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

"It is exactly what we want to avoid. I don't believe the route they are on is the right route." — Sapa.

Govt urged to expropriate land

Ingrid Salgado (271)

BD 25/5/95

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

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

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

The reconstruction and development programme (RDP) target of redistributing 30% of arable land within five years would be met only by taking land from white owners, since there was limited state-owned land available to government.

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

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

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

ST 28/5/95

Army base invaded

By CHIARA CARTER

A NORTHERN Cape community yesterday "invaded" an army base operating in an area from which they were forcibly removed almost 20 years ago. (271)

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

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

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

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

The community was forcibly removed between 1976 and 1977 to an area north of Kuruman.

Military police arrested a group of people who were apparently toyi-toying and building a bonfire.

Protesters sit in at army post

(271)

STAFF REPORTER

CT 29/5/95

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

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

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

Frustrated

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

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

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

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

No facilities

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

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

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

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(271)

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Monday May 29 1995 SOWETAN

(271)

Sowetan 29/5/95

No more forced removals

THE Government will never again "push people from their land", Land Affairs Minister Derek Hanekom said yesterday. Speaking at the official handing over of the Gillemburg Farms near Potgietersrus in the Northern Transvaal to the provincial government, Hanekom said apartheid had "messed up things" all over the country. The maladies of apartheid policies posed difficult new challenges and solutions to problems.

The launch of the pilot Land Reform Programme (LRP) differed from province to province and therefore there was no single solution or formula to be prescribed, he said.

"The Government is promoting creativity, energy and a will to correct all problems which face us. The pilot LRP has to benefit the poor," Hanekom said.

The redistribution of land had an element of potential conflict and it was therefore up to the people to show that by giving their energy, commitment, goodwill and cooperation a success could be made of the programme.

He urged residents and workers on the farms to make use of their relevant provincial departments, such as Land Affairs, so that "we can show that President Nelson Mandela did not serve more than 20 years in prison for nothing". Hanekom said some of the R35 million granted to the Northern Transvaal would be used to buy land on which to settle people. He warned that it was not a large amount as millions would have to be spent on education, housing and health and that the grant should be used wisely to ensure that the poor would also benefit. — *Sapa.*

Tax could endanger jobs — Meyer

Louise Cook

BD 29/5/95 (271)

A LAND tax of 2% — mooted by Land Affairs Minister Derek Hanekom and currently under investigation by the Katz commission — could jeopardise three to four job opportunities on a typical fruit farm in the Western Cape, Land Affairs Deputy Minister Tobie Meyer warned at the weekend.

Meyer said the profit margin on a farm was usually between 3% and 4%. A 2% tax rate would be of a "confiscating nature".

He said the administrative cost of a land tax could be kept at realistic levels if farms were not evaluated individually.

"Farms would have to be taxed on a regional basis. It should be imposed on the value of the land rather than the productive value of the farm," he said.

Meyer called for the tax not to be calculated according to farm improvements linked to employment or to increased production.

"It should be a tax for the people, by the people," he said.

White farmers get land back

Adrian Hadland

(271) BD 29/5/95

CAPE TOWN — More than 60 white farmers had properties returned to them last year after the commission on land allocation ruled that they had been disadvantaged by expropriations carried out under racially based laws.

In the commission's last annual report before its replacement by the commission on the restitution of land rights, acting chairman Nic Olivier said the body had not discriminated between claimants on the basis of race.

"It became evident to the commission that some white farmers had their properties expropriated in terms of racially based laws, against their will."

In some cases they had the same historical and traditional attachment to the land as black communities dispossessed of ancestral land. The fact that these white farmers had received compensation — even if it could be described as "adequate" — did not necessarily remove the mental and physical hardship suffered. This included the loss of an ancestral home, effort put into development, sentimental attachment to the land and the hardships associated with starting afresh in a new area.

"Most of these farmers begged the commission to allow them to buy back their

Continued on Page 2

Land

Continued from Page 1

(271) BD 29/5/95

former farms at market-related prices, or in return for the compensation they had been paid out." Some had also suffered pecuniary loss as part of the compensation was paid out in government bonds.

Where the commission was convinced farmers had suffered real prejudice, it had had no compunction in deciding that the land should be restored to the previous owner. In a limited number of cases, the commission had issued an order to this effect.

The number of whites in whose favour it had ruled was a "mere handful", the commission said. Totalling 63 in all, the area of land concerned amounted to not more than 9% of the land the commission considered.

In some cases prejudice suffered by farmers could not be rectified "due to the nature of the prejudice, the subsequent development of the land and the scope of the commission's powers".

Bid to settle Lohatla dispute

Top-level land indaba

(271) Star 1/6/95

BY JO-ANNE COLLINGE

The Ministers of Land Affairs and Defence met yesterday to try to find ways to defuse conflict over the land claim which the Maremane community has staked to part of the Army Battle School at Lohatla in the Northern Cape.

At the time of going to press the outcome of the meeting could not be established.

Frustrated by delays and angered by the army's recent decision to lease part of the base to white farmers, a group of about 40 land claimants attempted to reoccupy their ancestral land at the weekend.

They were arrested by military police on two occasions and now face charges under the Defence Act.

The National Land Committee, which provides support to scores of displaced communities, has hit out at the Government for dragging its feet in dealing with the claims of three communities — the Maremane, the Gatlhose and the Khosis — to various parts of the Army Battle School.

In fact, there has been a proposed solution on the table for the last six weeks. The question is: Where has it got stuck?

Land Affairs Minister Derek Hanekom insisted yesterday that the ball was "absolutely" in the court of the Ministry of Defence.

He said the proposal negotiated through a working committee of various stakeholders in the Northern Cape had been sent to the military. "We are waiting for their response."

A spokesman for Defence Minister Joe Modise said — at about the time the second arrests were in progress on Tuesday — that Modise had called for a progress report from the working committee. "This must be given to him as soon as possible in order (for him) to attend properly to whole issue."

Hanekom said that he recognised the right of all three claimant communities to the land concerned. The Gatlhose and Maremene "were forcibly removed in the context of apartheid laws and irrespective of any compensation which they received, theirs is a legitimate restituion case".

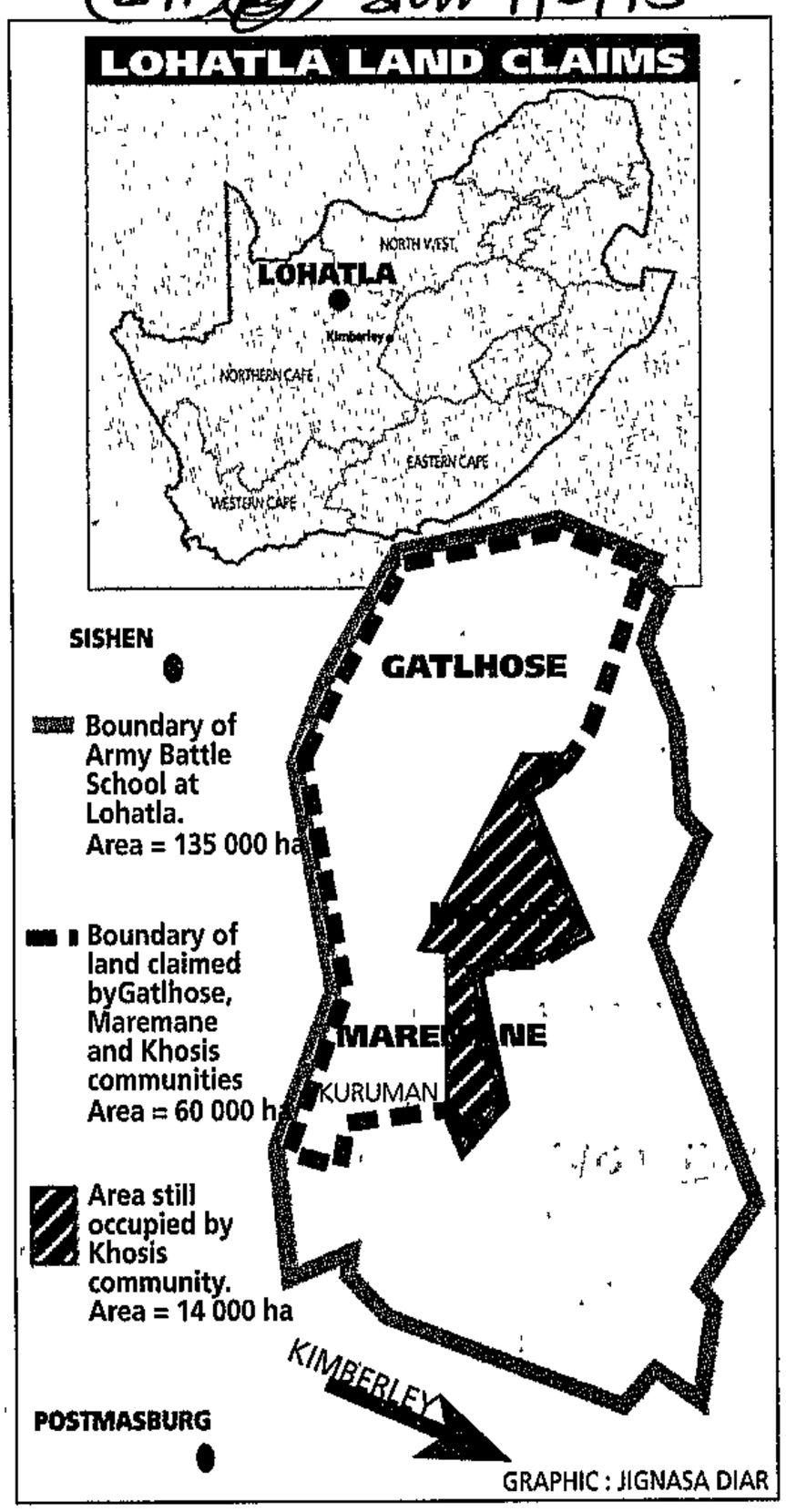
So was the case of a defiant remnant of the Khosis community, which has never left the land.

Details of the proposed settlement were spelled out by Land Affairs Northern Cape region director Dries Potgieter.

It was suggested that the claimants get back virtually all the land they had traditionally occupied.

The exception would be a portion where the army had put down expensive infrastructure, and the communities would be compensated.

The SANDF should retain the rest of the base, including all parts which had been developed by the army, and should get compensatory land added along one of the boundaries.



Gauteng heading for tougher waste laws

BD 2/6/95

Michael Moon

LEGISLATION to force companies to produce less waste in their manufacturing processes was under investigation by the Gauteng government, the province's development planning, environment and works MEC Sicelo Shiceka said this week.

The Gauteng legislature had recently acquired from central government the necessary powers to enact environmental legislation, Shiceka said.

He also said he would be convening a meeting this month of all interested parties to discuss the "burning issue" of hazardous waste disposal in the province.

The intention was to get various groups — from local communities to disposal experts — to reach consensus on a 25-year plan for waste disposal in the province.

He also intended arranging discussions on whether waste disposal in Gauteng should be handled by the private sector, or whether government should assume responsibility for it.

These announcements come against the backdrop of a continuing controversy over waste landfill sites in the Greater Johannesburg area, and the closure last month of Waste-tech's Margolis site in terms of a Supreme Court order. The unavailability of the Margolis site precipitated a crisis in the region as hazardous industrial and medical waste began piling up.

Water Affairs Minister Kader Asmal has intervened in a bid to get the landfill and a nearby incinerator reopened. While the incinerator is currently dealing with the medical waste backlog, legal opinion on reopening the landfill is still awaited.

Shiceka said the question of whether to proceed with the landfill method of disposal, and where to site such facilities, would be discussed at this month's meeting. The option of using incinerators to get rid of hazardous waste would also be studied.

The possibility of commissioning Waste-tech's unused, R12m Chloorkop landfill, once Margolis was officially closed at the end of the year, would have to be discussed "with an open mind".

Chloorkop has never been used, as a result of public protests and a dispute over zoning of the area.

Shiceka said a final decision on Chloorkop would have to rest with "the people", but added that they had to be "realistic" about Gauteng's urgent waste disposal needs. It was a "very sensitive matter" which thorough consultation would have to resolve.

He said further talks on who should be responsible for waste disposal would weigh up the issues of private enterprise possibly cutting corners to maximise profit, and the possibility of public sector inefficiencies.

Environment department 'underfunded'

BD 2/6/95

Michael Moon

THE Environmental Affairs and Tourism Department was a "weak, underfunded department which lacked capacity and professional expertise", according to much evidence presented to the Lorimer committee investigating the restructuring of the Council for the Environment.

In a statement yesterday, the department said evidence had also indicated that it was "unable to attract the necessary competent personnel required to perform its duties adequately".

The department said the findings of the Lorimer committee would be made public on Monday, World Environment Day, by Environmental Affairs and Tourism Minister Dawie de Villiers.

The committee was appointed in September last year to probe the need for, and the composition and activities of, an advisory body such as the Council for the Environment. Former DP environment spokesman Rupert Lorimer was appointed as the committee chairman.

The committee discovered during its work that the nature of many of the submissions put before it went beyond the scope of its brief.

After discussions between Lorimer and De Villiers, the minister agreed to extensions to the brief, "where the committee considered comment to have relevance to environmental systems as a whole", the department said.

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Ministry still to decide on land claim

271

Stephane Bothma

DEFENCE Minister Joe Modise was awaiting a National Land Committee progress report before any decision would be taken regarding a claim by the Maremane community to part of the Army Battle School at Lohatla in the Northern Cape.

BD 2/6/95

A ministry spokesman confirmed that a meeting took place between Modise and Land Affairs Minister Derek Hanekom on Wednesday.

The Lohatla issue had been discussed, but no decisions had been taken, he said.

However, a decision by the minis- [illegible] expected soon.

A group of about 40 land claimants attempted to reoccupy the land last weekend, but were removed by provincial officials this week.

Squatter shacks erected just outside the Army Battle School were removed by the provincial administration and the police on Tuesday.

Three communities, the Maremane, the Gatlhose and the Khosis, have claims to various parts of the school.

Hanekom earlier said he recognised the right of all three cl[illegible] communities to the land concerned.

The Gatlhose and Maremane were removed in the context of apartheid laws and irrespective of any compensation received by them, theirs was a legitimate restitution case, he said. The ball was now in the court of the defence ministry.

Modise to meet Lohatla clans

■ BY JO-ANNE COLLINGE

Minister of Defence Joe Modise is to initiate fresh talks with the communities staking a claim to almost half of the vast Army Battle School at Lohatla in the Northern Cape.

A Ministry of Land Affairs spokesman said this course of action was decided upon at an urgent meeting between Modise and Land Affairs Minister Derek Hanekom on Wednesday.

The meeting followed a failed attempt last week by about 40 members of one of the land-claiming communities — the Maremane — to reoccupy their ancestral land at Lohatla.

The spokesman was unable to indicate whether Modise's undertaking to reopen talks with the Maremane, Gatlhose and Khosis communities was a sign that he had rejected a proposed settlement which would have left a large part of the base in the hands of the communities.

(271) (2) Star 2/6/95

NEWS

Workers get special protection

Draft Land Bill limits evictions

Star 2/6/95 (271)

BY JO-ANNE COLLINGE

Farm workers will have immediate protection from eviction while draft legislation on land reforms goes through the parliamentary process.

The draft Bill puts strict limits on the circumstances in which labour tenants can be evicted from the farms on which they are tenants.

The unusual move has been made effective from the moment of publication for comment in today's Government Gazette.

In the major reform, the draft Land Reform (Labour Tenants) Bill also provides for the forced sale of privately owned farmland to tenants in parts of KwaZulu-Natal and the south-eastern Transvaal.

Minister of Land Affairs Derek Hanekom described the eviction of labour tenants yesterday as "one of the most difficult and pressing issues" he had faced.

"These evictions have left labour tenants and their families without alternative accommodation, without any effective means of making a living, and often without recourse to the law."

The lack of a clear legal framework and mechanisms to resolve disputes had given rise to conflict and violence, he added. The Bill was intended to fill this vacuum and enable government to act decisively.

The majority of farm workers and owners will not be affected by this first clear move by the Government beyond the realms of land restitution and into the territory of redistribution.

The Bill only covers a narrow category of farmworkers and landowners who are locked into the outmoded labour tenancy practice.

It proposes that a labour tenant will have the right to "acquire ownership or another right in the land which he or she and his or her family use as a dwelling ... habitually use for cultivating produce and ... for grazing".

It provides for this purchase to take place voluntarily and stipulates that the landowner should be paid "just and equitable compensation".

Only when tenant and owner cannot agree on the sale and on the price will the Land Claims Court come into the picture.

Drafters of the Bill expect that purchases will proceed slowly and that the availability of State subsidies for tenant-purchasers will be central to the workability of the scheme.

For this reason, and in order to stem conflict arising from the evictions, the Bill also attempts to provide stability in the tenancy situation by stipulating procedures to be followed before an eviction may take place.

▶ **Landing a fair deal – Page 11**

Reform Bill 'confiscating land'

ARG 3/6/95 (271)

JOHANNESBURG. — The South African Agricultural Union (SAAU) says the proposed Land Reform Bill makes a mockery of property rights and "practically amounts to the confiscation of land in favour of farm workers".

SAAU president Boet Fourie said Land Affairs Minister Derek Hanekom had "failed to give any consideration to the interests of land owners" in the proposed legislation, which places a moratorium on the eviction of labour tenants — people who exchange work for the right to farm a small piece of land.

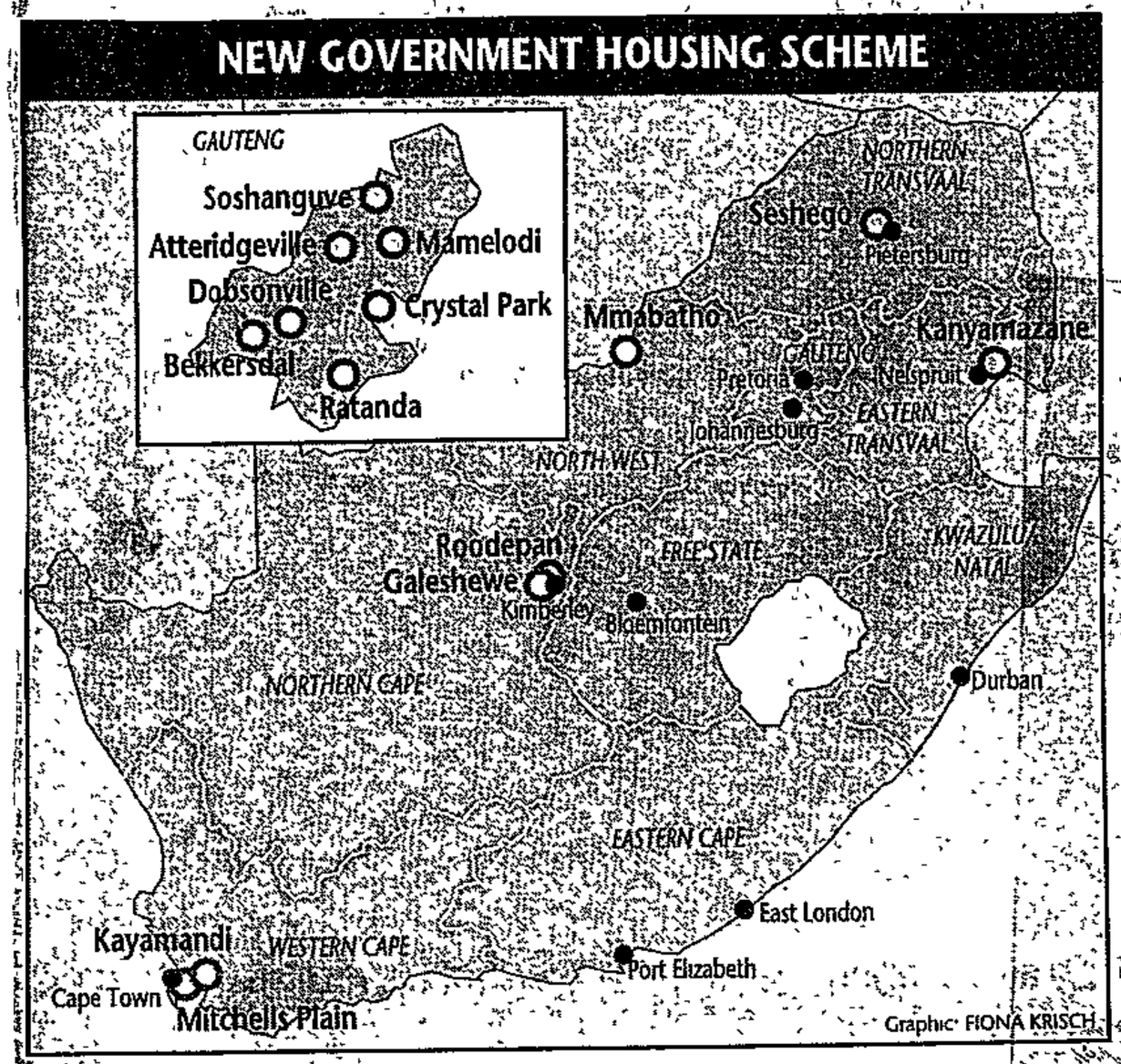
Mr Hanekom announced the R200 million scheme to give labour tenants security of tenure and help them to acquire ownership of the land they farm.

Mr Hanekom told reporters that the scheme could help to turn 30 000 to 40 000 labour tenants in the Eastern Transvaal and the north of KwaZulu-Natal into successful farmers.

"Why doesn't the minister also place a moratorium on the violation of the property rights of the affected farmers?" Mr Fourie asked. "As so often in the past, the minister has chosen to ignore these problems."

The bill, which was published for discussion yesterday, proposes to give labour tenants the right to security of tenure and, if they wish, to buy land they currently farm.

"It's land the tenants are farming now, land the farmer does not use," Mr Hanekom said. "The tenants have probably paid for the land over and over again through the generations with their work." — Sapa.



'Scrap property rights'

By RAY HARTLEY
Parliamentary Correspondent

COSATU general secretary Sam Shilowa has called for a redrafting of the Bill of Rights to exclude a clause protecting property rights and to bolster the right of workers to strike without restriction.

Addressing a hearing organised by the Constitutional Assembly in Kempton Park yesterday, Mr Shilowa said: "We don't believe that the right to property belongs in our constitution. To constitutionally entrench property rights would perpetuate existing patterns of inequality ad infinitum."

Mr Shilowa said property rights were limiting the implementation of "many aspects of the Reconstruction and Development Programme".

He said the right to strike needed to be entrenched, but without the reciprocal right of employers to lock out striking workers. "All references to lock-outs should be excluded from the constitution," he said.

The right to strike needed to be extended to include strikes aimed at criticising government policies, as outlined in a report by the International Labour Office.

Cosatu's proposed clause read: "Organised workers shall have the right to strike to promote and defend the social and economic interests of workers."

The right to picket on employers' premises should be written into the constitution, invalidating apartheid-era by-laws.

"The right to strike should not be subject to any limitation," he said. The interim constitution's clause allowing the right to strike to be suspended during a state of emergency should not be included in the final constitution.

"Even under brutal apartheid rule, that was not taken away," he added.

Also under fire was the interim constitution's right to disassociate. "The ILO leaves the question of closed-shop arrangements to individual nation states to decide and does not deem the closed shop and agency shop an infringement of freedom of association," Mr Shilowa said.

(271) St 4/6/95

MARCHING ORDERS . . . SANDF soldiers take a break during a leadership course at the disputed Lohatla Battle School in the Northern Cape last week. ■ Pic: TLADI KHUELE

SA Army goes European

THE FIRST large military exercise on South African soil involving a major European power will be held in October and November at the Lohatlha Battle School in the Northern Cape.

Lohatlha spokesman Lt-Col Braam van Wyk would not name the European country, expected to send a regiment. About one-and-a-half South African Army divisions as well as air force and navy detachments are to take part in the exercise. - Sapa

Army base occupied

B CP 4/6/95 (B) 271

THE Northern Cape community of Maremane this week decided to re-occupy the Lohatlha army base from which they claim to have originally been evicted by the former SA Defence Force.

The re-occupation follows the community's anger over the SA National Defence Force's decision to lease part of the "disputed" land to white farmers in the Northern Cape.

As tension over the re-occupation of land mounted, the Ministry of Defence and Land Affairs hurriedly met on Wednesday to find a compromise on the ownership of Lohatlha.

The Land Affairs department has already indicated that it is in favour of the communities getting back their land.

Land Affairs director Dries Potgieter told City Press his department had already recommended that the communities get back their land they had traditionally occupied.

This proposal, according to Land Affairs spokesman Helmut Schlenther, was struck on April 19 and accepted by all parties in principle.

He said it had been agreed that the Ministry of Defence should take that proposal back to the communities.

According to sources, the SANDF should have avoided the re-occupation by taking the proposals to the communities.

"The invasion was a due a long wait by the communities. Nothing came from the SANDF," City Press was told.

Contrary

Contrary to what the communities claim, the SANDF last month claimed the land was expropriated from white farmers in 1978.

The National Land Committee (NLC) strongly criticised the SANDF saying negotiations were currently underway to restore the land to its rightful owners when the SANDF gave it to farmers.

"In terms of the Restitution Act, it is illegal to lease or allocate land that has a claim pending. In the past, the SANDF has denied communities access to visit ancestral graves.

"We find it problematic that the SANDF is now able to give land to white farmers. We see this as blatant racism on the part of the SANDF," said the NLC's Nomfundo Luphondwana.

According to Luphondwana the Khosis, Maremane and Gathlose communities were forcibly removed in 1977 and moved to the former Bophuthatswana homeland. The aim, according to NLC, was to establish the Lohatlha Battle School.

"The NLC finds it highly improper and out of order for the army to take unilateral decisions without consulting the working group and while there are negotiations involving all parties taking place," said Luphondwana.

In a statement she said the working group which comprises the army, community representatives, Department of Housing and the NLC, had been specifically set up to resolve land claims disputes in this area.

NEWS FEATURE *Returning land could be unaffordable if market value is main factor*

Reform to right past land wrongs

(271) Sowetan 5/6/95

By Estelle Randall

UNRAVELLING South Africa's racially skewed land-holding pattern is one of the most sensitive and complex issues facing the new Government.

The Land Reform (Labour Tenants) Bill, tabled for public comment on June 1, is an attempt to address one of these complexities. The interim Constitution has set definite limits on how land reform may be carried out by stipulating that there can be no land expropriation without compensation.

For the Government's restitution programme, this means that if land claimants have land returned to them and the land is privately owned, the Government must compensate the current owner.

Several factors, including the property's market value and how it was acquired, will be taken into account when calculating compensation.

But the Constitution is silent on what weight should be given to the various factors when calculating compensation. If market value becomes the main determining factor, returning land to claimants could prove unaffordable.

■ GOVERNMENT'S SYSTEM

Nobody gets land for free:

There is presently no policy about how land should be valued and on land-pricing.

In the Government's redistribution programme, an important element is that nobody gets land for nothing. Currently, this means the state buys land at market value for beneficiaries who then contribute 20 percent of its sale price.

In this context, labour tenants are the most vulnerable group of beneficiaries. The Labour Tenants Bill addresses their main problems of insecure tenure and poverty.

Up to now, labour tenants were in a weak bargaining position in relation to landowners. The property clause in the interim Constitution entitled landowners to unilaterally withdraw occupational rights to tenants, regardless of how long they had lived on the land.

The Prevention of Illegal Squatting Act, the Trespass Act and the civil ejection procedures could also be used to enforce evictions. By enshrining the rights of labour tenants in law, the Bill aims to change this imbalance and to encourage parties to seek pragmatic, local solutions. This, the Government hopes, will avoid all responsibility for solving land disputes being dumped on it.

Finding acceptable local solutions is important because the problem of labour tenancy cannot be solved through the Government buying alternate land and resettling tenants there. Labour tenants generally want rights to specific pieces of land.

The Labour Tenants Bill and the Restitution of Land Rights Act entitled labour tenants to acquire land they have historically used and occupied, if the owner is compensated.

But the tenants, as one of the poorest groups of the South African labour force, are unlikely to be able to compensate landowners or to raise money to do so.

And while the Bill makes provision for the Government to pay this compensation, it is unlikely that the Government will be able to do so for all labour tenants at once.

The protective tenancy provision, by making it more difficult for farmers to evict tenants, makes it more attractive for both tenants and farmers to seek mutually acceptable solutions to their land disputes.

In a motivation about the Bill, its drafters point out that the protective tenancy aspect and the right of long-term occupants to acquire rights to land are internationally accepted and widespread practices.

In South Africa, these aspects are contained in the Rent Control Act of 1976 and the upgrading of land rights laws introduced under the former government, such as the Upgrading of Land Tenure Rights Act of 1991.

Because the practice of labour tenancy is limited to certain parts of the country, it is argued that the Bill will have no effect on productive farmers.

Farmers likely to be affected are those who are indebted and those who have not become competitive. So, if such farmers are affected adversely, there would be no economic loss to the country as a whole, the drafters say.

'Slow Joe' just won't let go of army land

(271) WM 9-14/6/95

Reluctant to release any of its vast tracts of land, the Defence Force is being threatened with land invasions by displaced communities, writes Eddie Koch

Waiting for their land: A former resident of Schmidtsdrift pondering the army's departure

PHOTOGRAPH HENNER FRANKENFELD

THE South African National Defence Force has come under fire for scuttling land reform in parts of the country where the army controls large tracts of unused territory — much of it taken forcibly from black communities during the apartheid era.

Land organisations this week fired a broadside at Minister of Defence Joe Modise over his handling of land claims by three black communities — the Khosis, Maremane and Gathlose — who were forcibly removed in 1977 so that the South African Defence Force could build the world's second biggest battle school at Lohatla in the Northern Cape.

The displaced groups have claimed back parts of the battle school which covers 135 000 hectares of arid land near Postmasburg, and have started negotiations with the defence and land ministries to resolve the dispute.

But the National Land Committee (NLC) which represents the removed communities says a massive invasion by the Maremane community is looming — possibly as early as this weekend — because Modise and also the Ministry of Land Affairs have been slow in dealing with the demands for land restoration at Lohatla.

The Ministry of Defence denies it is blocking land reform. "The SANDF is not unsympathetic to claims upon land that has been allocated to it for use," said Modise's spokesman. "However it should be borne in mind that (it) has a responsibility to train its army as well as to ensure a professional and proficient defence force as called for in the Constitution."

The Lohatla dispute is the latest in a series of complaints that the SANDF, the single largest owner of state land outside of national game parks, is refusing to play its part in a government land reform programme that aims to redistribute 30 percent of all arable land to landless communities within five years.

An official statement from the SANDF says the military has the use of 600 000 hectares in various parts of the country. "Of this 500 000 hectares are undeveloped and are used for training areas, bombing ranges and buffer zones around airstrips and ammunition depots."

Some of the larger SANDF properties

TERRAIN	Size ha
PW Botha Training Area (Lohatla)	135 854
Vastrap Weapons Range (Upington)	49 994
Schmidtsdrift Training Area (Kimberley)	34 986
Madimbo Training Area	27 899
General De La Rey Training Area (Potchefstroom)	23 599
General De Wet Training Area (Bloemfontein)	16 974
Touwsrivier Training Area (Cape)	14 857
Oudtshoorn Training Area	13 393

Joe Modise: 'He appears to have the attitude of an apparatchik from the apartheid era on the Lohatla issue'

Lohatla is the second biggest battle school in the world. The largest is owned by the United States Army in Nevada. The NLC and officials in the Department of Land Affairs believe that this land could be used to meet the government's land redistribution targets.

There are also new disputes looming in the Northern Transvaal where the SANDF controls large tracts of land along the Limpopo River which are being claimed by the original Venda inhabitants and also in the Maputaland area of KwaZulu/Natal where the army is holding onto land that is no longer required for security purposes.

"Modise and the military have not been playing their role in promoting the land reform programmes," says NLC director Brendan Pearce. "We've been saying to the communities that they should wait and go through the formal land claims process. But their patience is running out because the government departments are dragging their feet on the issue."

A "joint working group" made up of officials from the defence and land ministries has been set up to settle the land claim. It also has representatives from the displaced groups at Lohatla to settle the land claim at Lohatla by negotiation rather than in the newly established Land Claims Court. The latest in a series of complaints is that delegations from both government departments failed to attend a meeting of this group that was held in Kimberley this week.

Modise's spokesman told the *Mail & Guardian* this interdepartmental group was "working full time" to resolve the Lohatla issue and that the military had not ruled out giving back parts of the battle school. He stressed, however, this would take time as "alternative land has to be identified, purchased and an infrastructure be established."

But Pearce says popular anger around Lohatla increased after the military last month allowed 15 white farmers to graze cattle inside the battle school grounds while access to the area by community members is heavily restricted.

"In terms of the Restitution Act it is illegal to lease or allocate land that has a claim pending. And while white farmers are allowed to use the land, community members are not even allowed in to clean their ancestors' graves — a highly emotional issue that causes lots of conflict."

Although the NLC blames inertia from both the military and the Ministry of Land Affairs for the escalating conflict at Lohatla, government sources say the burgeoning controversy over the battle school is opening cracks in relations between the defence and land ministries.

The two ministers have had a series of face-to-face meetings relating to land controlled by the military. The sources say Minister of Land Affairs Derek Hanekom complained that the military's decision to lease Lohatla land to white farmers was undermining his ministry's land reform programme and commitment to resolve claims through "transparent negotiations".

"Modise appears to have the attitude of an *apparatchik* from the apartheid era on the Lohatla issue," said one non-governmental organisation source. "He is using old-style government arguments that the people from Lohatla received compensation and that alternative land should be found for them instead of breaking up the battle school."

Jabu Dada, the NLC's official in charge of land redistribution, says the three communities from Lohatla are incensed because they have just heard the SANDF will be staging massive war games at Lohatla later in the year.

"It appears that while the defence ministry has been in negotiation with us, behind our backs they have been planning to use the battle school for an operation that precludes its being given back to the people. The irony is that while war games are going on, there are likely to be real invasions of the land."

The SANDF has confirmed that it will stage a training exercise called Operation Southern Cross at Lohatla in October and November but denies media reports that foreign military personnel will take part in the games.

Hanekom is also said to be disgruntled because the military has been slow to release land at Schmidtsdrift, another large battle training ground in the Northern Cape, despite an official agreement that this area will be given back to a group of BaTswana who were removed by the army in 1968.

In February this year Hanekom promised the people from Schmidtsdrift that they would be back on their land "within months". Although his ministry has obtained formal agreement from the military for title to be restored to the BaTswana, progress has been complicated by the fact that some 4 500 Khwe and !Xu people are still living at the army base.

The "bushman" community is made up of families of Khwe and !Xu soldiers who joined the then SADF during South Africa's bush war in Namibia and fled south with the army fearing persecution after that country became independent in 1990.

Hanekom obtained permission at a Cabinet meeting two weeks ago to take over responsibility from Modise for resettling the Khwe and !Xu, who form the biggest surviving "bushman" community in Africa, so that the land claim at Schmidtsdrift can be settled.

Modise's spokesman said a committee to devise ways of relocating the Khwe and !Xu would take place at the end of the month and that a solution could be in place by July this year.

"The minister has instructed the Defence Force that there must be no discrimination with regards to making available emergency grazing. It should be available to organised agriculture and individuals in a declared drought stricken area who may request it."

Talks soon on Cape land expropriation

BD 14/6/95

(271)

Edward West

CAPE TOWN — The land affairs and defence ministers and the Northern Cape land claims commissioner are to meet soon to consider expropriating land from 12 white farmers living adjacent to the SA National Defence Force battle school at Lohatla.

Land affairs parliamentary standing committee chairman Patekile Holomisa said yesterday that his committee had proposed that land owned by the SANDF outside the battle school be given to local communities forcibly removed from it in the late 1960s, or that the communities be settled on land to be expropriated from neighbouring farmers.

Holomisa said the SANDF had warned that the 40 000ha of SANDF land claimed by the communities, excluding the battle school, was unsafe due to the possibility of mines and unexploded bombs.

The SANDF had also said that if this land was restored to the communities the battle school would not be able to operate effectively.

For these reasons, adjacent farming land might have to be expropriated, either for use by the military or for use by the communities, he said.

Holomisa recently led a land affairs delegation to the region for consultations with the local Khosi, Gatlhose and Maremane communities who are claiming back their land from the SANDF.

SANDF considers Tswana land move

(271) Star 20/6/95

■ BY NORMAN CHANDLER
DEFENCE CORRESPONDENT

The defence force is prepared to investigate the possibility of returning a portion of land at the controversial Army Battle School site in Lohatla to the Tswana people.

Defence force chief General Georg Meiring said in Pretoria yesterday that although the controversy had not been resolved, the Gathlose and Maremane Tswana tribes may still be able to return to land from which they were voluntarily removed in the 1960s.

Meiring said legal action had been postponed "to allow for a political settlement".

He said about R190-million would have to be found for the purchase of adjoining land and the provision of infrastructure and buildings for the defence force.

The school was established in 1977 and the property extended in 1981, when white farmers' properties were expropriated.

It is one of only three such military terrains in the world and is used extensively for conventional warfare exercises.

Meiring said land used by 15 farmers for winter cattle grazing would not be affected.

He added that 1 000 Tswanas, who were known as Khosis, had between 1968 and 1989 been offered property at the nearby Jenn Haven community, but about 200 had declined the offer and continued to live in the centre of the Army Battle School.

He said this had resulted in court action to remove them, but added: "Pleadings have been drawn and lodged and although a trial date was set, the case has been postponed in order to allow for a political settlement."

Meiring said that, nationally, the defence force had so far returned to the State about 20% of land which it was using for military purposes.

'Land right for millions'

Govt wants to give security of tenure to rural people

GOVT plan likely to run into opposition from traditional leaders, especially in KwaZulu-Natal

■ BY PATRICK BULGER
POLITICAL CORRESPONDENT

Cape Town — Far-reaching land reform legislation to introduce private land ownership for millions of rural South Africans is due to be considered by Cabinet today.

The legislation is part of a Government drive to modernise the rural economy by phasing out the centuries-old tribal land system.

The legislation could run into opposition from traditional authorities, especially the KwaZulu-Natal, IFP-linked amakhosi.

And, like the Remuneration of Traditional Leaders Bill, which deliberately undermines provinces' constitutional powers over traditional authorities, it could provide a new area of disagreement between central government and KwaZulu-Natal

Land Affairs Minister Derek Hanekom said yesterday "interim measures" would be introduced to provide security of tenure to millions living in the former homelands and who are at the mercy of tribal chiefs.

Some of the chiefs were threatening to "privatise" communal land under the noses of their tribal subjects, Hanekom told the Portfolio Committee on Land Affairs.

Hanekom indicated that central government did not agree with the IFP's contention that land matters fell within the competence of the provincial governments, which argued that their constitutional powers over traditional authorities included powers over the land tenure system.

"We don't see traditional leaders being responsible for all tribal land. We don't believe that because traditional leaders are a provincial matter, that land is a provincial affair," he said

The IFP recently called for a provincial commission on land affairs "to inventory all available land in the province for redistribution, restitution and allocation".

It is understood that Hanekom will present a draft Interim Protection of Formal Land Rights Act to the Cabinet committee on social and administrative affairs today.

The new legislation is aimed at reshaping tenure systems in the former homelands, where people had lived for generations on tribal land but have no legal right to that land.

This in turn produced insecurity and undermined their ability to become landowners.

The legislation outlines a process for identifying individual rights to communal land and a set of legal and administrative procedures to convert the system of tenure to private tenure.

Hanekom said Government respected the role of the amakhosi but felt that their subjects were penalised because "they are not entitled as citizens to own the land they are on".

People had to have choices, he said, and while Government was looking for the support of the amakhosi, it did not view them as being responsible for all tribal land.

B/Day 21/6/95 (271)

Give back our land, PAC urges

Sowetan 23/6/95 (271)

Vuyo Bavuma reports on a new campaign against landlessness

THE PAN AFRICANIST Congress yesterday launched a "back to the land" campaign to reclaim all land taken from blacks by the former National Party government.

PAC president Mr Clarence Mkwetu told a media briefing that the campaigns would include urban areas such as Sophiatown, Alexandra Township, Evaton and Bantule in Pretoria and "any areas the PAC might identify". The campaign, which would not be confined to PAC members, would show that land was still a major issue of the movement.

The PAC supported the demand by the District Six Civic Association to reclaim their land confiscated by the former government. Makwetu said the campaign would not by-pass the Land Claims Court — despite the PAC having alleged the court could not effectively deal with such land claims.

"If our demands are not met, we shall devise political means to achieve our aims," Makwetu said.

Reacting to the new Remuneration of Traditional Leaders Bill, Makwetu said draft legislation enabling the Government to pay the salaries of traditional leaders was "politically-motivated".

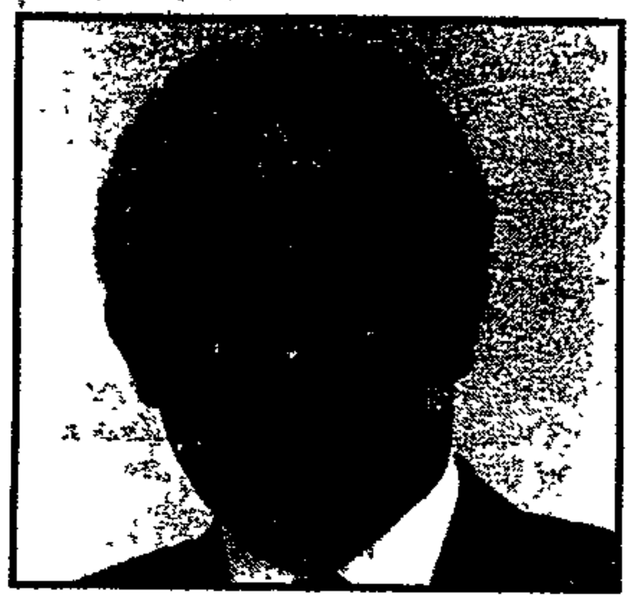
He said funds for paying traditional leaders had always come from the Government and the PAC failed to "understand why it has now become an issue. We believe it is politically motivated."

The PAC was opposed to traditional leaders being able to serve in other statutory bodies and earn two salaries.

"If they want to come to Parliament, we see no reason why they should continue as traditional leaders. They will then be making laws and going back to implement those same laws."

PAC MP Mrs Patricia de Lille said the PAC welcomed the new bill on the payment of traditional leaders.

"We need to clear up who is truly a traditional leader because many were appointed by the apartheid regime."



PAC president Clarence Makwetu

John Major resigns

Top 20 in Land Rights Parade

ARG 24/6/95 (271)

Picture: JACK LESTRADE.

□ **BUSY ROLE.** Wallace Mgoqi, pictured with volunteer Sarah Mosypye, is being flooded with land-restitution claims he will have to assess.

Lawyer isolates priority claims to present to court

GLYNNIS UNDERHILL
Staff Reporter

LAWYER Wallace Mgoqi, regional land claims commissioner for the Western and Northern Cape, had a hard task when he set about isolating 20 land rights restitution cases he believes should be given top priority.

The 10 Western Cape cases he will put before the Commission on Restitution of Land Rights for immediate consideration, with the other region choices, range from Simon's Town to Stellenbosch.

Mr Mgoqi said the claims were mainly against state-owned land and these claims would be finalised within a month to be used as precedents to be put to the Land Claims Courts at its inception.

One claim in the Northern Cape involved eight communities, who had already lodged their claim with the previous commission, he said.

Some of the land was now in the hands of farmers, who were only too willing to negotiate, said Mr Mgoqi.

Negotiations would begin soon, he said.

"In some cases, where both parties are willing to reach a settlement, the only matter that will cause a delay will be the availability of resources from the state," said Mr Mgoqi.

The land being claimed ranged in value from R500 000 to R1 million but most of it was fairly fertile farming land.

"In most of these cases restitution will be possible and the farmer will have to be compensated by the Ministry of Land Affairs, which is working out workable formulas for compensation."

■ Twenty land-restitution claims are being given priority in the Western and Northern Cape and claimants could find themselves celebrating before Christmas.

Full details of the claims are being kept under wraps until the current land-owners have been informed. It was hoped that judges would be appointed to the Land Claims Courts by the end of July.

"The first cases should be going to court by the end of August, beginning of September," he said.

There have been 586 land claims in the Western Cape and 108 in the Northern Cape lodged with the national office. Of the 44 claims lodged from May 1 this year with the Western and Northern land claims commission office, 30 have been processed and will be published with a notice in the Government gazette.

So far, 4 592 land claims have been made around the country. Around R13,5 million is being made available to the commission for the 1995/96 financial year It is believed R60 million in total is being set aside to meet the claims, said Mr Mgoqi.

Mr Mgoqi has his own land claim he will be putting before his counterpart in the Eastern Cape.

"Fortunately, it does not fall within my own jurisdiction or I would have had to recuse myself," he laughed.

Mr Mgoqi's grandfather had land in the Hertzog district, near Fort Beaufort, and the family became sharecroppers and part-owners of the land.

"There was some decree that farmers had to evict African families from farm. The land changed hands and my family and others were forced off the farm where they had lived for more than 30 years," he said.

Mr Mgoqi's claim has not yet been put forward.

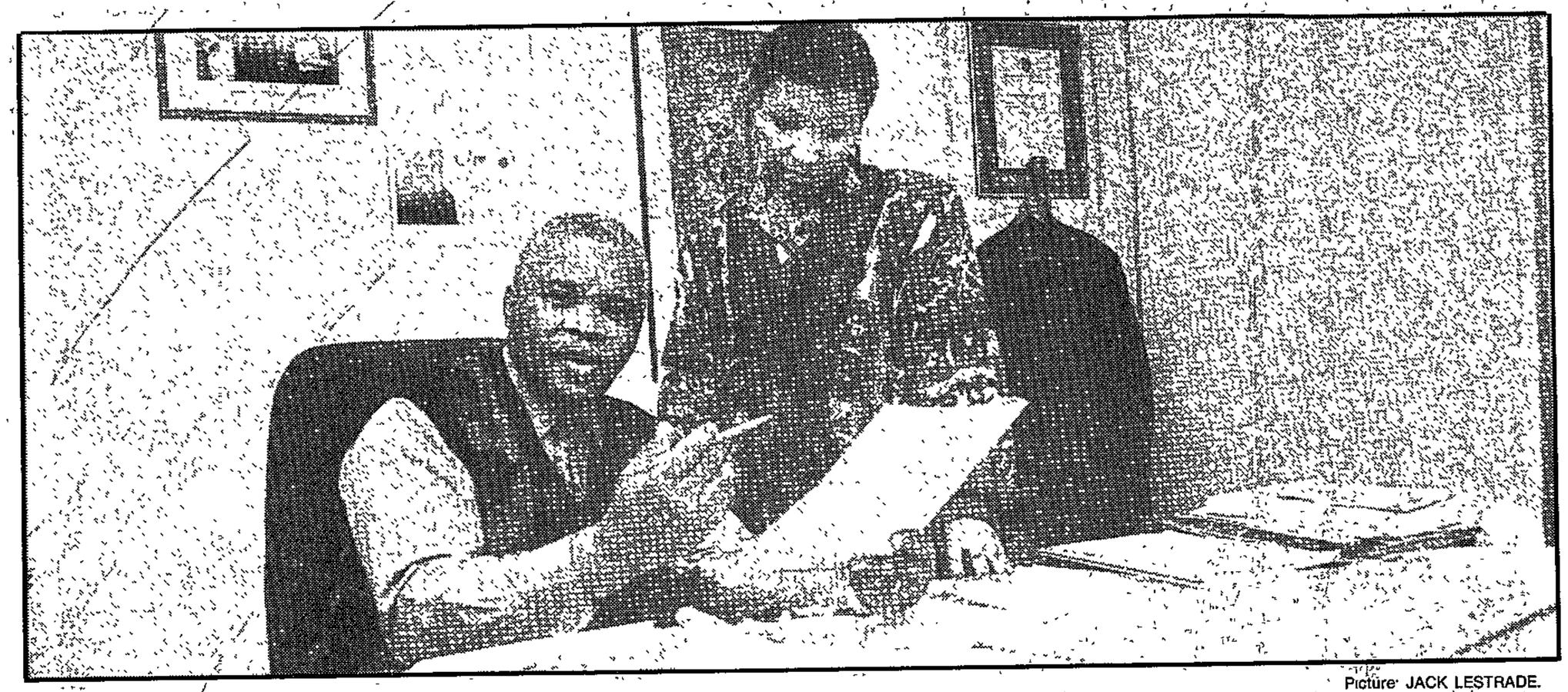
"I want to give priority to others and put myself at the end of the process," he said.

