

RESETTLEMENT — 1996

JANUARY — JULY.

Extra two months for District 6 claims

PEOPLE evicted from District Six under the Group Areas Act have been given an extra two months to submit claims to land there, the Regional Land Claims Commissioner for the Western and Northern Cape, Mr Wallace Mgoqi, announced yesterday.

ET 4/1/96
Their claims must now be in before February 29 this year.

The original deadline for the District Six claims was the end of November last year.

"But there is reason to believe not all potential claimants have submitted claims," Mr Mgoqi said.

(271) (271) (271)
The delay was holding up the restitution process.

Mr Mgoqi said claims could be sent to the commission's office at Private Bag X9163, Cape Town, 8000, and inquiries could be made to his office at (021) 262930. Political Staff

R15m land claim staked

(271)

Louise Cook

BD 9/11/96

LAND Affairs Minister Derek Hanekom today faces a R15m compensation demand from victims of forced removals in Northwest who last month threatened large-scale farm invasions unless government met their demands by the end of this month.

Transvaal land restoration committee chairman Peter Ntshoe said yesterday Hanekom would meet the committee representing the Batlounge community which is demanding to be returned to Putfontein, near Coligny. Ntshoe said the community would need R500 000 from government to cover costs for infrastructure built since being evicted. There are a further 30 to 40 communities with the same problem in Northwest.

Other demands to be made at the meeting included the appointment of additional staff to the Gauteng regional land claims commissioner's office, the setting up of the new land claims court, the enforcement of the moratorium on evictions and "effective ways" to deal with farmer's demands for inflated prices on land marked for restitution.

Land court launch delay

271
Louise Cook

209/1/96

FAILURE to find suitable premises has delayed the launch of the new Land Claims Court by about three months, says court president Fikile Bam.

"Just as we thought we were ready to move into one place, the whole tender process had to start all over again because certain procedures had to be followed."

Tenders for premises would close on January 12, said justice department spokesman Amanda Haasbroek. She said the court would be set up in the Randburg municipal area.

Land Affairs Minister Derek Hanekom said he had hoped the court would have been in place this month, but preparations were not finished.

The court would ratify settlement agreements between land claimants, the state and land owners.

About 5 000 land claims, mostly urban, have been lodged with the land claims commission. When parties fail to settle, the court will give a ruling.

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Mbeki calls for bigger and better police force

PRETORIA — SA needed more and better trained policemen, deputy president Thabo Mbeki said in Pretoria yesterday.

The country was undoubtedly underpoliced, he said.

Mbeki was expanding on the ANC's 84th anniversary statement, delivered by President Nelson Mandela at the weekend. It said there was a need to increase the strength and logistical base of the police.

Citing examples of underpolicing, Mbeki said the Bulwer area in KwaZulu-Natal had about eight policemen who had to cover a rural population of about 250 000 people with only two vehicles.

"Or you go to Hillbrow (Johannesburg) which has about 200 officers policing a population of 500 000 people with particular characteristics," Mbeki said.

"That the country is underpoliced is without a doubt."

The quality of police training also had to be attended to. Foreign police officers visiting the

country last year pointed out that some practices used by SA police had been discontinued in Europe 50 years ago.

European judicial systems did not allow confessions to be used as proof of guilt. Police there had to produce original evidence to secure a conviction.

"But here we still depended a great deal on confessions," Mbeki said.

"The temptation, of course, then was to beat the hell out of somebody so that he confesses. If you are denied that possibility, you have to be a better detective."

This meant better training was required. Mbeki said a lack of resources was another problem.

The police in KwaZulu-Natal had, for example, only three helicopters to cover vast rural areas not easily accessible by road.

"We clearly need to borrow more helicopters from the defence force."

Mbeki said: "Whether public finances have the possibility to address all of this, I do not know." — Sapa.

turning. Once a deal is reached on the

Abject racial poverty still reigns in SA: RDP report finds

By JOVIAL RANTAO
Political Reporter

The inflation rate might be on the decline and the economy experiencing an upswing, but more than half of South Africa's 38 million citizens – 95% of whom are black – live in poverty, earning less than R300 a month, according to statistics revealed by Minister without Portfolio, Jay Naidoo, in Pretoria yesterday.

The report said South Africa's average total monthly wage was between R281 a month for black households and more than R5 000 a month for white households.

Blacks, at 38%, made up the majority of the unemployed. Un-

employment among whites was recorded at 4%, 21% for coloureds and 11% for Indians.

Launching the Indicators of Poverty report – a study commissioned by the RDP Office and conducted jointly with the World Bank and the Southern African Labour Development Research Unit – Naidoo said South Africa had the worst record of social indicators for poverty in health, education, safe water and fertility compared with other middle-income countries.

The country also had one of the highest income inequality rates in the world.

According to the report, poverty in South Africa has strong

racial, regional and rural dimensions.

About 75% of the country's rural poor are concentrated in the former TBVC homelands, with Transkei being the worst off.

"Africans have nearly twice the unemployment rate (38%) of coloureds (21%), more than three times the unemployment rate of Indians (11%) and nearly 10 times the unemployment rate of whites (4%). The apartheid era has left a legacy of poverty and inequality in spite of the wealth of the country," Naidoo said.

About 61% of South African children, the majority of whom were black, lived below the breadline.

ANC slams DP for 'bottom-line' demand

Small party risks being marginalised over its 'ill-considered, counter-productive' approach

By **MONDLI MAKHANYA**
Political Reporter

The ANC lashed out at the Democratic Party this week, warning that it risked being marginalised if it refused to budge from its "bottom-lines positions" on the final constitution.

The ANC, which has a 62% majority in the Constitutional Assembly, was reacting to a DP bosberaad resolution that it would not support a constitution that limited provincial powers, did not put enough emphasis on individual rights and did not have a proper bill of rights.

The DP had also accused the ANC of ignoring other parties' proposals and ramming its own proposals into the draft constitution.

In a statement yesterday the ANC said the DP's "bottom-lines" approach was "counter-productive and ill considered".

"The Democratic Party has been irresponsible in issuing demands which they say need to be met if they are to support

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the constitution. Given that negotiations around the final text have yet to start in earnest, it is premature to start throwing in bottom-line positions," said the ANC.

It said DP claims that other parties' submissions had been left out of the draft were inaccurate as areas of divergence had been left open-ended and various options had been included in the draft.

Pledging that it was committed to finding consensus, the ANC said the DP's sticking to bottom lines would see it marginalised from the constitution writing process.

The CA's deadlock-breaking mechanism - which includes taking specific matters and clauses to the vote - would not favour a small party like the DP so it should rather work with other parties to seek common ground on contentious matters, the ANC said.

"The ANC too has bottom lines. Yet we have committed ourselves to a process of engaging all other parties in an effort to find common ground."

Inkatha wants to amend new land tenure Bill

Star 24/1/96 (271)
By **PATRICK BULGER**
Political Correspondent

Cape Town - The Inkatha Freedom Party will introduce an amendment to new land legislation which it says undermines the powers chiefs exercise over land affairs.

The Communal Property Associations Bill, one of several land measures introduced by Land Affairs Minister Derek Hanekom to overhaul and update land tenure systems, came before Parliament's portfolio committee on land affairs yesterday. The bill enables communities to form "juristic persons" known as communal property associations which can

then buy, hold and manage land which communities have traditionally occupied.

Centre for Applied Legal Studies land expert Aninka Claassens, who was involved in drafting the Bill, told the committee it was necessary to provide for communities which were entitled to land handed back to them in terms of the Restitution of Land Rights Act.

Claassens said in reply to committee chairperson, Chief Phathekile Holomisa, who is also president of the Congress of Traditional Leaders of South Africa, that the Bill could be used by communities where there was "enormous dissatisfaction" with a chief who administered their land.

THYS DULLAART



Times they are a-changing! ... an elderly man shares a joke with fellow commuters at a Triomf bus shelter, but whether Triomf will be able to change its suburban tune altogether if it goes back to being called Sophiatown is the question which is foremost on residents' minds as a local NP councillor prepares a referendum.

Sophiatown debate rages

Hot and cool heads clash over the changing of Triomf's name

(271)

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Star 31/1/96

Remembering Kofifi in grief and bitterness

Star 31/1/96

BY MARK WATFIELD

In the lounge of Patricia Mokoena-Harvey's modest Orlando East home are two features that seem somehow out of place. One is the steel-pressed ceiling, the other the facade of a solid wood fireplace.

For more than 20 years, they belonged in the large three-bedroom Sophiatown house she shared with her parents and four sisters. Before they were forced out of their home, the family carefully removed the beloved fittings and installed them in their cramped new Soweto quarters.

They are pointed out as lovingly as the brass bowl on the coffee table which used to be her grandmother's - concrete reminders of a time that existed before it was wiped out by a sweep of apartheid's hand.

The family, installed in their Orlando East home, battled to adjust to their new way of life.

"Everything was very different," Mokoena-Harvey recalled. "We had to get used to all being cramped together in a tiny four-roomed house, far from the centre of town where before we could get to the city by catching one train."

"And in Sophiatown, we were all mixed up together - Sothos, Zulus and Shangaans - in one big cauldron. But here, in Soweto, we had to get to know different customs and strategies."

THYS DULLAART



A time for remembering ... Patricia Mokoena-Harvey weeps as she recalls her days in Sophiatown.

Mokoena-Harvey, a school teacher and former journalist with The World, is thankful she was away at college the day her family were made to leave their home. "I'm glad I wasn't there to experience the true horror of it. But afterwards, I lived so much of it through my father."

She is still, she said, unbittically attached to Sophiatown and the people who used to live there.

"Sophiatown was truly ahead of its time, a real rainbow colony with its mish-mash of Indians, coloureds, whites, blacks and Chinese people. I can't drive through the area without feeling part of it still."

She added bitterly: "Breaking up Sophiatown was equal to spiritual genocide."

Mostly, their fights would be about 'daughters' (girls), the ones my mother referred to as show-girls. We, meanwhile, were more naive, still stealing a kiss here and there when no aunts were looking.

"We were five girls living in my house, sometimes surrounded by a sea of boys. We used to live at 10 Gibson Street, but the boys used to call it 10 Downing Street."

"My father would sit on the big old stoep and go over all the boys who came calling for his daughters."

"My mother used to work in Houghton and picked up some of the Houghton airs."

One of Mokoena-Harvey's oldest friends is Father (now Archbishop) Trevor Huddleston, who was much more than a priest.

"He's my home-boy, a truly good man. When Huddleston was in charge of the mission in Sophiatown, it changed, overnight."

"He got rid of any catiness that might have been there before. He took over Sophiatown. He embraced everybody, whether they were Anglican or not. When the biggest test boy was giving him straight, he got involved all the way. He was a real father."

Would she want to go back if it became Sophiatown again?

"If I could return with a key number of people, if the present residents would let us recreate Kofifi, that atmosphere, the urban spirit, then I would go back."

House by Don Martena
Sophiatown, 1962

By NICKI WHITFIELD

Hester has been living in the same house in Thonif since 1962. She is happy there. Over the decades she has improved and expanded her home from the basic four-walled construction it was when she moved in. A garage here. An extra bedroom there. A neat garden with bright flowers out front. Yet she has vowed to burn it all to the ground if the area reverts to being called Sophiatown.

Hester and her now-deceased first husband moved to Thonif when the second phase of building was completed in the newly named suburb. Since then it has grown into what it is today – an essentially white, middle-class, predominantly Afrikaans borough nesting between Westdene and Newlands to the west of Johannesburg.

It is a far cry from the Sophiatown which was demolished in the early 1950s, wiping out a vibrant area inhabited by colourful characters, dotted with noisy shebeens, its streets alive with *kwaito* music.

This cosmopolitan community, teeming with talented writers and artists, was forcibly removed to Soweto.

Hester, however, doesn't have many fond memories of it.

"It was a rough place," she says. "It looked like the squatter camps you see these days. And the crime was very bad. There were lots of murders. People used to say you could get your throat cut for sexence."

If it becomes Sophiatown I will burn my house to the ground

"I don't mind them changing the name. I've got nothing against the other names that have been put forward, like Waterval Ridge or Westoven. But not Sophiatown. Like I say, if it becomes Sophiatown, I will burn my house down to the ground."

But Thonif is not exclusively white. Next door to Hester is an Indian dentist, a couple of streets away lives a coloured family.

"Look, I haven't got a problem with that. As long as they don't worry me, I don't mind who my neighbours are. Just as long as they don't mess and they treat me with respect. Some people say property prices will go up if it becomes Sophiatown again. But I don't think so – it will be the other way around."

Once the debris of the flattened Sophiatown was cleared, the houses built were earmarked for whites in a certain income bracket. You had to earn between R100 and R200 a month, Hester recalls. When her first husband died, the house became hers.

Opinions are divided about the name change. Some residents are in favour of a move away from Thonif – a name signifying the "triumph" of white supremacy over the unique slum, where mostly blacks, but also a sprinkling of whites, coloureds and Indians,

generally worked, lived and played together in harmony.

As far as emotion and controversy go, Thonif is on a par with Cape Town's District Six, the suburb for coloureds on the slopes of Table Mountain which was also levelled by apartheid's architects.

Two of the names put forward for Thonif are Bishop Huddleston and Huddleston Park, in honour of the veteran anti-apartheid campaigner who used to live at 74 Meyer Street, Sophiatown. Huddleston, who has often spoken about his love for Sophiatown, was a prominent resident in the area and a priest at a local church where his sermons would be translated into seven languages.

It seems the biggest fear a band of latter-day residents is harbouring is that their homes will be repossessed if Thonif becomes Sophiatown again – despite assurances from the ANC that the name change would be mainly symbolic.

"People are still not convinced they won't be made to move out of their homes," says Thonif estate agent Trevor Lang.

And yet a name change, says Lang, will be good for property prices. But the right name.

"Why not call it Waterval Ridge, which was the original farm name for this area? Let's scrap Sophiatown and Thonif and get away from politics altogether."

His sentiments are echoed by NP councillor for the area, Eddie Venter. "A number of people are in favour of moving away from the apartheid era and don't have a problem with scrapping the name Thonif. There is a petition going around at the moment which will go to the Gauteng premier's office. We are going to ask for a referendum on the name change. I hope he will respect the wishes of the residents."