Land-rights restitution was a positive step in balancing the scales and healing the wounds, said Mr Mgoqi. Having his family's land restored would help him, he said.

"It certainly will but I think there are more deserving cases and more tragic stories."

Top 20 in Land Rights Parade

ARG 24/6/95 (271)



Picture: JACK LESTRADE.

□ **BUSY ROLE**: Wallace Mgoqi, pictured with volunteer Sarah Mosypye, is being flooded with land-restitution claims he will have to assess.

Lawyer isolates priority claims to present to court

GLYNNIS UNDERHILL
Staff Reporter

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e 25 1995

Cabinet row over Lohatla

(271) ST 25/6/95

By RAY HARTLEY
Parliamentary Correspondent

LAND affairs minister Derek Hanekom and defence minister Joe Modise are poised for a cabinet clash over the ownership of land in the defence force's Lohatla Battle School in the Northern Cape province.

In a cabinet memorandum, Mr Modise asked his colleagues to back his view that no part of the 135 000ha battle school — the third largest in the world — be given back to forcibly removed communities.

The memorandum contradicts a promise made before last year's elections by President Nelson Mandela to communities removed from the battle school that they would get their land back under a democratic government.

Mr Hanekom said the memorandum was discussed by a cabinet subcommittee on Thursday morning, but he only received a copy of it after the meeting had begun. The matter is to be discussed in full at this week's cabinet meeting.

Mr Hanekom would not confirm that he was trying to secure an urgent meeting with Mr Mandela to stop Mr Modise's plan.

AIDING THE POOR ... land affairs minister Derek Hanekom is fighting for displaced communities

DETERMINED ... Joe Modise, defence minister, wants the army to keep the Lohatla Battle School

Mr Modise's nine-page memorandum asked cabinet to note "the uniqueness, irreplaceability and the strategic value" of the battle school.

It went on to ask "that cabinet approve the retention of the army battle school together with a full 135 000ha of training area".

The memorandum contradicted a statement made by Mr Modise just hours after he had circulated it. In his budget speech to the Senate, Mr Modise said: "I am confident that the current dispute concerning Lohatla will be solved. The inter-departmental work group is presently considering various options".

The work group, consisting of representatives of the defence and land affairs ministries, the Northern Cape government and the removed communities, had been working on a proposal that would see the military keeping battle school buildings while handing back some of the land.

The National Land Committee's Brandan Pierce, who has been negotiating on behalf of the removed communities — the Khosis, the Gathlose and the Maremane — warned that this latest intervention could spark a land invasion.

"Communities have been given the impression that they could get their land through negotiation. This move basically says that the defence force is not committed to talking about it," he said.

The Khosis, who used to occupy land in the centre of the battle school, were moved to Jenn Haven in the Northern Cape, although around 200 of them have defied removal and continue to occupy 14 000ha in the centre of the training area.

The former Gathlose and Maremane native reserves consisted of around 62 000ha on the battle school land before the communities were moved to Bophuthatswana from 1969 onwards.

Mr Hanekom said he and Mr Modise had met to discuss alternatives, including acquiring adjoining farm land in exchange for the disputed territory, but the military had rejected this.

Mr Modise said in his Senate speech that almost 490 000ha of land was reserved for use by the military.

"It must be clearly understood that the defence force does not own any land. All state land is registered in the name of the Republic of South Africa and administered by the public works department," he said.

He said the military had undertaken "to investigate the possibility" of returning a second contested training area, Schmidtsdrift, to the Bathlaping community in the North West province.

Asked for comment on the Lohatla dispute, defence secretariat spokesman Chris Rademeyer referred the Sunday Times to Mr Modise's Senate speech.

MONDAY
JUNE 26, 1995

NDABENI NOT FORGOTTEN, 60 YEARS ON

Forced removals: First city claim launched

CT 26/6/95 (271)

FORMER RESIDENTS of Ndabeni, one of the first communities in Cape Town to suffer forced removal, will claim compensation this week in the hope that they will be able to rebuild their community. **PETER DENNEHY** reports.

A GROUP of 107 former residents of Ndabeni township, or their descendants, will hand over a request for compensation on Wednesday, in the first Cape Town claim under the Restitution of Land Rights Act.

The claimants believe they are entitled to compensation, even though their properties were rented from the council, because the Act makes provision for claims based on less than freehold title.

The documents will be handed over to Regional Land Claims Commissioner Mr Wallace Mgoqi.

The Ndabeni community was removed 60 years ago in terms of racial segregation laws, even before the apartheid era officially began. Freehold title was never an option.

After council manipulation of rentals failed to force everyone out to the new "model location" of Langa, the council declared many Ndabeni homes a threat to health and issued eviction notices.

Mr Gilbert Fesi, chairman of the Ndabeni Land Restitution Committee, said former residents realised they could not hope to get back their families' actual plots in Ndabeni, which is now a developed industrial area, but they hoped to be given other state land.

"We are looking at Wingfield," Mr Fesi said. "We know there are plans for the Olympics there, but they should not cater for the Olympics before the people from here have been given restitution."

According to UCT's Professor Christopher Saunders, Ndabeni had a population of about 6 000 residents at its height in the late 1920s. By the end of 1935 all of them had been removed, mostly to Langa, in terms of the Natives Urban Areas Act.

Committee member Mr Moses Molelekoa said he was still a displaced person now, living with his children at the age of 77.

"We did not have the title deeds to the Ndabeni properties because they did not allow us to have title deeds," he said.

He remembered Ndabeni as a "quiet, peace-loving community".

Mr Fesi said: "We want to get our community back together after so many years. We go back a long time together, but many of us are scattered around now.

"We are also doing this thing for our fathers in their graves."

A Cape Times reporter covering the story at the time had completely different impressions in 1922. The location gave him "an impression of cumulative misery and squalor. It is a place without a soul. It is a confession of the failure of civilisation". It never had proper streets or street lights, its water was provided in stand-pipes, its sewers were open, its latrines were communal. Yet its community loved it.

Those who resisted removal to Langa won a couple of victories in court before they gave up, believing the law would be changed to prevent them staying in Ndabeni.

'Happiest'

But at one stage, after a Supreme Court victory that meant the council could no longer recover the 10 shillings a month rental for buildings it had condemned for health reasons, a newspaper reporter noted that the residents of Ndabeni were in general "the happiest in the Peninsula".

Cape Town's director of housing Mrs Charlotte Sims said she doubted the council had any records of its tenants in Ndabeni 60 years ago, as the housing branch was only formed after that.

Mr Molelekoa said few, if any, of the claimants had documentary proof that their families used to rent homes in Ndabeni. They hoped the council would have such records.

Commission to focus on state deals

Mandela 'to set up land scam probe'

BD 29/6/95 (271)

David Greybe

CAPE TOWN — President Nelson Mandela would announce details soon of a new land commission to overturn scores of illegal land transactions conducted in the last days of apartheid rule, government sources said yesterday.

It was difficult to estimate the exact value of illegal transactions before the inquiry got under way, but it would run into hundreds of millions of rands, the government sources said.

The national inquiry's prime target will be state property, which includes tribal land sold off or leased in former homelands. The commission will sit for at least six months and is likely to be headed by Geoff Budlender, adviser to Land Affairs Minister Derek Hanekom and Legal Resources Centre director. To be proclaimed by Mandela within the next week, according to one source, it will investigate all state land deals between 1992 and 1994.

The disclosure that a commission is to be appointed coincides with Cabinet approval of legislation aimed at protecting informal, tribal and other tenants from unfair dispossession of their land for timeshare and other development.

Hanekom told a news briefing the Interim Protection of Informal Land Rights Bill was one of three pieces of land reform legislation endorsed by the Cabinet yesterday. A key focus of the commission's investigation will be the Eastern Cape, where more than 200 000ha of state agricultural land in the former Ciskei and Transkei was leased or sold under questionable circumstances between 1992 and 1994.

Another major focus of the inquiry will be claims of numerous cases of tribal land deals along the Transkei coastline which took place without the consent of tenants as required under customary law.

Land deals involving the Cape Provincial Administration will also come under investigation in the Eastern Cape.

Two other areas in SA already identified for investigation are former Bophuthatswana and parts of northern Transvaal. One source said Eastern Cape land and administration MEC Ezra Sigwela had played a key part in raising the issue of illegal land deals with central government.

Sigwela said yesterday it was difficult to estimate the total value of illegal transactions in his province between 1992 and 1994 until a proper audit was done, but "it definitely runs into hundreds of millions of rands". A priority for the commission would be to investigate "extensive illegal land grabbing which has taken place along the former Transkei coastline". This involved eight magisterial districts.

Sigwela claimed some of the business-

Continued on Page 2

Land

(271) BD 29/6/95

Continued from Page 1

men who had "bought" land were already operating coastal resorts and timeshare schemes. He had received many reports of cases where businessmen had "bribed" chiefs to sell or allot land without consulting the local residents. "That is totally illegal, and will be reversed by central government."

Sigwela said he would be surprised if any of the businessmen had legal title deeds. At most, he expected the deals were sanctioned by local magistrates acting on the recommendation of corrupt chiefs.

The 200 000ha of agricultural land deals to be reviewed was divided roughly between the former Ciskei and Transkei. Most of the land had been leased or sold "at below market prices to senior public servants and the upper classes". Fortunately the former transitional executive council which oversaw SA's political transition had declared a moratorium on all state agricultural land transactions.

Sigwela said he expected many of the proposed deals would be cancelled, and a lot of the land would end up in the hands "of the poorest of the poor". However, some deals had been legitimate and he expected these to stand the test of an inquiry.

One of the worst cases involved former Ciskei strongman Oupa Gqozo, who reportedly bought a state farm for R20 000 and had since sold it for R600 000. The case was presently with the auditor-general.

Adrian Hadland reports that at yesterday's news briefing, Hanekom said the Bills approved by Cabinet, and which would now go to Parliament for consideration, would protect millions of people, particularly in rural areas, who had become vulnerable to the sale or reallocation of land on which they lived.

Hanekom said the problem had become especially acute in former homeland areas where land administration systems had collapsed but also took into account people who were denied secure land tenure due to discriminatory apartheid laws.

Because many people did not have clear legal rights to land, they could not challenge the authority of the person or institution selling it. The Interim Protection of Informal Land Rights Bill was a "holding measure" aimed at protecting the existing rights and interests of people who had an informal right to land. The legislation would serve as a brake on privatising tribal land by preventing the sale of portions "to strangers for personal gain without the knowledge and consent of the occupants".

Kgoshi Boleu Rammupudu ... his people will soon return to their land.

Government returns Maleoskop land

(271) Pers
Sowetan
29/6/95

The people of Maleoskop hope the Kubu River will run again

By Khangale Makhado

EXACTLY 33 YEARS ago, the people of Maleoskop near Groblersdal were left homeless after being forced off the land of their ancestors by the previous government.

The people had settled at Maleoskop early in the 19th century, so there was jubilation last month when part of the land was given back to them by Land Affairs Minister Mr Derek Hannekom.

The forced removals from the 45 000 hectare piece of land in the Eastern Transvaal took place in June 1962. It was described as the biggest and most ruthless Government action.

The land is fertile and remained sacred for the people of Kgoshi Boleu I of the Bakgakga Bakopa, who was killed in 1864 during battles with the Boers assisted by a Swazi regiment. Since then the tribe has visited the area each year to hold commemoration services on May 13 to remember their fallen leader.

Kgoshi Boleu Rammupudu jokingly told me that the Kubu River, which always had water throughout the history of the tribe's stay, dried up in 1963 — a year after they were removed.

"Most probably the gods were protesting as well," said Rammupudu, the reigning chief of the tribe now displaced to Tafelkop nearby. He was a happy man when we visited him at his modest kraal.

In 1993 the tribe sent a memorandum to the then Land Claims Commission. The reply was that they would not get the land as it was used for public interest.

In January this year they submitted another memorandum, this time to Hannekom. After visiting the place, he decided in their favour.

The people of Tafelkop now want to be part of the Eastern Transvaal because they were only made part of Lebowa during the advent of bantustans.

"We were shocked beyond words because it took the Government 10 full years to utilise the land after the forced uprootings," said Rammupudu.

Successfully reclaimed

"It was only in 1972 that about 15 000 hectares were given to the Maleoskop Police Training Centre, which we have now successfully reclaimed.

"As time goes by, we will try and recover the other land apportioned to farmers."

He said the police buildings might be used either for a college of education or a technical centre.

When he accompanied us to his people's long lost home, he showed us the ruins of what used to be a peaceful haven for the tribe. He also showed us an area where annual celebrations have taken place ever since their leader died.

"Our consistency in coming here every year since the butchering of our father has motivated our case because we convinced the government of the day that Maleoskop is our land," he told *Sowetan*.

He said they have established an eight-person technical committee (four from the community, two from Land Affairs and two from the SAPS) to see that an infrastructure is in place before anyone is resettled.

"This was a good year for us because we never thought that we would get our land back in such a short space of time. Now our fear remains what would become of our land if we are forced to remain in the Northern Transvaal,"said Rammupudu.

They are also hopeful that, once they return, the Kubu River will welcome them and start running again.

Wild Coast Sun land claim

David Greybe (271)

CAPE TOWN — A claim would be submitted to the Land Restitution Commission over the controversial 1979 land purchase for construction of the Wild Coast Sun, counsel for former occupants of the land said yesterday. BD 30/6/95

Resort owner Sun International has refused to comment until the claim is submitted, but Eastern Cape land administration MEC Ezra Sigwela said yesterday he was confident the residents would win.

"I definitely will not oppose the claim because the former residents were never consulted about the sale."

He said that since its establishment in March the Land Restitution Commission had received 250 claims from the Eastern Cape alone. South Africans have until March 1998 to submit claims.

Transkei Land Service Organisation co-ordinator Zandisile Kanise, representing the residents against Sun International, said he was in the process of finalising the claim and would submit it to the national commission within two weeks.

Kanise said his clients would demand two forms of compensation:

- ☐ The return to the former occupants of a large tract of unused land adjoining the Wild Coast Sun which formed part of the contested "sale", and
- ☐ A fixed annual royalty linked to the resort's profits.

Kanise said they would not demand the land on which the hotel was built.

Sigwela, a former Transkei Land Ser-

Continued on Page 2

Wild Coast Sun

Continued from Page 1

(271) BD 30/6/95

vice Organisation co-ordinator who was closely involved with the case, said Sun International opposed a similar demand before last year's general election.

However, Sun International group legal adviser Hendrik Brand said yesterday he "did not know" what the hotel group's earlier position had been. As for the new claim, Brand said he could not comment without knowing the details.

Sigwela said the 1979 deal took place without the consent of members of the Amadiba tribe who were living on the disputed land known as Mgungundlovu.

He said once the deal was concluded the government of then Transkei president Kaizer Matanzima and his brother, premier George Matanzima, forcibly removed the residents.

Sigwela claimed Sun International at present paid about R33 000 a year into a bank account under the authority of paramount chief Mpondombni Sigcau of the Pondos of East Pondoland. It was not enough, however, in the light of the fact that the hotel's annual profit ranged between R50m and R80m, he said.

He proposed instead that a royalty, to be determined, be paid into the coffers of the local municipality for spending on development projects such as the upgrading of roads and electrification of homes.

(271) ARG 30/6/95

Removal from Langa: Land claim lodged

DAVID YUTAR, Staff Reporter

NEARLY 70 years after they were forcibly removed because of their race, a group of former Ndabeni township residents is claiming compensation under the Restitution of Land Rights Act.

About 107 former residents and their descendants formed the Ndabeni Land Restitution Committee, and lodged papers with the Commission on Restitution of Land Rights in the city this week.

The claim is one of the first of its kind to be brought before newly appointed Land Claims Commissioner Wallace Mgoqi.

Ndabeni, once a thriving and vibrant, albeit poor community, was one of the first in Cape Town to suffer forced removals.

The claimants are confident that even though they represent former council tenants, they are still entitled to compensation as the Act makes provision for claims based on interests in land other than freehold title. It provides for priority for claims affecting "a substantial number of persons, or persons who have suffered substantial losses" due to dispossession.

The Ndabeni residents were forced to move from their township between 1920 and 1935, and removals reached a peak with the establishment of the new township of Langa in 1924.

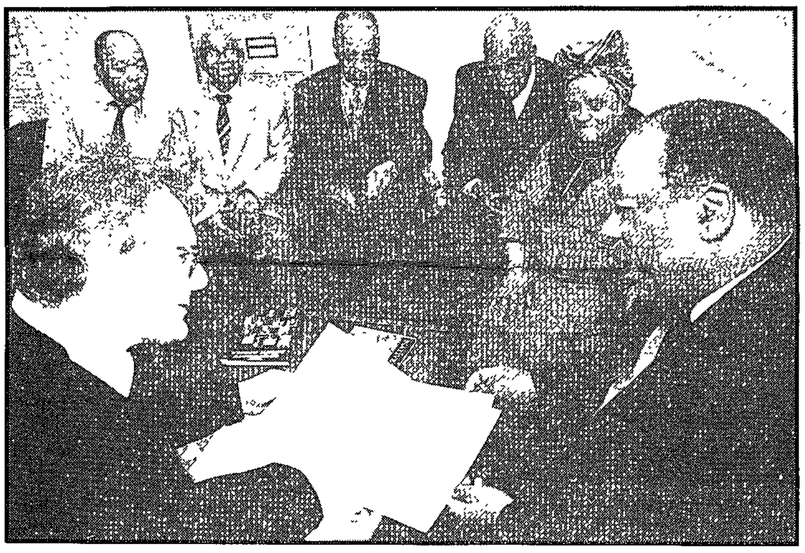
Committee spokesman Woodrow Dlova, whose father lived in Ndabeni and whose elder brother was born there, said they had been treated "like bandits in our own land". "If we had been allowed to stay in Ndabeni we would have been self-sufficient by now, but we were unable to do so because of the forced removals."

'Ndabenis' want compensation

ARG 1/7/95

(27H)

Residents have their sights firmly set on Wingfield



Picture HANNES THIART, Staff Photographer

☐ **MOVING MOMENT**: Former Ndabeni residents, some evicted from their homes with their parents sixty years ago, met up at the regional land claims office to hand in their land claim. The University of Cape Town's Professor Christopher Saunder, who has researched the history of Ndabeni, was there to meet them. From left are Professor Saunders, Gilbert Fezi, Peter Sitsila, Moses Molelehoa, Reverent Stanley Qabazi, Phyllis Fuku and Sybred Dlova.

■ Former residents and descendents of Ndabeni, Cape Town's first official African location, are asking to be resettled as a community on land given to them by the government Bring back the days of cricket, school picnics and a peace-loving lifestyle, they say.

GLYNNIS UNDERHILL
Staff Reporter

WHEN Phyllis Fuku met up with former residents of Ndabeni outside the offices of the Regional Land Claims Commissioner, the impact of the historic moment was not lost on the stately 73-year-old woman.

Amid the hugging and tears, there was a feeling of renewed hope among the small assembled group, who mostly live in sprawling Langa. One of the first communities in Cape Town to be forcibly moved, it will be claiming compensation from the government under the Restitution of Land Rights Act.

Handing in their land claim sealed the fate of thousands of members of this dispossessed community. Today Ndabeni, located near Pinelands, is a developed industrial area, but the sights of the community are firmly set on state property at Wingfield, a possible Olympics site.

While the residents rented properties at Ndabeni, they still believe that, under the terms of the Act, they are entitled to restitution of alternative land and compensation. The community was removed 60 years ago in terms of racial segregation laws, before the apartheid era began, and moved to Langa, which emerged as Cape Town's sole African location at the time.

Mrs Fuku was 11 years old when her family left Ndabeni in 1936, a few years before the forced removals. The laws made it impossible for the residents of Ndabeni to fight the removals, in spite of resistance.

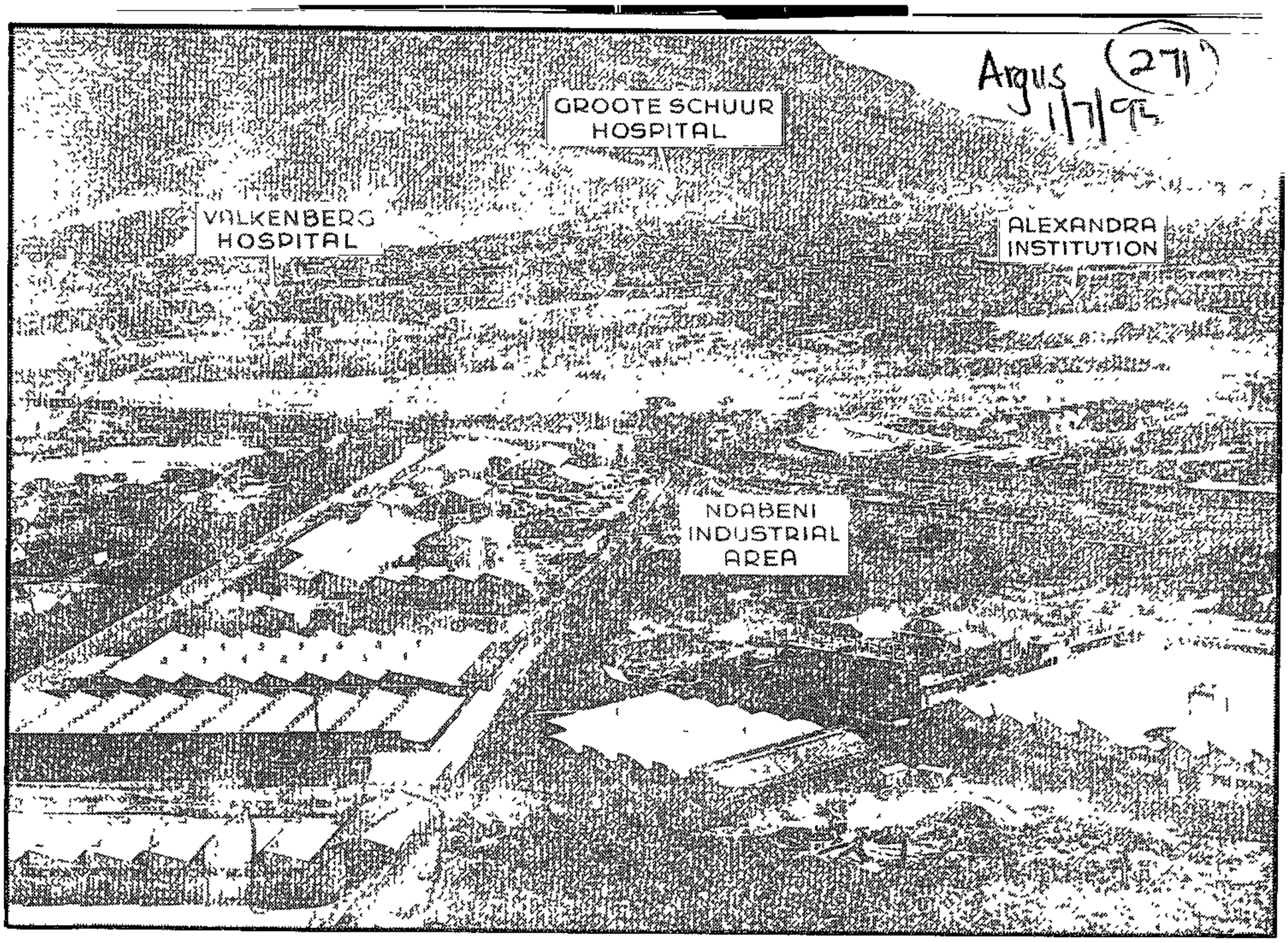
"We were certainly not happy to move. It was our home. The day we left we cried many tears. My mother decided we should leave after being ordered out instead of waiting to be huddled into trucks," she said.

Langa has never become home for Mrs Fuku and her large family of six siblings. "There was accommodation for us to rent, but it certainly wasn't the kind we were used to. We were very unhappy," she said.

For 77-year old Moses Molelekoa, a move back to his old community would be the moment he has been dreaming of all these years. Describing himself as a displaced person, he said the wounds ran deep for him.

"They gave me a house in Langa, but I went to the Transkei to find work. They told me there was an Act which stated you could not stay away for more than one year and they took my home away — for a second time.

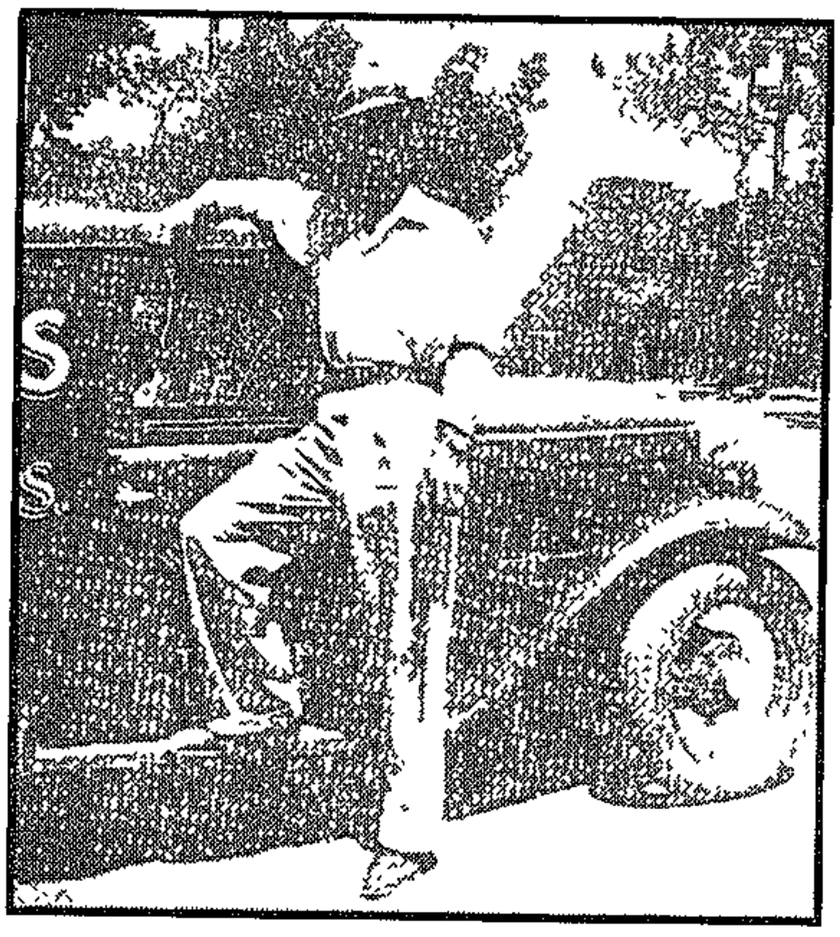
Argus 1/7/96 (271)



☐ **OVERALL VIEW:** This aerial picture taken years ago shows the-then fledgling Ndabeni industrial area.

THE WAY THINGS USED TO BE...

☐ **DAPPER:** This gent is a symbol of how Ndabeni used to be — proud and peace-loving.



☐ **GOOD OLD DAYS:** Former residents of Ndabeni dug deep into their treasure troves to find old pictures from the glory days. Work still has to be done to try to identify those in the pictures.

"I have been staying with my children and moving from one to the other. My children are fed up with having me to stay. I would be very happy to move again, as long as it is back with the same community," he said

According to research by Professor Christopher Saunders of the University of Cape Town, Ndabeni had a population of about 6 000 residents. During a meeting with the professor at the Lands Claims office, some of the residents begged to differ and claimed there were thousands more than estimated.

The professor's research shows the population of Ndabeni was decimated by Spanish 'flu in 1918 when 254 deaths were recorded A report appearing in a local newspaper described Ndabeni as "the underworld of Cape Town" An anonymous author said the location gave an impression of "cumulative misery and squalor".

Yet, descriptions of the peaceful Ndabeni community bring tears to the eyes of the elderly inhabitants, lost in memories which can never be recaptured. The golden days of cricket and school picnics in Ndabeni still linger, but fresh hope hangs over them.

Mr Molelekoa said the Ndabeni community was unique. "We all helped each other. It wasn't like it is today — each man for himself. We respected our poor people and helped them out Life is so different now," he said

Many of the former Ndabeni residents were now living as far afield as New York and Germany.

Syfred Dlova, spokesman for the land restitution committee, said the community wanted land of equivalent value to Ndabeni. The exact value of the land still needed to be researched, but the claim was being made on behalf of all the descendants of former residents of Ndabeni, who were never paid any compensation for the move, he said.

Life could turn around for the close-knit community if the claim goes through. "The aim of the claimants is to restore the communal spirits that existed among forebears, and all the facilities that were there, including sports fields, churches, schools, clinics and all that goes with a community," wrote the claimants in their land claim.

Land claims court starts to take shape

(271)

Sowetan 3/7/95

Interviews begin for the appointment of judges, reports **Mzimasi Ngudle**

THE Land Claims Court starts to take visible shape today when the Judicial Services Commission interviews nine nominees, who have been short-listed for appointments as judges.

The interviews, to be held in Cape Town, come shortly after the establishment of the Commission on Restitution of Land Rights, which will refer some land disputes to the court.

Candidates for the three posts as judges of the Land Claims Court, include: well known advocate and former Robben Island prisoner Mr Fikile Bam; former National Peace Secretariat chairman Dr Antonie Gildenhuys; South African Law Commission's professor Nic Olivier; and former Black Lawyers Association national executive director Mr Justice Moloto.

Other nominees are Mr Allan Dodson, Mr Anson Lugaju, Mr Dempheletse Moshidi, Mr Frank Sithole and Mr Vuyisa Ramphele.

The establishment of the court, which is expected to start sitting in September, will facilitate the work of the Commission on Restitution of Land Rights whose decisions will be subject to the court's review.

In addition to its constitutional powers, the court will, among other things, determine compensation to land claimants who cannot get their land back

In terms of the Restitution of Land Rights Act, the court, when deciding on land claims, will take into account the desirability of providing restitution to people who were dispossessed of their land rights because of racial discriminatory laws.

The court will also consider the need to remedy past violations of human rights, as well as to avoid major social disruptions like land invasions.

The court has Supreme Court powers of review when adjudicating on land claims.

Ex-Broeder who wants to be judge grilled by commission

(271) ARG 4/7/95

COLIN DOUGLAS
Business Staff

FORMER National Peace Secretariat chief Antonie Gildenhuys was ambushed over his former Broederbond membership yesterday by members of the powerful Judicial Services Commission, which is meeting in Cape Town to interview prospective judges for the new Land Claims Court.

Top advocates George Bizos SC and M T K Moerane SC asked Dr Gildenhuys, who has been nominated for the court's presidency by the South African Agricultural Union, how he could hope to attract the confidence of victims of forced removals in light of the Broederbond's role in devising apartheid.

Dr Gildenhuys, who conceded in response to a question from Mr Moerane that he had been a member of the secret Afrikaner organisation from 1976 to 1992, said he had joined in order to fight unjust policies from within.

"The time I joined was the beginning of the turning point," he said. "The Broederbond has also contributed widely to the changes that made (deputy president) F W de Klerk's reforms possible."

Dr Gildenhuys, who denied ever being a member of the National Party, said his work in National Peace Accord structures had changed his outlook completely

But Mr Bizos, renowned for his acerbic courtroom style, was not prepared to let the matter lie and put Dr Gildenhuys on the spot with the following exchange.

Mr Bizos: "Were you a member of the Broederbond in 1977?"

Dr Gildenhuys: "Yes."

Mr Bizos: "Did the cancellation of the registration of hundreds of thousands of labour tenants take place in 1977?"

Dr Gildenhuys: "That sounds right, yes."

Mr Bizos: "Did you consider this an injustice?"

Dr Gildenhuys: "Yes."

Mr Bizos: "Did you speak out against it?"

Dr Gildenhuys: "I didn't speak out against it in public. On many issues I spoke out inside the Broederbond, but I don't remember if this issue was dealt with at any of our meetings. It might have been."

Mr Bizos (with an edge of sarcasm in his voice): "It might have been."

In response to other questions, Dr Gildenhuys said white farmers who had been given low-interest loans by the Land Bank to buy previously black-held land could have the portion of those loans deducted from compensation awarded to them if their farms were returned to their former owners.

Money for urban land, says lawyer

BD 4/7/95 (271)

CAPE TOWN — The new Land Claims Court is unlikely to restore any urban land to its former owners, but will award them financial compensation instead, a lawyer shortlisted for the court's presidency said in this city yesterday.

Johannesburg attorney Fikile Bam was motivating his candidacy at a hearing before the Judicial Services Commission, which is to select the court's president and two additional judges to rule on claims by people deprived of their land under apartheid laws.

"It may be in urban areas that all the court is able to do is make awards in compensation, rather than return the claimant's land itself," Bam said in response to questions from commission member and Justice Minister Dullah Omar.

"There will be very few instances where urban land will have been unchanged between the time it was confiscated and today," he said.

Omar and Bam agreed that restitution of land rights by the Land Claims Court would form only part of a broader land redistribution project.

"The court is not designed to deal with landlessness as such — land rights are only part of a bigger picture," said Omar.

Asked by Constitutional Court president Arthur Chaskalson, also a commission member, what procedure should be followed by the Land Claims Court, Bam said the court should be informal and accessible to ordinary people.

"I have a bit of unease about applying the rules of the Supreme Court to the Land Claims Court," he said, referring to legislative provisions dictating that the Land Claims Court follow Supreme Court procedures until it has devised its own rules.

"There are a lot of fairly sophisticated rules which this court can do without. As soon as possible, this court should formulate its own rules which are simple and easy to use," he said.

The new court should be sensitive to the atmosphere of reconciliation reflected in the constitution and in the government of national unity, Bam said.

The Judicial Services Commission, chaired by Chief Justice Michael Corbett, is to complete its interviews of short-listed candidates today. — Sapa.

THE CAPE

The Argus

White and black grilled in judge selection

(271) ARG 5/7/95

Staff Reporter

RACE and political affiliation could feature highly in the selection of judges for the Land Claims Court by the Judicial Service Commission.

This was suggested during questioning of prospective judges by leading members of the commission at hearings held in Cape Town yesterday.

Constitutional Court President Arthur Chaskalson, a commission member, took the step of asking legal academic Nic Olivier, who is white, whether he thought he could make a bigger contribution to land affairs "outside the Land Claims Court".

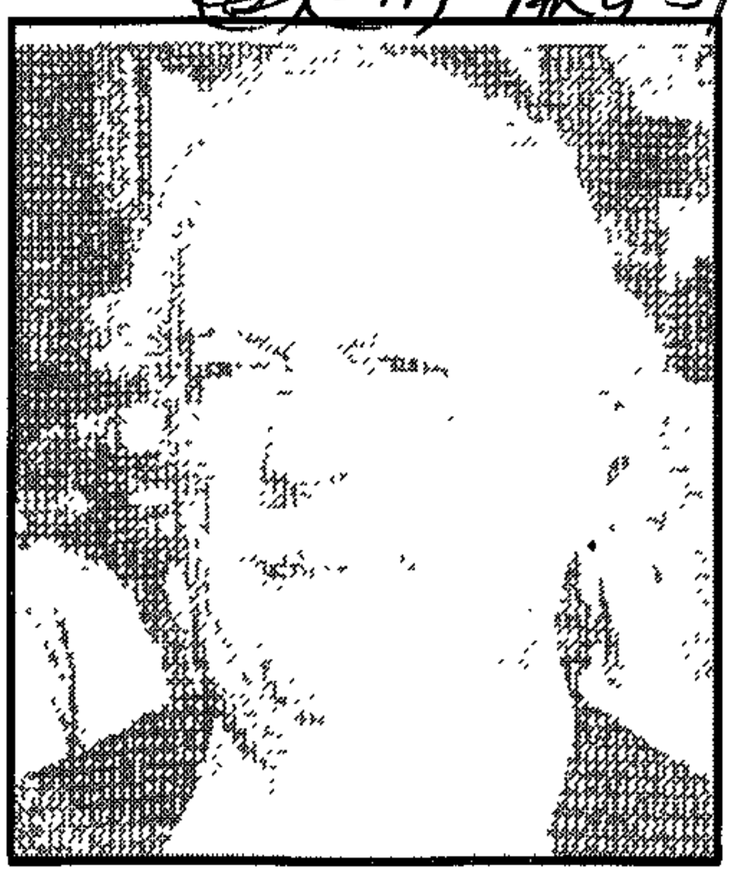
Professor Olivier — who had worked his way through a long nomination and motivation procedure to reach the final interview — then said the reason he wished to be appointed to the court was because its judges would have a key role in developing land reform policy.

Judge Chaskalson's question followed his observation that most of the claimants approaching the Land Claims Court would be black.

Another candidate, veteran KwaZulu/Natal lawyer Frank Sithole, said after the hearing he feared party politics would play a part in the commission's decision, following a searing cross-examination from ANC-linked commission member George Bizos SC, a leading advocate

Mr Bizos: "Were there removals of 'black spots' in Natal?"

Mr Sithole: "Yes."



GEORGE BIZOS: Searing cross-examination.

Mr Bizos· "Were there removals in terms of the Group Areas Act in the urban areas of Natal?"

Mr Sithole· "Yes"

Mr Bizos. "Were there removals of people accused of being illegal squatters?"

Mr Sithole· "Yes"

Mr Bizos· "Did any of the victims of these removals come to you as an attorney to seek your help?"

Mr Sithole· "No."

Mr Bizos. "Did you become a supporter or member of any non-governmental organisation that helped these people in distress?"

Mr Sithole· "No"

In response to a later question by KwaZulu/Natal Judge President Michael Howard, Mr Sithole said the reason he had not been asked to act in the cases referred to by Mr Bizos was that he had never been a member of the ANC

After his hearing, Mr Sithole said he would not be surprised if there was a pro-ANC bias among some members of the Judicial Service Commission, which could harm the prospects of non-party political candidates.

"At present the unfortunate position in South Africa is that you've got to take a stance, although I believe I can take a stance without supporting a particular party."

Mr Bizos's cross-examination of Mr Sithole contrasted with questions he put to another candidate, Johannesburg lawyer Dimpheletse Moshidi, who — although he belongs to no party — identified himself as "progressive" and said he had "voted for change".

Noting that Mr Moshidi was a member of both the Black Lawyers' Association and the white-founded Lawyers for Human Rights, Mr Bizos asked him how he had managed to straddle the divide between the two groups.

"The organisations are not mutually exclusive — they are both progressive," Mr Moshidi replied.

'Group areas awards could reach billions'

☐ *State legally bound to pay*

(271)

ARG 15/7/95

COLIN DOUGLAS
Staff Reporter

THE government could be ordered by the Land Claims Court to pay R2 billion in compensation to people dispossessed of their property under the Group Areas Act — and the figure could swell because the state has no legal basis for putting a ceiling on total payments.

The massive figure is based on estimates made by Geoff Budlender, special adviser to Land Affairs Minister Derek Hanekom.

There were likely to be more than 100 000 claims by Group Areas Act victims, who could be compensated by an average of R20 000 each, said Mr Budlender.

Mr Budlender is in Cape Town to attend the Judicial Services Commission's interviews of prospective judges for the new court.

The Land Claims Court will have the power to order the state to pay cash compensation to victims of forced removals or to expropriate their former land — with adequate payment — from its present owners.

The court, which must complete its work within five years, is to be established under a constitutional directive to parliament to restore land rights removed by apartheid laws.

Speaking after the hearings, Mr Budlender said property owners who had fallen victim to group areas provisions — thousands of whom were coloured people in the Western Cape — had been systematically undercompensated by expropriations officials under the former National Party government.

The Land Claims Court, in awarding compensation to claimants, would take into account the difference between what they had originally been paid and the true value of their property.

This amount, updated to reflect inflation, could amount to R20 000 a claimant, Mr Budlender estimated, emphasising that his figures were a "thumb-suck".

There would also be several hundred rural land claims, each of which could see the state compelled to pay R100 000 or more as compensation to the claimant or to expropriate farms from current owners.

Mr Hanekom recently told parliament his department had budgeted R92 million in the current financial year to meet Land Claims Court expropriation orders, and that he expected a larger amount would be required in the next financial year as the court gained momentum.

The figure budgeted in 1996/1997 could be as high as R300 million, Mr Budlender estimated.

But whatever the state's budgetary constraints it was under a constitutional duty to honour such orders.

"Orders of the Land Claims Courts will have the same power as a Supreme Court order against the Minister of Safety and Security to compensate a victim of police brutality — the minister can't say he can't afford to pay," Mr Budlender said.

In an interview, Justice Minister Dullah Omar, a member of the Judicial Services Commission, defended the prospect of large-scale land restitution payments.

"This country has spent billions robbing people of their rights and their land — there is no reason not to invest billions on a South Africa that makes people happy," he said.

"But there should be careful planning and full accountability before you spend the money."

Asked whether the Land Claims Court would be clogged up with thousands of claims, Mr Budlender said this was unlikely.

"Only very exceptional cases will go to court — most will be settled.

"I don't think the scale of this thing is really as difficult as it's made out to be."

Last candidates for Land Claims Court

Sowetan 5/7/95

(271)

Professor advised the ruling NP on ways to end repressive influx laws

By Mzimasi Ngudle

THE chairman of the South African Law Commission, Professor Nic Olivier, yesterday said he submitted no fewer than 41 confidential memorandums to the former National Party government as its adviser on land issues.

Responding to a question from Advocate George Bizos, SC, a member of the Judicial Services Commission which interviewed the last three candidates for appointment as Land Claims Court judges, Olivier said he submitted the memorandums in response to a government request prompted by the unrest in the mid-'80s.

The memorandums dealt with the repeal of influx legislation and racist laws such as the Bantu Administration Act.

In the same period, Olivier said he submitted a report to the Human Sciences Research Council on the physical and emotional impact of influx controls.

In 1986 he was requested by the then constitutional affairs minister Mr Chris Heunis to investigate land-related racial laws.

Olivier, who is chairman of the South African Law Commission, is the author of 12 books and 200 other publications.

Despite his impressive academic record, Olivier restricted his candidacy to the posts of two additional judges, saying that his lack of practical legal experience would not qualify him as a Judge President. Olivier also claimed he was responsible for changing the Department of Bantu Law to Department of Legal Pluralism at Potchefstroom, a change which Bizos said came at a time when Black people were called plurals.

Another candidate, Mr Frank Sithole, a Durban attorney whom commissioner Advocate D Gordon called the "doyen of KwaZulu-Natal African legal practitioners", said the status of women needed to be elevated as they were the most dispossessed within the African communities. Another candidate, Mr Dimpheletse Moshidi, said he believed that the Land Claims Court should provide guidelines to the Commission on Restitution of Land Rights on how to resolve land disputes.

Land Claims Court interviews open little window for democracy

ARG 6/7/95 (271)

SOME of South Africa's top legal minds were on show this week in public interviews by the Judicial Service Commission of candidates for the new Land Claims Court. But there is some way to go before public hearings contribute more to democracy than to theatre, writes Staff Reporter COLIN DOUGLAS.

THE public interviews of prospective judges for the Land Claims Court, held in Cape Town, revealed as much about their famous interrogators on the Judicial Service Commission as they did about the issue of land restitution.

There were moments of high drama this week as the commission's legendary legal minds, such as Constitutional Court president Arthur Chaskalson and senior counsel George Bizos — a member of the defence legal team in the Rivonia trial — put pressure on candidates in the "dock" on the spartan top floor of a city office block.

Mr Bizos used his merciless cross-examination techniques on several candidates, particularly those with links to the apartheid government, or whose anti-apartheid credentials he may have regarded as shaky.

Former National Peace Secretariat chairman Antonie Gildenhuys was an early Bizos victim over his Broederbond membership from 1976 to 1992.

Legal academic Nic Olivier was subjected to repeated questioning about why he had named his Potchefstroom University department "Legal Pluralism" at a time when the government replaced the term "bantu" with "plural".

Attorney Frank Sithole — a politically-non-aligned figure in divided KwaZulu-Natal — was visibly unsettled after Mr Bizos fired a barrage of questions at him regarding his admission that he rarely acted for victims of forced removals.

Mr Bizos was moved to ask him to remain behind and join the public observers to witness the cross-examination of other candidates, an invitation Mr Sithole declined.

Constitutional Court president Arthur Chaskalson

Judge Chaskalson's style was velvet to Mr Bizos's steel.

He cloaked probing questions in layers of charm and politeness.

He made his devastating question to Professor Olivier — whether he would serve South Africa better if he was not appointed to the Land Claims Court — sound more like an obituary than a death sentence.

The interviews also threw into relief the theory that the appointment of elected politicians to the Judicial Service Commission would heighten its accountability and sensitivity to the public.

The four senators on the commission — three ANC members and one Nationalist — were among the quietest in the room.

There is only one woman in the 17-person commission

Adopting a role as the sole representative of half the population, Johannesburg advocate K D Moroka confined herself almost exclusively to questions relating to women and their rights.

She took a candidate, Anson Lugajo, to task over his defence of customary land law.

"When you talk about a reversion to indigenous law, there's a tension with the specific injunction in the constitution prohibiting discrimination against women," she told him.

That the interviews were open to public scrutiny was never a foregone conclusion since the commission has twice u-turned on the issue.

After its sometimes heated interviews of candidates for the Constitutional Court were widely reported, the commission decided to hold future interviews — mainly to select Supreme Court judges — behind closed doors

But after strong public criticism, the commission reversed its decision, declaring that all its future hearings would be open.

This uneasiness about the glare of publicity was plainly evident in this week's interviews.

Chief Justice Michael Corbett, the commission's chairman, did not acknowledge the presence of the scattering of private citizens, nor were they supplied with sections of legislation handed to candidates and referred to constantly by members of the commission.

The task of assimilating two days of interviews and conveying their essence to the people was left to the Press; as far as the citizens themselves were concerned, little trouble was taken either to attract them to the hearings or to help them understand the issues canvassed

The windows of the rooms of power have been opened — but still only by a fraction

Ex-prisoner likely to head land claims court

ARG 6/7/95 (271)

COLIN DOUGLAS
Staff Reporter

FORMER Robben Island prisoner Fikile Bam is expected to be appointed president of the Land Claims Court today by acting president Thabo Mbeki after his nomination by the Judicial Service Commission.

The commission recommended Mr Bam, now a partner in the Johannesburg law firm Deneys Reitz, for the key position after interviewing eight prospective judges in Cape Town this week

The new court has been afforded extensive powers under the constitution, including the ability to order the state to expropriate farms for restitution to their original owners and pay cash compensation to Group Areas Act victims

In his interview before the commission, which is composed of senior judges, lawyers and politicians, Mr Bam said the Land Claims Court should be sensitive to the atmosphere of reconciliation reflected in the government of national unity and the constitution.