Venter, who grew up in Westdene, compares Sophiatown with Durban beaches. "Havoc," he says. "There was a lot of crime. People are very worried about property prices, which have already declined since the rumours about the name change started."

Thonif, in the opinion of 83-year-old resident Tess Potter, is a stupid name. She has lived in her neat, double-storey house for 32 years. To schoolchildren, neighbours and domestic workers in the area, she is known as granny, *gogo* and *omma*. "But Sophiatown is in the past. I think it should be kept that way. People who live here are afraid of Thonif becoming Sophiatown again. They are afraid it will go back to what it was."

Some people, however, are all for the change back to Sophiatown. One of them is Joana Wheat, a mother of four who lives at the back of her hand-dressing salon across the road from the local shopping centre.

"I don't think it'll make much difference to my life," she says. "But it is becoming an issue to some people. They are afraid blacks will come and take over their houses. But to me Sophiatown is just a name."

Eppie Dreyer lives in the municipal block of flats in Thonif. She likes the idea of a change back to Sophiatown. "Is there really that much in a name? And if it's going to improve the area at all, then I'm all for it. I don't mind who I live next door to. Basically, we're all people of God, and Sophiatown is not exactly an ugly name."

Official information on the issue is not easy to find at the Johannesburg Transitional Metropolitan Council. The Star was referred from department to department, but spokesmen couldn't shed much light on the possible name change.

"Beyond the fact that it is a possibility, I don't know much more, and I live in the area," says Irys Pretorius of the planning department.

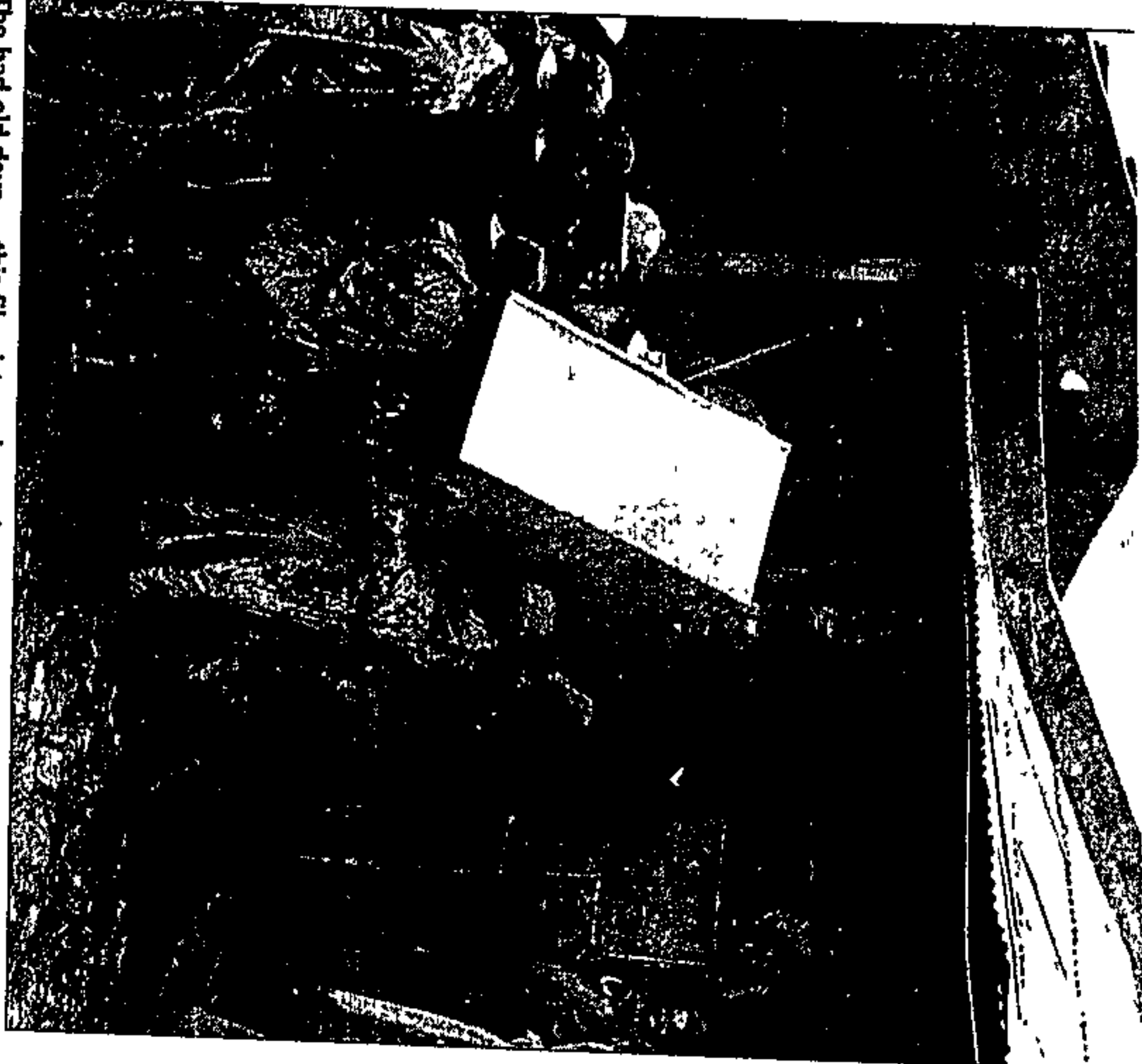
And are there people who will have legitimate claims to land in the suburb should Hester's worst nightmare come true?

Regional land claims commissioner Benma Mashum says a few people have come forward with claims to former Sophiatown land, but "we are not focusing on that area yet."

"Right now, we are working on land claims in Pageview, Alexandra and Albertville. Usually, what happens is, we publish the section of the Restitution of Land Rights Act which announces that people who feel they have claims to land can come forward and apply. This is published in the Government Gazette for 90 days, as well as in the press."

And what happens to existing houses and homeowners on land which other people are deemed by the land commission to own?

"In terms of the Act, claimants are either entitled to alternative land or compensation." Interestingly, the street names were not changed when Sophiatown ceased to exist. Gold, Good, Meyer, Edwards and Victoria. But they're about the only things that haven't changed.



The bad old days ... this file picture shows the 2 000th family moving out of the one-roomed Sophiatown home they had lived in for 30 years. In driving rain, the Mahlangus' possessions were packed on to a government truck and off-loaded at Meadowlands in Soweto.

HOUSE by Don Mattera
Sophiatown, 1962

The sun stood still in the sullen wintry sky as a witness to the impending destruction

Armed with bulldozers they came to do a job nothing more just hired killers.

We gave way there was nothing we could do although the bitterness stung in us, in the place we knew to be part of us and in the earth around,

We stood. Slow painfully slow clumsy crutches crawled over the firm pillars into the rooms that held us and the roof that covered our heads,

We stood. Dust clouded our vision We held back our tears It was over in minutes

Doie.

Bulldozers have power. They can take apart in a few minutes all that had been built up over the years and raised over generations and generations of children.

The power of destroying the pain of being destroyed, Dust...

ANC proposes clause for land expropriation

Attempt to get controversial property rights

clause written into new constitution *Star 31/1/96*

By PATRICK BULGER
Cape Town

ANC constitutional negotiators yesterday proposed a new property rights clause in the final constitution.

The proposed controversial clause opens the way for the expropriation of private property for land reform purposes.

While the courts currently would have to take market value into account when a property was identified for expropriation by the state, the ANC now proposes that "the ability of the state to pay" also be considered.

The new ANC proposal is marked "tentative" and will form the basis of a three-way discussion between the ANC, the NP and the DP over the next week.

Both the NP and the DP have strongly argued that property rights are a fundamental right that should be entrenched in the Bill of Rights.

The political parties are meet-

ing in Cape Town to finalise a constitution by May 9. Yesterday they resumed their discussion on a proposed Bill of Rights, of which property rights is among the most controversial.

Copies of the ANC proposal were handed to the NP and DP.

Market value would be just one consideration

The document is a substantial departure from the property rights clause contained in the interim constitution and has already evoked strong opposition from opposition parties, especially the NP.

While the interim constitution permits the state to expropriate land for "public purposes" such as road-building, the new propos-

al would allow for expropriation "in the public interest".

The proposal also dispenses with the interim constitution's insistence on market-related values being paid for expropriated property.

Instead, the new proposal says that while market value has to be taken into account, it is just one factor which has to be considered alongside others.

The current use of the property, the history of its acquisition, its market value and "the ability of the state to pay" are also factors.

The ANC's proposal says: "The state shall respect property and it shall foster conditions which enable people to gain access to property on an equitable basis."

Property may be expropriated "for public purposes or in the public interest which includes land reform and subject to the payment of compensation within a time period and in a manner as agreed or decided by a court".

Land ...
historically a
primary cause
for discontent all
over the world,
but particularly
so in south
Africa where
from colonial
times
indigenous
people were
systematically
deprived of
what they
considered their
birthright.



Restoring land to the dispossessed

The Government's vision of a land policy and land reform programme would contribute to reconciliation, stability, growth and development, says the Green Paper on Land Policy released today

NORMAN CHANDLER
Pretoria Bureau

Racially based land policies which have bedevilled South African society for decades are being shown the door with the publication today of the Green Paper on Land Policy.

The dramatic switch from existing land ownership and development patterns, which in particular strongly reflected the political and economic conditions consistent with the apartheid era, is being replaced by a four-pronged approach - redressing the injustices of apartheid, fostering national reconciliation and stability, underpinning economic growth, and improving household welfare as a means of alleviating poverty.

Land Affairs Minister Derek Hanekom says that "land reform is a necessary factor for sustainable growth and development."

"It is an essential precondition for the Reconstruction and Development Programme (RDP) to succeed."

Ownership and usage of

land has always played an important role in shaping political, economic and social processes and land policies followed by successive National Party governments since 1948, although South Africa began as early as 1913 a systematic programme to deny the black masses opportunities to own land, seen as a major cause of insecurity, landlessness, homelessness and poverty.

"This inevitably resulted in

Land policy needs to deal with injustices

inefficient urban and rural land use and led to a fragmented system of land administration."

Hanekom says that "as a cornerstone for reconstruction and development, a land policy needs to deal with the injustices of racially based land dispossession of the past, the need for a more equitable distribution of land ownership, the need for

land reform to reduce poverty and contribute to economic growth, security of tenure for all, and a system of land management".

Redistribution is being given pride of place, particularly as regards the needs of women.

Legal restrictions which have for years effectively prevented women from accessing land are to be removed, as will the traditional registration of land assets in the name of the head of a household, usually the male.

In future, registration can be in the names of beneficiary household members who are over the age of 18.

They, and others, in particular farm workers, will be also eligible for a R15 000 maximum grant from the state for the purchase of land directly from a "willing" seller, significantly including the state.

But there is bad news for people who have participated in land invasions, which have become a feature of urbanised South Africa over recent months.

The green paper makes it clear that no priority treatment

will be given to these people.

The Department of Land Affairs has over the past year laid the groundwork for what it calls "a flexible, needs-based approach" to the whole question of land.

It admits however that success will depend on a wide range of support services, including land reform, working arrangements between national state departments and the various levels of government, and a partnership forged between private and non-government sectors.

If the proposed policy were to be effective, the Government says, it would have to address a range of issues which include the interpretation of various clauses in the interim constitution.

This will be true particularly with regard to property rights, as well as institutional challenges and factors affecting the restitution, redistribution and tenure programmes.

The chaotic administration of land in the former homelands of Transkei, Bophuthatswana, Venda and Ciskei (TBVC states) - no one appears to know how

much land is available or who owns what - coupled with the forced removal by previous governments of about 3.5-million people - from ancestral homes to other rural areas, and the resultant hardships, are also cited as major obstacles to reform.

Added to this is the settlement of claims in urban areas, in particular where land has been redeveloped and has changed hands over the years.

Traditional leaders must be involved

The latter point is acknowledged by Land Affairs as one of the trickiest which will have to be negotiated over the next few years.

In addition, there's the question of credit availability to complement government grants and services for land acquisition and settlement, the subdivision of agricultural land to meet needs

in a manner which would prevent abuse of the country's natural resources, the merits and demerits of a rural land tax (which the green paper is at pains to explain is an internationally accepted manner of acquiring local government taxes), and how to keep down legal costs certain to accrue to the beneficiaries of redistribution.

Traditional leaders, who for centuries have been the key figures in anything to do with land availability, have to be included in the process because customary tenure is no longer applicable in many cases.

Land restitution, it is hoped, will restore land to people who were dispossessed of it by discriminatory legislation and practice over the years.

Various criteria to control restitution will, however, be put in place, including the amount and methods of compensation, urban claims, forms of restitution, and the manner of qualification for such restitution.

Only claimants who were dispossessed of the right to land after June 19 1913, or under a racial discriminatory law, will ordinarily be considered, the

green paper states.

If early claims are lodged, then other criteria such as proof of disadvantage and benefits to a claimant will come into effect.

The green paper also lays down the way in which the land tenure reform programme will extend security of tenure to everyone.

It says this would enable citizens to "hold and enjoy the benefits of their land, their homes and their property without fear of arbitrary action by the state, private individuals or institutions".

This is seen as making a significant contribution to personal security, social stability, increasing investment, and sustainable use of land.

The Government is committed to an extension of registerable tenure rights, a unitary system of land rights, elimination of land holding based on permits, and the right of people to make up their own minds on tenure of land.

A time limit of two years has been set for tenure reform and up to 10 years for all land claims to be completed.

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Claims could extend back 300 years

Controversial govt proposals to acquire land

Wyndham Hartley
and Louise Cook

BD 1/2/96

CAPE TOWN — Controversial proposals for the below-market-value expropriation of land acquired cheaply under apartheid, and the extension of land restitution claims back to the 17th century, are contained in the Land Affairs Green Paper to be released today.

The Green Paper, a discussion document issued by Land Affairs Minister Derek Hanekom's department, adopts positions in sharp contrast to both the property and the land restitution clauses in the interim constitution.

The Green Paper says while government is committed to a willing buyer, willing seller policy, there might be circumstances where this is not possible.