But he emphasised that in addition to the court there should be a major drive to redistribute land to blacks

"If nothing is done to deal with redistribution, the court could end up being just a rubber stamp for those who already have land," he said.

Mr Mbeki must choose two or three additional Land Claims Court judges from a list of five submitted by the commission, including Alan Dodson, Antonie Gildenhuys, Justice Moloto, Dimpheletse Moshidi and Frank Sithole.

● **A little window for democracy — page 21.**

LAND FM 7/7/95

Inkatha on guard

(271)

Inkatha leader Mangosuthu Buthelezi's vitriolic attack on Land Affairs Minister Derek Hanekom's Interim Tenure Bill could indicate more about his party's "cold war" against central government than about concern for people being stripped of their land

But he is adamant that the Bill, along with all land legislation to date, is aimed at centralising the administration and ownership of land in Pretoria and that it will dispossess tribal people of their land, as happened to native Americans.

Others believe the proposed law is intended to plug loopholes following the 1991 Abolition of Racially Based Land Measures Act until the Tenure Commission reports in 1998.

The University of Natal's Catherine Cross and Peter Rutsch of Durban's Legal Resources Centre point out in a recent article that several rural tenure approaches are being examined by Hanekom's Ministry and there are laws available to give private rights to communities that want freehold. However, there are indications that private tenure is unpopular with most black rural communities.

The four-year vacuum in legislation while the commission sits has led to legal and administrative confusion which has in some cases created the misconception that tribal leaders own communal land outright.

This fallacy is strengthened by the Ngonyama Trust Act, rushed through parliament just before the 1994 general election, which lodges ownership of land previously owned by the old KwaZulu administration in a statutory trust headed by Zulu King Goodwill Zwelethini

Land allocation is, of course, a pivotal power of tribal leaders — formerly through the Permission to Occupy (PTO) system which is sometimes, but often not, supported by documentary permission.

So, too, is a more limited power to strip individuals of their right to use land. Any attempt therefore to deny the chiefs these powers would be resisted fiercely

Cross and Rutsch point out that formal and ordinary land transfers are now proceeding without any legal base.

"Developers and traditional leaders appear to be concluding deals using invalid PTOs."

The problem apparently stems from abuse of this tribal land system whereby, for example, land is sold to private developers or forestry interests without consulting the community or sharing the proceeds.

There have already been several sales of such land in KwaZulu and in particular in Transkei for the development of holiday cottages.

An extra problem is that the dubious legality of the sales means that land buyers are likely to under-capitalise rather than over-capitalise when developing (thus not creating jobs and wealth in the community) in case they are evicted later.

A specialist involved in drafting Hanekom's proposed Bill says the intention is not to strip chiefs of any powers but rather to ensure that, as in the past, a hearing is held before any land is disposed of.

The idea is to prevent a situation where people find their land or commonage land is being used for forestry or development and they have not even been notified.

But Buthelezi says the history of legislation relating to African land rights is a complex and unhappy one

"Invariably such legislation was represented as protective or extending African land rights. Subsequent realities belied such claims. Such was the case with the notorious Land Act of 1913 and all its successors," he says.

To date, the effect of all proposed legislation has been to centralise the ownership and administration of land in Pretoria. "Even communal land administered in terms of customary law and usage is now in the hands of central government in Pretoria," claims Buthelezi. ■

Modise lists land returned by SANDF

Tim Cohen (271)(2) BD 4/7/95

CAPE TOWN — The SANDF has given up control of about 120 000ha of land formally under its jurisdiction, but has retained control of about 490 000ha, said Defence Minister Joe Modise.

He was responding in parliament to DP MP Ken Andrew, who had asked how much land controlled by the SANDF was suitable for housing development.

Modise said it was difficult to quantify how much land could be used for housing, but said it had been the policy of the SANDF over the past eight years to hand back land no longer required.

As a result, about 50 properties had been made available for urban development.

These areas included land in Goodwood, Khayelitsha, Blue Downs, Muizenburg, De Gama Park and Saldanha in the Western Cape and Winterveld, Schurveberg and Elandsfontein near Pretoria.

The return of certain portions of Wingfield and Youngsfield military bases near Cape Town was under consideration.

However, Wingfield had been suggested as a venue for the Olympic Games, and this would affect other claims to its utilisation, he said.

Dream town may rise from dust in the valley

(271)

GLYNNIS UNDERHILL
Staff Reporter

(271)

ARG 8/7/95

■ The tragic story of the people of Helpmekaar location in Tulbagh could be one with a happy ending, according to the regional lands claims commissioner.

HISTORIC Tulbagh will be in the national spotlight when a land claim involving 31 families becomes one of the first regional land rights restitution cases to come before the new Land Claims Court.

For brothers Basil and Victor Michaels the submission of the claim follows months of dedicated research which led to the recovery of copies of vital documents proving land ownership in Helpmekaar location The documents were believed to have been lost in the 1969 earthquake

Now the brothers have a dream of building a model town on he large piece of vacant land which once housed a thriving community. Surrounded by spectacular mountains and natural beauty,

Picture HANNES THIART, Staff Photographer

☐ **LAND CLAIM:** Brothers Basil (left) and Victor Michaels, with documents relating to their claim for land in Tulbagh.

Argus 8/7/95 (271)

e pmekaar could rise from the dust to take its place again in the picturesque valley, they believe

"We are doing it for the sake of the children of the community, so if they want to go back there they can," said Victor, a retired teacher living in Cape Town.

"It will definitely heal wounds to move back because it has been a disturbing factor for the whole family to be moved and dispossessed

"We do not want to make a big issue about this We would like to go back and use the land which our forefathers made available. It will be a reconciling factor to become part of the community again

"We will have no grudge against anybody We feel that peace should prevail," said Basil, a pastor in Atlantis.

It was the 1969 earthquake, which caused millions of rands damage in the area, that led to the removal of the people of Helpmekaar to land on the outskirts of the township

Moved to what became known as New Helpmekaar, people were forced to live in tents Some of these people remained in tents for more than a year before sub-economic houses were built on the site, said Basil

"Helpmekaar had been earmarked for evacuation due to the Group Areas Act However, when the earthquake shook the town, government funds had been made available to restore the buildings being damaged

"These funds were meant to restore all buildings in Tulbagh

"Buildings in Tulbagh were restored — except the houses of the people of old Helpmekaar The people were then forcibly removed to another site, away from the town Some of these people, who had previously possessed a comfortable house in the old township and could not afford to build a house at the new site, are staying in disgusting conditions in small council houses," he said

Most of the families who had lived in Helpmekaar went to stay in other parts of the Western Cape The brothers recently called a meeting of all the people they could find who would have land claims

Victor said they had enquired at the Tulbagh municipality about documentation relating to the land claim, but were told the documents were lost after the earthquake

"We thought it could not be and we went back to the archives in Cape Town and to the deeds office We found a lot of documents stating that the land belonged to the people," said Victor

Regional land claims commissioner for the Western and Northern Cape Wallace Mgoqi said he regarded the story of this community as tragic. He had recommended the claim as one of 20 in the region to be given priority

Negotiations for the land would take place with the Tulbagh municipality, he said

The 80 prioritised claims will be speeded up to be used as precedents to be put to the Land Claims Court at its inception If the regional land claims commissioners can settle the claims with all the parties, the land claims will go before the Land Claims Court to be validated

The large Michaels family, now spread mostly around the Western Cape, could end up living together at Helpmekaar

Their great-grandfather, Petrus Michiel, whose surname is different to his great-grandsons for reasons unknown to them, apparently purchased five plots in the Helpmekaar area

The value of the legacy left to the brothers and their siblings has little to do with the emotions wound up in the claim, they said

"If you measure the value of the land, then you have to consider what we have missed as children and grown-ups — what we could have reached at this stage of our lives," said Victor

Before the earthquake, the Michaels family rented out their home in Helpmekaar and moved to the Strand

The earthquake did not escape them there

"We felt the tremor in Cape Town We went back to see the damage and it was devastating for us Our house was damaged in the earthquake," said Victor

A house their father had purchased near Somerset West was expropriated by the State at a low market price, he said

After their father died, their mother Caroline was homeless and stayed with her children, moving from one to another, until she died

It was Basil who steered the claim for all the families of Helpmekaar and formed a group called the Helpmekaar Body of Control He took the role of chairperson

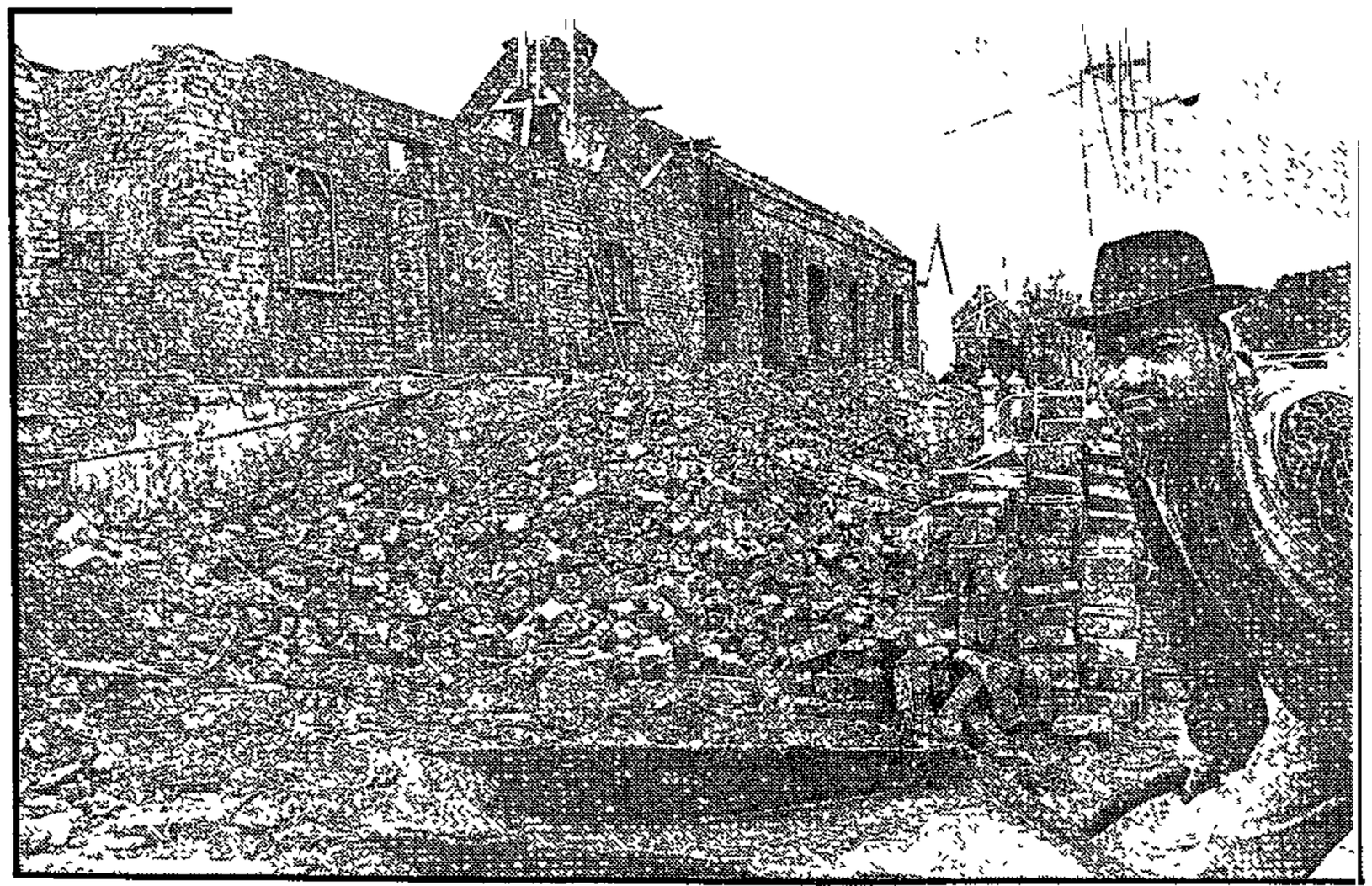
"We have come across people who never stayed there trying to claim We had to settle things with them All people left are now legitimate with real claims," said Victor

A recent visit by Mr Mgoqi to the area to assess the claim was a moving experience for Basil

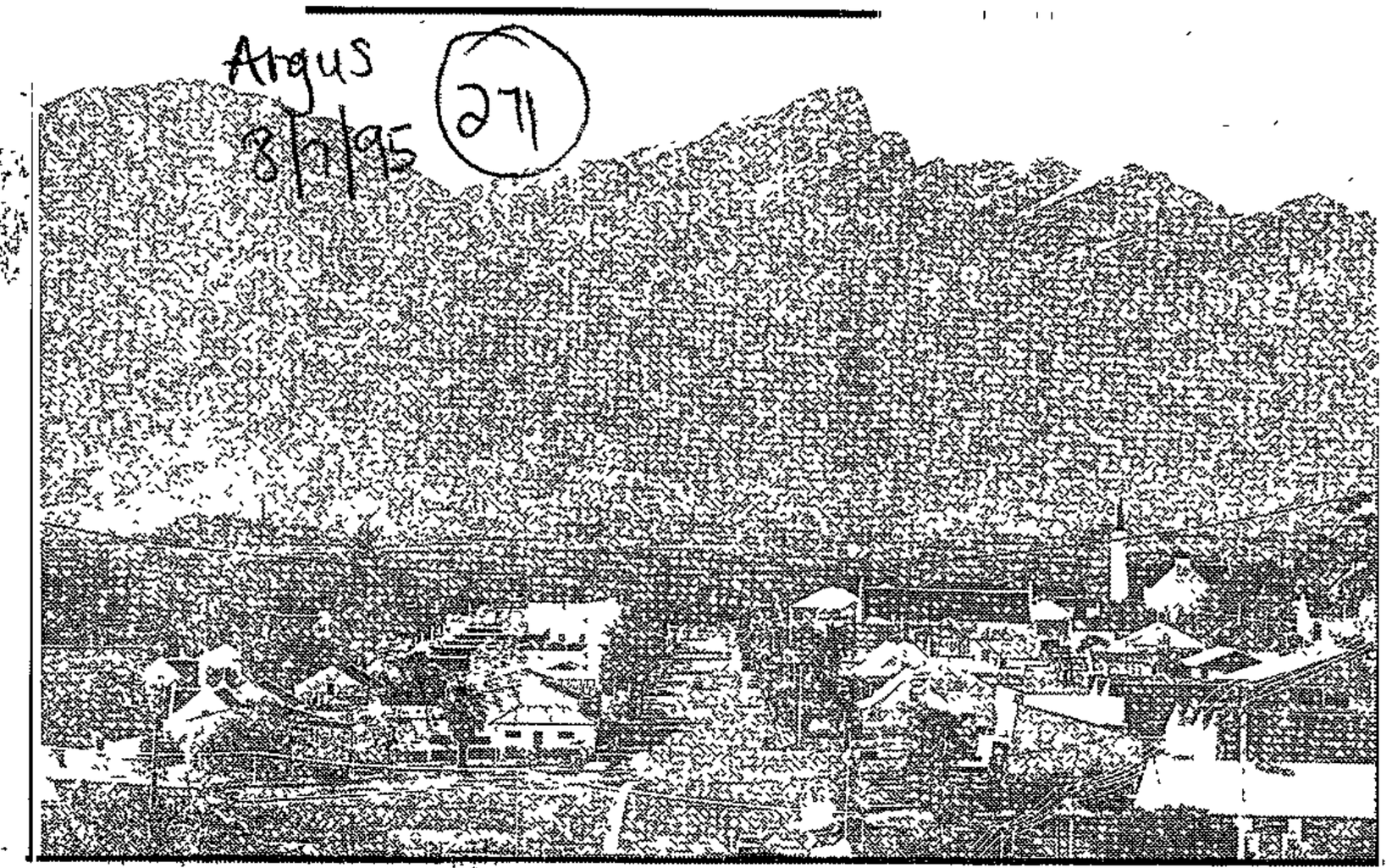
"We had a meeting in the municipality board room It was the very first time I had been into those offices. It was one of the highlights of my life," said Basil

■ The brothers said they were willing to help people with a claim

"If there are any people we haven't contacted, they could contact us on ☎ 0226 25454 and ask for Basil Michaels"



☐ **AFTER THE EARTHQUAKE:** Hendrik Solomons reconstructing one of the buildings in old Church Street, reduced to rubble after the earthquake.



☐ **RESTORED TO GLORY:** Tulbagh was restored and rebuilt to its former glory nine years after the quake, but the houses of the people of Helpmekaar location were never rebuilt.

Land battle over army base

ST(LM) 9/7/95 (271)

LAND Affairs Minister Derek Hanekom has ordered an urgent investigation into a private bid to buy or rent a piece of pristine West Coast land which is being used for training by a crack army unit.

His instruction to the Department of Land Affairs coincides with at least two other looming claims for the former 4th Reconnaissance Regiment's Donkergat base on the western shores of the Langebaan lagoon.

The National Parks Board (NPB) this week said it deserved first option on the land adjoining the West Coast National Park, but Defence Ministry spokesman D A S Herbst dismissed an imminent handover

By CHARL DE VILLIERS

The Democratic Party has suggested the land be given to the National Parks Board if Iscor's controversial steel mill goes ahead on the opposite shore of Saldanha Bay.

A spokesman for Mr Hanekom said the Land Affairs inquiry would try to identify various claims for the military land, as well as needs relating to it

"We have to look at optimal land use If land is not being used optimally, we have to find ways of doing so," Mr Helmuth Schlenter said

Dr Herbst said the 2 000 ha terrain — the northernmost tip of a peninsula spanned by the Atlantic Ocean and the lagoon — was needed for training

But, sources claim, Donkergat was "little more than an exclusive resort for military brass"

Military analyst Helmoed Roemer-Heitman said Donkergat was probably the country's best site for maritime special forces training, being secluded but close to naval facilities.

He described the Donkergat unit — reorganised into 45 Parachute Brigade — as the South African equivalent of Britain's elite Special Boat Squadron

He said its operatives had probably been involved in a combined police and military raid in May on two trawlers suspected of carrying drugs.

Mr Hanekom ordered an inquiry after being approached by private individuals who say they want to buy or rent the old Donkergat whaling station situated in the military grounds.

A Department of Land Affairs spokeman said the matter was receiving urgent attention.

A NPB spokesman said Donkergat would make a logical addition to the 27 000 ha West Coast National Park.

staggered poll.

IFP MP disobeys instruction to resign

BD 12/7/95

Farouk Chothia

DURBAN — The rift between the IFP and its leading Indian MP Farouk Cassim deepened yesterday, with Cassim refusing to heed a call to resign his seat immediately.

IFP secretary-general Ziba Jiyane said Cassim had proved "unstable" and the IFP wanted him to resign with immediate effect.

This followed Cassim's decision to convene a media conference last month at which he accused the IFP of racism and offered to hand in his resignation.

He said he would resign in January because he intended to pilot "important" private members' legislation through parliament.

Jiyane said Cassim's departure would have no effect at grassroots level.

Meanwhile, the ANC KwaZulu-Natal region said yesterday that premier Frank Mdlalose's leadership was becoming "a great embarrassment", and he was unilaterally attempting to change the name of the province to the Kingdom of KwaZulu-Natal.

The latest row erupted when Mdlalose's office started using the name "Kingdom of KwaZulu-Natal" in place of KwaZulu-Natal on official letterheads this week.

Mdlalose's spokesman Thembinkosi Memela described the use of the province's new title as "deliberate and not in conflict with the constitution".

Plan halves political death toll

Adrian Hadland

BD 12/7/95

THE newly launched community safety plan appeared to be having a significant effect on the reduction of political violence particularly in KwaZulu-Natal, according to the Human Rights Committee.

In its June assessment of events and trends in the human rights field, which was published yesterday, the committee said political violence had claimed 74 lives across SA last month.

This represented a 50% drop compared with the May death toll of 142. In KwaZulu-Natal, 55 people had been killed in June against 83 in May.

The committee said the community safety plan, which was launched earlier this year by President Nelson Mandela, "appeared to be having an effect".

According to the plan, security force personnel have been deployed in key trouble areas across SA including Gauteng, the Eastern Cape and KwaZulu-Natal.

National and provincial level cabinet committees have also been created to oversee the implementation of the plan and to deal with specific situations and circumstances.

The reduction in political deaths in KwaZulu-Natal was "largely a result of the (plan)", the committee said.

It noted that of the 55 "political" deaths in the province last month, 48 had happened in general incidents of political violence, two in attacks against the security forces, four in incidents of industrial conflict and one in taxi violence.

While the number of deaths in the province was following a downward trend, many areas were still tense.

A justice ministry spokesman said instructions were awaited from Mandela's office on the process of nominating and selecting SA's truth commissioners.

The legislation, which is expected to be signed shortly by Mandela, gives the president some discretion in the number and backgrounds of the commissioners.

3 700 lodge land claims

Almost 4 000 land claims have been lodged with the Commission on Restitution of Land Rights, commission head Joe Seremane said yesterday. (271)

Claimants had until May 1997 to lodge claims, and 3 739 had so far done so. — Sapa.

Star 14/7/95

Land crunch yet to come

(271) Sowetan 17/7/95

The Land Claims Court will be put to test by Chief Magwazana Tshabalala, a Swazi chief who is facing charges of trespassing on land he had bought, writes Political Reporter **Mzimasi Ngudle.**

LAND Affairs Minister Mr Derek Hanekom has so far sailed smoothly in giving back land to blacks who were forcibly removed by the National Party government Magoba, Riemvasmaak, Maleeuskop and other communities were relocated easily as their land was predominantly owned by the state, which could buy out a few private owners without many hitches.

But the crunch will come when right-wing white farmers refuse to give up land they bought cheaply from the state, which acquired it by forcibly evicting the original black owners.

Such cases form the bulk of about 4 000 claims received by the National Land Claims Commission, which is now busy registering the claims before gazetting them and inviting objections from registered owners

One such claim is that of Chief Magwazana Tshabalala, a Swazi chief who has been moving from pillar to post after his unsuccessful appeal to former State President FW de Klerk for his tribe's land to be restored

Tshabalala said De Klerk referred him to former Foreign Affairs Minister Mr Pik Botha who, in turn, sent the same policemen who were harassing him to investigate.

Last week Tshabalala lodged his claim at the Pretoria office of National Land Claims commissioner Mr Joe Seremane.

Together with his tribe, the chief is now a fugitive who was whisked from his land in the most disgraceful manner by the NP Government in 1984 who desecrated the graves of their ancestors.

The chief and his people were ordered to leave the area and remove the graves of their elder chiefs and other tribesmen to make way for the building of the Heyshope Dam.

"As Africans, this really undermined us as we have respect for the graves of our ancestors," Tshabalala said shortly after filing claim forms in the commissioner's office

Hounded by the authorities of the Transvaal Provincial Administration, Tshabalala said he was forced to do the unthinkable and rebury his subjects alongside their kings

This was after he told the local magistrate that people had refused to dig out the bodies of their ancestors. The magistrate retorted "It's the law There's nothing I can do You have to remove those graves."

Altogether 39 bodies had to be removed and placed in a cliff cave (*emgedeni*) meant for kings

The agony and the plight of his people is writ large in Tshabalala's claim form· "From 1959 until now, my people have been removed from their tribal and ancestral land

"As their chief, I was deported several times for being an *Inkosi* whose authority over his people has been recognised by the Swaziland monarchy And for demanding the return of the land of our forefathers.

Chief Magwazana Tshabalala ... the chief without land.

National Land Claims commissioner Joe Seremane ... dealing with land claims.

PICS: JOE MOLEFE

"This land has today been turned into white commercial farms. Hence today I am a chief with a landless tribe which has been scattered in and around our former land as labour tenants."

No compensation was paid and no alternative settlement area was provided. Instead, the Government sent him to KaNgwane where Chief Enos Mabuza said he could not accept people without land

He later went to settle in Ermelo, while his people were forced to get rented accommodation in the nearby black townships

While fighting to get his land back, Tshabalala bought a farm in Wakkerstroom to provide a temporary abode for his tribe

However, it did not take long before neighbouring right-wing farmers colluded with police to chase him from the farm — notwithstanding a valid sale agreement with the previous owner of the farm .

What made matters worse was the chief's membership of the African National Congress, which prompted the police to call him a "bloody communist"

The chief, who has now fled from the farm, will appear in court on August 14 to face charges of trespassing on land he had bought

Tshabalala comes eleventh in the Tshabalala genealogical tree of chieftainship which springs from King Tshabalala who, the chief claims, ruled over the four districts of Wakkerstroom, Volksrust, Amersfoort and Memel.

However, for the sake of expediency and feasibility, Tshabalala has restricted his claim to Wakkerstroom district, where he has evidence to support the claim.

The claim has also been restricted to conform with a constitutional prohibition on adjudication of claims predating the 1913 Native Land Act.

Tshabalala said he still has to investigate the possibility of reclaiming land in the other three districts.

The chief has submitted a copy of a 1953 Government Gazette which stripped him of his sovereignty, effectively reducing his people to labour tenants whose rights of tenure were further eroded in 1979 through legislation.

The gazette shows that the land which belonged to the four subdivisions of the Tshabalala tribe was later occupied by white farmers, whom Tshabalala said were now hell-bent on defending their ill-acquired rights.

This is certainly not one of those cases Hanekom handled with ease, but one which may proceed to the Land Claims Court if the National Land Claims Commission fails to resolve the issue.

State land for the destitute

Kevin O'Grady (271)

MORE than 35 000ha of state-owned land north-east of Pretoria is to be developed for landless and destitute communities at a cost of R35m, the Gauteng government said yesterday. BD 20/7/95

The "ambitious" project, part of the land reform pilot programme, was expected to benefit about 40 000 people in the Rust Der Winter area which borders Northern Province and Eastern Transvaal, programme manager Kenny Fihla said.

Of the R35m budget from the land affairs department, R2m would be spent on administering the project, R10,2m on land acquisition, R3m on planning and R18,7m on basic needs grants, "similar to housing subsidies in urban areas".

The department had started talks aimed at making further funds available, with the Land Bank, the Agricultural Credit Board and the Development Bank of SA.

Interim land allocations to a number of farming communities had already been agreed upon and 1 700ha had been set aside as a game reserve.

About 100 black farmers would have to be relocated from the area in which the reserve was to be established, he said.

There were also about 30 white farmers who had leased land from government since it was expropriated for incorporation into Kwandebele. They would be relocated by agreement.

Many people — particularly the Manala, Litho Ndzundza, Mtimunye and Kwandebele farmers and the Vuka uZenzele community — who had historical claims to the land would be eligible to be given land as part of the project, Fihla said.

There were three poultry farms, with an employment capacity for about 70 people, on the land and the development, planning environment and works department had advertised for proposals from the private sector to operate them in a joint venture with a community trust.

Star 24/7/95

Land claims delay La Lucia decision

(271)

BY ANITA ALLEN
SCIENCE WRITER

A decision on mining at Lake St Lucia is not possible until the land claims by various people who were forcibly removed has been decided, according to a spokesman for the Ministry of Mineral and Energy Affairs.

He was reacting to a call by the Campaign for St Lucia for the Government to make a "decision without further delay".

"The position is that the Leon Commission identified the grave and urgent need to attend to the problem surrounding the claims of indigenous people removed from the land. While mineral rights have not been separated from surface rights, ownership of the land is part and parcel of the decision," the Mineral and Energy spokesman said.

Cherryl Walker, commissioner on restitution of land rights for KwaZulu-Natal, told The Star that at this stage it was impossible to give a timetable about the land claims.

"It is quite a complex matter, with more than one claimant. The process of resolution can't be done on the basis of only some of the issues ..." Walker said.

She added that the matter would more than likely have to go to the Land Claims Court.

The Campaign for St Lucia claimed that there was no justifiable reason for not making a decision on the mining issue.

"The delay is preventing the development of the St Lucia region into the most important conservation and ecotourism area in southern Africa.

"The result of this delay is to the detriment of the KwaZulu-Natal region and to South Africa as a whole in that the obvious economic benefits are being prevented from occurring now when they are most needed," Campaign for St Lucia co-ordinator Oliff d'Oliveira said in a statement.

Credit crisis warning over land reform Bill

(271) BD 26/7/95

DURBAN — Farmers and bankers have warned that agriculture might face a credit crisis unless the land reform Bill is amended before going to Cabinet for approval on August 2.

One of their prime concerns was that the legislation could affect farm land value, undermining its use as bank loan security.

The Land Reform (Labour Tenants) Bill, seen as part of government's land reform programme, proposes rights for labour tenants loosely defined as farm dwellers who had or have use of arable or grazing land in return for labour to the owner or lessee of a farm. The term includes the labourers' dependants.

In terms of the proposed Bill, labour tenants in specified magisterial districts — mainly districts in KwaZulu-Natal and those in the Eastern Transvaal — could be granted ownership rights to land on farms after negotiations.

SA Agricultural Union social services chief director Kobus Kleynhans said farmers feared the Bill would lead to squatter communities moving on to farms.

However, government and land research organisations say the Bill is aimed at granting rights to a specific category of people, not at undermining the wellbeing of predominantly white-owned farms.

Land affairs ministry spokesman Helmuth Schlenther said a technical committee had been set up to address farmers' fears, including adequate compensation.

The committee was expected to finalise Bill amendments by Thursday. — Sapa.

Extra judges are appointed

(271)

Bonile Ngqiyaza

THREE additional judges had been appointed to the Land Claims Court after consultation between President Nelson Mandela and the court's president Fikile Bam, the president's office said yesterday.

The three appointees were Alan Dodson, Antonie Gildenhuys and Justice Moloto. A further judge would be appointed after consulting the Judicial Services Commission and Bam.

The president said the anticipated workload of the court made it "desirable" that up to five new judges be appointed.

"The Land Claims Court has a critical role to play in ensuring we deal effectively and fairly with the sensitive issue of redressing past discrimination in respect of land ownership and occupation" Mandela said.

Dodson, an attorney in a Cape Town firm, has experience in the field of human rights. He has been involved in land development matters as advisory board member of the Western Cape-based Surplus Peoples Project.

Gildenhuys, a practising attorney in Johannesburg, is an acknowledged expert in property law, water law, the law regarding town and regional planning, and general commercial law. He is also a leading authority on expropriation law.

PO 27/7/95

Moloto is an attorney with experience in contract and property law, constitutional matters and the administration of estates.

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3 more land court judges named

(271) Star 27/7/95

President Nelson Mandela has appointed three additional judges to the Land Claims Court after consulting the court's president Mr Justice Fikele Bam.

The court's expected workload made it desirable that five judges be appointed, Mandela said.

The three are Alan Dodson, Dr Antonie Gildenhuys and Mr Justice Moloto. A further judge would be appointed after consulting the Judicial Service Commission and Bam.

Mandela said the names submitted did not include women and he hoped suitable candidates would come forward. He added: "The court has a critical role to play in ensuring we deal effectively and fairly with the sensitive issue of redressing past discrimination in respect of land ownership and occupation." — Sapa.

More judges for LCC

Sowetan 27/7/95 (271)

MR JUSTICE Bakone Moloto, a veteran lawyer and activist, is one of three judges who were appointed to the Land Claims Court yesterday.

The other two, announced by President Nelson Mandela, are former chairman of the National Peace Secretariat Dr Antonie Gildenhuys and Cape human rights lawyer Mr Alan Dodson.

The appointments will complete the composition of the court to be presided over by Johannesburg lawyer Mr Fikile Bam.

Gildenhuys and Moloto, a former national executive director of the Black Lawyers Association, were picked from a short list of five nominees.

The other two were KwaZulu-Natal advocate Mr Frank Sithole and Mr Dimpheletse Moshidi of Johannesburg who is also a BLA executive member.

While it was expected that an affirmative appointment would be made, the absence of a woman in the final selection would impact negatively on the legitimacy of the court, according to earlier expert opinion.

However, the only woman candidate, Mrs Vuyiswa Ramphele, withdrew shortly before the interviews of nine candidates in Cape Town.

Mr Justice Moloto ... appointed to the Land Claims Court yesterday.

Pictures JACK LESTRADE.

☐ **LAND CLAIM:** Ghatiem Hercules and his mother Selma Sadien beside the Woodstock plot which once belonged to her father.

ARG 29/7/95 (271)

Family hopes to reclaim Woodstock plot

GLYNNIS UNDERHILL
Staff Reporter

VACUUM cleaner distributor Ghatiem Hercules could see his late grandfather's dream realised with one of the first historic land restitution claims to go before the Land Claims Court.

When his grandfather, Mohamed Said Sadien-Raad, set up the Perth School Trust for educational purposes for the Muslim community, he bought three plots in Woodstock for £21 000 in 1938.

An orphanage and the beginnings of the Muslim secular educational school was set up.

"It was eventually hoped to establish a school with Arabic as a second language to English. In 1940 they started development and built eight flats to be used as extra classrooms. My grandfather died in 1942 before he could have his dream realised but his will stated that the school should be established," said Mr Hercules.

But under the Group Areas Act the land was purchased from the trust by the old Community Development Board in 1966. The land was designated "a white area" and the Trust was offered £32 700.

The lawyer representing the Perth School Trust at the time was Justice Minister Dullah Omar.

"They told us that if we did not accept the offer on the land it would be expropriated. Based on that meeting, we did accept the offer in 1971. The trustees decided they had no choice and Dullah Omar accepted the money.

"It was decided not to utilise the money and we looked around for a suitable organisation to house our school. We eventually found the spot in Penlyn Estate and built a 12-classroom school for religious teaching," said Mr Hercules.

Today the grass on the Woodstock site is overgrown, the building dilapidated and a billboard trumpets the arrival of a new townhouse development.

The regional land claims commissioner for the Western and Northern Cape, Wallace Mgoqi, has recommended the claim as one of 10 in the Western Cape to be given top priority.

"This claim will benefit a number of people and has been lodged as one of the priority claims. It could go before the Land Claims Court after it is set up in August," said Mr Mgoqi, an advocate.

The Perth School Trust land, now in government hands, could be handed back to the trust and used for educational purposes, according to the wish of Mr Sadien-Raad.

Row over land divides the people of Goedgevonden

ST 30/7/95 (271)

By ANDREW TRENCH

THE people of Goedgevonden have faced up to the National Party government and the Afrikaner Weerstandsbeweging. Now they're up against one of their own.

In the dusty veld about 20km north of Ventersdorp, some 200 families are planning a rebellion against Levy Segopolo, who, in 1991, led the displaced community back to Goedgevonden.

The community of farmers was forcibly removed by the NP government in 1978.

It was not the last time the community felt white wrath. Soon after its return to Goedgevonden in 1991, the settlement was raided by the AWB. Goedgevonden residents have only now won compensation for the raid.

Mr Segopolo, 60, was once heralded as the community's leader. Now he is accused of intimidating and exploiting residents, has admitted shooting a local opposition leader, and has leased the community's land to white farmers.

Since returning to the land, the community has split into two factions — a development committee recognised by most of the residents, and another committee headed by Mr Segopolo. The split came after residents rejected Mr Segopolo's plan to divide the land into 21 units for those loyal to him.

Widow Wilhelmina Makoena lives with her three children a stone's throw from the Segopolo household.

In January last year her husband, Steven, was shot seven times. Mr Segopolo, was charged with murder but acquitted.

He says it was an act of self-defence. His critics, he adds, have no claim to the land, and no right to oppose the decision to lease it to white farmers.

But Augustus Myburgh, a fellow Goedgevonden resident leading the opposition, does not swallow these arguments.

He claims that fewer than 300ha of the 3 000ha at Goedgevonden are being used by the community — most of the rest "is being ploughed and grazed by white farmers".

He and others blame Mr Segopolo for their predicament. They claim he had no consent to ente nto a five-year lease agreement with farmers. They do not know where the oney from the leases is going, or how m ch the agreements are worth. But they s e Mr Segopolo driving a new bus, and wonder where the money came from.

Mr Segopolo says he got the cash to buy the bus from the R900 he charged families to transport th back to Goedgevonden in his truck.

Land fraud scheme exposed

A FRAUDULENT land ownership scheme had been exposed under which individuals seeking land restitution were buying false ownership certificates, Land Affairs Minister Derek Hanekom said yesterday. (271)

"It has come to my attention that there are some unscrupulous people who are taking undue advantage of government's restitution programme and are engaged in illegal activities in selling plots of land to prospective claimants," he said. BD 1/8/95

"This situation is of extreme concern to me, because it not only creates a false sense of ownership among the purchasers of these fraudulent certificates, but also undermines the legitimate process of restitution."

Hanekom said he had received reports of individuals encouraging claimants to occupy privately-owned land without the permission of the land owner, and without going through the land restitution process.

"We understand the impatience of those who lost their land. However, a fair process has been set in motion, even though it may take some time," he said. — Sapa.

Minister warns on repercussions if land bill is flouted

(271) 1/8/95 Star

■ STAFF REPORTER

The full force of the law will be brought against anyone who subverts the land restitution process by illegally occupying land or pretending to "sell" plots to desperate, landless families, Land Affairs Minister Derek Hanekom warned yesterday.

The minister said "unscrupulous people" were taking advantage of the anxieties of families who were entitled to reclaim their land through the Land Restitution Commission.

Fraudulent

Some were encouraging such families to short-circuit the land restitution process by illegally occupying the land in question. Others were fraudulently "selling" land which was subject to land claims.

"This situation is of extreme concern to me, because it not only creates a false sense of ownership among the purchasers of these fraudulent certificates, but also undermines the legitimate process of restitution," Hanekom said.

"Such actions severely prejudice the interests of those communities and individuals who have followed the correct procedures of application and negotiation. They are now subjected to even more uncertainty as to whether they will be successful in their land claims."

Legal action would be taken against anyone who occupied private or state land without authority; who illegally allocated or sold land; or who attempted to intimidate legitimate land claimants or current land owners.

"Anybody with knowledge of such irregularities is requested to report it to the police immediately," said Hanekom.

He said that the ministry understood the impatience of those who had lost their land under the racial land laws enacted from 1913.

"However, a fair process has been set in motion, even though it may take some time. This process is the only way in which the sensitive and difficult issue of restitution can fairly and effectively be dealt with."

Hanekom, business at odds over land rights

CT 2/8/95 (271)

LAND Affairs Minister Mr Derek Hanekom, at odds with business, yesterday opposed the inclusion of a clause in the final constitution to protect property rights.

"Adequate protection would be provided by the common law and the constitutional prohibition on arbitrary, unfair or discriminatory government action," he said.

Mr Hanekom was addressing delegates to a two-day public workshop in the House of Assembly on land rights in the new constitution.

While he did not support a property clause, he said the new constitution should make land reform possible to redress the injustices caused by centuries of white rule.

He dismissed calls by radical groups for the seizure of underused white land and said the government would respond only to an expressed demand for land.

The SA Chamber of Business (Sacob) called for retention of the property-protection clause and abolition of the provision for land redistribution.

CONTROVERSIAL: Land Affairs Minister Mr Derek Hanekom

Sacob's director of legal affairs Mr Ken Warren said the land reform already under way would be temporary and should be managed under a statute of Parliament that could be repealed once the job was done.

Mr Brendan Pearce of the non-government National Land Committee backed Mr Hanekom, saying redistribution to undo centuries of white domination was essential to lasting peace.

Security

"If land is not distributed and people are not secure on the land they occupy, it will not matter whether property is secured or not," he said.

● The SA Agricultural Union yesterday demanded a judicial inquiry into the issue of labour tenants before legislation in this regard was passed, saying the process leading up to the Land Reform (Labour Tenants) Bill was "one-sided, not transparent and undemocratic".

Hanekom rejects property entrenchment

Adrian Hadland BD 2/8/95

CAPE TOWN — Land Affairs Minister Derek Hanekom yesterday rejected the need for a clause in the new constitution entrenching property rights.

Hanekom told a Constitutional Assembly workshop that adequate protection for property rights would be provided by common law together with a constitutional prohibition on arbitrary, unfair or discriminatory government action.

But SA Chamber of Business spokesman Ken Warren told the workshop it was imperative specific property rights, as contained in the interim constitution, were retained. (271)

A new constitution had to ensure no person or organisation should be deprived of property without due process of law and without just compensation, he said.

The interim constitution says every person has the right to acquire and hold rights in property and no deprivation of property rights is permitted other than in accordance with a law Property may be expropriated only for "public purposes" and subject to agreed compensation.

Hanekom said the provision had been made because of anxieties regarding confiscation and redistribution of land at the time the interim constitution was framed.

"By now, it should be clear that those fears are groundless," he said.

Nowhere in the world was ownership absolute and unrestricted, Hanekom said Government should be able to regulate the use of property in a number of ways and this should be reflected in the constitution.

By entrenching the "rights of property" in the interim constitution, potential problems had been created, Hanekom said.

He cited the example of recent litigation concerning establishment of an informal township at Diepsloot in Gauteng.

A constitutional protection of property

Continued on Page 2

Hanekom

Continued on Page 2

(271) BD 2/8/95

rights would have allowed landowners to "trump" legislation with the Bill of Rights.

"We should take care that if we have a property clause in the new constitution, it does not give constitutional force to the "nimby" (not in my backyard) argument, and therefore prevent the development of low-cost housing or the provision of land for small-scale farmers."

The new constitution should make clear that expropriation for the purpose of land reform was permissible given appropriate compensation, Hanekom said.

A balance was required between property rights and the right to land.

"Just as property rights must not be arbitrarily destroyed or confiscated to meet the needs of homeless and landless people, so existing property rights must be limited by the basic needs of homeless or landless people."

Hanekom said the constitution should provide for the restitution of land in broad terms only and not in detail as spelt out in the interim constitution.

Old racial land rights opposed

(271)

Sowetan 2/8/95

Apartheid victims 'cannot rely on the new Government for support'

By Vuyo Bavuma
Political Reporter

THE NATIONAL LAND COMMITTEE has called for the scrapping of the property clause in the constitution and for the broadening of restitution of land rights to effectively address the legacy of past racially discriminatory laws.

It said the Government should consider broadening the brief of the Land Claims Commission to deal with claims outside the present property clause and the Restitution Act.

Addressing a workshop on Land and Constitution Mr Brendon Pierce, director of the NLC, said the Government should also establish a specialised body to administer and ensure the attainment of land rights.

The protection of property rights in the interim constitution sent a message to the landless that the Government was more concerned with the rights of the white landowners. This created the impression that apartheid victims could not rely on the new government for support in achieving what they had been struggling for many years.

Pierce said the government would have to play a more pro-active role to ensure that the most marginalised people were getting a fair deal.

"The property clause is a major impediment to land reform and the process of addressing people's basic human rights. Just last week 600 farm workers were kicked off farms in the Free State for exercising their right to strike," Pierce said. The workers were completely defenceless against powerful farmers whose property rights are protected by the constitution, he said.

But the South African Property Association called for the inclusion of the property clause in the constitution to attract investment and provide security. In a statement the association said private property ownership was the cornerstone of most successful economies in Western societies.

Dr Funiwe Njobe, of the Land and Agriculture Policy Centre, supported the inclusion of the rights of the dispossessed in the Bill of Rights.

Cabinet approves Land Bill

(B 271) Argus 3/8/95

THE controversial Land Reform (Labour Tenants) Bill was approved by the Cabinet yesterday, Trade and Industry Minister Trevor Manuel said in Pretoria. But it is not being applauded by the rightwing South African Agricultural Union (SAAU).

Manuel said yesterday that amendments to the Bill, since it was first discussed by the Cabinet on May 31, included a new definition of a labour tenant and extended application of the Bill to the whole country.

It had previously been focused on the Eastern Transvaal and KwaZulu-Natal.

The SAAU said earlier yesterday it was "totally opposed" to the Bill, which would give some 30 000 labour tenants the right to acquire farmland they had historically used and occupied.

"Should it be approved in its present form, it will not receive the cooperation and support of the SAAU and farmers at ground level," SAAU president Mr Boet Fourie said in a statement in Pretoria.

He urged the Government to set up a judicial inquiry into the matter.

Manuel said there had been "very wide" consultations with the SAAU, provincial agricultural unions and farm workers since May.

"They have collectively brought certain changes to the Bill." — *Sapa*.

Land court is to go on circuit

(271)

Louise Cook

BD 4/8/95

THE new Land Claims Court, which was widely expected to be based in Randburg, wouldoperate as a circuit court, newly appointed court president Fikile Bam said yesterday.

He said although Johannesburg was the preferred seat, the court was considering renting premises in Randburg. No details were given.

The court would be run by Bam and four judges. One, a woman, still had to be appointed.

"The biggest challenge the court will face probably will be having to operate in the face of uncertainty about available land suitable for development and finance. We are expecting a lot of cases, but we just do not know."

The court's brief had been extended to deal with labour tenant cases as well as restitution claims.

"But with the vigorous use of mediation, the number of cases would be limited to those where guidance was needed and issues were not clear."

Bam predicted that most cases would be settled by the Restitution of Land Claims Commission, before they came to court.

"Mediation should have been used more extensively during the apartheid era to settle disputes," he said.

"The whole process of first going to court and settling afterwards was the wrong way around."

In terms of the Restitution of Land Rights Act, land claims would first go to the Restitution of Land Rights Commission. If the dispute was not settled, the case would be referred to the court.

But the court too would try to get the parties to settle.

Some features of the old District Six will be rebuilt — bath houses, fish markets and sport clubs have been named — though it is accepted that the legendary vibrancy of the past cannot just be re-invented.

Even modified success — after so many years of acrimony and racial division — could provide a model for other urban areas that were similarly affected by group areas removals.

Pageview and Cato Manor are examples, though circumstances vary from one city to another, and the creation of what are intended as nonracial enclaves close to central Cape Town would carry a special significance for coloureds. ■

(271)

LAND RESTITUTION

Restoring District Six

FM 4/8/95

The remaking of District Six — a name the Nationalists made notorious through forced removals during the apartheid era — is coming closer. A shattered community, however, can never be fully reconstructed, so it has fallen to the Cape Town Community Land Trust to find ways and means of redressing past evils.

The trust, established last November with a brief to establish affordable housing and community facilities in the inner city, has an inclusive representation on its board and inherits an extremely complex situation.

Trust CEO Basil Davidson, for example, points out that property in District Six, before the wreckers of the Group Areas Act moved in, was largely in the hands of white owners (at least 60%). The 30 000 tenants who were moved out in the Sixties would today have a lineage of 150 000-200 000 people.

Clearly, on moral and financial grounds, restitution is appropriate. But what kind? A major challenge facing the trust is to establish just who the beneficiaries of new inner-city housing and business premises should be.

This process is under way. Restitution, in other words, has to be effected through the creation of residential and other facilities not just in the 39 hectares of trust land in District Six but throughout the city where similar projects can be undertaken.

In 1991, following decades of anti-apartheid campaigning, government and the Cape Town City Council agreed to hand over to a trust the land it had expropriated in District Six as well as property that it undertook to repurchase from those private owners to whom it had sold. Only after this acquisition of the privately owned land had taken place could redevelopment be given practical effect.

The Community Land Trust became the vehicle for this process. As part of its work, it has asked the provincial and city authorities to apply to the Land Claims Court for the exclusion of trust land in District Six from restoration to the land claimants — mainly because it was not so much the original owners as the community of tenants that was destroyed.

It would be impossible to develop the land in an integrated way if pieces of it were returned in a haphazard fashion.