Land Affairs takes aim, in the clauses on land restitution, at those landowners who paid below-market prices and lower rates of interest in buying land acquired by the apartheid state through forced removals and other means.

In such cases, the "just and equitable" provisions in the constitution meant compensation should be less than the market value of the property.

The Green Paper, which will lead to a final formulation of land policy in a White Paper in May, also recommends a change in the reasons for which land can be expropriated by the state.

At present the constitution says expropriation can be made for public purposes. The paper insists that it should be for the "public good" and that "addressing skewed patterns of land ownership, which are a cause of conflict and social instability, is an example of the public good".

"The state cannot allow a situation to arise where it appears that those who benefited under apartheid are using limited state resources to benefit under a land reform programme," the paper says.

At present the constitution says land restitution can be made only to those dispossessed after the 1913 Land Act through racial discrimination. The Green Paper suggests that the 1913 cut-off date and the qualification that claims must be based on racist laws should be abandoned. This opens the door to those dispossessed of land before 1913 through fraud or violence and, significantly, says that illegal dispossession by similar means after that date could also qualify for restitution.

Historical claims from before 1913 should be considered at the discretion of the minister, the Green Paper says.

Both the property expropriation issue and the extension of the cut-off date would require either amendments to the interim constitution or different-

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Land

Continued from Page 1

ly phrased clauses in the new constitution if they were to become implementable policy.

Hanekom said the paper represented a strengthening of policy on land restitution and emphasised that land reform was vital to the RDP.

He said the additional claims likely if the 1913 date was changed were impossible to quantify and could, in theory, date back to Jan van Riebeeck.

It is understood, however, that the measure will in all but a few cases be largely symbolic and a flood of ancient land claims is not expected.

Hanekom stressed, however, that regardless of the number of claims or reform measures, they could proceed only at the pace allowed by the constraints of the national budget and the land market.

Land purchase subsidies could be approved only in terms of the land which was available on the market.

The Green Paper also accepts the Katz commission recommendations that a national land tax should not be implemented. The commission recommended that any form of rural land tax should be a local government issue and this has been accepted in the paper.

Other proposals include:

□ A R15 000 government settlement grant for households with an income of less than R1 500 a month, to be used for acquiring and improving land, and;

□ Sweeping changes to the land affairs department, including the creation of a national development and planning commission to advise government, provincial development tribunals, a district land office network and regional land reform offices.

Public comment and representations, and further consultation with stakeholders, will begin next month before the White Paper is finalised.

Property owners examine rights

Robyn Chalmers (20271)

THE SA Property Owners' Association (Sapoa) is re-examining its options regarding the inclusion of a property rights clause in the new constitution, after it was omitted from the draft of the final constitution.

Sapoa CE Brian Kirchmann said yesterday two options were the omission of a property clause altogether, and a clause stating that no-one could be deprived of property except when it was in the public interest for it to be expropriated and for the government to set the level of compensation. 20 1/2/96

The third option guaranteed the right to acquire, hold and dispose of property and, in the event of expropriation, for payment of fair compensation.

Sapoa former Cape regional committee chairman Anton Musgrave, who chaired a workshop on property rights this week, said the exclusion of a rights clause was the worst possible signal to investors.

Property rights provided stability for residents and was an area that was closely scrutinised by prospective foreign investors, he said.

Sapoa invited members and the public to submit proposals to its constitutional committee before Monday.

Green Paper to go public

By Joe Mdhlela

Political Reporter

Sowetan
1/2/96

THE Government will today make public its land reform proposals in a build-up to the passing of new legislation to empower the landless.

Called the Green Paper on Land Reform, the proposals will be unveiled by Minister of Land Affairs Mr Derek Hanekom in Johannesburg.

Ministry spokesman Mr Helmut Schlenther said yesterday the Green Paper incorporated thousands of public submissions across the country. It is expected to be drafted into law and presented to Parliament by the end of March.

"The Ministry of Land Affairs expects to have the Bill on land reform to be presented before Parliament before the end of March, at which point we should have a comprehensive land policy to empower millions of people disadvantaged by the apartheid laws," Schlenther said.

The new land reforms will, among other things, ensure that millions of landless people, and those who had their land repossessed, acquire a piece of land.

Prospective farmers - even blacks living in urban areas - will be able to apply for grants of up to R15 000, said Schlenther.

Government's sweeping land redistribution proposals

Star 1/2/96 (271)

By **PATRICK BULGER**
Political Correspondent

Land Affairs Minister Derek Hanekom is issuing a major land reform policy paper in Parliament today proposing wide redistribution and restitution of land and land tenure reform.

The Green Paper on Land Policy is intended to redress inequalities in access to land inherited from the apartheid era and to se-

cure the rights to people living in uncertainty on tribal land.

Among the proposals are:

- A clause in the new constitution allowing for expropriation of land at less than its market value.
- A strong stand against land invasions, and the simultaneous release of parcels of urban land for communities.
- A land tax levied at local government level.
- A systematic legislative pro-

gramme to give individuals and communities living on tribal land security of tenure.

Hanekom said in a foreword to the document - an updated version of a policy paper first presented in August last year - that a white paper on land policy would be completed by May.

The paper calls for constitu-

► **Restoring land**

Page 17

tional measures to assist land redistribution.

"It is essential that the constitution should make effective land reform possible." The interim constitution authorises expropriation for "public purposes" - which does not specifically include land reform - and insists on "just and equitable" compensation.

Land redistribution, land restitution and land tenure reform are the three major planks of the Gov-

ernment's land reform policy. The ANC, in a submission to Parliament this week, proposed a new property rights clause allowing for expropriation at values determined in part by "the ability of the State to pay".

Hanekom's paper dovetails with the ANC's proposal. It argues that "the constitution should not prevent Government from ef-

► ... To Page 2

Thursday February 1, 1996

Govt's sweeping land proposals

(271) From Page 1

Star 1/2/96

fectively responding to the demands and needs of the landless".

The paper says "the Government believes it is essential that the constitution should make effective land reform possible".

"If the constitution obstructs or prevents land reform, a constitutional crisis will occur as tension develops between the popular demand and need for land, and constitutional provisions, which make it impossible for Government to respond to that demand.

"The Government is committed to a land reform programme that will take place on a willing-seller, willing-buyer basis, where possible. However, where not possible, the State must be able to expropriate land required for the public good.

"Where land is acquired for land reform purposes, through purchase or expropriation, the State is legally obliged by the interim constitution and other laws to provide for the payment of compensation.

"This should not exceed a reasonable assessment of market value with just and equitable provisions of the interim constitution being applied to prevent profiteering or undue capital gains at the expense of the public.

"The State cannot allow a situation to arise where it appears that those who benefited under apartheid are using limited state resources to benefit from a land reform programme," it says.

The paper proposes that the Government should withhold the R15 000 settlement grant due to families if the agreed price of the land in question is higher than the market value.

It argues that "there are instances where justice and equity would require that compensation is lower than market value" This would apply especially to State land sold to an individual below its market value

On a proposed land tax, the policy paper says a specialist sub-committee had recommended that "a tax should be levied at a local government level and does not recommend the implementation of a national land tax on agricultural land".