Throughout the rest of this year, a planning forum, operating under the trust's mandate, will consider plans for the new District Six.

Assuming that matters proceed smoothly, the outcome could be the creation of residential and other opportunities for historically disadvantaged communities.

Hanekom pledges new land policy

(271)

Sowetan 5/8/95

Kempton Park conference may result in a White Paper on reform

THE Land Affairs Ministry is developing a comprehensive land reform policy and some of its mechanisms have already been implemented and tested, Land Affairs Minister Derek Hanekom said on Friday

Interviewed by *Sapa* in Pretoria about the August 31 national land policy conference at the World Trade Centre in Kempton Park, Hanekom said the ministry had adopted what could be described as a "partly piecemeal approach" – implementing new but reviewable policies to deliver land reform progress at the grassroots while a holistic policy was still being formulated

"We do not want to wait until we have all our policies in place Policy is not regarded as static We are working with people, grappling with problems," he said.

The ministry had already acted on its constitutional requirements such as land restitution under the new Restitution of Land Rights Act and had tested potential tools for delivering land reform in the provincial land pilot schemes Hanekom said· "We felt we were ready to put something on the table. We are not rushing to draft a policy. We felt a need for a comprehensive policy."

The conference will be based on reports from ten ministerial technical teams on land restitution, redistribution, tenure reform and land development

Discussions will be written into a document which Hanekom said would be regarded as a Green Paper or even White Paper. But consultations would continue, he said So far the ministry's approach of involving interested parties – from landless communities to the agricultural unions – has paid off

Referring to periodic criticism that no land reform has been implemented, Hanekom said: "Political criticism does not bother me; it would if I felt we could and should do more.

"I would be worrying if nothing happens over the next six months now the Land Commission and Land Claims Court are set up. I would worry if the land pilots do not produce anything in the next three months" – *Sapa.*

Lawyer heads land inquiry

(271)

JOHANNESBURG: President Nelson Mandela has named human rights lawyer Mr Geoff Budlender to head a commission of inquiry on the administration of state land. CT 8/8/95

The Department of Land Affairs said yesterday that Mr Budlender would investigate alleged malpractices in the allocation, leasing, alienation and transfer of state land.

Mr Budlender is national director of the Legal Resources Centre and an adviser to Minister of Land Affairs Mr Derek Hanekom. — Special Correspondent

LAND REFORM (274)

FM 11/8/95

Much good sense

When the Land Reform (Labour Tenants) Bill was released for comment on June 2, there was a rush to an adverse judgment. Land Affairs Minister Derek Hanekom was accused — by Graham McIntosh, a former PFP MP who farms in Natal — of wishing to push through a socialist plan that would leave SA "trapped in a medieval subsistence economy."

McIntosh cited three major elements of the Bill, as released, in support of this view:

- Those who would be most affected by it — farmers with labour tenants — had not been consulted, making a mockery of transparency;
- The deadline for comment, July 14, was "brutally short;" and
- The Bill would have the effect of freezing dismissals of labour tenants — who stood to be the prime beneficiaries of land redistribution — from June 2, which McIntosh charged was unconstitutional and undermined the authority of other departments such as Labour.

But 170 written submissions were received by July 14, Hanekom consulted widely on its contents and the outcome, passed by Cabinet last week for consideration by parliament, represents a synthesis of good sense and pragmatism.

Hanekom has admitted that transparency was skirted until June but this was in the face of what he told the Constitutional Assembly was "the serious and very real danger of an escalation in pre-emptive evictions." In an explanatory memorandum released last Wednesday, he said the non-eviction clause had been honed so that "the process of eviction is circumscribed and has to follow particular procedures. An additional feature is that the owner must pay evicted tenants compensation for the houses they have built on the land, as well as for unreaped crops."

Labour tenants — estimated at 40 000, plus their families — are defined by Hanekom as those who "have lived on and used farmland for two generations or more, in return for providing labour to the owners." The Bill — with the supporting Interim Protection of Informal Rights Bill — is designed to enable them to gain rights on the land, including the right to acquire it with State assistance.

The tangled history of land occupation and hunger forms the backdrop to the Bill. It can be seen as extending the right of freehold to those labour tenants who, but for apartheid, might well be land-owners today. Nor is it a direct mechanism of restitution: "The aim of the Bill," says Hanekom, "is to provide a lasting solution to the endemic conflict and human rights abuses in those parts of the country where the system of labour tenancy still exists ... It does not cover labour tenants who have been evicted and who may have claims under the Restitution of Land Rights Act."

Speaking to the Constitutional Assembly, Hanekom made a comment that could, in isolation, be controversial: "I can understand that as the prospect of a new government came closer, some people became anxious and feared a policy of redistribution through confiscation. That was one of the reasons for the entrenchment of existing property rights. By now, it should be clear that those fears are groundless. Personally, I do not see the need for a property clause in the constitution."

However, this was not a call for the abolition of the right to own property — rather, a plea that "it must be formulated in such a way which does not constitutionally entrench the results of generations of apartheid and dispossession .. Unless our system of property rights makes it possible for all people to have access to the land they need, the system will be inherently unstable."

The difficulty, he pointed out, was to find a way of formulating a right to land which would be effective while also not "making an empty promise which the government is not able to fulfil."

The Land Reform (Labour Tenants) Bill is an attempt to find a workable formulation for labour tenants and the farmers whose land they occupy. New clauses relating to procedures and mediation have been written in, after an extensive consultation process. The land in question is that which is lived on by the labour tenants; wholesale appropriations are not proposed.

Nevertheless, does all this not imply a limitation of the existing property clause in the interim constitution? Hanekom quotes an American professor, Peter Dorner, as his guiding spirit: "It has been said that private property is a right ordained by natural law and that any attack on it is an attack on society and its most basic unit, the family. Private property, it is said, is the pillar of a civilised society. If these premises are accepted, then it must likewise be admitted that property cannot perform these laudable functions if most people are without it"

Hanekom's Bill is a serious attempt to broaden the right to acquire property for a previously marginalised group. It establishes legal ways and means that should defuse conflict over the issue. ■

Infighting mars return to lands

TWO NORTH West communities which have returned to their ancestral lands after forced removals under the apartheid regime are now engaged in fierce power struggles. (271) CP 13/8/95

According to Goedgevonden's former secretary Augustus Mayburgh the trouble started there in April last year when the then deputy minister of Agriculture Tobie Meyer proposed that Goedgevonden was agricultural land and should not be used for residential purposes, but rather farmed by 60 families. This was not accepted by the community.

Mayburgh said that community leader Levy Segopolo nevertheless leased out farms on five-year contracts and allegedly kept the money for himself.

He said a section of the community led by Steven Mokoena had resisted the demarcations, and Mokoena had lost his life in the ensuing controversy.

Meanwhile the situation is tense in Machaviestad as members of the Barolong tribe from the townships decided two weeks ago to replace Chief Simon Makodi's chieftainship with a local government council system. But Makodi is resisting pressure to resign as Barolong chief.

He said those who wanted to oust him – after he had fought for the return of their land of birth – had been living comfortably in their township homes for the past 24 years while his followers suffered, living as squatters in Rooigrond.

Makodi said when they were uprooted by the government in 1971, 140 households had settled in Potchefstroom's Ikageng township while he and about 48 families who resisted resettlement were dumped at the barren Rooigrond near Mafikeng in Bophuthatswana.

An advisor in the North West House of Chiefs, Hendrik Viviers said that as Machaviestad was peri-urban the community was within their rights if they wished to have a local government structure.

'Piecemeal' start to land reform

PRETORIA: The Land Affairs Ministry was developing a comprehensive land reform policy, and some of its mechanisms had already been implemented and tested, Minister Mr Derek Hanekom said on Friday.

Interviewed here about the upcoming national land policy conference in Kempton Park, Mr Hanekom said the ministry had adopted what could be described as a "partly piecemeal approach" — implementing new, but reviewable, policies to deliver land reform progress at the grassroots while a holistic policy was still being formulated.

"We do not want to wait until we have all our policies in place. We are working with people, grappling with problems."

Referring to periodic criticism that no land reform has been implemented, Mr Hanekom said: "Political criticism does not bother me; it would if I felt we could and should do more.

"I would be worrying if nothing happens over the next six months now the Land Commission and Land Claims Court are set up." — Sapa

(271) CT 15/8/95

Land reform proposal may grant subsidy to millions of rural poor

Drew Forrest

GOVERNMENT is planning to grant subsidies of up to R15 000 — similar in concept to housing subsidies — to the rural poor and small black entrepreneurs as a centrepiece of its land reform programme.

Land affairs department deputy director-general Sue Lund said yesterday it was difficult to quantify the potential cost of the scheme, in part because the department was "uncomfortable with existing macro projections". But millions of people are likely to be eligible.

Details of the proposed "settlement and land acquisition subsidies" are given in a discussion document to be tabled at the national land conference, due to start on Thursday at the World Trade Centre.

The document says that because of "severe fiscal constraints", all rural households will not immediately receive the full grant. It adds that a decision will have to be taken on whether households should be means-tested for eligibility.

The once-off grants are designed to enable poor people to acquire agricultural or other productive land and to upgrade it by installing water supplies, sanitation, waste disposal, roads and fencing. Subsidies will be registered on the same database as the national housing subsidy and householders will not be eligible for both.

The document says subsidies will buttress the proposed Land Reform (Labour Tenants) Act by enabling labour tenants to acquire land they occupy or supply alternative land for settlement. The subsidies can be used to improve tenure and income security for farm workers in tied housing — a key government concern — through provision of housing and infrastructure.

Farmers would be expected to reach agreements with workers or the state guaranteeing the workers' occupational rights and compensation for improvements when they vacated the property.

The money could also be used by farm workers for off-farm housing and services, in agri-villages or urban areas, and to procure an equity share in a farm or its profits. With the worker's consent, farmers could apply for grants for housing improvements, as long as an amount equal to the subsidy was paid into a special account when the farmworker left the farm.

The document also discloses that a trust is being established with departmental and Land Bank money to facilitate the "leveraging" of rural credit. This would wholesale credit on soft terms to private retailers, which would on-lend at market rates.

"It is hoped that this type of arrangement will encourage private banks to familiarise themselves with this segment of the market," it says. The department would make "settlement planning grants" to help communities plan the acquisition and development of land, by using professional advisers' services.

Bill to hasten land development tabled

CT 17/8/95

A DRAFT bill to cut through red tape in rural and urban land development was tabled in Parliament yesterday.

Land Affairs Minister Mr Derek Hanekom said the Development Facilitation Bill would help meet the need for land faster than was possible at present.

He said in a memorandum this measure would offer uniform national standards for land development.

It would set up development tribunals to resolve conflicts with minimum delay.

The RDP needed a significant increase in the rate and scale of land development for industrial, commercial, residential and small scale agricultural uses, he said.

The bill proposes a commission to investigate more thorough reforms in land development. — Sapa

Court upholds council's sale of land in Alex

ST 20/8/95 (271)

By CHIARA CARTER

A LANDMARK court ruling this week resolved a 10-year dispute over land ownership in Alexandra, outside Johannesburg.

On Friday, the Rand Supreme Court upheld the Alexandra council's sale of expropriated land to individual owners but ruled that the rights of the legal tenants could not be violated.

Lesley Sithole, Richmond Manzi and Ruth Dladla had asked the court to strike down the sale of land by the council.

The case brought to a head a dispute which dates back to 1963 when laws known as the Alexandra Regulations paved the way for the expropriation of freehold property belonging to black owners and the introduction of a permit system.

Despite the expropriations, many property owners refused to move and became council tenants who had to apply for permits to live and work in the area.

In 1979, the Alexandra Reprieve reversed these regulations. But it was only in 1986 that the authorities decided to upgrade Alexandra and the council began to sell the expropriated land back to the community.

Three groups qualified to buy: former owners living on their properties, caretakers placed there by the former owners, and long-standing tenants. There were more than 340 sales before the process was stopped by a challenge from the Alexandra Civic Organisation, represented by the Legal Resources Centre.

The civic organisation argued that the permit system gave people the indefinite right to live in Alexandra as tenants and the sale of the property on which they lived was therefore invalid. This was opposed by the Alexandra Land and Property Owners' Association.

This week's ruling safeguards the rights of the purchasers of the 343 council properties. At the same time, the dwindling number of statutory tenants can remain in their homes and must pay rent set by the council.

Ministerial differences delay repeal of land Act

Drew Forrest (271)

DIFFERENCES between the departments of land and agriculture are delaying the repeal of a 25-year-old statute seen as a major obstacle to land reform. B 21/8/95

The Subdivision of Agricultural Land Act was passed in 1970 to prevent the subdivision of farmland into smaller, "economically unviable" holdings, as well as its use for back-door residential development.

A land department source said that the Act, which was administered by Agriculture Minister Kraai van Niekerk, had become an "important constraint" on the release of land for the settlement of small black farmers and groups in terms of the government's demand-driven land reform programme.

It compelled farmers wishing to subdivide to approach Van Niekerk, who in turn consulted district farming bodies on whether this should be permitted. Long-term leases, used to circumvent the Act, also required ministerial approval.

The procedure was cumbersome and made for "fairly arbitrary" ministerial decisions, the source said.

Land Affairs Minister Derek Hanekom indicated in his budget speech this year that the Act was high on his legislative agenda. According to an official document which is due to be tabled for discussion at the national land conference later this month, the land affairs department believes it should be repealed.

However, the source said the agriculture department, fearing the loss of productive farmland, was resisting the repeal of the statute.

"We believe we need a different kind of instrument to protect farmland," he said. "One possibility is to beef up the Conservation of Agricultural Resources Act. Another is to lay emphasis on land use, rather than subdivision. In other countries, you can subdivide without being able to develop residentially."

Eric Buiten, chief director of the land reform policy co-ordination, confirmed the two departments were debating the Act. "There are differences of opinion, but we must find each other," Buiten said. "We need a formula which satisifies both sides."

The draft policy document to be discussed at the land conference also indicates that the Physical Planning Act, which governs land use planning, will be reviewed with the goal of bringing it in line with the RDP.

The document notes that the Act operates independently of both urban transport legislation and provincial planning ordinances.

Cavendish mall 'was our land'

THANDEKA GQUBULE

CAVENDISH SQUARE shopping mall and residential plots in Constantia are the subject of claims lodged with the Land Claims Commissioner.

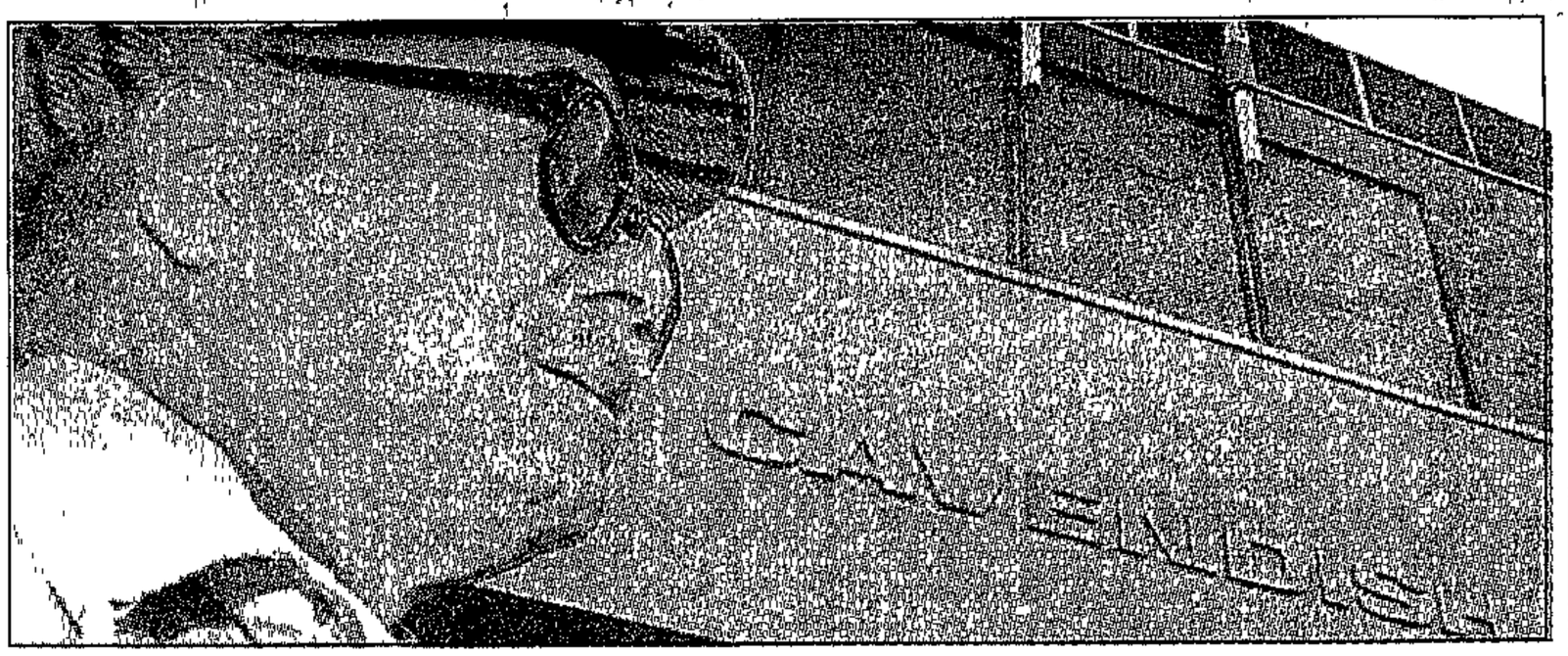
The claims are for the land on which the mall stands and Erven 2548, 2549, 2550 Constantia.

The properties were expropriated under the Group Areas Act from the previous owners, who claim they had to sell them at low rates to make way for the white community from the 1950s to the mid-1970s.

Pensioner Mr Douglas Nelson and his wife Stella have lodged a claim for some of the land on which Cavendish Square stands. Mrs Nelson said her family sold the property for £1 600 in 1954

Her father, Mr Johnny Bessick, was white but had to be reclassified before he could marry his wife, who was "coloured". When the Group Areas Act came into force, he could not continue to live in Claremont as he was a member of the wrong group. His family believes they should be entitled to the current value of the land.

Mr Fuaad Davids said his family had to sell land in Constantia in 1971 for R29 250.



THIS WAS OURS: Pensioner Mr Douglas Nelson outside the Cavendish Square site where his wife Stella's parents lived before they were forced out by the Group Areas Act. PICTURE: NIC BOTHMA

CT 23/8/95 (271)

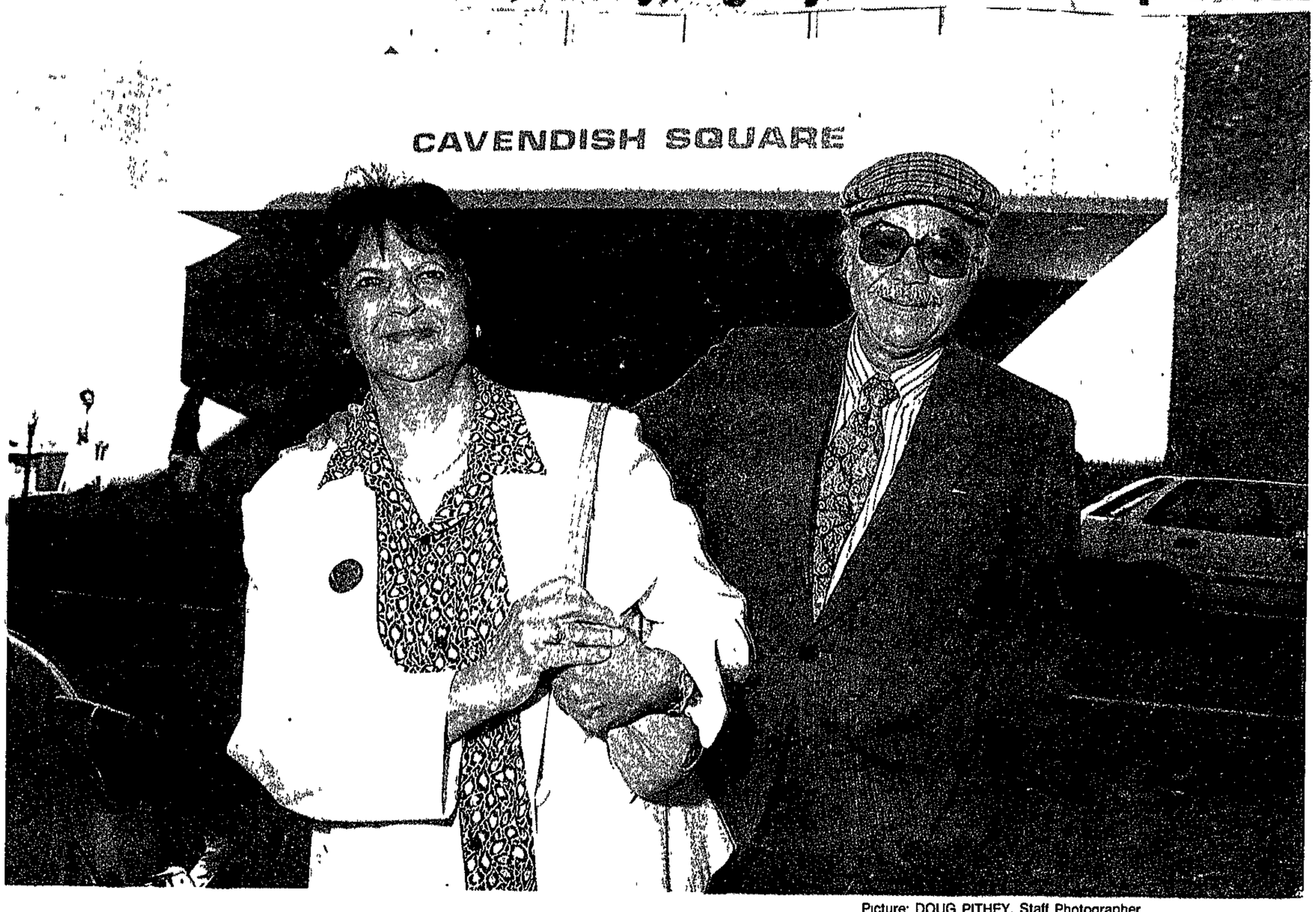
CT 25/8/95

100 claims on land ownership

(271)

PRETORIA: More than 100 claims for the restitution of land were being investigated, the Commission on the Restitution of Land Rights said yesterday.

Compensation hopes for couple who lost everything — hor
nes, family, dignity — under Group Areas



Picture: DOUG PITHEY, Staff Photographer

☐ **FRONT GATE**: Stella and Douglas Nelson in front of the entrance to Cavendish Square which was once their front gate.

This is where we lived before . . .

(271) ARG 26/8/95

GLYNNIS UNDERHILL
Staff Reporter

■ Life could take an about-turn for a pensioner-couple who were thrown out of their home in Upper Claremont by the apartheid laws.

PENSIONERS Stella and Douglas Nelson proudly point out an entrance to one of the plushest shopping complexes in the country, which they explained was once their front gate.

Standing in Dreyer Street in Claremont, the hub of Cape Town's fashionable southern suburbs, at one of the entrances to Cavendish Square shopping mall, the Nelsons say they have no idea what kind of compensation they will be awarded by the Land Claims Court for the loss of their home.

While the government has set aside funds for the settlement of land claims, the Nelson case has been thrust unexpectedly into the spotlight.

Prioritised as one of the top ten land rights restitution cases in the Western Cape, the fortunes of the Nelsons could alter dramatically when their case is heard by the court.

The couple paint a vivid picture of two quaint cottages Mrs Nelson's family owned, before they were forcibly evicted by the Group Areas Act. The lushness of the gardens, the homeliness of the interior and the stability the family enjoyed was brought to a sudden halt during the apartheid era.

After the family was evicted, Mrs Nelson's three sisters left for Australia

"They were heartbroken. They just couldn't take it. One of my sisters told me she still had nightmares about being back in South Africa. It was not only about taking away our dignity. It was the way the family was broken up that still affects us," said Mrs Nelson.

Mrs Nelson, now 66, said she and her husband stayed on in South Africa to care for her parents.

"My mother said that somebody had to stay here to bury her. Just two years later she died," she said.

Her one sister left the country after she married a white man and refused to submit to a "pencil-test" which could have allowed her to be reclassified white.

"The pencil test was simple. If the pencil fell out of your hair, then you could opt to be white. It was taken on appearance only in those days," said 69-year-old Mr Nelson.

Now living in a tiny flat in Southfield, the Nelsons battle to pay their rent of more than R700 a month and accumulated expenses which amount to more than their combined pensions.

Having been married for 47 years, the couple have shared many hardships. Without financial help from their children, the couple would not survive, they say.

Mrs Nelson said she was delighted to hear her land rights restitution case had been given top priority.

"It is more than two years since I started the process of restitution and I feel the time has come for my case to be heard," she said.

Mrs Nelson's father John Henry Bessick was forced to sell his properties in Dreyer Street for £1 600 in 1954.

"The fact is he paid £1 150 for the property before he did any alterations to it. He never owned another property and died penniless," she said.

Mr Bessick, who was classified white because of his fair skin colour, died a penniless man, broken by the system, according to his daughter.

Picture. ANDREW INGRAM, Staff Photographer

HAPPY MEMORIES: Fuaad Davids was just a schoolboy when his family were forced to sell an 18-acre property in Constantia.

HAPPY PARENTS: Mr and Mrs John Bessick of Claremont in better days.

FAMILY HOME: Family members relax in front of the cottage.

Asa and Fuaad feel their family roots are still down Strawberry Lane

(271)

ARG 26/8/95

GLYNNIS UNDERHILL
Staff Reporter

In 1968 the Davids were forced out of their Constantia home. None of the family thought then they might one day under a new government be compensated for their losses.

TAKING a trip down memory lane with Asa and Fuaad Davids will lead to Strawberry Lane in Constantia, where the flowering acres the family once owned have been replaced by high walls and luxury homes.

The subject of a historic land-rights restitution claim, the Davids family's claim on behalf of 12 family members has been prioritised as one of the top 10 in the Western Cape to go before the Land Claims Court.

Neither Mr and Mrs Davids have any idea of the value of the land today or what the court might decide could be proper compensation

Breathing the fresh air and marvelling at the lush foliage around Strawberry Lane, the couple were clear on one thing.

"We would like to move back here to our roots and let our children grow up in Constantia. We both grew up in the countryside with lots of fresh air," said Mrs Davids

A child cycling up the road in this up-market area illustrated the stark contrast between Constantia and Salt River, where the Davids extended family now live in two semi-detached cottages.

Mr Davids points up the road, where the community mosque still stands, untouched by the Group Areas Act.

Five families belonging to the Davids clan lived on 18 acres of land in Constantia which stretched way beyond Strawberry Lane, up the hill and over the dale.

Mr Davids was just 16 and a schoolboy when his family was forced to sell their land in terms of the Group Areas Act.

His father, Moegamat Cassiem, an Islamic priest, sold his land for just R40 000 to a white developer who gave him the best offer.

"It was very distressing when we had to move. Our family used to grow and cultivate our own flowers and sell them. That's what the whole family did for a living We had never worked for anyone else. I still feel very heartsore about it," said Mr Davids, a paint company supervisor.

Mr Davids said the family grew many types of flowers, including sweet peas. Life in Constantia was peaceful and the river on the boundary of their huge property flowed only in winter, he recalled.

"You could walk around without any worries at night Only the dogs bothered you. Everybody in the community knew one another and it was the safest place in the world," he said.

The family, who once owned horses and a cow, built homes for each couple on the property as the family grew.

When the family were forced to move, they were spread around Cape Town and left behind the family graveyard.

It was Mrs Davids who put together the family claim and spent hours at the deeds office and telephoning people who could offer direction on their claim.

"I really did it for the whole family. I never wanted any publicity from our claim."

Land grab victims stake their claims

(271) ST (CM) 27/8/95

By CHARL DE VILLIERS

WESTERN and Northern Cape land commissioner Wallace Mgoqi has only one assistant to help him process more than 300 claims for land rights allegedly stripped by past racist policies.

This was revealed by Daan van der Westhuizen, spokesman for the Pretoria-based Commission on the Restitution of Land Rights.

Claims submitted include some by people who lost land in terms of the Group Areas Act in some of Cape Town's poshest suburbs, including Constantia and Bishop's Court. Claims have also been submitted for land which forms part of major shopping centre developments at Cavendish Square in Claremont and N1 City in Goodwood.

But it was unlikely that these claims would result in drastic or radical remedies, Mr van der Westhuizen said.

People had a right to claim their land back, said Lala Steyn, Department of Land Affairs policy director, but she added: "The Act on Land Rights has no intention to award a person a shopping centre such as Cavendish Square. That's ridiculous."

Henk Smith, director of the Legal Resources Centre's land office, said: "It must be borne in mind that the land claims restitution process does not necessarily envisage that people will get their land back.

"The Minister of Land Affairs must first certify that restitution is feasible and practical. He will never restore land if this is unequitable."

According to Mr Van der Westhuizen, Mr Mgoqi only had a secretary to help him at this stage, "but we hope to appoint deputy directors by September".

IN DISPUTE... the Rust de Winter project Picture: CHRIS COLLINGRIDGE

ST 27/8/95 (271)

Restitution claims pose threat to model land plan

By CHIARA CARTER

RIVAL land claims have stalled a multi-million rand Gauteng presidential lead project intended to be a model for land development countrywide.

Acting district manager for the Rust de Winter Land Reform Pilot Project, Nomaxabiso Luzipo, said redevelopment plans for about 38 000ha of prime agricultural land north of Pretoria could not proceed until land claims made by rival groups in the area had been settled.

The Rust de Winter Land Pilot Programme was announced on May 27 by the Minister of Land Affairs Mr Derek Hanekom and is being co-ordinated by the Gauteng Department of Planning, Environment and Works.

R35-million has been earmarked for several development projects in an area stretching between the N1 north of Pretoria and Witbank, including Rust de Winter.

Miss Luzipo said that, since Minister Hanekom's announcement, several groups had indicated that they intended making restitution claims for land in the Rust de Winter area. The project would not proceed until these claims were settled, all stakeholders were identified and poverty levels were determined in the area.

Miss Luzipo said the R35-million grant could meanwhile be used elsewhere if another project was identified.

She said her department intended speeding up the restitution process.

Land in the Rust de Winter area was meanwhile being leased on a temporary basis to five groups who met regularly in the project's forum.

They are the Litho tribe, cattle farmers; the Manala tribe, a group of farm workers called the Vuka Uzenzela and a black farmer who had been leasing land for several years from the Department of Agriculture.

Miss Luzipo said another group, the Kekana, were not yet part of the forum but had indicated they intended claiming land at Rust de Winter.

There was also conflict over people living on land which had been demarcated for other groups.

Land claims commission gets into gear

(271)

ST 27/8/95

By CHIARA CARTER

MORE than 4 700 applicants have staked their claim for land they say was taken from them as a result of apartheid.

Chief Land Claims Commissioner Joe Seremane said he had received 4 740 claims since May this year.

Most came from Kwazulu Natal (1 840), followed by Gauteng (949) and the Western Cape (616).

Mr Seremane said these claims were being transferred to the Commission on the Restitution of Land's regional offices which were operating on a skeleton staff.

He said the commission's work had been delayed by problems in filling posts.

Regional commissioners would be assisted by support staff and the commission intended to have a register of legal advisors, valuators and mediators.

Meanwhile, land rights groups have compiled a controversial land reform policy document which argues that the government should establish a land tax and expropriate some white-owned farms.

The National Land Committee (NLC), a network of non-governmental organisations that focus on land issues, will release its land reform policy proposals next week.

They are certain to be the subject of heated debate at a Department of Land Affairs consultative conference on land reform which is scheduled to take place next week.

The NLC document argues that restitution should not be limited to claims by people who lost land because of apartheid laws, but should include people who lost land rights through farm evictions, corruption and maladministration.

It recommends financial institutions immediately foreclose on farmers who are bad debtors.

The government should use expropriation to provide arable land for redistribution.

"Most arable land is in the hands of white farmers, the majority of whom are unproductive," the NLC says.

It criticises the market-based land reform model favoured by the Department of Land Affairs.

"The market-based approach only caters for land demands backed by cash offerings. The NLC is opposed to this approach as it excludes the marginalised and destitute rural people who most need land."

"All this suggests to me

National Land Committee presents its vision

(271) Star 29/8/95

Any land reform programme must ensure that the needs of the landless are met, writes ***Brendan Pearce***

Our close links with the landless communities puts our organisation in a unique position to influence policy inititatives in the interests of our constituency. The NLC believes that the basic standpoint of any land reform programme should be integrated and holistic to ensure that the needs of the landless are met and to promote economic and social justice.

The NLC's Land Reform Policy Proposal is the network's first attempt to put to paper a comprehensive approach to land reform; and to examine our role in this process. The proposal is based on the premise that land reform should be the foundation of any rural restructuring programme, and should achieve the following objectives:

- Redress historical injustices;
- Restructure land-based power relations;
- Alleviate rural poverty;
- Contribute to economic growth; and
- Create long term stability.

The National Land Committee (NLC) argues that in SA, like all normal societies, possession of a piece of land should be regarded as a basic human right. However, colonial conquests and apartheid oppression have always made it effectively impossible for black South Africans to own land. However, through decades of resistance, the new era dawned, and the Government of National Unity came to power. As expected, the ANC-led Government has affirmed its commitment to redressing the imbalances of the past. It has already taken some initiative towards land reform processes, for which it must be commended. The NLC will officially release its land reform policy proposals on August 29 1995.

Although the NLC and the Department of Land Affairs agree on some areas, our policy proposals point to several critical areas of differences. The following are some of the critical areas of differences, also covered in our policy proposal document:

- The Government's current approach to land reform is market-based and demand-driven. While the NLC acknowledges the limited role of the market in the land reform process. We are of the strong view that the market forces per se fall short as a mechanism for equitable land redistribution. It is common knowledge that markets are never truly free. They are bound by social, political and economical power relations which determine the way they are regulated.

Accordingly, we are opposed to the notion of a "willing buyer-willing seller" because it places the landless communities at the mercy of land owners, who have themselves benefited from past injustices. The NLC's position is clear: the marginalised, destitute and landless rural communities should be the beneficiaries of the land reform processes.

In contrast the market-based approach, which is supported by our Government under pressure from the World Bank, will only cater for land demands backed by cash offerings. The marginalised, destitute and landless rural people cannot afford the artificially high market prices demanded by the land owners. This approach thus excludes the intended beneficiaries of land reform, who have the most need and legitimate demands for land.

The task facing the new democratically elected Government of redressing historical injustices in enormous. And while concerns of some land owners may be understandable, they should not be allowed to dictate and determine land reform policy in SA. Already, some sections of the South African Agricultural Union who are already taking advantage of this approach by pushing up land prices. Some of the commercial farmers are using the flawed government approach as a way of getting rid of their heavy debts.

It is for this reason that the NLC has been persistently urging the Credit Board and other financial institutions to immediately foreclose on farmers who are bad debtors. These farmers have proved year after year to be wasteful of our financial, human and other resources. Accordingly, we are of the view that foreclosure of bad debts will not only contribute to economic growth but will also ensure that adequate land is available for purposes of equitable land redistribution.

- This brings us to another critical area of difference between the NLC and the Government: expropriation. In terms of the property clause, Government will only be bale to expropriate for "public purpose". This definition of public purpose excludes land reform.

The NLC argues that expropriation should be used as a tool to ensure that sufficient and arable land is available for redistribution. Most arable land is presently in the hands of white farmers. The Government has tacitly acknowledged the need for expropriation for purposes of land reform. We now challenge the Government to be bold enough and state their position publicly.

- The last critical issue, relating to the above, is the scrapping of the property clause from the Interim Constitution. The NLC argues that it will be virtually impossible to implement land reform processes as long as this clause remains in our constitution. According to recent media reports we are however, pleased that the Land Affairs Minister Derek Hanekom, now also supports our call for the scrapping of the property clause.

In conclusion, we hope that the NLC's land reform policy proposal, will contribute to, and stimulate constructive public debate on viable land reform options.

- *Brendan Pearce is director of the National Land Committee.*

Committee urges drastic land reforms

Star 30/8/95 (271)

■ BY MONDLI MAKHANYA
POLITICAL REPORTER

The National Land Committee (NLC) yesterday released its policy proposals advocating drastic land reforms, including land expropriation and the placing of a ceiling on land holdings.

The proposals will be tabled at a two-day Government-sponsored land policy conference which begins tomorrow.

The meeting is expected to result in intense debate as commercial farmers have vowed to oppose the plans.

The proposals made by the influential coalition of rural organisations advocate the giving away of under-utilised state land to landless communities, a land tax to force farmers to use land more productively and the forcing of financial institutions to foreclose on farmers who are bad debtors.

The coalition also advocates independent valuations of farmland which the Government wishes to buy from farmers

The NLC says the land reform programme should be supported by the State with money grants and subsidies.

The subsidies would operate on a sliding scale in terms of which the higher the land value and the higher the socio-economic status of the recipient, the lower the subsidy to be received.

Govt land reform rejected

Louise Cook (271)(2)

THE National Land Committee, representing 300 landless communities, yesterday called for the removal of the property clause from the interim constitution and rejected government's market-based land reform programme which operated on the basis of willing buyer-willing seller.

The committee said in its policy document, released in Johannesburg, that land reform should not be "limited" by market-based reforms and by retaining the property clause in the interim constitution.

Committee deputy chairman Abe Ditlhake said private property ownership hampered the provision of land to the very poor. He proposed that "enabling legislation" should replace the property clause.

The committee also criticised market-based reforms, saying that they had been adopted under pressure from the World Bank and financial institutions. BD 30/8/95

"While the market has a limited role to play in the land reform process, it falls short as a mechanism for equitable redistribution. A market-driven approach presumes existing wealth as a key entry requirement.

"Black people have been prevented from accumulating both land and capital and are therefore ill-equipped to enter the free market. Given the current level of poverty and the absence of asset bases, at least 20% of the population would be excluded from any programme that requires their financial contribution."

The very poor could not afford government's subsidy schemes and land should be given free of charge, Ditlhake said.

The land affairs department wanted to spend R15 000 a family on infrastructural development, as part of government's land restitution process, but Ditlhake rejected the department proposal.

"Government must use its expropriation powers to free enough land. The R15 000 subsidy should rather be used for development projects for new farmers," he said.

Government is to hold a special conference on land reform this week to thrash out a White Paper based on inputs from all roleplayers, including the committee and farmers.

Warning of crisis if property clause stays

(271) ARG 19/9/95

BY MONDLI MAKHANYA
POLITICAL REPORTER

South Africa could find itself in a constitutional crisis if the property clause in the interim constitution was not repealed, Land Affairs Minister Derek Hanekom warned yesterday.

He told the national land policy conference in Kempton Park that this provision in the constitution prevented the Government from responding to people's "popular demand and need for land" and was creating tensions that could precipitate a constitutional crisis.

He said it should be clear by now that the fears of "redistribution through confiscation" that had necessitated the property clause were groundless.

Property rights should be covered by common law and the Bill of Rights, he added

"It is a deep irony that those who accepted the systematic denial and destruction of property rights of black South Africans should now pose as the defenders of property rights. It has not gone unnoticed that many became very large landowners in the process," said the minister.

The constitution should rather contain a constitutional right to land that would give ordinary people access to property.

Hanekom said the land reform programme should emphasise redistribution rather than restitution. The Government should play a leading role in bringing land onto the market through the release of State and privately owned land for use in redistribution. All land would be paid for by the recipient and, in the case of privately owned land, the Government would give itself the right to expropriate.

However, expropriation would be used only as a last resort.

The conference, which ends today, will come come up with a blueprint for the White Paper on Land to be tabled before Parliament early next year

Act now to claim land in District 6

Political Correspondent

ANYONE with a claim to land in District Six and who has not yet applied, must do so within 90 days. (271) (~~254~~)

Regional commissioner Wallace Mgoqi says the commission on restitution of land rights wants to investigate all claims at the same time.

A notice inviting applications is published in the Government Gazette today. It applies only to those who have not yet lodged claims, says Mr Mgoqi.

Claims already lodged individually would automatically be regarded as part of the group claim.

The 1994 Land Rights Act empowers the commission to handle a number of claims for land in a certain area as a single group of claims.

This applies in particular to urban areas.

Inquiries to the regional land claims commissioner, Cape Town at ☎ 26 2930. Claims to be lodged at the Commission on Restitution of Land Rights, Private Bag X8163, Cape Town 8000. ARG 1/9/95

NEWS FEATURE

Trying to get its land back, a clan faces the parks board and mines

Trouble brewing over St Lucia land

Sowetan 1/9/95 (271)

By Joshua Raboroko

A MAJOR NEW ROW IS BREWING in KwaZulu-Natal after threats by the Mkhwanazi clan to occupy the eastern shores of St Lucia Lake unless their land claims are resolved soon

Alarm bells are already ringing after about 10 000 residents from Dukuduku, who were forcibly removed from their ancestral land, visited family graves recently and vowed to return.

The people claim that the entire eastern area north of the Crocodile Centre up to St Mary's Hill belongs to them

After they were removed during the apartheid era, trees were planted on their land and wild animals introduced The area is now a tourist attraction

Forcibly removed

Chief Mzondeni Mkhwanazi said: "In the 1950s our people were forcibly removed from these areas. I have tried to fight for the return of our land, but without success.

"The people are deeply frustrated that they were deprived of their land while others are now benefiting. The people are ready to occupy the land."

However, the provincial government pleaded with them not to return before their land claims were resolved to avoid serious conflict that might result in bloodshed.

The clan threatened to move to the park in the area, prompting the Natal Parks Board to seek police assistance.

The land is now being kept under constant vigil by the authorities, who before often conducted raids and arrested and prosecuted those who defied the order not to return.

Induna Samuel Ntuli ... his people want to return to their land near St Lucia Lake.

After they were removed, most of the residents found shelter in the forest near the Dukuduku ("a place to hide") forest. They were not compensated and were left stranded and hungry.

"Our cattle died because there was no water or grazing land," said Mkhwanazi. "We also did not have fields to plant vegetables. We depend on the land to earn a living."

Their homes were made of concrete blocks. Malnutrition, poverty, unemployment, lack of water, sewerage, electricity and recreational facilities soon became major worries for them

Conservation of the forest became the priority of the National Parks Board, forcing some of them to flee to barren lands in Mtubatuba.

The claims of evicted residents for the return of their land has become a matter of great concern for the board and for Richards Bay Minerals.

The board has recommended that the rightful landowners should be compensated for their forced removal, but should not be allowed to resettle.

In their view, resettlement would conflict with plans to have the area proclaimed a "World of Heritage Site" The ecotourism industry and foreign exchange resulting from this would be affected, the board's spokesman told a review panel

Represented at the panel were members of the board, tribal authorities, chiefs, the National Union of Mineworkers, evicted residents and Richards Bay Minerals.

Ecotourism and mining

The company claims that, by mining the area, it will be able to provide homes, clinics, schools and creches as well as create jobs and wealth for the disadvantaged communities.

The board argues that ecotourism is a balanced compromise between the conservation of natural and cultural resources, tourism and economic benefit to local communities.

Ecotourism will encourage tourism to the benefit of disadvantaged rural communities without damaging the environment

However, RBM's communications affairs manager Mr Jabu Kubheka, they believe ecotourism and mining can go hand-in-hand.

The want to mine the ore in the area, but they also intend to plough back the interest into community projects such as schools, clinics, housing and the development of business

> **"Our cattle died because there was no water or grazing land. We also did not have fields to plant vegetables. We depend on the land to earn a living"**

But will these projects actually benefit anyone or are they just meaningless buzz words?

A representative of the evicted people, Mr Phineas Mbuyazi, said: "I am dissatisfied because we submitted a number of issues regarding our land.

"We indicated that we were forced from our land by the Department of Forestry. We were then forced to live under terrible conditions.

"We were separated from our customs and from the areas where we actually communicate with our ancestors." Mbuyazi said he would not have any objections to job creation because the area he wants to occupy has "nothing to do with mining".

An *induna* of the tribe, Mr Samuel Ntuli said: "We want our land back. We also want additional land for agriculture and grazing."

Ntuli said the Natal Parks Board had no jurisdiction over the area.

The KwaZulu-Natal government and the land claims court need to release their findings before there is bloodshed

Talks on property

(271) Sowetan 1/9/95

Hanekom recommends redistribution of land rather than restitution

LAND Affairs Minister Derek Hanekom warned yesterday that South Africa could find itself in a "constitutional crisis" if the property clause in the Constitution was not repealed

Hanekom told the National Land Policy conference in Kempton Park that this provision in the Interim Constitution prevented the Government from responding to people's "popular demand and need for land", and was creating tensions that could precipitate a constitutional crisis.

He said it should be clear by now that the fears of "redistribution through confiscation" that necessitated the "property clause" were groundless

He said property rights should be covered by common law and the Bill Rights.

"It is a deep irony that those who accepted the systematic denial and destruction of property rights of black South Africans should now pose as the defenders of property rights. It has not gone unnoticed that many became very large landowners in the process," Hanekom said.

He said the Constitution should rather contain a constitutional right to land that would give ordinary people access to property.

The conference, which ends today, will come up with a blueprint for the White Paper on land to be tabled before Parliament early next year – *Sowetan Correspondent*

Deadline for District Six claims

Sowetan 1/9/95 (271)

PEOPLE wishing to stake a claim on land in District Six, Cape Town, who have not yet done so, need to do it within 90 days, the Commission of Restitution for Land Rights said yesterday.

In an official notice to be published in the *Government Gazette* today, the commission says it feels it or the Land Claims Court will be more effective if all claims arising from dispossession of District Six land rights are investigated at the same time.

Claims already lodged individually will automatically be regarded as part of the group claim, Western and Northern Cape Regional Land Claims Commissioner Mr Wallace Mgoqi said in a statement.

"It is believed that by handling a great number of claims for an area such as District Six in this way, the matter can be resolved more expeditiously and also more equitably than handling each individual claim on its own," he said

Claims are to be lodged at The Commission on Restitution of Land Rights, Private Bag X9163, Cape Town 8000 — *Sapa.*

All land claims to 'receive attention'

BD 4/9/95 (271)

Louise Cook

GOVERNMENT would deal with all land claims, including those dating back to before 1913, but not necessarily through the restitution process, Land Affairs Minister Derek Hanekom said at the weekend.

Reacting to strong demand by communities to deal with all claims, he said at a special land reform conference at Kempton Park, the Land Claims Court and the Commission on the Restitution of Land Rights were not geared to resolve "broad ancestral claims". These would be addressed through government's redistribution programme in terms of which various pilot programmes had been launched.

The Restitution of Land Rights Bill, which had already been passed by parliament, only provided for the Land Claims Court to rule on land taken from communities after 1913.

"Land claims going back to before 1913 had a strong message but not a strong case. They date back over a very long period. The Land Claims Court is not geared to deal with these claims. Restitution was meant for a particular piece of land lost at a particular time."

Hanekom also said the inclusion or otherwise of the property clause in the constitution was now in the hands of the Constitutional Assembly.

"I have no strong feelings on the matter other than insisting that it (the clause) is scrapped if it becomes an impediment to land reform."

He called for the wording of the clause, should it be included, to be phrased in a way that did not "impede land reform or development".

But Hanekom said communication between the Land Affairs Department and dispossessed communities had been particularly poor. People did not know how the programme worked and needed to be far better informed. He said officials from the department would in future visit more communities to explain procedures. Hanekom also said farmers at the conference had indicated their willingness to help with land reform.

Land affairs deputy minister Tobie Meyer warned against "social engineering" — forcing current land owners off property in favour of emerging farmers and communities if the clause was left out.

"SA needs a property clause for economic growth, but I agree that it must not impede land reform". He called for a distinction between land for settlement and land for farming as not everyone could farm.

Special advisor Geoff Budlinger supported the call for all claims to be dealt with. He said present property owners "who had paid" for their farms would be protected.

Other issues raised at the conference included financial constraints of the land reform programme and tenure reform. Government would produce a Green Paper for public comment this year.

Land Affairs Minister Derek Hanekom at last week's land reform conference at Kempton Park. Ministerial secretary Sarita Venter was one of the 1 000 delegates who attended.

Picture ROBERT BOTHA

Landless to get R15 000

(271) Sowetan 6/9/95

By Joe Mdhlela
Political Reporter

THE promise by the Department of Land Affairs that millions of landless people will each receive a R15 000 start-up towards land ownership was welcomed at a conference last week.

But delegates at the two-day Land Policy Conference in Kempton Park expressed fears that peasants in the hinterland may remain disadvantaged.

Can Land Affairs Minister Mr Derek Hanekom's land policy go deeper and radically redress the injustices of the past?

One person at the conference who expressed scepticism about plans to better the lives of rural communities was Mrs Alina Maiyane, a field worker of the Matatiela-based Ncedisizwe Rural Development Organisation

"With the best of intentions, I do not think the land reform policy as conceived by the Government is really geared towards bettering our lives," she said.

"I believe that for any land reform to be successful, it should be accompanied by development. For the Government to offer each rural homestead R15 000 will not really solve our problem."

Maiyane believes that suspicion and ignorance also contribute a great deal to underdevelopment in the rural area: "The chiefs and *indunas* in the rural area are ill-prepared for the drastic changes taking place.

"Democracy to most of our traditional leaders is seen as a surreptitious way of undermining their authority, hence their resistance to cooperate in the democratisation process."

The solution, insists Maiyane, does not lie in the Government doing things without consulting traditional leaders: "To allay such fears, the Government must involve them in all processes that affect the people they lead."

However, Hanekom made it quite clear he was aware that for the land reform process to succeed, "all stakeholders" should be involved

"The Government cannot carry out land reform on its own. Community organisations are vital to land reform," he said. However, Hanekom feels that even consultation has its weaknesses – it does not always satisfy "all the people, at all times".

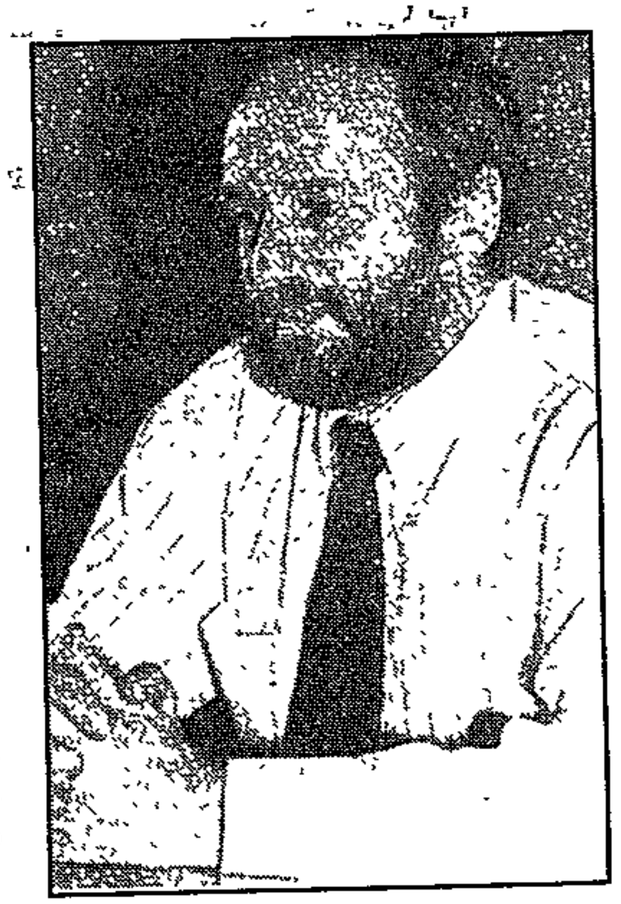
"But our concern is to ensure that people who were deliberately disadvantaged by apartheid legislation are made better off," he stressed.

He assured the conference that the Restitution of Land Rights Act, recently passed in Parliament, would ensure that the skewed history of the past was corrected and that communities who were stripped of their land are able to reclaim it.

In addition, Hanekom said, Parliament had approved two Bills: the Interim Protection of Informal Land Rights Bill and the Communal Property Association Bill. The first Bill is aimed at protecting millions of people who do not have rights to the land they presently occupy.

The Communal Property Association Bill aims at giving everyone – including women – an opportunity to own land communally.

Hanekom made it clear that restitution has its limits – only land claims after 1913, when the Native Land Act was passed, will be addressed.



Derek Hanekom ... believes the Government cannot carry out land reform on its own.

SIX TIMES EXPROPRIATION AMOUNT ASKED

Elderly sisters in fight to get their farm back

CT 8/9/95 (271)

THE government has been accused of double standards over its treatment of two white sisters who want to buy back their expropriated farm, **CHRIS BATEMAN** reports.

TWO elderly white sisters whose 1 205 hectare coastal farm near Melkbosstrand was expropriated to build a coloured township two decades ago are now being asked to pay six times their buy-out price to get the undeveloped land back.

The Western Cape government has developers, at least one foreign-backed, queuing up to carry out billion-rand plans to convert the Grootte Springfontyn farm 10km north of Melkbosstrand into an RDP-friendly resort.

Mrs Lochline Bekker, 66, and her sister Mrs Luceel Beukes, 61, are being asked to pay R4,5 million as a market-related price, but say justice demands they pay back a figure closer to their expropriation price of R735 000.

The province's R4,5 million offer expired at the end of August.

State attorneys have now begun examining relevant Group Areas Act restitution decisions by former State President FW de Klerk's cabinet in 1992 and by Premier Hernus Kriel's provincial cabinet in May this year.

The sisters' lawyer, Mr Riaan Durant, says his clients qualify in all respects for restitution — except for the colour of their skin.

Double standards

They wanted equal treatment to all other land claimants who repaid either the expropriation amounts or far less.

"It's a nightmare with double standards and a hidden agenda," he claimed

The farm had been in the Louw family for 40 years and was left to the sisters by their father, Mr AW Louw, in 1967. The buy-out was for an Atlantis Phase IV.

The case is before regional land claims commissioner Mr Wallace Mgoqi, who must decide on arbitration, mediation or referral to the Land Claims Court.

Chinese and Malaysian backers are interested but would be embarrassed by any Group Areas-linked publicity.

Other companies with proposals include Landmarks and Berhad, Adams, Freese and Associates, Liebenberg and Stander and Kantey and Templer.

Mr Leon Rautenbach, Western Cape Director of Land Affairs, confirmed investor interest and the accuracy of the Cape Times report, adding: "It's very attractive land".

He said the title deed had been frozen and claimed the matter was "sub judice".

One development proposal, by Landmarks and Berhad, includes 400 RDP farms, a floodlit golf course, five star hotel and 350 residential erven.

NI

VAN NIEKERK'S TONE 'UNBECOMING'

Land Affairs minister, deputy in policy clash

CT 8/9/95 (271)

CLAIMING his deputy minister's tone in making a stand contrary to government policy was 'unbecoming', Mr Derek Hanekom said he would demand an explanation.

FOR the second time in a week an ANC cabinet minister has clashed publicly with an NP minister over government policy.

The clash signals the onset of open political tension in the run-up to the November elections.

Land Affairs Minister Mr Derek Hanekom, ANC, said yesterday that NP Agriculture Minister Mr Kraai van Niekerk would have to explain to the cabinet his "pathetic rally call to white farmers".

He was reacting to Mr Van Niekerk's statement that he was prepared to "lead farmers to the point of responsible aggression" to help them retain their land.

Mr Hanekom said his deputy was "desperately trying to win back lost support among farmers".

'Negative'

Mr Van Niekerk had told the Transvaal Agricultural Union that land ownership by farmers was not negotiable and that it was time for farmers to fight "negative influences" threatening their survival.

"What on earth is responsible aggression? As for land ownership not being negotiable, are you suggesting that, once we confirm who the real owners of the land are, we do what was done during the grand apartheid era — remove people without any negotiations?"

Mr Hanekom said Mr Van Niekerk's tone was "unbecoming of a cabinet minister".

A spokesman for Mr Van Niekerk's office said he would not react to Mr Hanekom's statement.

In another clash earlier this week, ANC Education Minister Dr Sibusiso Bengu clashed with his NP deputy Mr Renier Schoeman over the National Education Policy Bill.

District Six claimants 'won't get own land'

(271)

STAFF REPORTER

CT 8/9/95

THOSE dispossessed of their land in District Six will not be able to reclaim possession of the same pieces of land — especially where buildings like the Technikon have been established since then.

This was said yesterday by Mr Sarel Malan, an official on the Land Claims Commission.

Mr Malan was asked whether any special exemption had been requested for District Six, so that the actual land does not have to be given back to claimants in cases where this would disrupt the overall planning process.

No such application had come in yet as far as he knew.

However, such an application may not be necessary, because the Restitution of Land Rights Act already provides for other land or monetary compensation to be awarded instead.

The land claims commission itself will be able to decide on the appropriate amount of compensation.

He had no details of how many claims had already come in.

According to newspaper files, much of old District Six was owned by absentee landlords.

LAND REFORM

Farmers square up to Hanekom

(271) FM 8/9/95

Land Affairs Minister Derek Hanekom appears to be indulging in the type of brinkmanship normally seen in diplomatic stand-offs.

White landowners and farmers are comforted by his assurance that government won't confiscate private land for distribution nor simply hand out land. For the black majority he carries a beacon of hope when he talks of easy access to credit and subsidies to help put land within reach of the masses.

However, the emotive subject of land ownership and the economic importance of food production won't be dealt with by platitudes.

Judge Appie Steenkamp, SA Agricultural Union (SAAU) land reform spokesman, says that before encouraging talk that white farmland is primarily targeted for takeover, Hanekom should focus on vacant State land — especially the more than 1m ha in the former SA Development Trust.

"Land Affairs has not yet put forward a plan to use this land. There are only vague ideas and promises, notwithstanding government undertakings to use this land for reform. Furthermore, the more than 17m ha situated in the former homelands is often underutilised, from an agricultural point of view. A commission should be appointed to survey and subdivide the land and allocate it to applicants who qualify and are suitable farmers," he says.

In view of the economic role fulfilled by the mainly white, commercial farming sector Steenkamp's view that the sector should also be allowed to guide and assist the reform programme is not without merit.

The sector employs about 1,2m people, provides a livelihood for 6m, contributed to R8,3bn exports of processed and unprocessed food products in 1994, and provides 35% of all the marketable agricultural products produced in Africa.

Steenkamp believes a positive move would be to use the proposed R15 000-a-household scheme for the poor and landless to buy shares for farmworkers in existing, successful farming operations.

"Anyone who thinks you can buy a piece of land and start farming successfully with this small amount in a drought-prone SA is not realistic," Steenkamp says.

He adds that economic research shows large commercial farms generate the best profits — rather than small, labour-intensive smallholdings. "The redistribution of land enabling government to settle small farmers must be very carefully considered and planned, or these farmers may become permanent clients of the taxpayer."

Hanekom says the R15 000 subsidy could be used more economically by groups of prospective black farmers to buy land "communally." Land Affairs has drafted the Community Property Association Bill to allow groups of farmers to jointly register title to a piece of land.

This new property regime would also allow them to pool resources and leverage further financing. Many farmworkers and small black farmers have extensive farming skills and experience, says Hanekom.

He says recent meetings between groups of farmers, the SAAU and his department over controversial proposals contained in new legislation helped resolve some differences.

"We took note of farmers' concerns that the creation of new land title rights in the middle of an existing farming operation could lead to grave socio-economic and even security risk problems — especially if the new landowners stop renting out their labour to the farmer and instead start renting out the new land to their own tenants."

The Bill was changed to provide for pre[illegible] resolution of legitimate complai[illegible] by suggesting alternative land areas on the farm, on adjoining land — or for the farmer to buy out the new owner, says Hanekom.

Despite his own willingness to listen to all sides, Hanekom can't hide his annoyance that organised agriculture virtually boycotted last week's landmark land reform conference in Kempton Park, attended by about 1 000 delegates. He also says fears that Land Affairs is planning mass expropriation of white-owned farmland is groundless, even though he supports removing the so-called property rights clause from the constitution.

"The reason is not to allow government to confiscate land, but rather to free its hand to expropriate land, based on normal conditions of market valuations being honoured by the taxpayer. There is nothing sinister in this," says Hanekom.

Hanekom says expropriation would only be used as a final resort — should a specific farmer refuse to countenance an offer to buy out his land if it is needed for a specific land settlement programme.

Land Affairs' policy provides for the restitution of land taken away by racial policies since 1913. This takes place through the offices of a Restitution Commission and the new Land Claims Court.

Land redistribution allows for virtually any claims for land to be administered. If an applicant should qualify, he would get the R15 000 subsidy to negotiate a land purchase.

Hanekom's dilemma, as with so many of government's other political and social issues, is trying to meet the expectations of millions of dispossessed people, while also keeping a grip on economic reality and the fears of economically important whites.

The farming sector has continually warned him of creating unrealistic expectations among the landless and in creating a Utopian view of land ownership. SAAU chief director Kobus Kleynhans says feasible farming needs not only financing and skills, but also infrastructure such as roads, water, power, schools, housing, medical care, market and credit facilities and input providers.

He adds that while the SAAU supports individual private land ownership and opposes unproductive communal land holdings it feels Hanekom's proposals for collective private land ownership is an improvement on the communal system.

"If Hanekom can tone down some of his more controversial public statements, commercial farmers would feel far more secure and prepared to co-operate with a legitimate and market-driven land redistribution policy," says Kleynhans. ■

Land claim for Olympic site

ARG 19/9/95 (271)

ESANN DE KOCK, Staff Reporter

A BATTLE is looming over Wingfield airfield, proposed site of Cape Town's main Olympic stadium, after the Ndabeni Land Restitution Committee lodged a claim for the land with the Restitution of Land Rights Committee.

The claim was submitted on July 3 1995 in terms of Act 22 of 1994, said Amos Silinga of the Ndabeni Land Restitution Committee.

Mr Silinga said the Act stated that if people had been physically removed from land and their only option to a claim was state land, then this was permitted.

When negotiations to secure the airfield began last year, it was learnt that the land was certain to revert to Graaff's Trust, its orginal owners, if the military were to relinquish it.

Mr Silinga said he did not know about Graaff's Trust's connection with the land.

Wallace Mgoqi of the Restitution of Land Rights Committee said today that the claim had not yet reached the negotiation stage.

The Department of Land Affairs was conducting an investigation into the claim, and would complete a report.

Mr Mgoqi said that once a report had been completed by the department, the issue would be open to negotiation with the Olympic committee.

Negotiations to secure Wingfield as a possible site for an Olympic stadium and village began early last year.

Peter de Tolly, director of planning on the Olympic committee, said today that the committee had acknowledged a letter from the Ndabeni Land Restitution Committee and had contacted the main claims office with a view to determining the status of the claim.

"We have also been in touch with the Department of Land Affairs, but have not been able to get any clarity on the matter."

Mr De Tolly said the committee did not know enough about the claim to express an informed opinion.

"The letter to us was very ambiguous and we think it's a little premature to get worried. But we are taking the matter seriously."

Bid to block District Six claims

(271) ARG 9/9/95

■ Forty hectares of prime land in District Six — one of the international symbols of apartheid — is at the centre of a growing controversy.

GLYNNIS UNDERHILL
Staff Reporter

BITTER wrangling has erupted over land claims in District Six after a bid by the Cape Town Community Land Trust to try to block former landowners and residents from claiming back land in the area.

The trust has now made a notice of application to the Lands Claims Commission for land in District Six to be excluded from restoration to individual land claimants. The issue will be referred to the Land Claims Court when it begins hearing cases at a date still to be set.

A furious chairman of the District Six Residents and Traders Action Committee, Abdul Gaffoor Ebrahim, lashed out at the trust for its "lack of transparency"

"We believe the trust poses a direct threat to former landowners and residents. There is a lack of transparency here.

"There must be consultation with the trust, the civics and landowners. They haven't contacted me or any of the other District Six landowners on our committee. It's a bloody disgrace. This move on their part comes as a shock to our community and people," he said.

The trust proposes the individual claimants receive "alternative relief" in the form of restoration of land elsewhere, financial compensation or preferential treatment in a development project.

But Mr Ebrahim said his organisation represented about 50 families formerly living in District Six, who were evicted in terms of the Group Areas Act.

Mr Ebrahim's family was forcibly evicted from District Six in 1972 and he has submitted a land-rights restitution claim on five large plots in the area, currently in the hands of the state.

Mr Ebrahim believes it is a misrepresentation to focus on the fact that much of the land expropriated in District Six belonged to white landowners — and believes all former landowners and tenants in the area have a stake in the land.

"I detest any form of racial discrimination We were all human beings living together as a community," he said.

"As former landowners, we are the rightful owners of land in District Six — from which we were forcibly removed. The land belongs to the people and the people have the right to take it back. It is our democratic right. This action taken by the trust is totally wrong."

The appliction by the trust will be one of the first "highly sensitive" issues to be decided by the Land Claims Court, according to regional land claims commissioner for the Western and Northern Cape, Wallace Mgoqi.

Mr Mgoqi confirmed notice of the application by the Cape Town Community Land Trust had been made to the Land Claims Commission under Section 34 of the Restitution of Land Rights Act.

As a result of the trust's application, a notice was inserted in the government gazette urging all people and institutions with claims on land in District Six to lodge them within 90 days.

At the centre of the growing controversy is about 40 hectares of state and city council-owned land, which the broad-based trust hopes to take transfer of for the redevelopment of the area.

The trust was set up to recover prime land in the area from the government and Cape Town City Council Its objective is to oversee the redevelopment of District Six as "an affordable housing precinct"

The chief executive officer of the trust, Basil Davidson, said the application for the land to be excluded from restoration to individual claimants would have to be decided by the Land Claims Court.

Mr Davidson said he believed Section 34 of the Restitution of Land Rights Act had been written in to cater for areas like District Six.

"The trust feels this process will benefit the broadest grouping of ex-District Six residents — rather than a few individuals who have individual claims," said Mr Davidson.

He said the trust believed restoration of the original land to individual claimants would compromise the entire redevelopment process.

A statement prepared last year by the District Six Technical Committee on the Cape Town Community Land Trust projected the redevelopment of District Six would cost about R350 million.

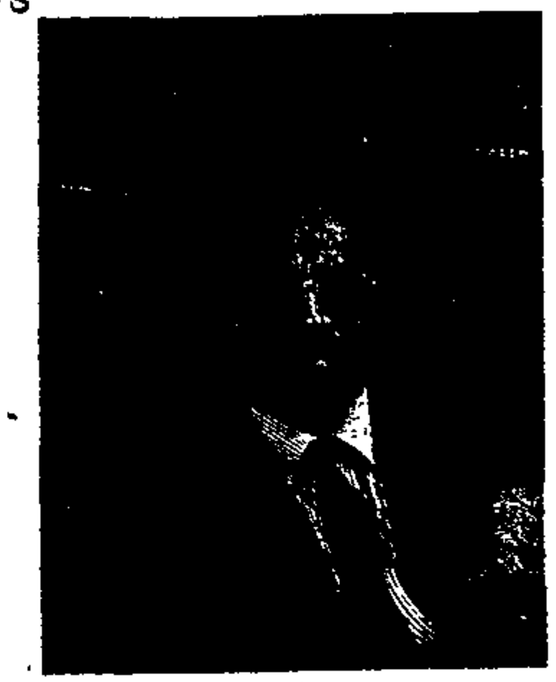
Mr Davidson said there was no figure available at present for the cost of the redevelopment of District Six The trust aimed to raise money for its redevelopment from institutions like the Development Bank of SA and through the foreign and private sector.

The trust was hoping to initiate discussions on the formation of a planning forum for District Six, he said.

Mr Ebrahim said the former landowners who had submitted land restitution claims had "great trust" in the Land Claims Court and its chairman, former activist Siraj Desai.

"I believe they will respect the individual claims because of the documentation presented to them by the landowners who have been robbed by the notorious Group Areas Act. We feel the Land Claims Court will be fair and just and not exclude individuals," he said.

"The restitution land act cannot bring back my family, it cannot bring back friends and it cannot bring back wha had in the community. But the land r tution act is a relief for us — they have violated my human rights. The only way to remedy the violation I have experienced is for the state to give back my land with compensation," said Mr Ebrahim.



□ HOT DISPUTE: Abdul Gaffoor Ebrahim, chairman of the District Six Residents' and Traders' Action Committee, says the latest move by the Cape Town Community Land Trust is a "bloody disgrace."

Businessmen are

ANC settles on plan to redress land imbalances

(271)

By RAY HARTLEY

THE ANC has decided to argue in favour of a property clause in the new constitution's Bill of Rights, with the proviso that the clause should not undermine land reform efforts.

The effect will be to make it possible for a future government to expropriate land "to redress past imbalances", without necessarily having to pay market-related compensation.

The move represents a compromise between the Land Affairs Minister, Derek Hanekom, and the Minister of Water Affairs, Kader Asmal. Mr Hanekom had wanted the clause scrapped and Mr Asmal had wanted it retained.

During past debate on the subject, the two ministers had agreed on the need for extensive land reform to redress imbalances between black and white land ownership, but they had differed on the best ways to achieve this.

Mr Asmal has argued that the ANC's long-standing policy decision to include a property clause in the Bill of Rights should not be altered. But he has supported a change in the wording of the clause to make land reform easier. ST 10/9/95

Mr Hanekom has argued that the property rights clause was included in the constitution's Bill of Rights at a time when whites feared the new government would confiscate land without compensation.

He has argued that it had become clear that no such confiscation would take place and there was no longer a need for the clause.

The compromise was struck at last weekend's national executive committee meeting, which aimed to create a unified position on a range of constitutional questions.

The committee decided in favour of the new constitution having a president and a deputy president. It decided that the president should be allowed to serve a maximum of two terms.

It was also agreed that the Senate be scrapped and replaced by a body directly representing the provinces.

NEWS FOCUS

Land reform is a good option

(271) BD 15/9/95

Ciaran Ryan

ACCORDING to prevailing economic orthodoxy, SA's dependence on its mineral and agricultural sectors is a straitjacket from which it must break free. The commodity cycle holds the entire economy captive and prevents it from achieving sustained growth.

Chile, which has an even greater reliance on primary exports, has grown at an average growth rate of 6,3% for the last 10 years, riding out the commodity downturn of the late 1980s and early 1990s with astonishing ease. The formula for its success is nothing new: wholesale privatisation, low across-the-board import tariffs of 11%, a free floating and (until recently) competitive currency, sound fiscal and monetary policies, low corporate tax rates of 15% and investment incentives. Diversification of export markets has shielded it from a downturn in any one single market.

Chile is eager to share its successes with SA. Over the last year it hosted dozens of SA parliamentarians, civil servants and businessmen in search of solutions to the problems which now face the government: land, agricultural and State pension fund reform, economic liberalisation, and the scope and powers of the Truth commission.

The most recent delegation, headed by land affairs minister, Derek Hanekom, returned with valuable insight into Chile's land and agricultural reforms.

When Chile commenced its land reform programme in the 1960s, it boasted one of the highest concentrations of land ownership in the world. Agricultural productivity was poor, land under-utilised and exports minimal. Land reform was accelerated in the early 1970s under the socialist government of Salvador Allende with the expropriation of land for redistribution to small scale farmers. Forty percent of the country's land was expropriated over eight years and distributed to 54 300 beneficiaries.

Expropriated landlords were compensated in the form of 30-year government bonds, well below fair market value, igniting a political backlash which was partly responsible for precipitating the 1973 military coup by Gen Augusto Pinochet. Nearly one-third of the expropriated farms were returned to their original owners, many of whom subsequently discovered there was more money in real estate and sold portions of their estates to a new breed of farming entrepreneur.

Agricultural production exploded in the 1970s and 1980s along with a greater subdivision of land and the modernisation of the agricultural sector. Almost two-thirds of the agricultural land is divided into 265 000 farms of 40 irrigated hectares or less.

Today, nearly 40% of Chile's fruit and 70% of its vegetables are produced by small-scale farmers. Fruit exports earned $910m in 1994, making it the largest fruit exporter in the southern hemisphere.

Land reform in Chile had the effect of smashing the power of absentee landlords and creating a vigorous market for land. This, rather than a miracle turnaround in the productivity of peasant farmers, is behind the country's fruit export performance, says David Cooper, director of the Land and Agriculture Policy Centre. Land reform established Chile as a leading exporter of agricultural produce.

Is this the unqualified success it appears to be?

"The expropriation of land in Chile had severe political implications," says Sue Lund, deputy director-general of land affairs and a member of the delegation to Chile. "Pinochet, it must be remembered, had an appalling human rights record. If we are to learn any lesson from Chile on the question of land reform, it is that we have to balance growth with equity. The free market in Chile has not been to the benefit of everyone and the gulf between rich and poor has widened."

Agricultural commodities trade freely within predetermined floor and ceiling prices designed to protect both producers and consumers against unforeseen and extraordinary market conditions. The band, however, is wide enough to accommodate normal market conditions.

David Frost, group economist at Premier Foods and a member of Hanekom's delegation to Chile, observes that price ceilings are noticeably absent in SA. The preponderance of floor price mechanisms, on the other hand, symbolises the strength of local producer lobbies relative to those of consumers.

Control boards, like any form of State intervention, are viewed with suspicion in Chile. There are 300 marketing agents for deciduous fruit alone, as against one — Unifruco — in SA. These agents are credited with successfully diversifying Chile's fruit export markets.

In a letter to Business Day (September 4), Unifruco chairman David Gant berates Hanekom for advocating deregulated exports of deciduous fruit from SA, pointing out that Chile's fruit farmers are operating under a growing burden of debt while many are going out of business, allowing larger companies to buy up land cheaply.

Chile's ambassador to SA, Jorge Heine, replies that the strength of the Chilean peso in the midst of South America's currency collapse following the Mexico crisis has exposed agricultural producers to competition from importers. Many are now calling for increased protection, tantamount to heresy in this shrine of free market liberalism. They are unlikely to get it, and those farmers who cannot compete will have to put the land to better use or sell their farms.

"There is also a distrust of quality standards in Chile because these are seen as an intervention in the free market," says Heine.

SA producers of flowers, fresh vegetables, avocados and mangoes are flourishing without a control board to handle their marketing. Why, asks Cooper, should deciduous fruits be any different?

Eustace Davies, director of the Free Market Foundation, points out that currency appreciation is a sign of economic maturity and "perhaps Chile should start importing food and concentrating on other areas of economic advantage".

If the Chilean example is anything to go by, SA's policy of land reform — although largely rooted in notions of social equity — will do more than simply create jobs on smallholdings. It could catapult agricultural productivity into a new realm, says Cooper.

Bitter District 6 row

Argus 16/9/95 (271)

■ Redistribution of land in District Six could be one of the most contentious issues to go before the Land Claims Court.

GLYNNIS UNDERHILL
Staff Reporter

THE row over the restoration of land in District Six, which the apartheid government seized from landowners and tenants, has escalated into a bitter confrontation.

The issue came to a head after the local "civic" — the District Six Civic Association — backed the land claims of the original disfranchised owners and residents in District Six.

The civic association accused the Cape Town Community Land Trust of "arrogance" in its bid for land in the area to be excluded from restitution to individual land claimants.

The trust wants to develop the remaining available 40 hectares of land in District Six as "an affordable housing project" — while individual land claims could scupper its proposal.

Supreme Court judge Siraj Desai, chairman of the Cape Town Community Land Trust, said yesterday the trust had a "proposal for the Land Claims Court to entertain".

"All we are saying is that they must weigh up our proposal, and our proposal we believe is in the best interests of the previous residents of District Six."

Cape Town City Council and the provincial administration have filed a controversial notice of application on behalf of the trust to the Land Claims Commission for land in the area to be excluded from restitution to individual land claimants under section 34 of the Restitution of Land Rights Act.

The chairman of the District Six Civic Association, Anwah Nagia, said the trust had been "foolish" in filing its notice of application without consultation with all concerned.

"The trust needs to have a consultative conference before it makes those decisions. We have no relationship with the Cape Town Community Land Trust. We know it is there and we will consult with it if called upon," he said.

Mr Justice Desai said that in principle he supported the right to restitution and compensation.

"The only problem with District Six is that firstly most of the occupants of the area were not landowners and that secondly the majority of the land in District Six has been taken up by the Cape Technikon and other developers," he said.

Mr Nagia said a group of individual claimants represented by the District Six Residents' and Traders' Action Committee had initiated a move to align themselves with the District Six Civic Association, which has the support of more than 15 organisations.

"We believe in the redevelopment of District Six for housing should take place as a priority. But we believe in land restitu-

■ To page 2

Bitter row over District 6

Argus 16/9/95 (271)

■ From page 1

tion and we believe that individual claimants who are victims of apartheid must be allowed to claim their land," said Mr Nagia.

"They might not manage to get land on a specific site — but they should be allowed to get land back in the city from where they were removed."

Mr Nagia said the association would not support the notice of application filed by the trust. While the association was not aligned with the trust, it would be prepared to discuss the planning process and the redevelopment of District Six

and the greater Cape Town "with anybody," he said.

Basil Davidson, chief executive officer of the Cape Town Community Land Trust, yesterday said he understood the notice of application to the Land Claims Commission had been "an inquiry".

"We will be seeking clarity from the commission with regard to the procedure of consulting on this issue," he said.

An irate chairman of the District Six Residents' and Traders' Action Committee, Abdul Gaffoor Ebrahim, accused the trust of "window-

dressing" with the appointment of respected activist Dr Desai as its chairman.

"How can they [illegible] our land without consulting us? This moves comes as a shock to our community and people," he said.

The committee represents 10 families with land claims in District Six who are hoping to move back to the area.

Mr Davidson said the Cape Town Community Land Trust was broadly representative of a number of organisations.

■ Nightmare on Tenant Street — page 19.

Nightmare on Tennant Street

Yes, but whose land is it?

■ LAND claims in District Six have recently received wide publicity and the Cape Town Community Land Trust has been portrayed as blocking the legitimate claims of ex-landowners. The truth is far more complex than this, writes **SIRAJ DESAI.** (271)

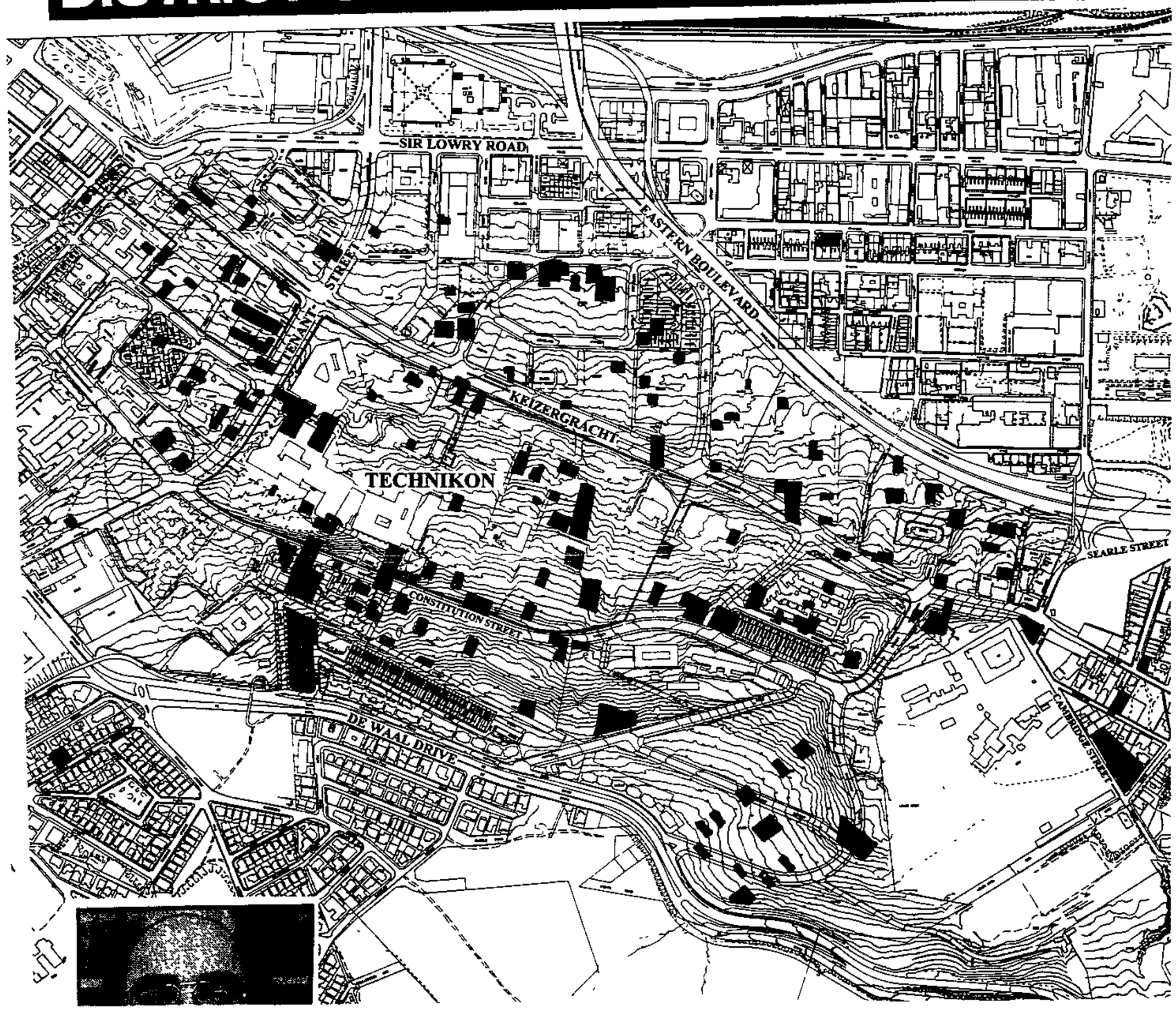
ARG 16/9/95

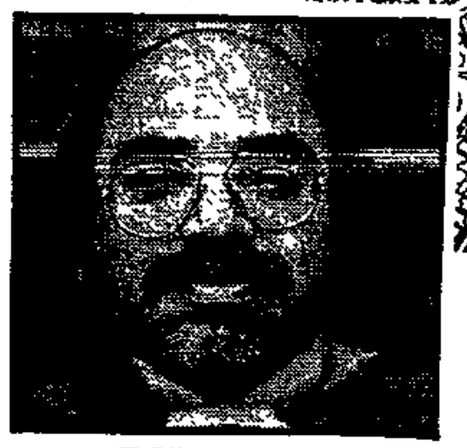
THE thrust of the Restitution of Land Rights Act is to offer the broadest range of people who suffered forced removals during the Apartheid era and before, an opportunity to seek redress to these injustices. The Trust supports the restitution process and believes the envisaged redevelopment of District Six can best achieve this end.

The Trust has never been secretive about its intention to have an application lodged with the Land Claims Court. The application will be for the vacant land in District Six to be set aside for an integrated redevelopment project to benefit ex-residents of District Six. Since the Trust's launch a year ago, this intention has been reported widely and regularly in the press. It was explained in the Trust's letter of information circulated to members of the public who enquired about he redevelopment of District Six (about 7 000 people). However, no formal application has yet been made, as the Land Claims Court has still to be established.

Claims are lodged with and mediated by the

DISTRICT SIX LAND CLAIMS SUBMITTED





■ SIRAJ DESAI

The truth is that claims are a complex issue

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Claims are lodged with and mediated by the regional offices of the Land Claims Commissions and decisions on the claims are made by the Land Claims Court. Should a claim be successful, the Court has the choice of providing restitution in a number of forms — the restoration of original land, the provision of alternative land, monetary compensation offered or some other form of "alternative relief". Once the Court is constituted the basis for dealing with urban land claims and whether restoration in urban areas is at all an option, will hopefully be clarified.

FOR MANY of the urban claims, it is evident that restoration of original land is highly unlikely if not impossible. In some cases the land has long since been redevelped. In others, where the original building still exists, it may have been sold on a number of times through a series of different owners since the removals Expropriation of such developed properties at market values, as the law requires, is an unlikely option for the State due to the immense cost involved.

There is urban land in South Africa, such as in District Six and Cato Manor, in Durban, which is subject to redevelopment initiatives that predate the Restitution Act by some years In District Six, negotiations around the future of the land started in 1990 with the United Democratic Front's land and housing campaign. These negotiations involved all major stakeholders — the Provincial and local authorities, community organisations, political groupings and the business sector.

At an early stage of the negotiations it was agreed that the vacant Government and Council land in District Six be pooled and transferred to a land holding body. The Cape Town Community Land Trust was thus established to facilitate the redevelopment of District Six and other land it may acquire in the interests of the broader community of Cape Town. The Trust is to oversee the provision of housing and related community facilities for disadvantaged communities and more specifically, the ex-residents of District Six. This commitment was firmly in place well before the Restitution of Land Rights Act was promulgated

There is broad agreement that the development potential of District Six could be maximised through the creation of an integrated, high density, mixed use, inner city housing precinct. The redevelopment should strive to make the housing as affordable as possible. There is also common cause that although the redevelopment be a non-racial one, the target grouping be the ex-residents. It is well known that the vast majority of ex-residents were tenants, a grouping now limited in their ability to access the restitution process. Many suffered as much if not more, than the landowners as a result of the forced removals.

The application in terms of Section 34 of the Restitution Act can only be made by a Government body (national, regional or local) in respect of land that falls within its jurisdiction intended for development that serves the broader public good. The Court may order that this land not be restored to any claimant. Claimants may nonetheless receive other forms of relief, should the claim be a successful one. Before making such an Order, the Court must be satisfied that the proposed development project is in the broader public interest and that the public or any substantial part thereof will not suffer significant prejudice from such an Order.

THERE ARE two powerful reasons why the Trust believes submission of a Section 34 application to the Land Claims Court is highly desirable for District Six.

Firstly, from a legal point of view, there is the issue of *equitable redress* of past injustices The preparation and implementation of an integrated, comprehensive development plan for the area — as the Trust envisages — will allow for a far more equitable redress of the wrongs of the past and would cater for thousands of ex-residents.

Secondly, from a planning point of view, there is a need for the *effective redevelopment* of District Six. To maximise the development potential of the vacant land and the area as a whole, an integrated development project will not only cater for more people but also more effectively revitalise this neglected sector of the city and create a vibrant, affordable housing precinct on the doorstep of the city.

The restoration of original land to claimants cannot accommodate the equitable and effective redevelopment of District Six For the land claimants, a cruel twist of fate is that District Six was flattened, a new plan imposed on the barren landscape and the road network implemented according to that plan. In addition, large chunks of the land were lost to the Technikon and other residential developments. Significantly and sadly, the land and development today bears little resemblance to the original District Six. That this situation undermines land claimants seeking the restoration option is starkly evident from the map (above) which shows claims lodged to date in relation to the existing landscape

The map depicts a scattered, haphazard spread of the original properties now located on roads, existing development and some on vacant land. The properties have limited if not development potential as they stand. Effective planning for District Six given this scenario is a planners nighmare, if in fact, impossible

The integrated redevelopment of District Six presents a once off opportunity to revitalise the central city This will allow at least some of the original 40 000 or so residents an opportunity, to move back to the city. The fragmented restoration of land in District Six would only continue the ad hoc development of the eastern sector of the city centre started by the Apartheid planners and would represent a tragedy of enormous dimensions for Cape Town.

■ *Siraj Desai, a Cape judge, is chairman of the Cape Town Community Land Trust.*

A champion of the land grab victims

ST(M) 17/9/95 (271)

By JESSICA BEZUIDENHOUT

A FORMER Kensington woman, fighting a battle to reclaim family property expropriated under the Group Areas Act, has discovered many similar cases and is championing the cause of other victims.

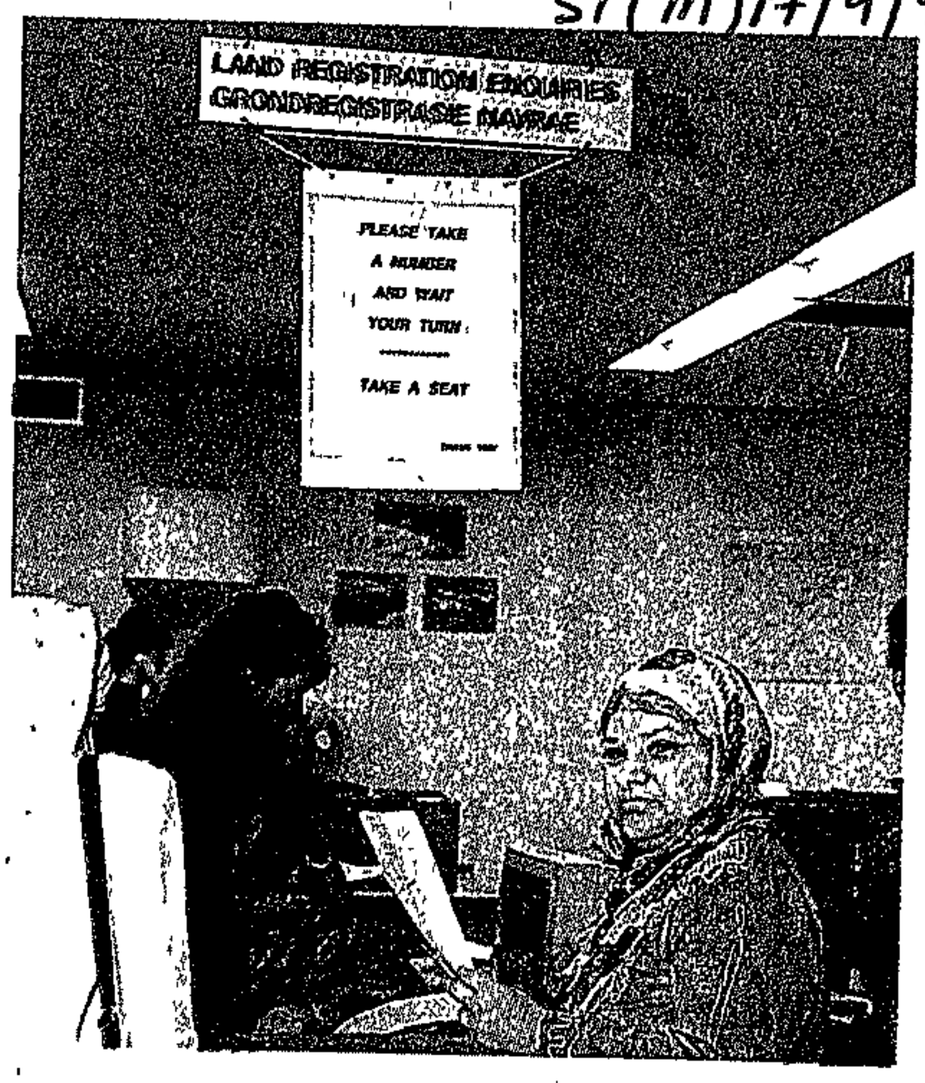
It was during Mrs Mayroen Hoosain's numerous searches for deeds office documentation on her own property that she became aware of many other expropriations and took the initiative to contact those entitled to claim.

Mrs Hoosain and her husband, Mohammed, both self-employed, have spared no expense, effort and time to track down other dispossessed families — some of whom had no clue that they qualified for restitution.

"I found that various pieces of land in Kensington were being sold and developed, including our own property," Mrs Hoosain said.

The properties are owned by the Cape Town City Council, which has sub-divided some of them for development.

"I was probably more angry because our land was sold. I knew that other dispossessed families had a right to know what was going on," Mrs Hoosain said



VICTIMS' CHAMPION ... Mrs Mayroen Hoosain spends most of her time at the Deeds Office in Cape Town tracking down the relatives of dispossessed families **Picture: JUSTIN SHOLK**

Mr Joseph Mzamo, 49, was surprised when the Hoosains invited him "to talk about our land".

When he walked into the Hoosains' rented home in Salt River, he immediately recognised the now-elderly relative who had worked in a shop in Kensington, where he grew up.

Mr Mzamo said he would never have sought restitution because he did not know how to go about it. He was "extremely grateful" for the Hoosains' help.

His cousin, Ms Monica Makiva, whose parents were forced to sell their land or face expropriation, has also been contacted by the Hoosains.

Mrs Hoosain said helping people with their claims entailed a lot of work, but "somebody" had to do it.

"Government buildings and institutions can be very intimidating to the man on the street," she said.

"For us there is no financial or political gain — we simply want to see justice."

Elderly sisters' land claim could set national standard

(271)

CHRIS BATEMAN

CT 18/9/95

THE outcome of a land restitution bid for a 1 205-hectare West Coast farm by two elderly white sisters could set guidelines for the entire country, the region's top land adjudicator has predicted.

Regional land claims commissioner Mr Wallace Mgoqi said that a single standard in returning land to claimants was needed.

The farm Grootte Springfontyn, near Melkbosstrand, was expropriated in 1974 under the Group Areas Act to provide growth potential for Atlantis. No development ever took place.

The restitution claim by Mrs Lochline Bekker, 66, and her sister, Mrs Luceel Beukes, 61, was recognised as valid by the government, but officials are now having second thoughts. A fierce battle is raging over a pay back price and what principles apply.

The Western Cape government is insisting on a R4,5 million market-related "buy back", but the sisters claim the expropriation price of R735 000 would be more in line with current practice. They accuse the government of double standards.

At least six major development companies have already shown an interest in the farm and made approaches to both sides.

Mr Mgoqi has referred the dispute to the Research Directorate of the Department of Land Affairs. He believes the matter is headed for the Land Claims Court.

NEWS (271)

Most land claims 'do not meet criteria'

BD 20/9/95

MOST of the 4 300 claims lodged with the Land Claims Commission had been inherited from the former Commission on Land Allocation and did not meet the criteria laid down by the Restitution of Land Rights Act of 1994, commission head Joe Seremane said yesterday in Cape Town.

"The number of claims has taken me by surprise. They have come in by the day. But in the process of sifting through them, we might end up with fewer than we have now," he said.

"As soon as the report is ready the stage will be set for negotiations and mediation to take place with a view to reaching some settlement."

Commissioner warns of scams over land claims

□ *Money is being charged for free forms and processing, says Seremane*

ARG 20/9/95 (271)

DENNIS CAVERNELIS, Staff Reporter

THE chief land claims commissioner has warned that people are being charged for free land claim forms in scams in Bellville and elsehwere.

Speaking at the official opening of the regional office of the Commission of Restitution of Land Rights, chief commissioner Joe Seremane said: "All around South Africa there are land claim scams. In rural areas people are selling claim forms for R10 to the poorest of the poor."

In Bellville, people were charging R250 to process land claim forms when it should not cost claimants more than R25 in petrol, photocopies and Deeds Office processes to have the forms dealt with, said Mr Seremane.

"In another scam people are charging R10 to R20 to process claim forms. Elsewhere people are agreeing to split any land they receive in restitution with the person who gets them claim forms.