On measures to improve security of tenure for tribal communities, the paper notes that traditional leaders have more power over communal land than was ever intended by traditional or pre-colonial customary law or practice.

The Government is obliged to ensure that all people enjoy the same level of access to due process of law, equality and other fundamental rights.

Land reform plan released

(271) (C)
BARRY STREEK
POLITICAL WRITER

ET 1/2/96
THE government last night unveiled far-reaching proposals to promote poor people's access to land and to give secure tenure rights to all.

It also proposed a reduction in transfer costs, speeded-up registration of deeds, restitution for people evicted under racial laws and accelerated redistribution of land.

The government proposals, in the form of a Green Paper on Land Reform, were released at midnight.

"Without a significant change in the racial distribution of land ownership, there can be no long-term political stability and therefore no economic prosperity," the Green Paper said.

● See Page 6

Enshrine principle that land belongs to nation, says PAC

(271)
POLITICAL WRITER

CT 1/2/96

THE constitution should enshrine the principle that land belonged to the nation and could not be owned by individuals, the PAC said yesterday.

South Africa's constitution had to facilitate the process of land distribution to correct the anomaly that 87% of the land was in the hands of 15% of the population.

The PAC said this in its submission to the Constitutional Assembly by one of its MPs, Richard Sizani.

"The government must have the power to expropriate land in the public interest with compensation for improvements on the land being guaranteed and regulated by

legislation."

Sizani said it should be enshrined in the constitution that individuals or groups had the right "to seek restitution for their land which they lost either through conquest, fraud or discriminatory laws from 1652 to the present day".

The protection of legitimately acquired private property could be regulated by legislation or left to common or private law.

"The PAC, therefore, does not find its way clear to supporting a property clause in the constitution as this will entrench the same property colonial relations it so earnestly seeks to destroy," Sizani said.

● See Page 6

GREEN PAPER ON LAND REFORM

There shall be land for all?

STATE-OWNED land — about 26% of South African land — should be redistributed to disadvantaged communities, the Green Paper on Land Affairs said last night.

About a million hectares of rural state land was potentially available for redistribution, but there were no estimates of urban land and land owned by local authorities available for redistribution.

"This information gap is a serious impediment to the most effective usage of public land and will have to be addressed," the report said.

The interim constitution provided for the division of state land assets between national and provincial governments and for the classification of state land as national or provincial state land.

The report said provinces should as far as possible be given executive authority for implementing tenure reform legislation on state land.

"As major urban and rural land holders, government agencies are in a unique position to make an important contribution to the RDP by releasing land for social upliftment and economic development."

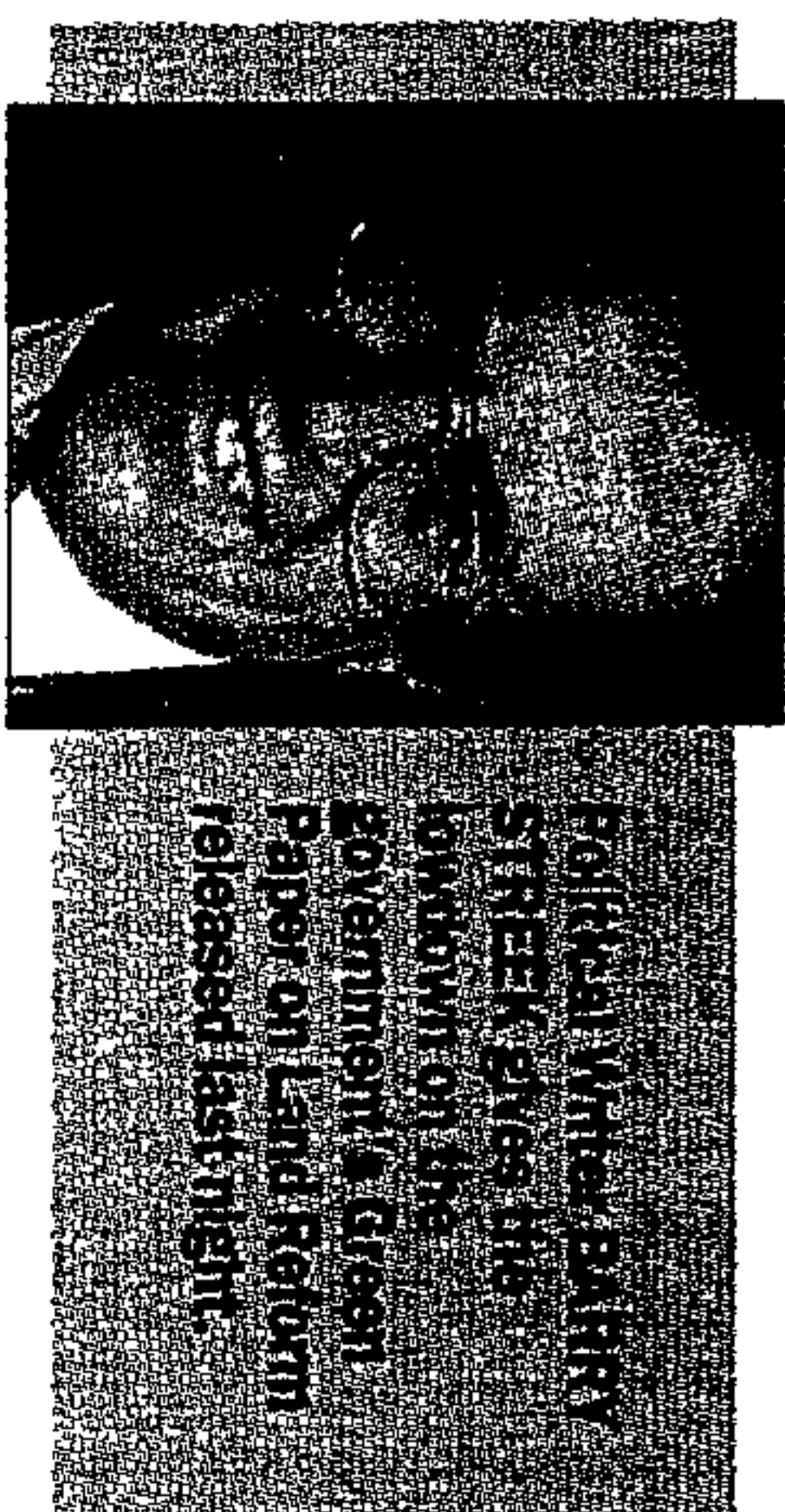
However, market value should be the guiding principle in determining the value of state land.

The many parastatals all held land, and in some cases their land holdings were extensive and spread throughout the country in both urban and rural areas.

"Transnet, for example, owns in excess of 50 000 properties. There is no easy way to access information on parastatal land, its location or planned stage.

"In many cases, parastatals themselves may not be aware of the full extent of their land holdings.

"It is proposed that the state land inventory be broadened to become an inventory of public land, and that parastatals are obliged by law to enter details of their



Political Writer BARRY STREEK gives the lowdown on the government's Green Paper on Land Reform released last night.

landholdings into it.

"Parastatal-owned land not required for core business purposes should be disposed of in accordance with national policy on the disposal of state land."

The report said local authorities should also be compelled by law to enter details of their land holdings and land transactions on the public land register.