"We must try to protect our people from these scams."

Mr Seremane said he had reported the scams to the police.

More than 4 000 land claims had been submitted to the commission, including about 1 000 from the Western and Northern Cape and 150 for District Six, said Mr Seremane.

The commission would try to arrive at "negotiated solutions ... the process must be restitution, not retribution".

Western and Northern Cape commissioner Wallace Mgoqi said it would not always be possible for claimants to get land. They might get financial compensation, other land or alternative relief.

OVER 1 000 CLAIMS MADE

District Six a 'priority'

CT 20/9/95 (271)

DISTRICT SIX AND NDABENI are among claims to be given priority by the Land Claims Court. Over 1 000 regional claims were received. **BARRY STREEK** reports.

CLAIMS for land restitution in District Six, Cavendish Square and Ndabeni would be among the first to be heard by the Land Claims Court, Regional Land Claims Commissioner Mr Wallace Mgoqi said yesterday.

These were among the 1 000 claims his office had received, he said at a press conference.

The National Land Claims Commissioner, Mr Joe Seremane, said 4 362 claims had been received throughout the country.

Mr Seremane, who opened the commission's Cape Town offices, emphasised that "restitution is not retribution. If anyone is expecting retribution through this court they will be disappointed."

The country "was yelling for normality" and this meant land rights had to be restored. "We come from a fragmented society, I don't believe there can be reconciliation without restitution."

Mr Mgoqi said the Land Claims Court could order the restitution of the original land, order alternative land to be made available, authorise financial compensation if these two options were not available, or order alternative relief, such as giving priority access to claimants in state-funded developments.

State to pay

The Commission on Restitution of Land Rights had decided that each of its regional offices would give priority to 20 cases for the Land Claims Court, but as he also served the Northern Cape, there would be 10 priority cases from the Western Cape and 10 from the Northern Cape.

Where financial compensation was ordered, the state would be responsible for paying this.

Among the cases to be given priority in the Western Cape would be District Six, Cavendish Square and Ndabeni.

Mr Mgoqi and Mr Seremane said the commission would investigate all claims and define issues in preparation for hearings before the Land Claims Court, whose members were recently announced.

Mr Mgoqi said it was clear there could be no restitution of actual land in Ndabeni.

The court would also have to resolve the heated debate about the future of District Six, he said.

Row brewing over District Six land claims

(84) (271) WM 22-28/9/95

Rehana Rossouw

DISTRICT SIX could be the first case to be heard by the Land Claims Court, but the issue it will address — hotly disputed by some former residents — is whether to block individual restitution claims in parts of the area.

The area is internationally regarded as a symbol of the Group Areas Act which was used to uproot thousands of people from their homes before bulldozers moved in and razed them to the ground.

Former residents have been among the first to approach the commission on restitution of land rights for compensation for their loss. The Western Cape branch of the commission has to date received 21 claims from District Six.

But the Cape Town Community Land Trust, which has been negotiating for years to redevelop District Six and rehouse former residents there, wants to apply to the court to disallow individual claims.

"Our mandate, which was given through many years of negotiating with the broadest range of former residents, is to redevelop District Six. It will be impossible to achieve if each individual resident was to claim his own little piece of land," said the trust's spokesman, Vernon Joshua.

Western Cape land claims commissioner Wallace Mgoqi said there could be some tension when the case went to court. "Some of the individual claimants are saying that they are being robbed for the second time."

"On the one hand, former District Six residents have the guaranteed constitutional right to claim restitution on an individual basis. On the other hand, they are saying the Cape Town Community Land Trust is attempting to take that right away."

Mgoqi said the commission would assist in persuading individual claimants that a more equitable distribution of land could be achieved if the District Six claim was heard by the Land Claim Court as a group, rather than the court hearing individual claims.

The commission met the Cape Town Community Land Trust this week and asked that they widely advertise their intention to apply to the court for exemption so that people wishing to oppose the motion could prepare their case.

Already, the District Six Civic Association, which represents 50 former District Six residents applying for restitution, said it intends opposing the court action.

"Individuals have the right to submit their claims to the commission. While we have no objection to the Community Land Trust redeveloping the area, we intend defending our rights to approach the court on behalf of our membership," said District Six Civic spokesman Abdual Ebrahim.

Joe Seremane – the man whose job it is to give back land

(271)
ARG 30/9/93

by **MXOLISI MGXASHE**
Staff Reporter

JOE Seremane spent years in Africanist politics in which the major platform is the "repossession of Azania from the settler colonialists".

Now he is chief land claims commissioner who will play a major role in settling the land claims of those dispossesed by apartheid.

He spent three years on Robben Island in the 1960s and kept going, inspired by the Pan Africanist Congress motto of Service, Sacrifice and Suffering for the return of the land from the whites.

But the views he embraces now as chief land claims commissioner based in the Department of Land Affairs in Pretoria, would probably have been scornfully dismissed by him and his former comrades as "turn-coat charterist" during the heydays of Africanism and Black Consciousness.

But Mr Seremane believes that militant views, especially when facing a ruthless and racist government, were quite in order during the apartheid days.

Now that apartheid is gone and there is a non-racial and democratic order, he believes new approaches based on negotiations, stand a much better chance of being productive in the period of reconstruction and reconciliation.

He does not believe it would have been possible to reach mutual understanding had the Africanist manifesto of expropriating land from the "colonial settler" gained supremacy in last year's elections.

A HEATED debate around how land reform, restitution and redistribution should be effected, is expected to be generated soon in the wake of a controversial land reform policy document compiled recently by land rights groups calling themselves the National Land Committee.

They proposed that the government should establish a land tax and even expropriate some white-owned farms to effect more liberal and sustaining land reform.

Mr Seremane applies this belief to his job as an overseer of a government commission aimed at redressing some of the pains and problems caused by forced removals and racist laws such as the notorious Group Areas Act.

When the national and regional land claims commissions were established in March this year under the provisions of the Restitution of Land Rights Act, it inherited no less than 3 000 claims that had not been attended to by its pre ecessor, the Commission on Land Allocation set up during the apartheid administration.

The office he formally opened in Strand Street in Cape Town recently, has received almost 1 000 claims. About 600 of them were inherited from the previous commission, and 350 are new claims which include controversial cases such as those in District Six and Ndabeni.

The claim by former residents of Ndabeni poses a mild threat to the proposed Olympics site at Wingfield which they are claiming.

The land claims process is seen by some observers as part of the flexibility the ANC has displayed in, for instance, the Truth and Reconciliation Commission.

The ANC is apparently trying to satisfy the interests of both the victims and the perpetrators of the "gross violation of human rights".

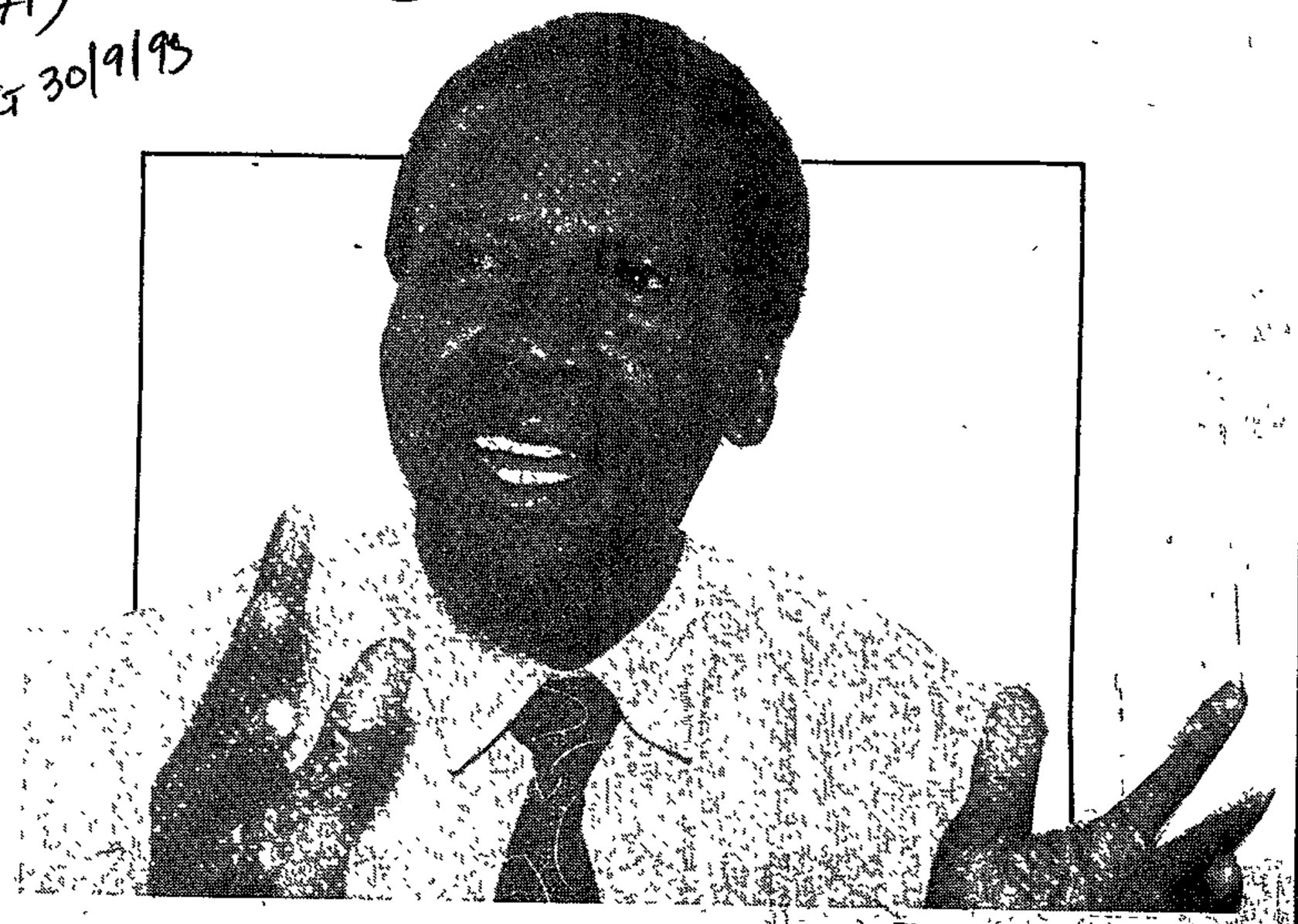
THE objective of the legislation is to make the process as fair and as just as possible to both the present owner of the land and the claimant.

All land that was unlawfully seized by the colonial and apartheid administrations since the notorious 1913 Land Acts up to the last days of the National Party rule will be looked into.

Asked why the period did not go back to 1652 when the first colonial settlement was established in the country — as the PAC and Azapo would have argued — Mr Seremane says when "you do that, you are taking the confontational approach on an issue you could have resolved amicabaly through negotiations."

He says the confrontational approach was likely to result in world-wide condemnations as "racist" and might not sit well with foreign investors.

There is, however, still room for the land claims commissioners to make recommendations for the dates to be pushed back if they established serious limitations with the 1913 cut-off date and the other terms of reference.



Picture: JACK LASTRADE.

☐ **RESTITUTION:** Chief lands claim commissioner Joe Seremane, who officiated at the formal opening of the Western Cape regional office in Cape Town recently.

Bushmen lay claim to land

CT 3/10/95

BARRY STREEK

(271)

THE only known surviving Bushman group in South Africa has made a formal claim for the return of its land in the Kalahari Gemsbok National Park, Survival International (SI) has disclosed.

The group — now numbering about 200 — said in a statement that it had been driven from the land in the park in the late 1950s.

It hoped its claim would be settled out of court.

Survival International is based in London and supports tribal people by backing their right to decide their futures and helping them to protect their land, environment and way of life.

It said two anthropologists had established that the group was descended from the original inhabitants of the Kalahari Gemsbok Park.

The largest extended band of the clan was living at Kagga Kamma in the Cedarberg.

Pretoria 'unfit' for Parliament

(271) CT 31/10/95

ANTHONY JOHNSON
POLITICAL CORRESPONDENT

LAND claims in central Pretoria to be heard by the Land Restitution Commission should raise the alarm against parties advocating the relocation of Parliament, the Citizens Alliance for Parliament (CAP) said yesterday.

Management committee member Mr Clive Keegan said that the recent land claims arising out of Group Areas expropriations in Pretoria "should raise disturbing questions for those who are advocating moving Parliament to what was always the apartheid city".

He said Pretoria Capital Initiative, in its zeal to remove Parliament from "colonial Cape Town", may plunge the newly democratic legislature into a debate around historical land seizures.

"Pretoria is clearly a city with skeletons in its past and we dare not contemplate moving any of our state institutions to what now appears to be a city with tainted earth," he said.

Mr Keegan said CAP would like to again appeal to President Nelson Mandela to swiftly resolve "the disruptive and divisive" debate about the location of Parliament.

He said the parties in the constitutional committee was reluctant "to grasp the nettle".

Mr Keegan appealed to Mr Mandela to block any attempt "by a small and self-serving clique in the executive" to decide on the future of Parliament.

"The President and members of the constitutional assembly should listen to the voice of the South African people who have indicated in recent polls that they do not want Parliament to move to Gauteng," he stressed.

the council for an understanding
would not exceed the powers vested in use in perpetuity.

Northern Province land row brewing

BD 4/10/95 (271)

PIETERSBURG — The Mmaboi community's land claims in the Northern Province, currently under investigation by the Commission on Restitution of Land Rights, have brought the number of farms claimed by individuals and communities in the province to more than 177.

Details of the land claimed around Pietersburg were published in the Government Gazette on September 8. Farmers had 30 days to respond.

A mass claim by the Manaze community in the former Venda homeland on 126 farms came to light about 10 days ago.

Transvaal Agricultural Union president Dries Bruwer said yesterday the sudden flood of land claims over the past two weeks had to be regarded as a deliberate political ploy to destabilise the farming and rural communities.

"It is nothing but a deliberate attempt to obtain land unfairly and cheaply to justify and promote the controversial land reform measures which have led to serious dissatisfaction in the ranks of agriculture." — Sapa.

THE JUPITER DRAWING ROOM CAPE TOWN

YOU CAN JUDG
BY THE COMPAN

Hanekom warns KwaZulu over land grab

(271) Star 5/10/95

■ BY MONDLI MAKHANYA
POLITICAL REPORTER

Land Affairs Minister Derek Hanekom yesterday warned the KwaZulu-Natal government that re-enactment of the Ingonyama Trust Act would be unconstitutional and said the central Government would not "stand by and watch this happen".

Hanekom said "all parts of the Government are obliged to respect and comply with the constitution" in terms of which the provincial government did not have the power to enact such legislation.

He was reacting to the KwaZulu-Natal government's drafting of legislation designed to put 93% of the land of the former KwaZulu and some areas in the former Natal under the ownership of Ingonyama Trust. The Ingonyama Trust administers tribal land on behalf of the Zulu king.

The new legislation would effectively put the land – which includes townships, game parks and dams – in the control of the IFP-led provincial government.

This is set to exacerbate tension between Hanekom and the provincial government following threats by the government to take Hanekom to court over the Land Reform Bills which, among other things, reduce traditional leaders' powers in allocating communally held land.

The Act transferring the land was passed in the dying days of the old SA parliament. The Act was the subject of the first major Cabinet dispute last year.

This action was also in contravention of a Cabinet decision last year that the decision be the subject of consultation between national and provincial governments.

"The intended legislation clearly is contrary to the interests of the people of that province, something which the provincial government should be well aware of. The question thus arises – why aggravate an issue that already is causing numerous problems for the people of the area? It seems clear to me that there can be no other motive involved than an overtly political one," said Hanekom.

Land claims are targeting several shopping centres

(271) BD 9/10/95

Louise Cook

MAJOR shopping centres countrywide are among urban properties being targeted in land claims lodged recently with the Commission on the Restitution of Land.

They include Cavendish Square in Cape Town, the Oriental Plaza in Johannesburg, the N1 City shopping complex between Parow and Goodwood, Sammy Marks Square in Pretoria, Johannesburg's Oriental Plaza and the Pavilion centre in Cato Manor.

Commission secretary Daan van der Westhuizen said the Cape Technikon, the Reserve Bank in Pretoria, the Natal Newspapers building in Durban, various industrial sites near the Durban city centre and large tracts of land now belonging to Natal University were also being targeted.

But it was impossible to predict how much the state would have to pay to compensate the "numerous parties" who had lodged claims with the commission, he said. These parties all claimed that they had lost prime pieces of land in forced removals under the Group Areas Act.

"The Land Claims Court would have to adjudicate, but it is not yet functioning. Where development has taken place and it is impossible to return the original land, financial compensation or alternative land will be given if the claim is valid."

Commission member Sarel Malan said settlement of claims in urban areas would be "expensive and complicated" because of the extent of development that had taken place. In some Cape Town cases, landlords had lodged claims despite having been compensated "generously" with prime alternative land at the time of the removals.

Western Cape commissioner Wallace Ngoki said the commission was trying to get potential claims in as soon as possible to determine their extent.

Continued on Page 2

Land claims

(271)

Continued from Page 1

BD 9/10/95

The commission was also dealing with an application from an organisation called the Cape Town Committee and the province to get the Cape Technikon exempted from the restitution process.

In Cato Manor in Natal, restitution would be tricky as part of the land under dispute had been earmarked for a presidential lead project for low-cost housing, KwaZulu-Natal Land Claims commissioner Sheryl Walker said.

Van der Westhuizen said that once the Land Claims Court began working, possibly from January, it would adjudicate in all the different cases.

Restitution could be granted by the court by restoring the original land to the claimant, offering alternative state land or financial compensation or by offering priority access to a state housing scheme if the claimant was currently homeless.

In rural areas the same options for compensation applied, but claims would be easier to settle because land there had been developed less than that in urban areas, he said.

Land claims

(271)

Continued from Page 1

BD 9/10/95

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ARG 9/10/95

Hanekom soothes land 'differences'

CITRUSDAL. — Land Affairs Minister Derek Hanekom says there is no contradiction between the Department of Agriculture's farmer settlement scheme and land-reform pilot projects. (271)

In a row between the two departments in recents weeks, Mr Hanekom has been accused by Agriculture Minister Dr Kraai van Niekerk of interfering in agricultural affairs.

Deputy Minister of Agriculture, Thoko Didiza earlier announced in Pretoria 1 300 black farmers would receive grants amounting to R60 million to settle them on state land administered by the agriculture department.

"As long as there are no land purchases involved, there is no contradiction," Mr Hanekom said. — Sapa.

Land reform clause closes loophole in constitution

BD 11/10/95 (271)

David Greybe

CAPE TOWN — Political parties yesterday agreed in principle on a right to property and land reform clause in the new Bill of Rights which will close a constitutional loophole hampering government land reform.

The deal was clinched after months of haggling and, in the words of Constitutional Assembly chairman Cyril Ramaphosa, a day of "underground manoeuvres" between parties in the assembly deadlock-breaking committee. Technical experts who assisted were told to formulate the new clause based on agreed "broad outlines".

An elated Ramaphosa said: "We are tantalisingly close to a major breakthrough. We should all applaud."

The day's progress was achieved after the ANC secured the NP and DP's support for linking the right to property and land reform — something absent in the present Bill of Rights. It also coincided with the ANC dropping its opposition, as expressed by, among others, Land Affairs Minister Derek Hanekom, to a property clause in the Bill of Rights.

ANC chief negotiator Baleka Kgositsile said afterwards the problem with the interim constitution was it only dealt with land restitution, whereas the new clause would also incorporate land redistribution and the land tenure system. She said, as a result of the "limited" interim constitution, "property owners have been able to resist land reform measures undertaken by the land affairs department".

"This time we are actually going to limit the use of the property clause as an obstacle," Kgositsile said. "We have entrenched the right to property as well as addressed the question of land hunger through land reform."

She added: "Those who were disadvantaged in the past will now be able to have their problems addressed in an equitable manner." She described the agreement as "absolutely historic".

Prime city properties targeted by claimants

(271)

CT 11/10/95

SPECIAL CORRESPONDENT

JOHANNESBURG: Cavendish Square, the Cape Technikon and the N1 City shopping complex between Parow and Goodwood are among landmarks targeted by urban property claimants at the Commission for the Restitution of Land.

Others include Johannesburg's Oriental Plaza, the South African Reserve Bank and Sammy Marks Square in Pretoria.

The commission has gazetted 103 claims. Secretary Mr Daan van der Westhuizen said all the role-players had begun negotiations and had until February to settle, before the Land Claims court sits.

There are three possibilities to settling a claim: The original land can be given back to the original owner, the claimant can be offered alternative state land, or he can be compensated.

NEWS

Landmarks among sites targeted

Talks on land claims under way

Star 11/10/95 (271)

■ BY PRISCILLA SINGH

Negotiations have started with people claiming back land they lost through the Group Areas Act – including such landmarks as the Oriental Plaza in Johannesburg and the Reserve Bank building and Sammy Marks Square in Pretoria.

The properties are being claimed through the Commission on the Restitution of Land.

Commission secretary Daan van der Westhuizen said all the role players – the present owners, the State and the claimants – had until February next year to settle the claims through negotiations. The Land Claims Court will then deal with matters not settled.

Four members of the court, led by advocate Fikile Bam, had been appointed to adjudicate.

Van der Westhuizen said there were three possibilities for settling a claim: "The original land can be given back to the original owner, the claimant can be offered alternative State land, or the claimant can be compensated.

"If the claim can be settled among the parties, it will then be referred to the court, where it will be ratified. If the claim cannot be settled, it will be referred to the court to decide the settlement between the landowner and the claimant," said Van der Westhuizen.

He said that in the Reserve Bank claim, the first option could not be exercised because of the development and status of the building.

Claims for lost land were lodged before the establishment of the commission and were previously handled by the Advance Commission on Land Allocation.

A large number of claims fell outside the scope of the Commission on the Restitution of Land officially established on March 1 this year.

Van der Westhuizen said that more than 5 200 claims had been received – 2 200 rural and 3 000 urban. These had been registered and were being investigated.

Among sites being targeted countrywide are Cavendish Square in Cape Town, the Cape Technikon, the N1 City shopping complex between Parow and Goodwood in the Western Cape, the Pavilion Centre in KwaZulu-Natal, the Natal Newspapers building in Durban, various industrial sites near the Durban central business district, and sections of land now belonging to the University of Natal.

ANC slammed on property rights

BARRY STREEK
POLITICAL STAFF

THE ANC continued to talk with a forked tongue when it came to the protection of property rights under the constitution, the DP leader in the Gauteng legislature, Mr Peter Leon, said yesterday.

"The ANC continues to pretend that it backs the right to property in the final constitution.

"In reality, the ANC is committed to a radical programme of land redistribution without compensation to property owners," he said in reaction to the latest proposal on property rights in the draft bill of rights. (271)

"While the DP accepts that land reform measures are necessary in our unequal society, the ANC's proposal that land reform take precedence over property rights would ride a coach and horses through the protection of property rights," he said.

ET 11/10/95

Deadline for land claims

(271) Star 12/10/95

Claimants to land in the Albertsville, Pageview and Alexandra areas of Johannesburg and Sandton have been given 60 days to lodge claims with the Commission on the Restitution of Land Rights.

Claims have to be lodged with the Commission at Private Bag X833, Pretoria 0001.

Emma Mashinini, regional land claims commissioner for Gauteng, North West, Northern Province and Mpumalanga, said the notice applied only to people who had not yet lodged a claim in respect of the advertised areas. – Pretoria Bureau.

STATUTORY COMMISSIONS

Truth, rights & equality

(271)

The four ground-breaking commissions created by the new constitution — covering land rights, human rights, gender equality and truth and reconciliation — are finally beginning to take shape.

SA is watching closely — especially the Truth Commission — to see whether the parties in Cabinet will be tempted to strike deals over the appointment of politically aligned commissioners instead of choosing the tough-minded, independent people necessary for the job. FM 13/10/95

During the drafting of the Promotion of National Unity and Reconciliation Bill, the Democratic Party argued — unsuccessfully — that it should not be left to President Nelson Mandela, in consultation with the Cabinet, to appoint truth commissioners.

Cabinet constitutes the very leaders and parties who conducted the violent struggles of the past and the temptation to strike deals would be very great, the DP warned.

It suggested a process similar to that used in selecting the Human Rights Commission (HRC) should be followed — nominations to be made to a multiparty parliamentary committee for approval by a 75% majority of both houses sitting together.

Instead, the President appointed a seven-member panel — representing parties in the Cabinet, with the addition of the Freedom Front — to receive nominations from the public and to conduct interviews.

The composition of the panel has therefore not eliminated the danger that the commission will be carved up between the previously warring parties. Though this kind of inclusivity may achieve balance, it is no substitute for real independence

DP MP Dene Smuts says: "It is crucial to the success and credibility of the Truth Commission that truly independent commissioners be appointed — not just a rainbow of rogue parties' representatives."

Public interest in the commission is considerable, and more than 100 nominations have already been received. The deadline is October 14 and the commission is supposed to be operational before the end of the year.

The HRC got off the ground in Pretoria last week by electing the Rev Barney Pityana, a senior research officer at the University of Cape Town's department of religious studies, as chairman at its first meeting.

Pityana is a former director of the World Council of Churches' programme to combat racism and was an associate of Steve Biko.

He says the commission aims to establish its independence and presence and to make itself accessible to all South Africans as quickly as possible.

The HRC must promote the protection and awareness of fundamental rights and may even initiate its own investigations into alleged rights abuses and assist victims in securing redress.

It could double for the Commission on Gender Equality, which is being facilitated by controversial legislation which seeks to endow it with powers of search and seizure to investigate violations of gender rights.

The legislation has yet to be reviewed by the Justice Committee and may be referred back to its originators — an ad hoc parliamentary committee chaired by ANC MP Ruth Mompati, who hopes it will be accorded urgent priority when parliament resumes in February.

By contrast, the Commission on the Restitution of Land Rights has been quick off the mark. It has received more than 4 000 claims since it began operating in March this year.

In terms of the Restitution of Land Rights Act, passed in November 1994, the commission may compensate or restore the land rights of those who lost land because of racially discriminatory legislation passed after June 1913. The Act also establishes a Land Claims Court to review each case and enable final settlement through a court order.

The court has taken longer to get going. Four male appointments have been made by Mandela, acting on the recommendations of the Judicial Services Commission which received nominations from the public. But affirmative action critics are still waiting to see if a fifth judge — a woman — will be added to the panel.

Fikile Bam, of the Johannesburg law firm Deneys Reitz, has been appointed court president. The other judges are: former National Peace Secretariat chairman Antonie Gildenhuys, Cape human rights lawyer Alan Dodson and former Black Lawyers' Association executive director Justice Moloto.

Meanwhile, the number of unresolved claims awaiting the court's adjudication increases daily and the commission is anxious that it becomes operational before the end of the year.

Spotlight on African housing

■ HOUSING REPORTER

About 450 delegates from 53 African nations will next week be taking part in the All African Housing Ministers' Conference, which will focus on living conditions in the continent.

The three-day conference is expected to draft a position for Africa on living conditions.

The draft will be presented to the UN Commission for Human Settlements' Habitat Two conference in Istanbul, Turkey, in June. Habitat Two aims to make the world's cities, towns and villages healthier, safer, more just and economically sustainable.

It will also focus on cities and townships as they are affected by urbanisation and influx.

The first Habitat conference was held 20 years ago in Vancouver, Canada, and drew international attention to problems in both rural and urban settlements.

Habitat Two's aim is to have a blueprint for urbanisation ready by the year 2000. This will be particularly important for South Africa, as the country is faced with a 1,5-million housing unit backlog estimated to be growing annually by 200 000.

The conference will include participation of the private sector and non-governmental organisations.

Star 13/10/95

SA to strengthen ties with Cuba

The South African Government was totally opposed to the isolation of Cuba in the socio-political and economic spheres, Foreign Minister Alfred Nzo said during his visit to Cuba yesterday.

Speaking at a lunch hosted by Cuban Foreign Minister Roberto Gonzales, he said it was for this reason that South Africa had voted for the lifting of the US blockade against Cuba at the 49th session of the United Nations General Assembly.

In his speech, Nzo conveyed President Nelson Mandela's "warm greetings" to Cuban President Fidel Castro and reiterated Mandela's invitation to Castro to visit South Africa.

He said it would be the worst form of political immorality and gross ingratitude if Africa were to forget the "tremendous sacrifices" the Cuban people made by supporting the freedom struggles of the peoples of southern Africa.

"Many countries of Africa have actually benefited from the dedicated services of your specialists in many fields, more particularly in support of medical services of many developing African countries.

"South Africa is part of that Africa which will never forget your internationalist solidarity. We take the opportunity of my first visit to your country to convey this deep gratitude to your people," said Nzo.

SA's establishment of diplomatic relations with Cuba had bolstered ties in various fields, such as culture, socio-economic issues and trade, he added.

South African exports to Cuba had increased from R36,5-million in 1993 to R41,61-million in 1994, while Cuba's exports to South Africa amounted to R14,6-million last year and were expected to increase in the future.

"I am pleased to learn that your embassy in Pretoria is in the process of planning seminars in South Africa to inform the South African business sector about business opportunities in Cuba," Nzo said. – Sapa.

Beijing names new envoy to Pretoria

China's key envoy in Africa has been reassigned to Beijing and appointed assistant minister for foreign affairs (Africa and Middle East affairs).

Li Peiding, who has ambassador status but is officially described as the director of the Chinese Cultural Centre, is to leave his post in Pretoria at the end of the month. He will be replaced by Beijing's ambassador to Harare, Gu Xiner, a veteran diplomat.

South Africa and the People's Republic of China do not have formal diplomatic relatior South Africa recognise, the Republic of China (Taiwan) instead.

Li, who has been in Pretoria for 15 months, said he would pursue opportunities to ensure that changes took place.

The two governments have held tentative talks about establishing formal ties since 1990, in the face of a concerted effort by Taiwan to maintain ties with South Africa. The Taipei government has invited numerous parliamentarians to the island and has poured millions of rands into South Africa to boost its standing locally. – Pretoria Bureau.

Farmers' land demands on union agenda

(271)

■ BY NORMAN CHANDLER
PRETORIA BUREAU

Star 13/10/95

South African farmers are preparing to make a last-ditch attempt to get the Government to backtrack on major aspects of its land distribution and restitution proposals.

They are to make their stand at next week's South African Agricultural Union (SAAU) national congress.

The Transvaal Agricultural Union (TAU) and the Natal Agricultural Union are putting forward resolutions criticising government infringements on property rights, and demanding that property rights be enshrined in the final constitution.

They are also concerned about the implications of the new Labour Relations Act and that the SAAU had not been given an opportunity to make recommendations to a parliamentary committee.

The SAAU, which represents about 60 000 farmers, will also be changing its constitution.

An important amendment, to be discussed at the meeting to be held near Vereeniging on October 17 and 18, is one which allows for 90 representatives – on a proportional basis – from all provinces, subject to the number of registered members in the provinces, gross value of production, contributions made to the financing of the SAAU, and the area they service as farmers.

This is regarded as opening the door to subsistence farmers who have in the past not been able to be part of the largely whites-only farming unions.

The TAU will also raise the crime issue, which "together with escalating unemployment and illegal immigration ... disrupts agriculture while increasing production and insurance costs".

Land claims issue to be brought up at Africanist congress in UK

(271) Star 14/10/95

PAC deputy president Motsoko Pheko will brief world Pan Africanists today on developments in South Africa.

Pheko, scheduled to deliver the keynote address at the 50th Pan African congress in Manchester, England, said he would use the platform to muster support for the PAC to realise its objectives of returning land to its "rightful owners".

These people, he said, had been reduced to "land invaders quarrelling over crumbs".

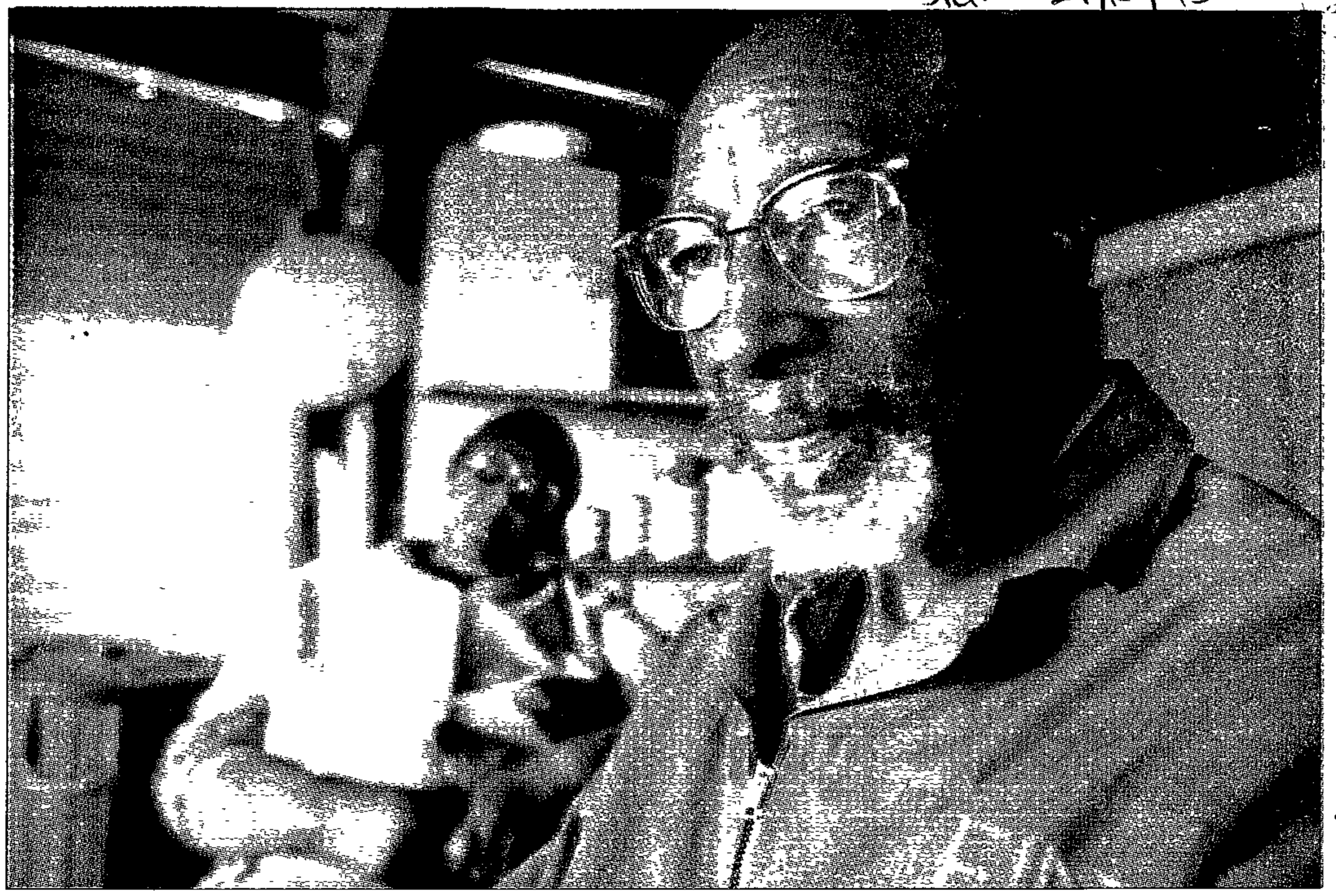
"We will also draw their attention to our dissatisfaction about bringing the cut-off date on claims for the land to 1913 ... (when) the wars of resistance go further back than that," he said.

Pheko will join proponents of Pan Africanism from as far afield as the United States and the Caribbean at the five-day gathering.

Delegates are expected to debate ways to democratise the Pan African movement, and of mobilising and uniting Africans against imperialist domination and economic exploitation, as well as trying to enhance the contributions to it from women, peasants, workers and the youth.

Joyful return to Matlwang soured by conflict

Star 21/10/95 271



HOME AT LAST: More than 20 years ago Ismail Seroalo and his wife Josephina were forcibly removed from their ancestral lands in Matlwang near Potchefstroom Now they have finally come home PHOTOGRAPHS TJ LEMON

REMNANTS OF THE PAST: Defunct farming equipment and this truck moved with the Barolong from Rooigrond back to Matlwang Today the truck is a play area for children and also supports a washing line

Friction over leadership hinders progress in creating a viable village for resettled Barolong people

(271) Star 21/10/95

They are back home now in the land their forefathers lived in, in the place from which they were forcibly evicted during South Africa's apartheid era. However, despite their joy, dissent among the Barolong is cause for concern. reports CHRISTINA STUCKY

An old-fashioned, sea-green stove covered in fine red dust stands abandoned beneath a scraggly tree. Like the face of its owner, 80-year-old Ismail Seroalo, it bears the signs of a long and embattled life. Seroalo, his wife and his stove have finally returned to Matlwang, the 3 489ha tract of land near Potchefstroom that the Barolong people call their home.

It has been four months since the Barolong returned to their ancestral lands.

Next to the ruins of the houses destroyed 25 years ago during their forced removal, about 200 families have erected shacks, cleared yards and marked with piles of stones the plots where they will one day build new, more solid homes

Seroalo and his wife, Josephina, share an immaculately kept shack, built in part of materials that have twice travelled the distance between Matlwang (also known as Machaviestad) and Rooigrond, a stretch of barren land in the former Bophuthatswana, where almost 200 families are still waiting to go home. There, too, the Barolong lived under constant threat of removal by Lukas Mangope's government. In the minds of the Barolong, everywhere but in Matlwang, life is temporary.

For years prior to their removal, the Potchefstroom municipality employed various tactics to chase the Barolong off the land. Three times their cattle were captured and held to ransom. Scraping together money by selling off livestock – once, Seroalo recalls, Helen Suzman helped the community with a generous donation – they bought the cattle back, only to have the animals captured again

The Barolong also fought a series of battles in court to win the right to remain on the land where they had lived since the mid-19th century – according to some, much longer than that. They won their appeals, but as the National Party gained strength, the Barolong ran headlong into the apartheid wall.

Morris Gorekoang, head man of the Barolong, recalls: "Our attorney told us 'The law belongs to the Boers now' "

Seroalo still vividly remembers the day of the forced removal. On August 3 1971, trucks and bulldozers rumbled across the rocky ground, flattening the grass beneath their treads. Policemen and municipal workers threw the Seroalo's belongings out of their home and loaded him, his family and their possessions on to a truck. As they drove away, bulldozers ground their house into dust.

Approximately 400 families were moved to Rooigrond and Ikageng township outside Potchefstroom. Some, who were working in Potchefstroom, returned at the end of the day to find their families gone and their homes demolished

"It was a cruel time," Seroalo says. "I was angry, because there was nothing I could do. But now I am very happy. I am home at last."

'Some day we will start building and make the place like it was before ... it will be like a village again'

Josephine Seroalo agrees: "We have both struggled for a long time. Now we are happy because we are back where we were born, where we grew up and where we were married."

Signs of the past dot the landscape – old farming equipment, rusty after more than 20 years of disuse, a defunct yellow truck, its only purpose now to hold up a washing line, piles of boards, rods and rusted household equipment waiting to be sorted and reused.

WAITING: Johannes Mtsimane, chairman of the Baralong community, will soon move back home permanently

From this rubble, the Barolong plan to build their future

"Some day we will start building and make the place like it was before We will make it well organised," says Gorekoang with the confidence of a man who believes in the resilience and survival of his people

"It will be like a village again."

There is no infrastructure aside from a large water tank from which the families fetch their water daily and wash their clothes. The first in a series of workshops on water usage and sanitation was recently conducted by members of the Northwest Province's water scheme.

However, there is still a long way to go until Matlwang resembles a thriving village.

Hope springs eternal among the Barolong. They say they will be able to make their livelihood by cultivating the land, despite the fact that very few of them, particularly the young, who grew up in Ikageng, have any knowledge of farming.

"As youngsters we are very interested in participating in our economy," says Ezekiel Nyokong, who was born in Ikageng in 1970. "Perhaps the College of Agriculture in Potchefstroom will give us courses so we can learn about farming. We want to participate in our culture. In the township we can't do that."

How long this reverse migration from the township to the country will last will depend on whether the community can organise itself to make Matlwang a viable alternative to the city. Many of the people who have erected shacks in Matlwang still spend the working week in Potchefstroom, going to Matlwang on the weekends.

'My father fought for 25 years in Rooigrond while the others stayed in nice houses in the township'

Much work remains to be done. Recently the Barolong community has been divided by an internal dispute that is bogging down their efforts, sapping much of the energy needed to build their future.

Like other peoples who were forcibly removed, the Barolong are eligible for compensation through the Settlement Support Fund, managed by the regional offices of the Department of Land Affairs. According to a source at the National Land Committee, applications are rare. Rather, the provinces seek and identify who is eligible for money from the fund.

Although the Barolong want to do something, they are hindered by their own division. "The reconstruction and development programme can't help people that are experiencing friction," says Nyokong, rubbing his forefingers together. "Infrastructure will come when we are united."

On one side of the divide stands Simon Makodi, who claims, with the support of a 12-member council, that he is chief of the Barolong. On the other side, Gorekoang, supported by an eight-member head council and an executive committee, argues that the Barolong have never been ruled by a chief but by a democratically elected head man.

The two men engage in a heated discussion outside Makodi's house – an anomaly of corrugated tin and solid oak furniture. The arguments shoot back and forth, punctuated by raised shoulders and arms outstretched, embracing the land.

Makodi bases his claim in history. Gorekoang, who lives in Ikageng, wants proof of this historical evidence. He also wants to know how Makodi could return from Rooigrond and declare himself chief.

Meanwhile, in a shack off to the side of Makodi's home, his daughter Sabine ends the school day for 36 children, aged 6 to 14. The school, not yet registered, uses outdated teaching materials. While the children launch into a game of soccer, Sabine Makodi insists that her father is in the right. "My father fought for 25 years in Rooigrond while the others stayed in nice houses in the township.

"I can't accept that people from luxurious houses lead me. They can't know what I want."

The discussion is futile. Both sides agree that the only solution is mediation from the North West provincial government. This, apparently, is imminent. And yet, whatever the outcome of the mediation, the decision will matter only to the council members supporting one side or the other.

For the Barolong community itself, the issues that will have far greater bearing on their lives and the future of Matlwang are whether their children will be able to eat food grown on the land or bought from the village shop, whether they will be able to wash with water from taps in their own homes, and whether they will one day be able to do their schoolwork by the light of electric bulbs.

Community looks set to win back its land

ST 22/10/95

By CHARL De VILLIERS

(271)

ONE of South Africa's most heart-wrenching land claims is poised for success after nearly 33 years of yearning by a mission community that lost its rural livelihood when its land was sold by the Dutch Reformed Church.

The Minister of Land Affairs, Derek Hanekom, is expected to give the Elandskloof claimants the good news when he meets them in Citrusdal in the Western Cape this evening.

Sources said yesterday that the Department of Land Affairs has deemed restitution desirable, removing a key hurdle to settlement under the country's new laws to redress racist land policies of the past.

As many as 200 potential claimants still have to negotiate a settlement deal with the land's current owners after a successful appeal for redress to the newly formed Commission on the Restitution of Land Rights.

The settlement must then be confirmed by a land claims court — which is yet to be set up.

When the church sold the property in 1962, farmers declared the community's presence a black spot.

Land probe starts today

(271) Star 23/10/95

The Budlender Commission of Inquiry into alleged irregularities regarding the allocation, leasing, alienation and transfer of state land gets under way in Harrismith, in the Free State, today.

The first hearing involves several farms in the Harrismith district that were purchased by the State for incorporation into QwaQwa in the 1980s.

The farms in dispute were never incorporated and are currently being leased by the State to the original owners.

Evidence by officials involved will be heard in the Harrismith Magistrate's Court today and tomorrow. – Staff Reporter.

Youngest SA judge is a sober lawman

ARG 23/10/95 (271)

INTERFACE

LEN ASHTON talks to ALAN DODSON

THOSE who expect Alan Dodson to play the vengeful young sheriff in the forthcoming Land Claims Court drama will be disappointed

Despite the idealistic human rights record and the fact that he is the youngest judge ever appointed to the South African Bench, this is a sober lawman.

He may be only 35, but he has *gravitas* The manner, in office hours anyway, is appropriately deliberate and subtle — but there's a youthful grin when he recalls his surfing aspirations

Unfortunately, messing about in water does not accord with the responsibilities of a young father

"You can't expect your family to huddle on a beach in a howling gale while you go sailing away," he concedes wryly So, he keeps fit by jogging and running instead

Will the judges of President Mandela's Land Claims Court seize the properties of respectable middle-class householders, I inquire innocently

The question receives an appropriately dusty reply "It is difficult to say how we are going to apply our minds to these matters We have to be careful because, if I take a position now, it might lead to a situation in which I might have to recuse myself because of that previously expressed opinion

"I cannot really express myself on the way we are going to exercise our power We must wait until cases come before us

"But the existing legislation should allay the fears of the public The Constitution sets out clearly what one should take into account when deciding whether the court should take land from a private owner and give it to people who have been deprived"

Mr Dodson, a partner at Mallinicks in Cape Town, is one of four attorneys appointed judges for this special court

The others are Fikile Bam and Dr Anthonie Gildenhuys of Johannesburg, and Association of Law Societies vice-president and non-practising attorney Justice Moloto (The latter is contracts manager in Eskom s fuel and water department)

"The reason I moved to Cape Town originally (in 1985, after attending the University of Natal, Pietermaritzburg)) was because I wanted to windsurf, but that didn t work out.