Former residents of District Six should be given the opportunity to participate in shaping the future of the areas which were still available for development, the report said. This should also apply to the former residents of Pageview in Johannesburg and Cato Manor in Durban.

"Where appropriate, available alternative land could also be included in the development projects. It is important that this process be driven by local needs."

The report said there were a number of factors which complicated the resolution of claims for restitution in the urban areas.

The large number of investigations that would be

CT 11/2/96 (271)
required to deal with the overwhelming numbers of individual claims could bankrupt the restitution programme before any remedial compensation was granted.

There were also multiple overlapping claims on individual properties involving original owners, long-term tenants and even sub-tenants.

Environment Writer MELANIE GOSLING reports that land administration in the former homelands is "chaotic" and in many areas it had collapsed.

The report said there was no single place where all the "myriad" pieces of homeland legislation were collated, nor was there a comprehensive inventory of the legislation.

Each of the former homelands had its own laws and administrative systems for land matters, and often routine decisions had to be made at ministerial, parliamentary or even presidential level.

"Day-to-day administration and record-keeping has broken down over a long period of time leading to insecurity of land rights and uncertainty as to the lawful holders of specific rights," the document said.

The breakdown included loss of records and the issuing of permits with no regard to the relevant laws.

In "stark contrast" there was a well managed and clear system of administering land matters in the former white areas. Landlessness and overcrowding in the former homelands had resulted in severe soil erosion and land degradation.

South African soils were deteriorating rapidly and there was a severe risk of increased land degradation unless preventative measures accompanied the land reform programme.

Major reforms on land policy proposed

(271) *ARL 1/2/96*
□ *Paper aims for large-scale redistribution*

ESTELLE RANDALL
Staff Reporter

LAND Affairs Minister Derek Hanekom today issued a major land reform policy paper proposing large-scale redistribution, restitution and land tenure reform.

The Green Paper on land policy is intended to redress inequalities in access to land inherited from the apartheid era and to secure the rights of people living in uncertainty on tribal land.

The paper says aspirant farmers and people who need land will be able to get government help with buying land for the first time or improving land they already have, up to a maximum of R15 000 a family.

The grant is part of the department's redistribution pro-

gramme and may be used to acquire land, upgrade tenure rights and to improve infrastructure such as fences, roads and water.

It may be given to individuals or groups and is aimed specifically at landless people wanting access to rural or urban land, farmworkers who want to improve their living conditions and tenure and beneficiaries of the Restitution of Land Rights Act.

Priority will be given to marginalised people and those projects which are sustainable and able to achieve results quickly.

Although the grant is aimed mainly at beneficiaries of the redistribution programme, the department has already allocated R3,2 million to five com-

munities who are likely to have their land returned under the Restitution of Land Rights Act.

For redistribution projects, the department has budgeted R73,5 million until 1998, of which R41,8 million has already been allocated to 38 projects.

In the Western Cape, grants totalling R226 000 have been allocated to five communities to enable them to plan their land projects. The beneficiaries include 40 farmworker families in Villiersdorp who intend buying a state farm in the area and the Elandskop community who had their land restored.

Once their plans have been approved by the department, these communities will be assisted with further funds to implement their projects.

Land to be redistributed

By Joe Mdhlela
Political Reporter

THE Government is all set to redistribute land whether white farmers like it or not, Land Affairs Minister Derek Hanekom said in Johannesburg yesterday.

Speaking at the launch of the Government Green Paper on Land Policy aimed at redressing the disproportionate allocation of land and inequalities of the past, Hanekom said only through redistribution of land to the disadvantaged would part of the problem of landlessness be addressed.

Hanekom also said that the expro-

priation of land at less than its market value would enable black farmers to be on an equal footing with their white counterparts

The Government was adamant that to build capacity for black farmers, land owned by white farmers would have to be reduced considerably to allocate part of it to black farmers. Land redistribution was also aimed at ending landlessness and therefore curbing land invasions, said Hanekom.

The new policy would also make it possible for "the majority of poor people to access credit in order to complement Government grants".

Through the new land policy, the Government would institute programmes to restore land to people whose land was dispossessed through apartheid laws. "This will be done to provide support to the process of reconciliation, reconstruction and development," Hanekom said.

"In the final analysis, the land reform programmes will seek to establish procedures to facilitate the release of land for housing, public service, recreational and productive purposes.

"For this reason, the Government is hoping that by June a new Act will be enacted so as to take our vision forward," said Hanekom.

Sowetan 2/2/96 (271)

NP, DP have reservations on land reform proposals

POLITICAL WRITER

THE National and Democratic parties yesterday welcomed the Green Paper on Land Reform, but both expressed reservations about some of its proposals.

The NP spokesman on land affairs, Andries Beyers, said the paper created the opportunity for constructive debate but there were too many ambiguities in the document which could lead to expectations on the one hand and opposition on the other.

Clarity had to be obtained on property rights, land tax, goals, selection criteria and cost implications. The NP would study the details and contribute constructively to a clear and well-thought-out White Paper being produced.

The DP spokesman on land affairs, Senator E K Moorcroft, said

his party agreed with the general principles of the policy and regarded it as a sincere attempt to deal with some of the most urgent problems, but had certain difficulties.

One of the most serious was the implications of the R15 000 settlement/land acquisition grant.

"The difficulties of administering this programme are enormous. If it fails, it will involve a colossal wastage of taxpayers' money.

"If on the other hand it succeeds, it could sharply drive up the price of land. This would not be to the benefit of those who seek to enter the land market."

The DP also had difficulties with the heavy bias towards communal ownership of land. To take new land-owners in this direction was to take them into a cul-de-sac of poverty and destruction of resources.

Decision on land claims delayed

(271)
By JESSICA
BEZUIDENHOUT

PROCESSING of urban land claims of apartheid victims has been held up by four months.

The first batch of claims lodged with the Commission on the Restitution of Land of the Western Cape would now only be settled about mid-year, said Commissioner Wallace Mgoqi.

His office appointed a full-time consultant this week to start investigating the more than 1 000 urban claims in the Western Cape as well as the Northern Cape.

Mr Mgoqi said although his office would attempt to make 1996 "the year of restitution", the first few months would be spent on setting up infrastructure.

ST 4/2/96

Hanekom faces

(271) ST 4/2/96

Derek Hanekom has been given one of the toughest jobs in the cabinet — correcting the massive imbalance in land ownership in South Africa. What's more, he has to do it on a minuscule budget.
RAY HARTLEY reports

WHAT riles Derek Hanekom, the Minister of Land Affairs, is that the discovery of a tracking device in his upmarket four-by-four vehicle made headlines for days on end, while coverage of his land reform programme has been sparse and low key.

He has a point, for among those in South Africa's power elites and among the largely urban readers of newspapers and viewers of television, the fortunes of his land reform initiatives have simply not been a sexy topic.

And when it comes to political pressure, the organised and vocal urban areas command the attention of government accountants far more than the voices of the dispersed and significantly less powerful rural poor.

As a result the government has allocated a spare 0,33 percent of its budget to land reform, leaving Mr Hanekom with few weapons in his fight to put South Africa's massive land imbalance right.