"I started practising at the time the first state of emergency was introduced, and quickly got involved"

He focused on human rights abuses cases following on the declaration of successive states of emergency

One memorable matter involved him in an unsuccessful attempt to secure the release from detention of the present Minister of Justice and five others

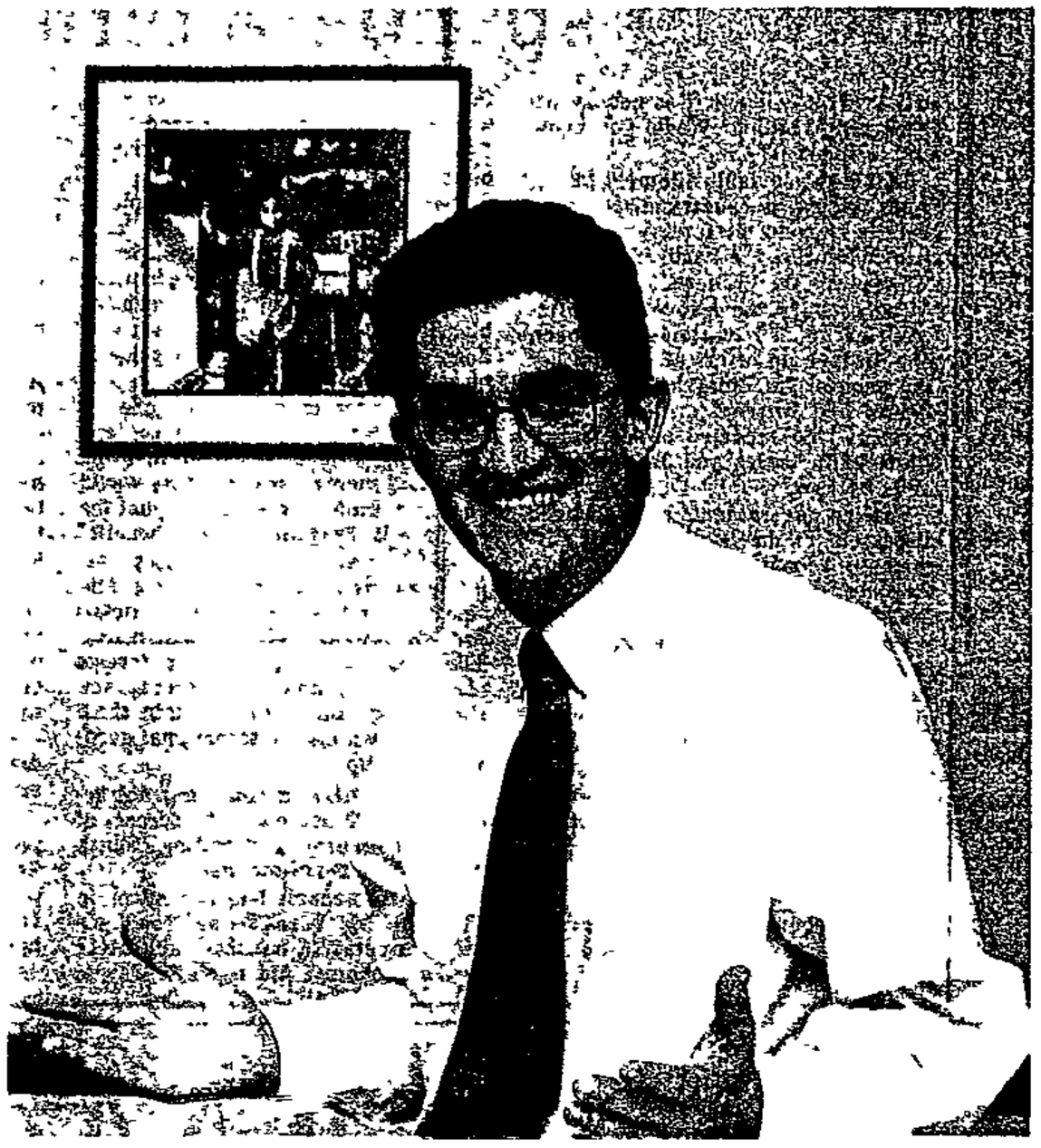
In 1987, he went off to Cambridge to gain a Master of Laws degree with subjects including international law of armed conflict, the use of force and peace-keeping, and the law and practice of civil liberties

All of which had obvious and immediate application to the society in which he lived

On his return, he was appointed director of the Human Rights Law Department of Mallinicks. And he became increasingly involved in representing various communities in legal disputes pertaining to their occupation of land.

In Cape Town, he took a particular interest in the question of District Six, and was eventually appointed legal representative of the Cape Town Community Land Trust, which is now overseeing the redevelopment of the apartheid-blighted area

Acceptance of the Land Claims appointment, which necessitates a move to Johannesburg, is precipitating a major domestic upheaval And that acceptance was made possible because Mr Dodson's accomplished and successful wife, Raylene Keightley, elected to resign from her position as a senior lecturer in the Law Faculty of UCT



YOUNGEST JUDGE: But Alan Dodson is no vengeful young sheriff.

"She is losing a year s sabbatical, and I believe she was in line for a professorship," says her suitably grateful spouse

Surely feminists would object to this arrangement?

"She is certainly a feminist, but our decision was not based on the notion that a man's career automatically takes precedence She said it was a unique opportunity and that I should seize it And she made that choice without the guarantee of a job in Johannesburg Her credits are certainly very high in our household

"If she had been offered a similar appointment, she would have expected me to take a similar decision

Our acceptance of the Land Court position is based on the fact of a healthy marriage But if the situation had been reversed, I can't say that I would have been as noble about it as she has been

In fact, I'm sure she would have done the Land Claims job as well as I could She did better than I did at law school — *summa cum laude* to my *laude*'

They have two infant sons — Samuel and Thomas

What are his views on the question of attorneys wanting to wear robes now that they are to be permitted to appear before judges?

"The formalities of courts can become so austere that people feel alienated It's not easy to find a balance in these matters

"We (the Land Claims Court) have decided to be robed during proceedings '

Mr Dodson has been with the same firm throughout his professional career and is grateful to Mallinicks for accommodating him in his concentration on human rights work

In a telling extract from *De Rebus*, the lawyers' magazine Mr Dodson is quoted as saying 'It is widely recognised that the legitimacy of the country's justice system is dependent upon its judiciary becoming more accessible to, and representative of, the South African *populus*"

Commission queries transfers

State land-deals probe begins

Star 24/10/95

■ BY LARA SMITH

Harrismith – The Budlender Commission of Inquiry investigating alleged irregularities regarding the allocation, leasing, alienation and transfer of State land has held its first public hearing in Harrismith in the Free State.

Yesterday's hearing focused on several farms in the Harrismith area purchased by the State in 1986 for inclusion in the former QwaQwa homeland. The seven farms in question were not incorporated into QwaQwa and were offered back to the original owners at market-related prices.

According to Johannes Fourie, deputy director of the Department of Public Works in Bloemfontein, under whose jurisdiction the land in question falls, this was done in accordance with recommendations of an earlier commission of land allocation.

The earlier commission also recommended that if the original owners did not want to buy back the land, it could be offered to the adjacent neighbours at market-related prices. If more than one person was interested, the land was to be sold to the highest bidder.

Farmer Gerrie Greyling told the commission that one of the conditions of sale of the land to the State in 1986 was that the original owners had first option to repurchase.

At present the farms are being leased to the original owners on a monthly basis.

The hearing continues.

Valuator explains why land prices fell

'Cut-price farms' probed

Star 25/10/95 (271)

■ BY LARA SMITH

Harrismith – The sale of state-expropriated farms to the original owners at prices far lower than the compensation paid to them came under investigation at a hearing of the Budlender Commission in Harrismith yesterday.

"It is a very startling situation that people are able to buy back land that was expropiated from them seven years ago at substantially lower prices," commission chairman G M Budlender said

The commission is investigating the transfer of state land and was hearing evidence on the second day of its inquiry into the sale of seven state-owned farms in the Harrismith district

The farms were bought by the state in 1986 for incorporation into the former QwaQwa

The aim of the commission is to find out whether the proper procedures were followed, and whether the prices at which the land was offered back to the original owners was appropriate.

D G Hofmeyr, who valued the land for state acquisition in 1986 and again for the sales back to the original owners, testified that the drop in the price for the resale was due to a general decline in the value of crop land in the area. This could be attributed to the drought as well as the political uncertainty that prevailed before the election

In addition, sections of the farms had been included in the former homeland making them smaller.

Explaining the substantial drop in the value of buildings on the land – up to R100 000 in some cases – Hofmeyr said it was because many of the buildings had become obsolete as they now served a smaller area.

The commission also questioned why the increase in the value of grazing land was not reflected in the valuations.

Hofmeyr said that when he valued the properties they had taken comparable market prices into consideration.

The commission will submit an interim report on its findings to the president.

(271) 28/10/95

New land claim may save last of

Bushmen are eagerly awaiting the result of their Kalahari land application. GLYNNIS UNDERHILL reports

Four years ago the dwindling and only known surviving Bushman group in South Africa faced humiliation and eviction from land in the Kalahari for illegal poaching.

Today the future looks promising for the extended band of this clan of purebred San people as they await the outcome of their historic land claim in the southern region of the Kalahari Gemsbok National Park.

While the claim clashes with strongly competing interests in the land, including those of the National Parks Board, Southern Kalahari Bushman SSegraansse Kruiper (50) is adamant.

"The land in the Kalahari is our natural heritage. We can live off the land there. We just want to take back what was ours," he says.

Dreams

There is a sense of anticipation as the Bushmen huddle around the fire in a hut in the Kagga Kamma resort near the Cedarberg and discuss the reasons they want to lay claim to land in the Kalahari.

Descended from the original inhabitants of the Kalahari Gemsbok National Park, they have dreams of returning to a hunter-gatherer lifestyle on the land of their forefathers.

The claim application has marked the original territory of the Bushmen of the southern Kalahari as being 400sq km in the southern area of the Kalahari Gemsbok National Park, extending into the duneland to the west, which is currently part of the Mier reserve.

While many of his relatives still live in the Kalahari, SSegraansse regards the resident group at Kagga Kamma as his extended family.

"I've always had a great love of women but I've never had any children of my own. But these are my people – and these are all my children," he said, gathering two small children in his arms.

Seemingly oblivious to the tourists and flashing camera lights, the group warm their toes and hands over the fire as they explain in Afrikaans and San why President Mandela has met San leader Dawid Kruiper and discussed the land claim.

Dawid was recalled from a trip to the Kalahari to meet Mandela earlier this month.

The women touch the head of a young child clad in a loin cloth and explain that he was a member of the group who went to visit one of the most famous leaders in the world at his Cape Town residence, Genadendal.

The child beams with delight at the memory. "President Mandela had a big, big house," he says, waving his hands expansively.

SSegraansse believes the families can take turns living in the southern Kalahari while a group remain at the Kagga Kamma resort.

The tribe moved to the expansive game farm owned by Pieter de Waal about four years ago after being forced off their land in the Kalahari for poaching.

The once-nomadic people have made a home on this unique game farm, which offers visitors breathtaking views of flora and fauna, with scenic mountain drives and rock formations scattered around the 3 700ha reserve.

Tourists can meet South Africa's last surviving Bushman clan away from their sleeping areas. For the Bushmen, the meetings are entirely voluntary.

While there are more than 45 Bushmen, including children, at Kagga Kamma, only those who elect to meet the tourists on any given day wander in to gather around the campfire.

SSegraansse insists that the Bushmen enjoy meeting the tourists who queue up to view the group, cameras at the ready.

Meeting

"We love the tourists, we really do. We like meeting them and they like meeting us," he says.

"We were helped when we were brought here. But we still want our land back. The difficulties will be put behind us."

The future for these Bushmen has taken on a new meaning following the findings by anthropologists, who helped with their formal land claim, that the group was descended from the original inhabitants of the Kalahari Gemsbok National Park.

CAMPFIRE: Members of the Bushman group gather around the fireside to meet the tourists PHOTOGRAPHS OBED ZILWA

Sanna, Dawid Kruiper's friendly wife, says the group has discussed the land claim with Mandela as they have a strong desire to return to the land of their descendants.

"We want to live and hunt on the land and spend time here and in the Kalahari. We can live a few months here and a few months there. We will live off the land. It won't be difficult for us. There is a lot of veld food there."

Sanna lists a number of plants which have medicinal value in the Kalahari.

The formal claim by the Southern Kalahari Bushmen for the return of a stretch of land in the Kalahari Gemsbok National Park has been lodged with the regional claims commissioner for the Western and Northern Cape, Wallace Mgoqi.

Social anthropologist Bets Daiber, who teaches the Bushmen children in an appealingly unstructured school classroom at Kagga Kamma, believes the Bushmen are very happy on the resort.

"The one side is that they are obviously very happy here, this is where their income is. But obviously their hearts are still in the Kalahari and there is this big desire to go and stay there. But if they go there, will they survive?" she asks.

Many of the Bushmen's relatives still live in the Kalahari and the pull back to the area is strong, she acknowledges.

The situation is a difficult one and Daiber says she hopes for the best for the Bushmen, whatever the outcome.

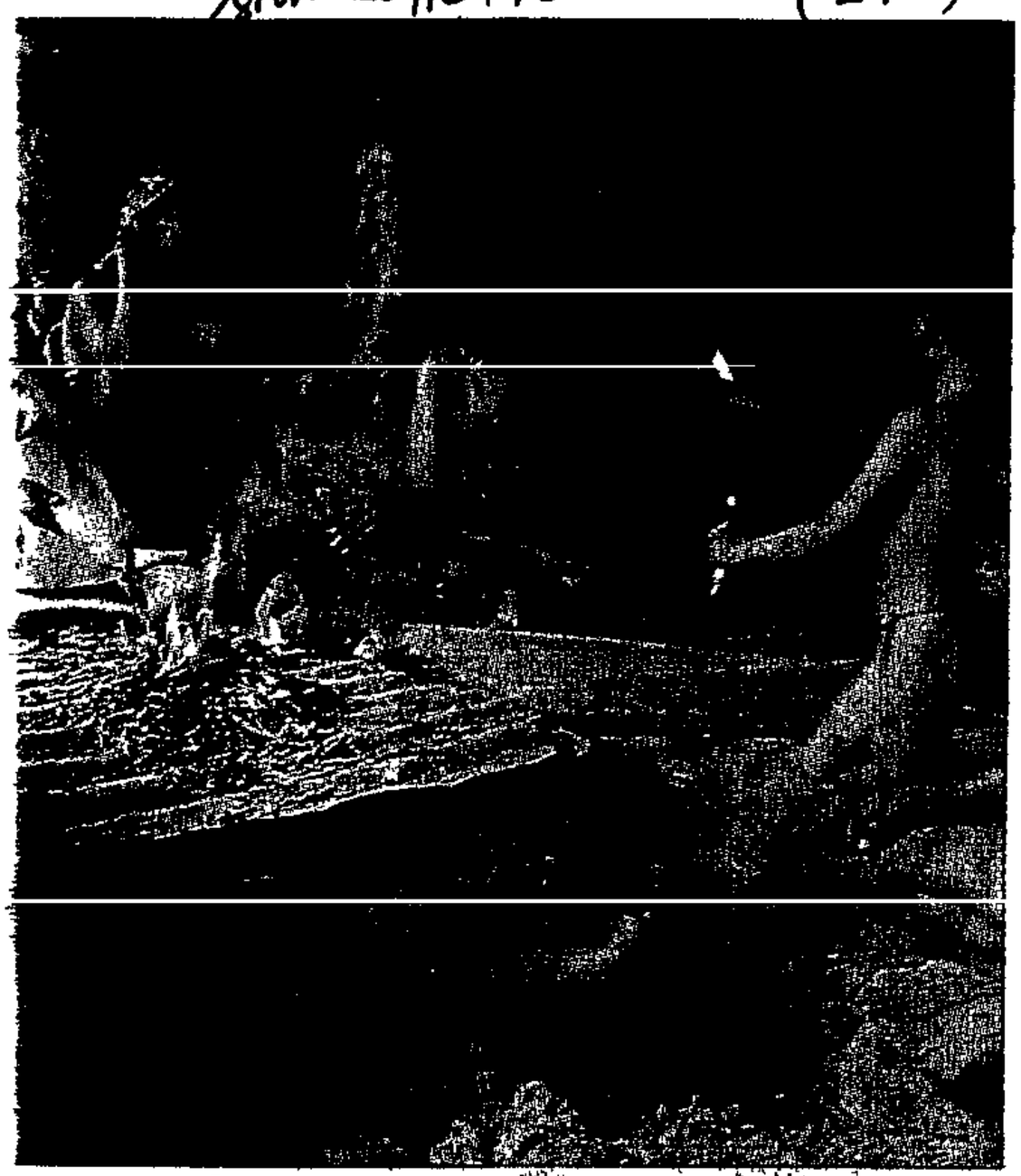
Bushmen in the Kagga Kamma are able to hunt within an allocated boundary on the farm and are entitled to stalk and catch smaller animals like dassies, she says. But if the Bushmen fail to find any food, there is always food available for them at Kagga Kamma.

Some Westernised ways of life have crept in as the Bushmen make their home at Kagga Kamma, the most obvious being the birth control injections the women volunteer to take when the health clinic van visits the farm.

Saturday Star
October 28 1995

·f the Bushmen

Star 28/10/95 (271)



FUN CLASSROOM: Bushmen children are given lessons geared to understanding their natural environment

Only chance of survival for the San tribes is a return to their traditional home in the Kalahari

An unprecedented gathering of the clan of the only known surviving Bushman group in South Africa has met in Welkom to tackle a burning issue.

While the process of contacting all the branches of the extended family is continuing – as most live far beyond the reach of normal postal or telephonic services – firm agreement was reached at that meeting.

Documented

Restitution of their traditional land would allow them "to practise their culture and survive as a people", according to their land claim application which has now been lodged with the land claims commissioner for the Western and Northern Cape, Wallace Mgoqi.

The fate of the Kalahari Bushmen, also known as the San, in South Africa over the past three centuries is well documented, involving the virtual annihilation of numerous clans in all the northern provinces.

It is believed the last surviving group is the Cape Bushmen, who lived in the northern Cape in the early 20th century.

The applicants for the land are all the direct members of an extended clan of Bushmen descended principally from the Khomani, who roamed and hunted in the southern Kalahari at the turn of the last century.

Driven from the land in the Kalahari Gemsbok National Park in the late 1950s, the remaining Bushmen now hope to settle their claim out of court.

It is believed there are between 200 and 250 direct descendants of the southern Kalahari Bushmen.

The claimants acknowledge the "strongly competing interests" for the land by some private landowners and the National Parks Board.

As far as the practical implications of the claim go, the document does not suggest precisely how the Bushmen's claim for restitution of their land should be addressed.

Nor does it suggest that the large area of land where they have proved a claim should be simply transferred into their collective ownership.

"It is emphasised by the claimants that sensitivity to the long-term environmental implications should be a fundamental component of any future dispensation regarding the land in question.

"Many of the applicants have – as employees of the Kalahari Gemsbok National Park, or on various Kalahari game farms and at the Kagga Kamma resort – acquired valuable skills and insights in the fields of environmental conservation and eco-tourism," the application details.

"The applicant group are powerful living proof of the deep affinity that exists between Bushmen and nature.

"Not only do they display an astounding knowledge of and love for nature in its full diversity, but the adults are generally committed to preserving the aspects of their culture that relate to living with nature in the Kalahari."

The land claim application outlines how the return of the Bushmen's rights to the land would enable them to exercise choices over the land under their control, while retaining the core aspects of their traditional rural culture.

The Bushmen would probably introduce modern eco-tourism in conjunction with "a traditional and indigenous component" – such as indigenous tracking courses, as well as bushcraft and hunting safaris, it suggests.

Ecology

The western fence of the Kalahari Gemsbok National Park cuts the park off from an area of duneveld which formed an important habitat for the regional ecology, according to the claim.

"The area is well known to the Bushmen and forms a much-valued and longed-for portion of what was their traditional territory.

"Many of the plants and shrubs they gather annually for medicinal purposes are found principally in this section of duneveld – and they are at present obliged to trespass on private land in order to forage for the plants."

The Bushman applicants envisage founding a community trust, to pursue the rights of the extended community.

Dreaming of a return to their roots

(271) ARG 28/10/95

■ Staff Reporter **GLYNNIS UNDERHILL** meets the Southern Kalahari Bushmen who have staked their claim to land in the southern region of the Kalahari Gemsbok National Park.

FOUR years ago the dwindling and only known surviving Bushmen group in South Africa faced humiliation and eviction from land in the Kalahari for illegal poaching.

Today the future looks promising for this clan of pure-bred San as they await the outcome of their historic land claim in the southern region of the Kalahari Gemsbok National Park.

While there are strongly competing interests in the land — including those of the National Parks Board — Southern Kalahari Bushman SSegraansse Kruiper, 50, is adamant that theirs is the better claim.

"The land in the Kalahari is our natural heritage. We can live off the land there. We just want to take back what was ours," he said.

There is a sense of anticipation as the Bushmen huddle around the fire in a hut in the Kagga Kamma resort near the Cedarberg and discuss their reasons for claiming the land.

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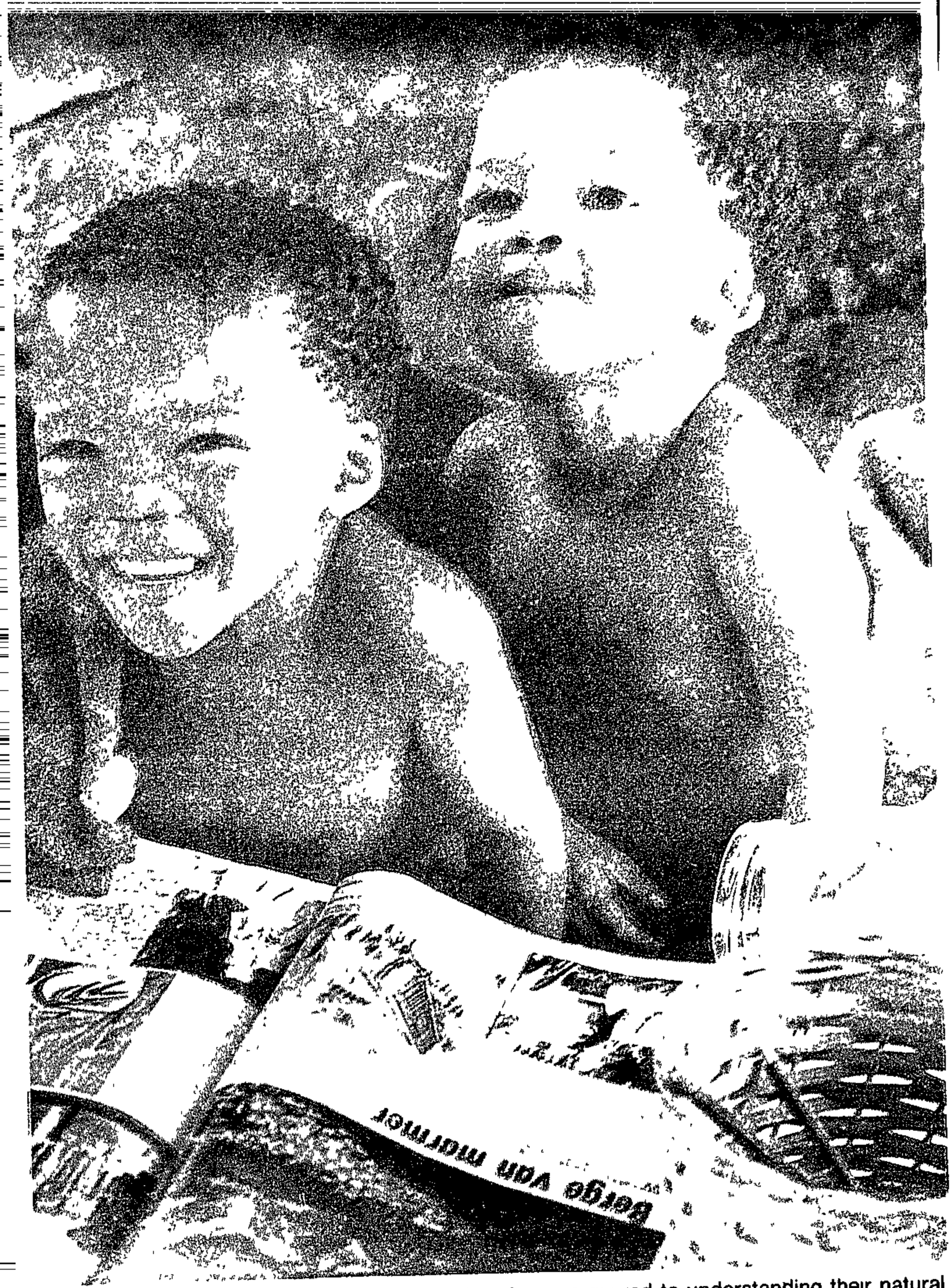

□ **CLASSROOM:** Bushmen children are given lessons geared to understanding their natural environment.

Pictures. OBED ZILWA, Staff Photographer.

□ **CAMPFIRE:** Members of the Bushmen group gather around the fire to meet the tourists.

Argus 28/10/95 (271)

Bushmen make pledge to treat nature kindly

THE only known surviving Bushmen in South Africa have held an unprecedented meeting as they bid to have their traditional land returned.

The land would allow them "to practise their culture and survive as a people," according to their land claim application.

The fate of the Kalahari Bushmen, also known as the San, in South Africa over the past three centuries is well documented. Many clans were decimated in the northern provinces.

It is believed the last surviving group is the "Cape Bushmen", who lived in the northern Cape in the early 20th century.

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The applicants are all members of an extended clan of Bushmen descended principally from the Khomani, who at the turn of the last century roamed and hunted in the Southern Kalahari.

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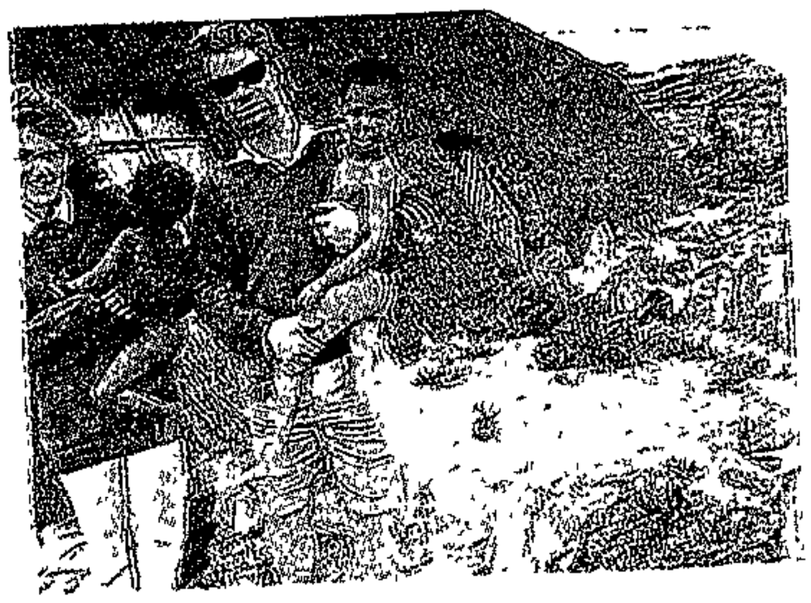
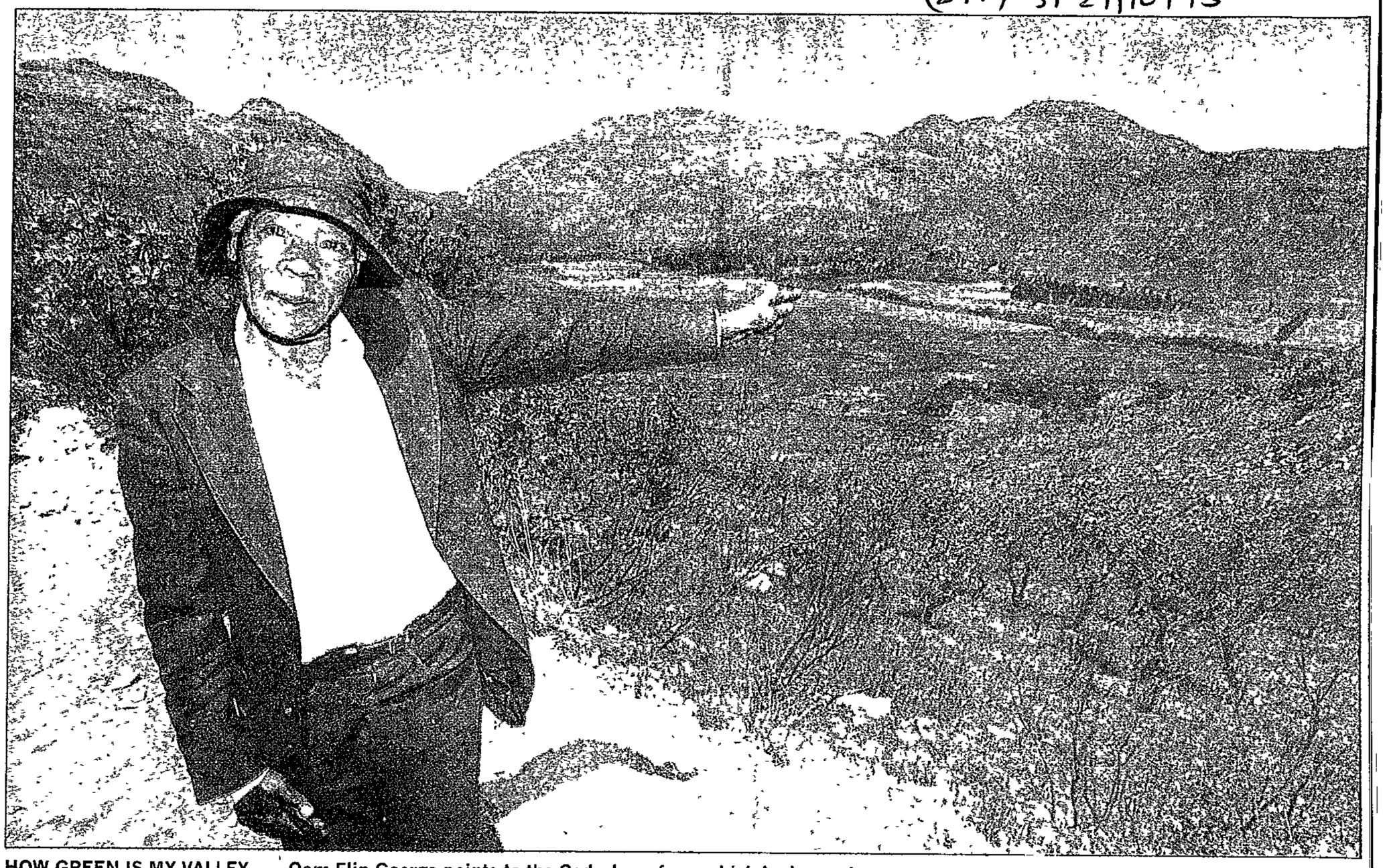


□ **ANTHROPOLOGISTS:** Social anthropologists Bets and Michael Daiber with Bushmen children at Kagga Kamma.

On the brink of a return to their promised land

(271) ST 29/10/95

TASTING VICTORY . . . more than three decades of exile and injustice may soon be over for these Elandskloof bittereinders



HOW GREEN IS MY VALLEY . . . Oom Flip George points to the Cedarberg farm which he hopes to reoccupy

Pictures: AMBROSE PETERS

By CHARL DE VILLIERS

THE squealing of pigs being burnt alive will haunt Aletta Titus for the rest of her life

The cries of the doomed animals may have died away long ago with the flames that razed their owners' simple livelihood, but Mrs Titus has suffered the wrenching heartache of dispossession for more than three decades

Hounded from their pastoral lifestyle in the shadow of the Western Cape's Cedarberg mountains in 1962, she and other surviving members of the Elandskloof mission community can now look forward to the end of their nightmare.

Long-awaited justice seems imminent with the state endorsing restoration and moving to buy back the mission land which the Dutch Reformed Church sold to two white farmers in 1961.

The Legal Resources Centre, which launched the Elandsklowers' successful bid to the Commission for the Restoration of Land Rights, says the land is worth between R765 000 and R1,8-million.

Elandskloof will mark the first successful restoration case involving private land, says LRC attorney Henk Smith

The 1:50 000 forestry map of the southern Cedarberg is a graphic reminder of Elandskloof's heart-rending legacy of dispossession· on it are marked a school, a church and numerous L-shaped symbols labelled "ruins"

The valley suddenly appears, Shangri La-like, for motorists who crest the Middelberg Pass from Ceres.

Farming is still evident in the form of orange groves, tilled fields and pine windbreaks Clumps of oak trees mark the spots where its former mission residents lived

A sign warns trespassers to keep away.

Cornelius van der Merwe, a senior clerk at Tygerberg hospital, says he was 17 when his parents were evicted with 77 other families in 1962

"We were a tightly-knit and stable community People were religious and loyal to the church. There was real discipline; dominoes and card games were taboo

"It was a tragic eviction The farmer set the veld alight and our houses burnt down"

Mrs Titus says "To this day, I can still hear the screams of our pigs as their pens burnt"

Stock that had not been impounded was shot or poisoned and vegetable gardens ploughed under

"Oom" Flip George, well into his 70s, wants to know what has happened to the wooden pews and school benches which stayed behind when the Elandsklowers were evicted that September

"Is the *kansel* (pulpit) still in the church? It was hand-carved and we want it back," he says

Daantjie Dirks says. "We've never been allowed back on the land The farmer won't employ us We can't even go there to tend to the old people's graves

"The school is being used as a store, sheep are sheared in the church and the *pastorie* (manse) has been turned into a shop"

Most enduring, however, is the sense of lost opportunity

"Many of our people's dreams were simply swept away by the evictions," says Mrs Titus

"Parents wanted their children educated, but these hopes were dashed We've lost a lot."

Two pieces of land about 15km from Citrusdal lie at the heart of one of the country's most ugly cases of apartheid dispossession and cynical collusion between state and church

Cont.

The first is the original Elandskloof farm, bought by the Dutch Reformed Church in 1862 and held in trust for the mission folk and their descendants

The second, surrounding piece of land was granted to the church by Queen Victoria in 1900 — with a deed of grant stipulating that it be used for mission purposes

But 60 years later, the by the LRC and Surplus Peoples Project, they tried to get their land back

On Thursday the Department of Land Affairs is expected to pursue negotiations for a purchase price with Elandskloof owner Jan Smit

"If there is no agreement on the amount the state must pay, the matter will be referred to the Land Claims Commis-

Sunday Times

(271)

29/10/95

then governor-general C R Swart cancelled the mission-related condition at the request of the Dutch Reformed Church.

This impediment out of the way, the church sold Elandskloof and its surrounds for R34 000 to the brothers P J and J H Smit.

The Group Areas Act ensured that the hapless mission community would never gain ownership or register its rights to the land, which was now deemed "white".

The advent of South Africa's democratic transition in 1990 gave the community new hope. Assisted

sioner who can order a compensatory amount and expropriation," Mr Smith says.

The community's hopes received a further boost last week when Land Minister Derek Hanekom announced his department deemed restoration just, equitable and desirable.

Mr van der Merwe reckons there are about 230 families with ties to the Cedarberg land, but says only 120 or so will probably want to go back.

He doubts his four adult children would exchange jobs in Cape Town for a life rebuilding their father's shattered rural past.

Land claims hinder farm loans — union

BD 30/10/95 (271)

Louise Cook

FARMERS may have lost out on vital financing worth at least R600m because of the spate of land claims being pinned onto their properties, the industry said at the weekend.

The Transvaal Agriculture Union (TAU), one of SA's largest farming unions, said co-operatives and banks were reducing the credit needed to fund crop production because land claims had made farms a higher-risk investment. TAU (Northwest region) president Paul van der Walt said that without the credit, farmers had been forced to scrap plans to plant cash crops such as sunflowers and nuts.

This left them dependent on maize, Van der Walt said.

He said that in the Northwest region alone, farmers had lost out on financing worth R6m.

He estimated that the loss across the country could be magnified a hundredfold.

The funding co-operative for the Northwest region confirmed at the weekend that it had put the squeeze on finance. It said it could not offer credit when there was no certainty that the farmer would be able to harvest the crop and repay the loan.

TAU vice-president Willie Lewies warned that many farmers would be going out of business because it could take up to 10 years to finalise claims.

"Banks and co-operatives are wary of giving credit and, as a result, farmers sit without operating capital. They cannot plant," he said. "Another problem is the fact that, when a claim is lodged, the value of the property immediately drops because the state deducts all subsidies that have been paid over the years."

Lewies said that the market value of the farm greatly determined how much banks were prepared to lend.

"Land claims cause property owners untold problems," he said.

Scams 'overrun' claims for land

(271)

Louise Cook

BD 31/10/95

THE land claims process was being overrun with scams, with unwary victims paying for services unnecessarily, land claims chief commissioner Joe Seremane said yesterday.

Some were paying R10 for claims forms which were free, while others were paying R20 to have the claim processed — a function his department also did free of charge.

"Unsuspecting and uninformed communities, desperate for land, could be milked dry."

Seremane said more than 4 000 claims had been submitted so far. In some areas, lawyers were advertising cut-price offers to help lodge claims.

Other deals involved the claimant splitting half the land won with the body that helped lodge the claim. Police had been called in to one case, after a victim lost R30 000 in a claims deal.

Police said various scams had been reported across SA.

Land Affairs Minister Derek Hanekom said the Commission on Restitution of Land Rights was accessible to everyone and would help people document claims.

"The restitution process has been structured in such a way that people can submit their claims directly and free of charge."

PUBLIC SECTOR

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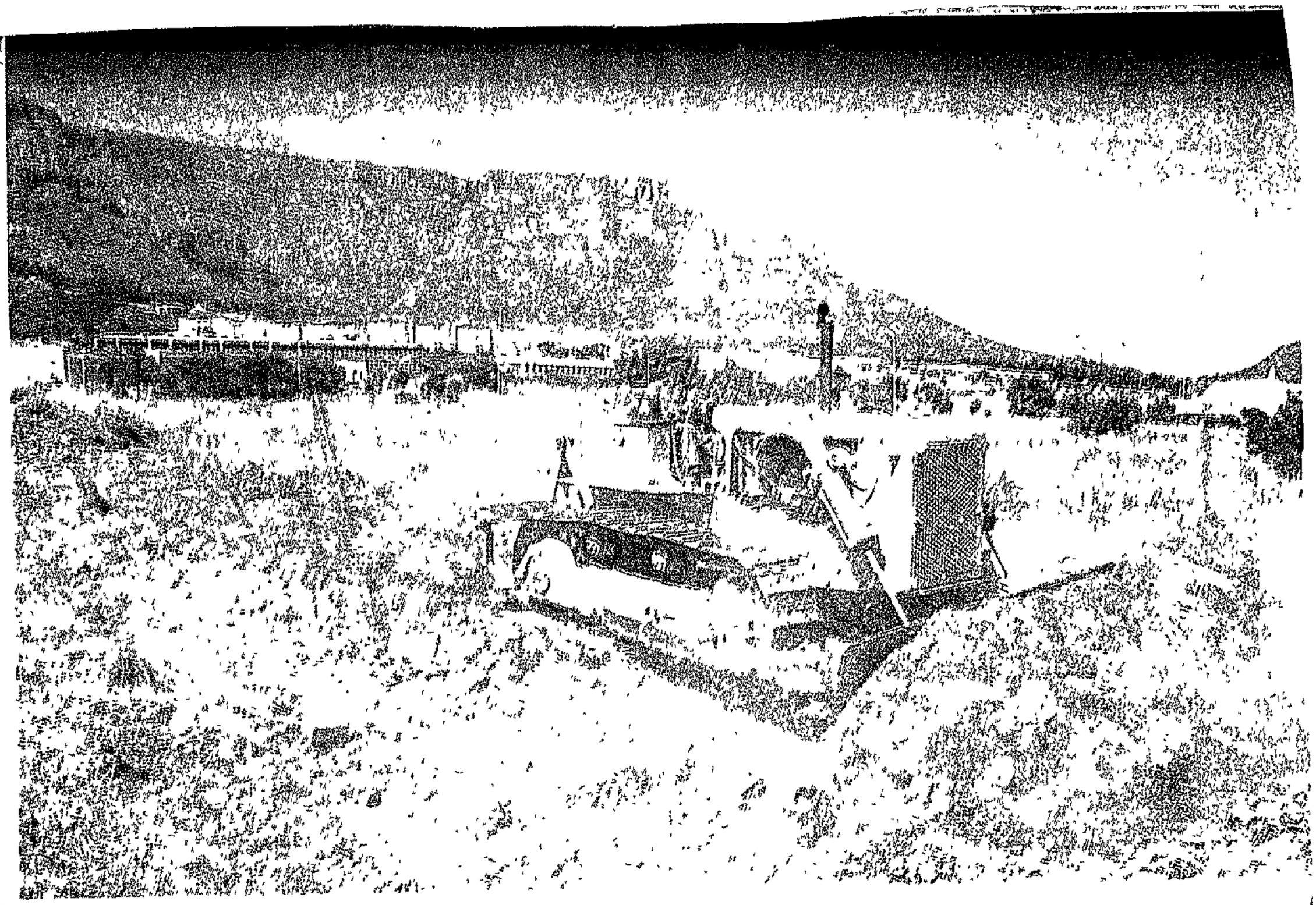


Picture BRENTON GEACH, The Argus

BACK IN BUSINESS: A bulldozer flattens a barren piece of land in District Six as it prepares the site for a people's festival in December.

Forced removal policy hit for six as festival welcomes back ex-residents

ARG 9/11/95 (271)

JOSEPH ARANES
Staff Reporter

THE bulldozers are back in District Six — but this time they are creating space for one of Cape Town's largest ever festivals.

Event organisers say the festival, which runs from December 1 to 3, will attract more than 250 000 visitors, many of whom will be former residents of the area and their families.

A wide range of activities and events is planned for the weekend.

Festival co-ordinator Zainoe Jappin said the District Six People's Festival was an historical event because it would be the first return to the area for thousands of people who were forcibly removed in the 1960s.

"While we will be offering all sorts of fun, entertainment and merrymaking for both adults and children, the festival will create an environment for people to either get over their wounds of the past or to remember the pains and pleasures associated with the area.

"For many people, all over the city and on the Cape Flats, District Six conjures up all sorts of emotions and the festival will be the ideal vehicle to release some of those feelings."

She said the idea for a festival was first suggested about 30 years ago but because of the scale and size of the envisaged event, the idea was never developed.

Earlier this year the District Six Civic Association again discussed the possibility of hosting the carnival and, although the move was supported, many in the organisation were a bit apprehensive.

Ms Jappin said that when they started consulting with other community organisations and businesses, they got similar responses.

"Everyone thought the idea was a good one, but after we presented them with our plans and they saw the scale of the event, their interest slowly started to wane."

But through hard work and dedication those plans are finally falling into place.

Already the bulldozers are clearing a vast tract of land between the Eastern Boulevard, Keizergracht and Russell Street in preparation for the event.

The coons, Malay choirs, a laser light show for the opening and closing ceremonies, as well as carnival rides, flea, fish and food markets and a range of live performances by top local entertainers are all lined up.

Ms Jappin said the festival would ensure that the heart of the city started beating again.

Road crash won't stop Dawid's journey home

(271) ARG 11/11/95

ANNELIES SMIT
Staff Reporter

■ The Kagga Kamma Bushmen were hit by tragedy this week when one was killed and 18 injured in a road accident. But they are still determined to pursue their land claims in the southern Kalahari.

DAWID Kruiper, 60, leader of the dwindling southern Kalahari Bushmen in the Kagga Kamma resort, was flat on his back in intensive care with wires coming out of his body.

But he is still determined to lead his people back to their ancestral land in the Kalahari after a tragic accident that killed a family member.

Mr Kruiper has been in Tygerberg Hospital with severe injuries while two other relatives have serious brain damage

Twenty passengers, including 18 Bushmen, or San, were in a minibus which rolled five times after a tyre burst

They were on their way back to Kagga Kamma from the southern Kalahari where they discussed the land claim they recently lodged with the government

Mother of two Maria Kruiper, was pregnant, was killed She was buried at the Kagga Kamma resort yesterday while her husband Doppies was taken to Calvinia Hospital.

Faxes and telegrams poured in from all over the world expressing concern and support after the news of the accident spread.

Their journey to the Kalahari started joyfully as they were to discuss with relatives the possibility of returning to the southern part of the Kalahari Gemsbok National Park.

Even in Tygerberg Hospital, with more to worry about than the land claim, Dawid Kruiper was full of the prospect of going back to the land he was born in. But weakened by the accident, talking was difficult

Saturday Argus spoke to him about the accident and his plans for the future of his people

"I sat to the left at the back when all of a sudden the bus went off the road The bus overturned several times and we were all frightened. My leg hurt and I had cuts. Somebody ran to a farm and called for help. Two hours later the ambulance arrived and we were taken to Calvinia Hospital.

"We received much support from the town of Calvinia Residents collected money to pay for some of the hospital bills and offered to help us in any way They have become our friends.

"We can tell them and the world that we are still alive and going strong," Mr Kruiper said, while sadly adding that it didn't go for all of them as one died and two were still in an "unsatisfactory" condition — one of them 11-year-old Balliep Kruiper Five others are in stable condition in Tygerberg and Calvinia hospitals

Mr Kruiper believes their case for land in the southern Kalahari is strong and said he was looking forward to the day he could again live on the land where he grew up.

"The whole rainbow nation will be welcome to visit us and learn from our culture. They can learn more in the Kalahari than at Kagga Kamma as the Kalahari is where we and our ancestors come from"

Although Mr Kruiper had been a farm worker for a long time, he did not feel exposed as a "zoo-attraction" while sitting in traditional clothes and doing the "Bushman-thing" while tourists queue with cameras

"It's not a zoo We are sharing our culture. But I'd rather share it in the Kalahari, as that is where my roots are.

"We don't want fences around the area but a place where we can hunt, gather medicinal plants and teach tourists about animal tracks.

"We have thought long before staking our claim and I am longing for the day it will be granted. When that day arrives, the rain will come again"

Picture. OBED ZILWA, Staff Photographer.

□ **FULL OF HOPE:** Bushman leader Dawid Kruiper is still determined to get back his ancestral land in the Kalahari, even after the tragic road accident that put him in the Tygerberg Hospital intensive-care unit. Visiting him is close friend Cait Andrews.

Land reform Bill approval 'a victory for negotiation'

(271) BD 13/11/95

Wyndham Hartley

CAPE TOWN — The controversial Labour Tenants Land Reform Bill has been approved by the parliamentary land affairs committee with organised agriculture "on board" in what is seen as a victory for consensus politics.

Late-night negotiations last Thursday saw the Bill, which will grant labour tenants the right to apply to buy land from farmers, get the sanction of the SA Agricultural Union (SAAU). This has reduced the prospect of farmer resistance to the legislation.

The final amendments, which have changed organised agriculture's attitude from one of bitter opposition to "we can live with it", was achieved after the intervention of the committee chairman, the ANC's Phatekile Holomisa.

The last-minute deal rescued the legislation for the first sitting of Parliament early in the new year.

Geoff Budlender, who is piloting the legislation through Parliament for land affairs, was delighted with the outcome which he described as "wonderful".

Holomisa, when the committee concluded its work last Friday, said it was notable that not a single clause of the Bill was "voted" on and that all troublesome issues had been resolved through negotiation and the legislation approved by negotiation.

NP MP Willem Odendaal said he was going to nominate Holomisa for a Nobel prize for the way in which he handled the deliberations of the land affairs committee, on a "very dangerous" piece of legislation.

His colleague Andries Beyers thanked Holomisa and the ANC for their behaviour in the committee as it now allowed all stakeholders to support the Bill.

The ANC component of the committee modified its key amendment on farmers bearing the relocation costs of labour tenants should the farmer wish to use the land on which they lived, allowing the determination of these costs to be left to the Land Court.

In a further significant compromise, the wording "a right to acquire" the land was changed to "a right to buy land" and claims to farmland was changed to "apply" for land. This amendment was asked for by the SAAU and was agreed to by the National Land Committee and the ANC.

The Land Reform Labour Tenants Bill, which must now be considered by the Senate land affairs committee before it is brought before the National Assembly, is the first of Land Affairs Minister Derek Hanekom's trio of reform measures. The others, dealing with security of tenure and communal land rights, will soon be published for comment and the public and interested parties will have until the end of the year to make submissions.

Controversial land tenure act gives teeth to Government

(271) Star 15/11/95

By Patrick Bulger
Political Correspondent

Although Land Affairs Minister Derek Hanekom had several far-reaching pieces of legislation dealing with land tenure reform ready for passage through Parliament, only one made it into law.

The Development Facilitation Act, like the other land-related legislation tabled by Hanekom, was controversial for two different reasons.

On the one hand, it was interpreted by some as an attack on the property rights clause in the Interim Constitution. For example, a rejected amendment to the act read "informal tenure shall not include any form of possession which is hostile or not authorised by the rightful owner".

Whereas the property rights clause pertains to ownership, the act purports to regulate land usage. And in reality the act applies in the main to state or public land. This includes land held by a provincial government but mostly by local governments.

On the other hand, the act gives central Government powers over land development that were not afforded it in the Interim Constitution. As in the case of the disputed National Education Policy Bill, the Government's attempts to impose national and uniform norms and standards in an area of provincial governance were loudly resisted.

The act was put together by the ministries of housing (including that of the late Joe Slovo) and Hanekom against a background of which there were (and still are) two marked features: the one was the spectre of land invasion and the obvious need to provide land for residential use on a rapid and credible basis, and the second was the notorious red tape that entangles all property transactions.

The memorandum to the act describes its origins in more technical terms, saying. "The implementation of reconstruction and development programmes requires a significant increase in the rate and scale of land development in respect of a range of land uses such as industrial, commercial, community facility, residential and small-scale agricultural uses". The act also seeks to empower communities to take part in the process by which land will be set aside for certain uses.

The crux of the problem, the memorandum suggests, is that: "There is an urgent need for developed land which is provided more quickly than is normally the case in terms of the existing legislation. Such provision should, however, not detract from security of tenure and sound planning. The need is for a legislative fast track through technical and complex land development procedures".

In sum, then, the act does not encroach on private land ownership per se but bigger landowners like local governments and the property developers will find their absolute right to do as they please with land at their disposal curtailed. The act sets out a list of general principles to guide land development, inter alia, the discouragement of urban sprawl and the encouragement of compact cities, the promotion of residential and employment opportunities in close proximity or integrated with each other and contributing to "the correction of the historically distorted spatial patterns of settlement in the Republic".

It provides for a development and planning commission of 24 members, nine of whom are nominated by the premiers, nine experts and three each of land development financiers and the civics. This body is there to advise the minister, to conduct research and to plan development in the broader sense.

Also established are development tribunals, one for each province, to grant exemptions to the act (for informal and unplanned settlements) and to consider land development applications.

A tribunal can impose conditions on a developer relating to the provision of engineering services, the provision of open spaces like parks, the suspension of restrictive conditions or servitudes and the applicability of national building standards regulations.

Tribunals are also given the task of deciding "whether the settlement of persons, or the erection or occupation of buildings is in any manner inconsistent with any provision or object of this act". It may then refuse to grant an exemption to the act.

In doing so the tribunal has to consider the health issues, whether services can be provided, the area's proximity to jobs and other matters relating to the feasibility of the settlement.

If these criteria are not met, the aplication can be refused. The act also gives provincial MECs the power to decide on land usage in the absence of such a decision from the developer and local authority.

There is a whole range of other legislation that governs state and private activity in the realm of land development and which are amended by the act.

■ This is the seventh in a series on important legislation to emerge from the 1995 session of Parliament.

Land subsidy remains at R15 000 in Green Paper

(271)

BD 16/11/95

Louise Cook

THE Green Paper on land reform had ignored overwhelming demand for the "settlement and land acquisition" subsidy to be raised, with the amount remaining pinned at R15 000, land affairs department director of redistribution and co-ordination Lala Steyn said yesterday.

The move followed consensus by most delegates at the national conference on land policy in August that the subsidy was insufficient.

In the Green Paper, expected to be released next month, government also ignored calls for special subsidies by new farmers who would not receive any extra assistance to establish themselves.

Government was unable to improve on the subsidy, but Steyn said the paper would clarify much confusion around service delivery. It would focus on credit and accessing loans.

She said the need for farm land, small businesses and residential land was not mutually exclusive; it depended on what was affordable.

"Rather than focusing on handouts, we have focused on creating an enabling environment in which financial and civic organisations and the private sector could work together."

The most difficult task was to reconcile the different land reform options, and definite decisions on issues had to be taken.

Steyn said that the Green Paper would spell out, for the first time, a comprehensive policy on land management, allocating specific responsibilities to all government departments.

However, she refused to comment on government's likely policy on valuation when assessing land claims, saying there was still no agreement on the issue.

The Green Paper would be finalised at the end of November and released for comment in the first week of December.

A White Paper on land reform would be ready in April next year, according to a newly released land affairs department document, Proceedings of the National Conference on Land Policy.

(271) ST 19/11/95

Church is obstacle to ending Mfengus' exile

By CHARL DE VILLIERS

DITHERING by the Moravian Church is threatening to upset a resettlement programme which will end the Mfengu community's 18 years of apartheid banishment.

Tsitsikamma land was entrusted to the Mfengus in the 1850s in reward for their loyalty to the crown, but in 1977 1 500 Mfengu families were moved to Keiskammahoek.

Now, the families plan to move back to where they came from: the Moravian Church's Clarkson mission where there are plans to develop 600 serviced plots.

But the church has apparently refused to sign a crucial land availability agreement. This could scupper the entire R12-million project.

"If the church doesn't sign the agreement ... we can't get money from the Eastern Cape Housing Board and the project is dead," says Johan Roussouw, the project manager of the New Housing Company.

No agreement on death penalty

CT 23/11/95 (271) 5-30

JOHANNESBURG: The proposed Bill of Rights in the draft of the final constitution released yesterday makes provision for both the retention and abolition of the death penalty.

In the clause on the right to life, the first option says "everyone has the right to life (and the death penalty is hereby abolished)".

The second option says "everyone has the right to life, and the right not to be deprived of life except by execution of a court sentence following conviction for a crime for which the death penalty is prescribed by an act of Parliament"

Options are also given in the clauses dealing with freedom of expression, economic activity, property, education, and the rights of arrested, detained and accused persons.

There is largely agreement that individuals and communities dispossessed of land after June 19 1913, as a result of discriminatory laws or practices, have the right to restitution of that land or equitable redress.

Parties agree that everyone has the right to basic education, including adult basic education, in a state or state-aided institution, as well as the right to establish and maintain, at their own expense, private educational institutions. — Sapa

Former residents prepare for return to Elandskloof

CT 27/11/95 (271)

ANEEZ SALIE

FOR the first time in the Western Cape a community allegedly robbed of its land by apartheid is close to getting it back.

Mediation has started, and an election has been held, over the "black spot" of Elandskloof in Citrusdal.

Former residents held a historic election on Saturday in anticipation of the restitution, to determine who among their leadership would form a trust to administer the 5 000 hectares. In terms of legislation, land rights can only be restored to a communal trust.

Mediation began on Thursday between the state, a committee representing the former residents and the current owner of the land, farmer Mr Boetie Smit.

It was the first time a local land restitution dispute was considered sufficiently close to settlement for mediation and facilitation to be initiated. It is being conducted by lawyer Mr Roger Chennels for the Independent Mediation Services of South Africa (IMSSA), which is contracted by the Western Cape Land Claims Commission.

Saturday's election went well and in a good spirit, said the chairwoman of the Elandskloof Committee, Mrs Aletta Titus, who lives in Allendale outside Citrusdal.

Mr David Mason of the Surplus People's Project, which, with the Legal Resources Centre, has assisted the community in its land restitution claim, described the election as solemn.

Two farms

"This was a very serious election. People realised that whereas previously the church and others had determined their fate, their future and their land was now in their own hands," he said.

The ballot was conducted by IMSSA over a wide area to cope with the Elandskloof diaspora. About 400 people were eligible to vote in Allendale, Citrusdal, Atlantis, Paarl, Piketberg, Cape Town, Worcester, Ceres, Dusselfontein and other places in the Kouebokkeveld.

Election results are expected tonight. There will be about 1 000 direct beneficiaries in the Elandskloof saga, which has its roots in the 1962 sale of two farms which constitute the land in question.

At the turn of the century the state granted an extra piece of Crown land to the Elandklovers and their church, the white Dutch Reformed Church.

The people and the church jointly paid for it, said Mr Mason. A pivotal clause in the ownership agreement was that the land be used only for missionary work and could not be sold.

But by 1962 Elandskloof was considered a "black spot" which had to go. The missionary clause was scrapped by the government and the church, and the land sold to a white farmer against the wishes of the community, which then had to move.

Land notices upset farmers

Louise Cook

COMMERCIAL farmers discovered they might be forced off their farms after reading reports of land claims in the media, causing widespread confusion, the SA Agricultural Union (SAAU) said yesterday.

The union said in a report in The Farmer that the commission on the restitution of land rights had published notices of new claims only in the Government Gazette, without considering the fact that the general public did not read the gazette.

The commission then placed notices in the media. Farmers were then surprised when they read in newspapers that they might have to move off their land, and this also resulted in "untold misery".

The union asked the commission in future to inform farmers of land claims by personal delivery of notices.

Commission secretary Daan van der Westhuizen said yesterday farmers would in future receive registered letters where possible.

"In terms of the regulations the commission has the option to send a letter, but is not obliged to do so. However, we will follow that procedure wherever we can," he said.

(271) BD 28/11/95

Northern rustling 'boom'

BD 28/11/95

PIETERSBURG — Cattle rustling in Northern Province had risen by 145% in the past year, police said yesterday.

Livestock theft unit commander W/O Herman Lubbe said cattle valued at about R10m had been stolen this year. He expressed concern that children were often used by organised syndicates to carry out the thefts. Cattle could be sold off quickly. He said thefts from game farms had increased.

Transvaal Agricultural Union regional representative Gert Ehlers has warned Northern Province safety and security MEC Seth Nthai that farmers would take the law into their own hands if the situation was not resolved. — Sapa.

Maritzburg jail chalks up 20th breakout this month

BD 28/11/95

MARITZBURG — Five maximum-security prisoners escaped from Maritzburg prison yesterday, bringing to 20 the number that have escaped from the prison this month.

Department of Correctional Services spokesman Lt-Col Andy Anderson said three of the five men had been convicted of murder and other charges.

The five are Alfred Mwelase, 20, Jabulani Mpanza, 22, Jabulani Michael Zuma, 28, Thulani Shadrack Sokhele, 33, and Sipho Vitalis Mahlaba, 27.

Anderson said eight men escaped from the prison on November 11 by sawing through window bars. One was caught at the scene and another at Hammarsdale in the KwaZulu-Natal Midlands four days later. It appeared the escapers had used hacksaw blades. How they had got hold of them was being investigated, he said.

On November 19 seven awaiting-trial prisoners escaped by using steel pipes to force open windows. They made their way across the roof of the prison and fled. They were still at large, Anderson said.

An independent team had been appointed to investigate yesterday's escape.

Anderson said security had been stepped up at the prison. Correctional Services viewed all breakouts with concern.

He said yesterday's fugitives were dangerous and he impressed on the public that they should not confront them. — Sapa.

Implats faces legal action over tribal land

Michael Urquhart

BD 30/11/95 (271)

THE Bafokeng tribe authorised its lawyers yesterday to issue a summons against Impala Platinum, challenging the mine's rights to exploit tribal land.

The move has come on the eve of the Lonrho board meeting to decide the fate of the merger of Lonrho's SA platinum interests with Impala Platinum.

The challenge is based on allegations that Lucas Mangope, president of the former Bophuthatswana, was not trustee of the land when he conluded the deal with Implats in 1990 on behalf of the tribe.

The announcement should give clout to Lonrho ex-chairman Tiny Rowland's bid to block the deal on the basis of the threat posed by the pending Bafokeng court action.

In terms of agreements between Implats and the Bafokeng, Implats has the right to mine the area known as the Deeps in return for a 16% royalty, and other Bafokeng land in its lease area for a 14,9% royalty. The tribe is challenging the Deeps agreement concluded in 1990, and other agreements concluded at the same time.

James Sutherland of lawyers Bell, Dewar & Hall said the tribe based its challenge on a claim that Mangope never became trustee of the tribe's land. He said that in 1977 Nico Diederichs, then president of SA, issued a proclamation transferring the Bafokeng land, held by the then bantu administration and development minister, to Mangope. But the legislation to empower this type of transfer was enacted only 12 years after the land had been transferred.

This was an "astonishing legislative oversight" which left the bantu administration minister's eventual successor, Land Affairs Minister Derek Hanekom, as trustee of the land.

'Land grab': Hot potato threatens to burn ANC

ARG 2/12/95 (271)

DAVID BREIER
Political Staff

SOUTH Africa faces constitutional deadlock as long as the African National Congress insists on legalising land-grabs in the new constitution.

This warning has come from the National and Democratic parties amid growing fury at the ANC's hardline proposal that property can be expropriated in the name of "land reform" without paying compensation.

The property clause is shaping up as the hottest constitutional issue after the publication of the draft constitution due to be finalised next year.

The DP's Groote Schuur branch in Cape Town has launched a petition against the ANC's land-grab proposal. DP national leader Tony Leon said the party could extend the petition nationally.

Mr Leon said that even if there was consensus on every other constitutional issue, the new constitution would fail to win a two-thirds majority in the assembly unless the ANC changed its position on property rights.

The NP views the property clause as one of the most fundamental issues in the bill of rights.

The ANC option gives the government "carte blanche to arbitrarily nationalise property or deprive rightful owners of their possessions without compensation," the NP states.

■ The ANC's proposed "land grab" threatens to wreck constitutional negotiations.

The draft provides for three options on property rights.

■ The first is that there should be no property clause in the bill of rights. This is the most radical option and is favoured by the Pan Africanist Congress, which wants large scale return of land to the "original owners" — the African people.

■ The second option is favoured by the ANC, whose policy is now being driven by its hawkish "land lobby" which has prevailed over the ANC's more liberal faction.

This hardline option overrides all compensation and court procedures in the case of "measures aimed at bringing about land reform".

As land reform is aimed at redressing land imbalance in which the white minority owns most of the land, this option in effect allows for land redistribution to blacks without paying compensation to whites.

This ANC option also has a controversial provision that restricts compensation depending on "the ability of the state to pay".

■ The third option favoured by parties such as the NP and DP protects property rights and provides for expropriation for purposes including land reform, subject to "just and equitable compensation" protected by the courts.

Mr Leon said the ANC's proposal made millions of property owners vulnerable and "won't advance land refom one jot".

"It makes us uniquely susceptible to a land grab," he said. It would also discourage foreign investment.

Both the NP and DP accept the need for land reform — but insist on courts deciding on fair compensation.

Constitutional assembly sources say there is a power struggle in the ANC between more liberal ANC members who favour a more restrained property clause and the hardline ANC "land lobby", which wants to redistribute land to blacks without having to pay compensation to whites.

At present, the ANC hawks are in the ascendent although the doves are fighting back. Negotiators hope the doves will persuade the "land lobby" to soften the property clause by the time the constitution is finalised next year.

(271) ARG 2/12/95

Back home among the live bomb litter

GLYNNIS UNDERHILL
Staff Reporter

THE army has agreed in principle to share land now occupied by the huge Lohatla military base in the Northern Cape with former residents evicted in 1977 — even though the land is said to be littered with live ammunition which could kill.

The agreement was confirmed yesterday by regional land-claim commissioner, Wallace Mqogi, who said more than 600 families had submitted a land claim for the land which houses the third largest military school in the world.

While the South African National Defence Force is concerned the land is dotted with live ammunition and not fit for human habitation, residents have refused to believe this, he said.

■ A unique agreement has been reached on a land restitution claim on the site of the Lohatla military base in the Northern Cape.

"The problem is this land has been used for military training purposes and there is apparently live ammunition underground which could be hazardous for human habitation," said Mr Mgoqi.

A meeting in Kimberley was held with Minister of Defence Joe Modise, Minister of Land Affairs Derek Hanekom and representatives of former residents of the Gathlose, Maremane and Khosis communities over the land claim.

Two days of facilitation between the parties followed and a work group will be set up to try to resolve issues, said Mr Mgoqi.

Residents had strong ties to their ancestral land and were refusing other compensation in the former of alternative land or cash, he said.

While being taken on a tour of the area, residents had seen cattle grazing on the land.

"They said that if the cattle were not blown up, why would they be blown up?" said Mr Mgoqi.

To clear the area of live ammunition could cost up to R25 million and for the army to buy adjacent farmland could cost up to R46 million.

Re-routing Eskom lines would cost another R20 million, Mr Mgoqi said. The total cost of land restitution would amount to R88 million.

The military camp was set up with an infrastructure costing R200 million.

The first meeting of the working group will take place at the Lohatla base on December 13.

Farmers fail to obtain court interdict against Hanekom

(271)

Louise Cook

BD 7/12/95

THE Pretoria Supreme Court yesterday refused to grant an urgent application to 15 farmers in a case viewed as a test for government's land reform policies. Judge C Botha ruled that the case — in which the applicants asked the court to reject a decision by Land Affairs Minister Derek Hanekom not to buy their land — be postponed to January 15.

The judge said due to the "extent and importance" of the matters before him, it would not be in the interest of any of the parties to grant the urgent interdict.

The farmers, from Coligny in the Northwest Province, brought the application in October, saying that respondents Hanekom, Public Works Minister Jeff Radebe and the Land Board chairman had employed delaying tactics in buying their farms which had threatened their fair and reasonable compensation. Documents before the court contained a letter from land affairs saying the department was not "in a position" to buy the land and that the claim would be dealt with in terms of the Act on the Restitution of Land Rights.

The applicants alleged that Hanekom had undertaken at a meeting on July 5 this year to expropriate the farms. Hanekom allegedly told the farmers he viewed the matter as a priority. The applicants said they had participated in talks on the sale of the farms as a "bona fide attempt to help the minister".

There had been acknowledgement between themselves and the land claimants about each others' rights and the claimants had expected to move back onto the farms by August. The only outstanding issue had been compensation, they told the court.

But Hanekom said he had asked the land affairs department in November to notify the farmers that no bid would be made. Counsel for the respondents denied that any offer to buy the farms was made.

Land Court still needs a woman

Sowetan 12/12/95

(271)

By Mzimasi Ngudle

THE Land Claims Court, which was supposed to be up and running by now, will probably start functioning in March next year, court president Mr Justice Fikile Bam said yesterday.

By that time the period within which people can lodge their claims will be just over two years. The three-year prescription period for land claims extends from May this year to May 1998.

One hiccup which Bam said has still to be overcome is the appointment of a female judge – an affirmative action appointee reportedly insisted upon by President Nelson Mandela

Other judges are former chairman of the National Peace Secretariat Dr Antonie Gildenhuys and human rights lawyers Mr Bakone Moloto and Mr Alan Dodson.

Bam said identifying the seat of the court was delayed by the failure to follow procedural requirements like tenders. "They just wanted a shortcut and the whole process had to start afresh," he said.

Meanwhile, the director of the National Land Claims Commission, Mr Dan van der Westhuizen, said about 5 300 claims have been lodged so far. Of these 60 percent were in respect of land in urban areas and the rest in rural areas.

Van der Westhuizen said that while the number of claims pouring into the national office had slowed, regional offices reported an increase in claims, especially after this year's conference on land policy

Western Cape regional commissioner Mr Wallace Mgoqi said claims have increased since the conference.

Eastern Cape regional commissioner Dr Peter Mayende said more claims were received as people become more and more aware of the process.

Ms Emma Mashinini, a regional commissioner for land claims from Gauteng, Mpumalanga, Northern Province and Northwest, said her office had received well over 2 000 claims.

She said urban claims have out-numbered rural claims as more people became aware of land restitution.

KwaZulu-Natal regional land claims officer said awareness programmes on Radio Zulu and the press have led to an increase in the number of claims.

Minister halts land transfer after protests

ST(M) 17/12/95 (271)

LAND Affairs Minister Derek Hanekom has stopped a transfer of state land at Simon's Town following appeals by objectors who want Froggy Farm and Boulders incorporated in a new Peninsula national park.

By CHARL DE VILLIERS

His intervention has delighted pro-National Parks Board lobbyists who want all land deals in and around the Peninsula nature area frozen until a single conservation management authority is installed.

Mr Hanekom told Metro he would probably refer the matter back to his department following a "flood" of objections.

This is the first time a cabinet minister has stepped in to impose a moratorium on land-related contracts in the 29 000 ha protected area which will be run as a contractual park by the National Parks Board.

The Western Cape cabinet last week gave its conditional approval for NPB stewardship of the nature area, while Environment Minister Dawie de Villiers has fully endorsed the parks board's new role in the Peninsula.

Land Ministry spokeswoman Sarita Venter said on Friday Mr Hanekom would raise the issue of the moratorium with Dr de Villiers and Water and Forestry Affairs Minister Kader Asmal.

Objectors to the land being transferred to the Simon's Town Metropolitan Substructure included the Red Hill Landowners Conservation Group, the Friends of Simon's Town Coastline, the Simon's Town Flora Conservation Group and the Cape Peninsula Conservation Managers Forum.

"I'm overjoyed," Red Hill Landowners Conservation Group member Alida Croudace said on Friday.

"At last a precedent is being set by a minister who says he will put the environment first, and is prepared to reconsider a decision to ensure an orderly transition to NPB management," she said.

City awards prime land to victims of apartheid

ST 17/12/95 (271)

By RYAN CRESSWELL

MORE than a thousand families forcibly removed from an established community in East London many years ago have been given the ultimate Christmas gift — land which is now a prime part of the city.

The East London council agreed this week to give 1 152 families land in West Bank. The technicalities will be sorted out later.

Black and coloured families were forced out of West Bank about 30 years ago under the Bantu Urban Areas Consolidation Act. They were given an average of R150 a plot for their ancestral land.

The area they were removed from is now the site of Mercedes-Benz South Africa. The claimants agreed it would not be feasible to get back the land they used to live on because the plant provides jobs, but they were determined to obtain land nearby.

The council this week agreed to make about 58ha of state land available.

The regional land claims commissioner, Peter Mayende, said: "We regard this as a major success. I am sure the claimants see this as a special Christmas gift.

"The original community was flattened — churches, schools, you name it."

Dr Mayende said the claimants had been working to get their land back since early in the year but restitution was now a constitutional right in certain cases.

East London's mayor, Lulamile Nazo, said the city council had recognised a "moral obligation" to provide the land. The feeling was that the former authorities had made money when they sold the land to six companies. Mercedes-Benz later bought the site from the six smaller firms.

He said the only thing worrying the council was where money would come from for new houses and services.

Dr Mayende said the money would probably come from reconstruction and development projects or settlement programmes. The Canadian government was also backing housing projects in the area.

Mercedes-Benz's industrial relations manager, Brian Knoessen, said the company's board was still considering a request for financial assistance.

Even though Mercedes-Benz had played no part in the removals, it decided to assist the restitution process where possible.

"There was a conscious decision not to walk away from the problem.

"During one negotiation session a claimant pointed to our personnel section and said that was where his kraal used to be," Mr Knoessen said.

District Six challenge

(271)

Many Capetonians remember District Six with pain and emotion, but are warned against high expectations, explains **Estelle Randall**

Sowetan 18/12/95

THE NEW District Six Development Forum launched in Cape Town recently aims to help resolve the thorny issue of land claims by former residents who were ousted by apartheid.

The forum includes 34 organisations and will hold its first meeting early in the new year

It is the product of negotiations which the Cape Town Community Land Trust initiated between organisations and institutions with links to the area devastated by forced removals under the Group Areas Act.

These include former and current residents, schools, mosques and churches Each organisation will send three representatives to the forum.

One of the thorny issues it will have to address is that of land claims in the area and how these will affect development and reconstruction proposals.

About a third of the 1 150 land claims in the Western Cape come from District Six And most of these claims have come from former landowners or their descendants, not tenants, according to the Western and Northern Cape Commission on the Restitution of Land Rights

The Commission was established earlier this year to process and resolve claims for the return of land rights in these provinces

The deadline for submission of claims related to District Six has been extended to the end of February 1996 Until decisions are made about these claims, redevelopment of the area will remain difficult.

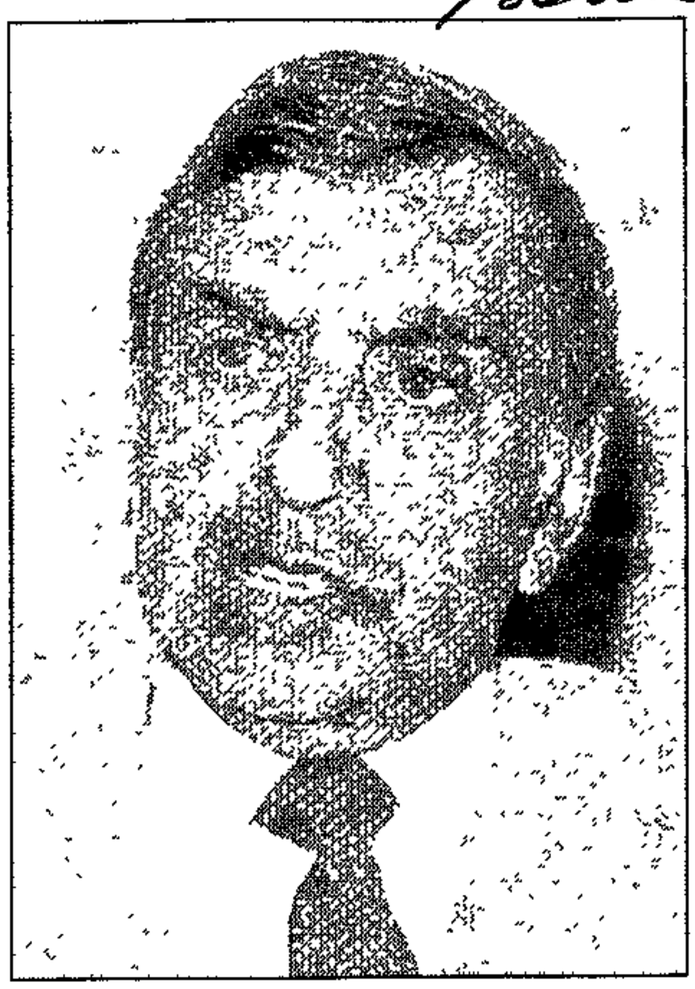
Mindful of this, the Community Land Trust has applied to the Land Claims Court for vacant land in the area to be set aside for redevelopment.

This means that the court, which begins its work next February, will have to recommend how best to reconcile land claims from individual claimants with the redevelopment process being proposed.

Other issues requiring decisions from the forum are:

- A planning boundary for District Six – there is a dispute over whether this should be Tenant Street, Chapel Street or a point further into the Cape Town central business district;
- Principles to guide planning and redevelopment;
- Criteria for selecting consultants to do the planning and development;
- Establishing an independent beneficiary selection process for current and future beneficiaries – about 66 000 people were removed from the area,
- Transforming the Cape Technikon;
- How to address the immediate development needs of schools, churches and mosques.

The newly elected head of the forum, Mr Anwar Nagia, acknowledged the challenge facing the forum. He warned it should not raise people's already high expectations by promising what could not be delivered.



Justice Minister Dullah Omar ... urging reconciliation in District Six, where he grew up.

Asking people to remember other urban struggles against forced removals, such as those of Sophiatown, Cato Manor and the thousands of rural removals, he urged them to make redevelopment of the area a "catalyst for other great things".

Justice Minister Dullah Omar, who grew up in District Six and later opened his first legal practice in Caledon Street, took this theme further Urging reconciliation, he said the people who currently lived in new houses in the area were part of the District Six community

"We can never build our future on the basis of hatred. We have too much experience of being driven from our homes It's not our style to do that We cannot build our future on driving people out of the area. They too are victims of the system, in a sense"

The struggle ahead was to ensure that the values which had given District Six its sense of community became the dominant values. One of these was non-racialism.

"We saw ourselves as a single nation, a single race – the human race. We never asked our neighbours: are you Muslim, Hindu, Christian, white, coloured, Malay, Indian or African?" said Omar

"The idea that people of different religions and cultures can't live together is a lot of nonsense and the history of District Six proves that."

Omar warned that it would be a mistake for the people of District Six to become inward-looking. "District Six is part of South Africa. We can set the example of getting people together. It must not become a coloured or Malay area."

A danger that faces the District Six Development Forum is that it could become a battleground if it does not rise above petty, selfish interests. The forum should ask what it can do to bring justice to this part of the world.

"We must not allow District Six to become an island for the elite. We must not become a forum which parcels out land to people who'll build three and four-storey houses for themselves. Land and housing should be available to people who would otherwise not have access to this," said Omar.

Referring to claims being made on the District Six land, he said it was impossible to turn back the clock of history.

"Most of the former residents who lived here and gave District Six its character, didn't own property. It is not always possible to work out individual justice, such as restoring a piece of land to someone who had lived in Ashley Street. We must do historic justice and ensure that District Six benefits the poor."

A further challenge for the forum was to put in place the building blocks which would lay the basis for a sense of community which the forced removals had destroyed.

A leader and two deputies have been elected for the District Six Development Forum. Nagia, the forum head, has a long association with the struggle to reclaim District Six.

He was at the forefront of the struggle to oppose the development of the area by the former government. He founded the District Six Civic Association and recently organised the District Six festival

One of the deputies, Mr Amien May, was born in District Six and went to school there. As a young man he sold peanuts at the Star Bioscope for years. He was evicted in the mid-1960s.

Grant established to assist land reform beneficiaries

BD 18/12/95 (271)

Louise Cook

THE first application under government's new settlement planning grant to help land reform beneficiaries to employ professional planners will begin this week, the land affairs department says.

Land Affairs director Nico van Rensburg said the amount available for the grants was not specified but the money would come from the land reform budget of R200m.

"So far one application has been received from 40 farmers at Villiersdorp in the Western Cape.

"They have enlisted the help of the Rural Foundation to acquire state land and have applied for a grant of R54 000 to turn the project into a viable undertaking."

He said another 70 applications for settlement aid, submitted under the previous government, were likely to qualify for government's planning grants.

Next year the number of applications for the grants were expected to rocket, he said.

"The move is aimed at avoiding poverty traps from people not being able to develop redistributed land into financially viable units."

Initially, during the first phase of development, the size of the grant was 2% of the total project cost. Thereafter it went up to 4%, he said.

A land affairs department grants and services document released last week stated that the grant enabled prospective and actual beneficiaries of land reform to appoint planners and professionals from private firms, government and non-governmental organisations for legal and financial planning and planning land use and infrastructure, as well as help with land purchase negotiations.

"The objective of the grant is to assist poor communities to plan for their settlement needs in terms of acquisition, use and development of the land and the mobilisation of resources required to do this."

The document said the grant could finance planning of preliminary and detailed settlement. Beneficiaries could also use the grant to appoint land valuers from a panel of government accredited valuators.

The grant was one of three new schemes of the land affairs department to kick-start land reform. A settlement grant of R15 000 a household and a district planning scheme aimed at provinces and local authorities wanting to embark on land development would come into full operation next year, Van Rensburg said.

Press Council may be replaced

Farouk Chothia

BD 18/12/95

DURBAN — The Conference of Editors hoped to meet the Black Editors' Forum in early February to get unification talks off the ground, conference chairman John Patten said at the weekend.

He said little progress had been made so far to create a single body for editors. Exploratory talks between the two bodies "blew up" following the decision by Sunday Times editor Ken Owen and Weekly Mail and Guardian editor Anton Harber to quit the conference. They were the body's representatives in the exploratory talks, Patten said.

Efforts to unify the two bodies could run into problems due to the fact that the forum had a "very big agenda on transformation", he said

Despite their differences, the conference and forum have agreed to work together — along with the Newspaper Press Union, the Media Workers Association of SA and the SA Union of Journalists — to establish an independent mechanism to deal with public complaints against press reports. The new body would replace the press council.

Patten said the debate on a replacement to the council had "virtually restarted" at the request of the forum. The forum had been brought into negotiations over the issue only recently, and said it still needed to formulate a position.

Agribank to stop tool confiscation

Bonile Ngqiyaza

BD 18/12/95

THE Agribank has put a moratorium on the confiscation of farming implements in Northwest Province following a meeting last week between the province's agriculture and environment MEC Johannes Tselapedi, Agribank and representatives of Ditsobohla farmers.

Agriculture department spokesman Lana Quinn said drought conditions in the past three years had made it difficult for some emerging farmers to repay their debts, causing the bank to foreclose on their loans and to repossess farming implements.

At the meeting Tselapedi had expressed concern at the problems experienced by black farmers during the current ploughing season.

It was agreed that Agribank would cease its "call-up activities" from today until January 31 when the Agribank board would hold its next meeting.

Tselapedi would discuss the issue with them, with a view to extending the moratorium to February 29 next year.

The agreement should not be seen to exempt farmers from honouring their obligations with the bank.

Jo'burg-Pretoria speeding fines at R2m

Bonile Ngqiyaza

ABOUT 9 000 speeding offences are committed by motorists on the freeway from Johannesburg to Pretoria each month, Midrand Traffic Department superintendent Willie van Rooyen said at the weekend.

The Midrand Traffic Department monitors the N1 section of the freeway, which stretches between the Buccleuch area and Pretoria.

Van Rooyen would not say whether the freeway was the most dangerous in the country. But the Sandton Traffic Department, which monitors the M1 as far as Corlett Drive, has reported collected fines worth more than R2m from drivers transgressing traffic rules on the N1, N3 and the M1 in the last six months.

ET 19/12/95

Tough lessons on land reform

(271)

(172)

IDEN WETHERELL

LAND reform will be at the top of the agenda in South Africa for many years to come. And there is much to be learned from Zimbabwe's experience.

So long as massive anomalies in the pattern of distribution persist, the land issue will remain a time-bomb ticking away at the heart of the nation's political life. Mishandled, it could explode with damaging fallout at every level.

The draft constitution offers a number of options in the Bill of Rights for state acquisition of property. The first excludes any reference to a property clause and will find support among those pressing for radical redistribution without compensation in order to restore land to its "original owners".

Arbitration

The second option specifies conditions under which property may be expropriated, including judicial arbitration on compensation – although significantly these conditions will not apply to "any measures aimed at bringing about land reform".

Thirdly, there is a proposal that property acquisition be accompanied by "just and equitable" compensation decided by the courts.

Reports suggest opinion within the ANC land lobby inclines towards the second option on the grounds that effective redistribution would be thwarted by constant entanglement in the judicial process.

Judicial arbitration may indeed be a nuisance. But if Zimbabwe's example is anything to go by it will at least provide security against charges of political favouritism and misgovernance.

At Independence in 1980, Zimbabwe found itself with 4 500 white farmers ensconced on the fertile highveld while five-million peasant farmers eked out an existence in crowded communal lands with erratic rainfall.

Once the sunset clauses of the Lancaster House constitution lapsed after the first decade of independence, Robert Mugabe's Zanu PF government set about tackling land reform. But in its hurry to address the inequalities of the past, the legislation that emerged proved to be a blunt instrument.

The Land Acquisition Act of 1992 vested in the Minister of Lands wide discretionary powers to designate land which the government proposed to acquire. Furthermore, it entrusted the task of determining levels of compensation to officials within his ministry.

Despite repeated representations by the Commercial Farmers Union and civil society organisations that individuals should have the right of appeal to the courts with regard to the fairness of amounts paid, the government argued that redistribution was a historical process not to be tampered with.

President Mugabe told members of parliament that he would "brook no interference from the courts" when a group of commercial farmers challenged the constitutional legitimacy of the Act. Confirming the worst fears of his critics, Mugabe proceeded to use the act as a weapon to punish political opponents and reward supporters. When Henry Elsworth, a former MP, was accused of ordering women caught removing firewood from his Kwekwe property to strip, Mugabe designated his farm. Although the courts later established that the charges had been fabricated, the government made no move to reverse the expropriation.

But it would be wrong to see white farmers as the only victims. Veteran nationalist politician James Chikerema saw his farm seized to accommodate people from Mugabe's own neighbouring property, and opposition leader Ndabaningi Sithole had his farm expropriated when he leased plots to supporters.

Discouraged

In a related development, cabinet ministers, armed forces commanders, and senior civil servants were allocated leaseholds on state land formerly leased by whites. The most notable beneficiary was former land minister Witness Mangwende. Meanwhile, the Act has discouraged investors and damaged the government's reputation for social justice. All observers have pointed out that resettlement of peasant farmers is disorganised.

There is a clear case in South Africa for a bold approach to land reform. But the danger of proceeding by legislative provision alone is that without guarantees of constitutional protection there is extensive scope for political abuse. This in turn prejudices the interests of the rural poor and undermines the credibility of land redistribution itself.

Judicial review may prove cumbersome, but it cultivates consensus and underlines equity, factors noticeably absent in the past.

❑ Iden Wetherell is a columnist with Zimbabwe's independent weekly, The Financial Gazette.

Contralesa to forge unity with other political leaders

BD 21/12/95

Farouk Chothia

DURBAN — The Congress of Traditional Leaders of SA (Contralesa) signalled yesterday that it would move further away from the ANC in a bid to forge unity with traditional leaders from other political parties, including the IFP.

Speaking after a meeting attended by Contralesa's national executive committee and its KwaZulu-Natal region, president Phatekile Holomisa said: "Now that liberation has been achieved it is imperative that we assert our independence as Contralesa so that we attract other traditional leaders It is natural that there will be a parting of ways (with the ANC) here and there."

Holomisa's comments are likely to heighten tensions between Contralesa and the ANC. Holomisa's faction of Contralesa irked the ANC when it boycotted local government elections and chose to hold a rally with IFP-aligned traditional leaders to protest against central government's treatment of traditional leaders.

Holomisa's decision also precipitated divisions within Contralesa, and its KwaZulu-Natal region threatened to break away.

Contralesa KwaZulu-Natal chairman Zibuse Mlaba said the "misunderstanding" had been resolved. There had been a lack of communication and the national executive committee failed to timeously inform the region about the rally.

Holomisa said Contralesa would continue interacting with IFP-aligned traditional leaders. It was of concern to Contralesa that traditional leaders in KwaZulu-Natal were divided.

"The only solution is for them to unite," Holomisa said.

Mlaba said the region expected the national executive committee to consult it before holding any meetings with IFP-aligned chiefs.

Holomisa said the issue of Contralesa members holding positions within the ANC would be reviewed once the national constitution was finalised. It was in the interests of traditional leaders to remain in Parliament at this stage to have an input in the constitution-making process.

The task of defining the role of traditional leaders in the constitution could only be left to politicians.

Holomisa repeated his charge that central government was not taking traditional leaders "seriously enough". This was shown by its failure to establish a Council of Traditional Leaders. Contralesa would seek a meeting with President Nelson Mandela to raise its concerns, Holomisa said.

The national executive committee said Victor Sefora — who, claiming to be Contralesa's general secretary, denounced Holomisa on national television — was an "inconsequential dissident".

Island declared a monument

Wyndham Hartley

BD 21/12/95

CAPE TOWN — Robben Island, arguably the site of one of the world's most famous political prisons, has been declared a national monument.

Making the announcement yesterday, Arts, Culture, Science and Technology Minister Ben Ngubane said there was potential for the island, which attracts considerable international interest, to become a world heritage site.

The declaration means that all buildings, structures and other elements on the island may not be altered without the permission of the national monuments council. In addition to protecting the island, the declaration also applies to an area one nautical mile from the shore.

Ngubane said the island was unique as a result of its political, historical and environmental heritage.

Robben Island is composed of blue rock, deposited some 800-million years ago. The maximum security prison, which was home to President Nelson Mandela for so long, is built of this blue stone.

Van Riebeeck was the first to use the island as a prison — a troublesome manservant of his became the first prisoner on the island and, apparently, the only person to escape.

Authorities warn of land claim scams

BD 21/12/95 (271)

Kevin O'Grady

THE Commission on Restitution of Land Rights — which has so far received more than 5 000 claims — has warned of "land claim scams" in which people "extort money .. for the handling of claims which can be done free by the commission".

Chief land claims commissioner Joe Seremane said he was also concerned about "reports of threats by some individuals or organisations of land invasions if their claims are not resolved within weeks".

He warned that any land invasions would be an infringement of the Restitution Act and "could be counterproductive to a peaceful and reconciliatory process of restitution".

"It should be remembered that dispossession of land took place over decades of racially based actions and cannot be rectified within weeks to everybody's satisfaction," Seremane said.

Some of the claims received had already reached the negotiation and mediation stage and provisional agreements had been reached on settling others.

Creating the necessary administrative structure to handle large numbers of claims had taken longer than expected and led to the commission's work lagging behind schedule.

"There is, however, no doubt that we have made progress and that we are moving towards full operational capacity," Seremane said.

Attention had been given to a "fair number" of claims which were regarded as urgent, and official notices of the investigation of at least 200 claims had been published.

Some cases would be submitted to the Land Claims Court as soon as it was fully established early next year.

Of the 5 041 claims already received, 3 065 were from urban areas and 1 976 from rural areas.

The highest number of claims was in KwaZulu-Natal (1 999), followed by Gauteng (1 062) and Western Cape (626).

Seremane said he believed many claims were still outstanding because people did not realise they were entitled to claim for land rights dispossessed under racially based measures of previous governments since June 1913.

Task group to look into land invasions

BD 22/12/95 (271)

A TASK group had been formed to look into land invasions and the acceleration of housing provision to the homeless in Gauteng, the provincial government said yesterday.

Sapa reports Gauteng development, planning, environment and works MEC Sicelo Shiceka made the announcement following controversy surrounding the eviction of hundreds of squatters at Moffat Park, south of Johannesburg.

The Gauteng government identified 30 000 sites across the province where the homeless could settle, Shiceka said The task group would consist of representatives of the Greater Johannesburg council, southern metropolitan substructure and Gauteng development, planning, environment and works department.

It would later include all the province's metropolitan substructures.

Nomavenda Mathiane reports that the Gauteng government and local authorities have moved about 45 squatter families from Moffat Park to temporary accommodation in a government building in Braamfontein.

The approximately 100 families still remaining would be moved today, Shiceka said.

He said the move was intended to prevent a looming confrontation between residents and the squatter community, as well as avert court expenses for which government could be liable if it was taken to court by Moffat Park neighbouring communities for failing to evict the squatters.

Shiceka said there were three types of people who seized land: the genuinely landless and destitute, those who had always lived in informal settlements, and opportunists who were selling land to destitute people.

He said government would deal severely with the latter but needed the community to sign affidavits about people establishing squatter settlements by selling land to squatters.

An agreement had been reached between Moffat Park representatives and government that the park would not be invaded again. But Moffat Park representative Albina Mathegana said they were dissatisfied with the removals because they were being moved away from ancestral land and from where they could eke out a living.

Shiceka would not disclose the location of the Braamfontein building because he feared homeless people who were not from Moffat Park would flood it. He said it was a two-storey building belonging to government, and was a much better place to live than the shacks at Moffat Park. Electricity would be installed soon.

Mathegana said it was a huge hall which had been filled with beds belonging to squatters, and there was no privacy as men and women were forced to live together.

Gauteng development, planning, environment and works MEC Sicelo Shiceka explains why Moffat Park sq ters were moved to the city. Moffat Park squatter representative Albina Mathegana, right, also attended terday's news briefing.

Picture NICKY DE E

Non-payment of R9m in levies sparks police probe

Beatrix Payne

POLICE are investigating charges of fraud, forgery and uttering involving up to R9m against Intersuburb Property Services' sole director Lionel Milner, following the non-payment of levies and services fees to city councils.

The Johannesburg City Council laid charges with the SAPS in July shortly before Milner's company was placed in

Intersuburb was provisionally liquidated in September, following claims by body corporates for the Shannon and Schipol complexes in Hyde Park that they were owed R250 000 for levies collected by Intersuburb but not paid to Sandton municipality. The Johannesburg council and Estate Agents' Board supported the application.

Board chairman Piet Botha said body corporates should have been more

Mugabe run the gauntlet of protesters

Michael Hartnack

HARARE — Presi Robert Mugabe was terday confronted by first mildly cri demonstration in hi years of power, w supporters of inde dent MP Margaret go catcalled his arriv

Campaign on land claims in pipeline

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People whose land was taken under apartheid will be helped to reclaim it

By Joe Mdhlela
Political Reporter

A GREAT NUMBER OF PEOPLE – in both the rural and urban areas – may still be ignorant of their rights to reclaim land they lost through apartheid laws, director of the Land Claims Commission Mr Joe Seremane says.

Seremane adds that to remedy the situation, the commission will take steps "to communicate the restitution process widely" so that many people benefit from it.

However, Seremane warns that the process should not be seen as aimed at enriching people.

"The restitution process should not be seen as an easy road to quick riches. It would appear there are people who think that millions of rands should now be paid to them in increased compensation for property expropriated," he says

Under the Restitution of Land Rights, the commission will consider claims for land taken away under racially based legislation, such as the Group Areas Act.

"It also places the onus on the commission to investigate claims thoroughly, taking into account any compensation that might have been paid previously."

He says the commission is aware of allegations that individuals or organisations are processing land claims for a fee. "We are aware of scams of this nature still being operated in certain areas," he says, adding that such people should be reported so that action can be taken against them.

To date 5 041 claims have been received Of these 3 065 are urban claims, while the remainder are from rural areas.

Sowetan 22/12/95

LACE OF MEMORIES: Friends and former residents of Ndabeni Mr Moses Molelekwa, 78, now of Khayelitsha, and Ms Phyllis Fuku, 72, now of anga, at the site of their childhood township, which is now an industrial area. They are among many who are formulating claims for the return of e land from which they were removed. *PICTURE: ANDREW OCTOBER*

W Cape dispossessed want their land back

(271) CT 28/12/95

MOHALE THOKA

WESTERN CAPE black communities dispossessed of land under apartheid are being helped by the Commission on Restoration of Land Rights to formulate and lodge their claims.

No claim has yet being settled in the Peninsula, but a number have been received by the commission's offices, said Ms Elizabeth Davidson, adviser to the commissioner, Mr Wallace Mgoqi.

She and a colleague, Mr M Kamedien, said the commission was working in close collaboration with the affected communities.

Many claimants had formed restitution groups to lodge their claims.

One such group, the Ndabeni Land Claims Committee, consists mainly of residents removed from Ndabeni who would like to return there.

Langa resident Ms Phyllis Fuku, 72, was 12 when she left Ndabeni, but still misses the community spirit, rich social life and relative absence of crime in the area when she was a girl.

Although the ANC, then the SANNC (South African Native National Congress), existed then, politics had played little part in their lives before the introduction of the pass laws, Ms Fuku said.

People from the rural areas had been seen as potential carriers of disease and had been "dipped" like cattle.

But women had wrecked the pipes to the dipping tanks and the practice had been stopped.

Another former resident of Ndabeni is Mr Moses Molelekwa, 78, a musician and music teacher who at one time played in the same band as singer Brenda Fassie's father.

He recalls that many of the Africans who formed the nucleus of the settlement at Ndabeni had been forcibly removed from areas like District Six, Green Point and Mouille Point.

Ms Davidson said it was "important to give claimants as much time as possible to set up their own structures, so that they can negotiate directly, on an equal footing, with the departments concerned".

The purpose of the commission was to support claimants.

The restitution process gave the victims an opportunity to recount community and family history.

Land claims to affect Simon's Town

Louise Cook

SIMON's Town's development will be affected by land claims, according to a report compiled by private town planning company MLH on behalf of the town's metropolitan structure.

Although thousands of previous property owners were evicted under the Group Areas Act in the 1960s, only 28 land claims have been lodged so far with the Land Claims Commission.

MLH suggested the release of land under control of the naval base, which occupied 45% of the town, to enable victims of forced removal to return. Many were employed by the navy.

The report, released in September,

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Simon's Town

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said the naval base had agreed to the proposals provided the public works department created mechanisms to accommodate the transactions. It proposed that claims on state land in the area be incorporated in the navy's housing scheme.

The navy had indicated it was considering providing housing for employees in Simon's Town.

Metropolitan structure sources said the navy owned significant parcels of unused land while many employees, who had owned properties in the town, had had to travel long distances to work from Ocean View and Guguletu after the evictions.

Field worker Zohra Dawood of the Surplus People's Project confirmed negotiations were under way between the navy, land affairs, public works and the metropolitan structure to resettle naval employees near the base.

The regional land claims commissioner said 28 claims had been lodged by individuals on properties at Simon's Town, Fish Hoek and Muizenburg.

No comment was available from the naval base.