With a shortage of capacity and a shortage of money, Mr Hanekom has the task of inverting one of South Africa's most infamous statistics, the fact that a meagre 12 percent or so of the population owns 87 percent of the land.

Correcting this imbalance — along with the shameful fact that while white farmers own about 1 000ha of farmland each, black farmers make do with an average of 2ha — has presented a huge challenge.

Mr Hanekom has responded by marshalling the expertise of former land affairs officials, comrades from non-governmental organisations and technical experts to devise an ambitious land reform programme.

The product of their investigations — the Green Paper on South African Land Policy — was publicly launched at Johannesburg's Indaba Hotel this week.

In essence, the paper elaborates on Mr Hanekom's three-tier policy approach: redistribution, restitution and tenure reform.

The object of the redistribution dimension is, in the green paper's words, "to provide the poor with access to land for residential and productive uses, in order to improve their livelihoods".

Key to this process is Mr Hanekom's view that a "willing-buyer, willing-seller"

principle should drive redistribution. In other words, land that comes on the market should be bought by the dispossessed, with expropriation a last resort.

To assist the poor, the state would step in with financial aid in the form of a settlement/land acquisition grant of R15 000 per household wishing to acquire land.

The grant is the rural equivalent of the urban housing subsidy and both would be registered on the same national database.

Legislation making it possible to subdivide farms into more affordable units, is also proposed in the green paper.

Meanwhile, a second process of land restitution has begun working on restoring land taken from black South Africans during the apartheid years.

According to this programme, which is managed by a commission on restitution and the newly founded Land Claims Court, all those who were dispossessed after the passing of the 1913 Land Act qualify for restitution.

THE third process is to "extend security of tenure to all South Africans". The object here is to accord equal status to the myriad forms of land tenure spawned by apartheid, doing away with such inequities as the permit system.

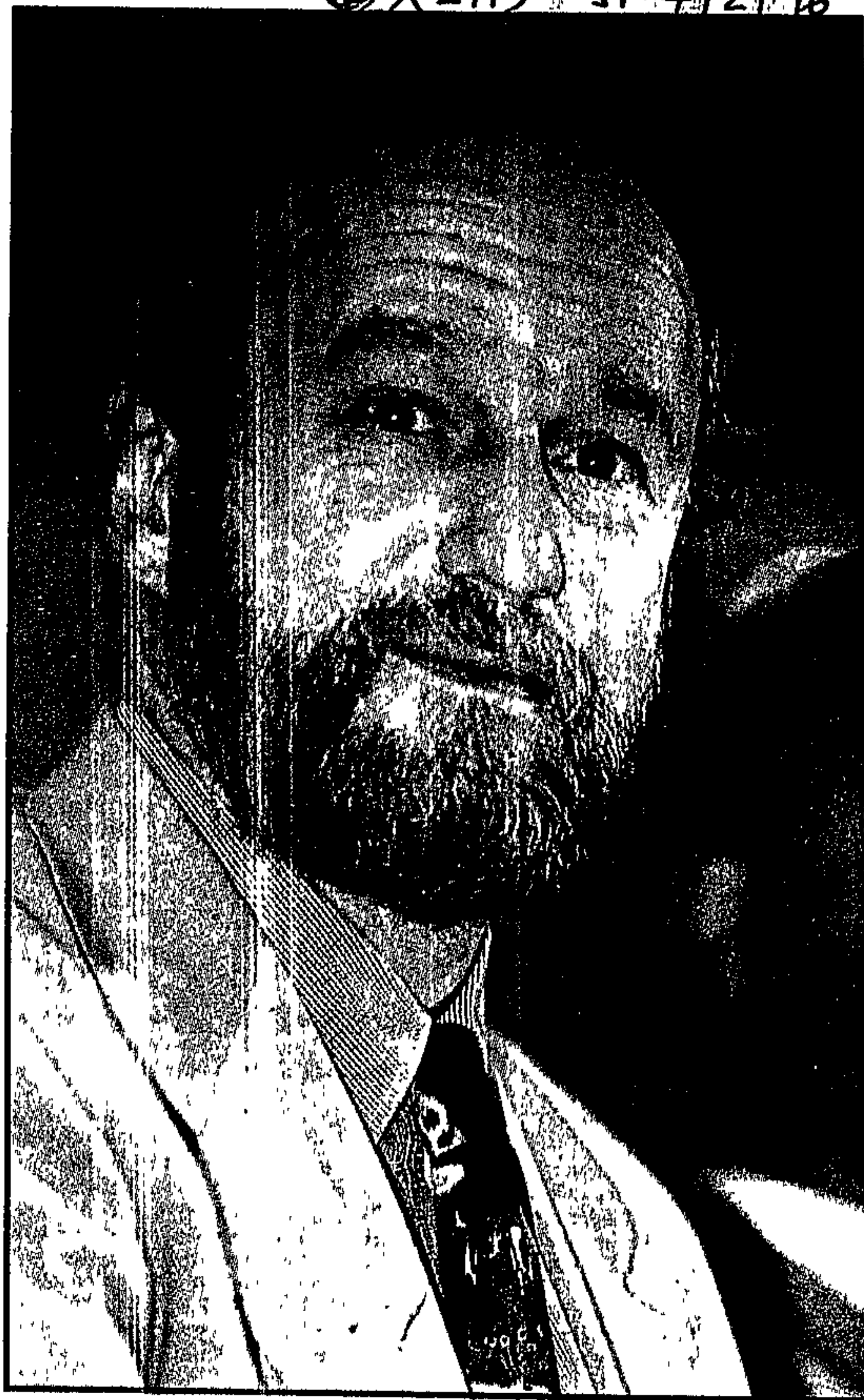
While few question the objectives of the policy package, some question whether it will succeed.

Among the critics is the director of the National Land Committee, Brendan Pearce, who argues that the willing-buyer, willing-seller arrangement is unlikely to deliver substantial change and needs to be backed up by state expropriation.

This in turn adds a constitutional dimension to the land policy debate for, says Mr Pearce, whatever policies are formulated will have to conform to the constitution, and the Bill of Rights in particular.

The presence of a property clause in the final constitution, he goes on to say, will limit the state's ability to expropriate land by making compensation prohibitively expensive.

Mr Hanekom last year argued for the complete removal of the property clause, sparking a debate with Water Affairs Minister Kader



NOT EXPECTING MIRACLES . . . the Minister of Land Affairs, Derek Hanekom

Asmal, who argued for the retention of a modified property clause.

The ANC's latest "tentative" proposal says a property clause would make it plain that the courts could rule on compensation according to four criteria: the current use of the property; the history of its acquisition; its market value and the ability of the state to pay.

A second criticism of the latest proposal is that it could turn land expropriation into a series of protracted court cases in which judges scratch their heads trying to weigh up the four factors and with the expropriated having many grounds for appeal.

In such a scenario, each act of expropriation could be heard by the Land Claims Court and then appealed in the Constitutional Court to test the application of the Bill

of Rights.

All Mr Hanekom would say on the constitutional matter this week was that he had already made his position clear and he did not wish to repeat himself.

On the question of whether his policy package would deal with land grievances speedily enough, he was more candid. "We're not going to have dramatic results in five years time."

With four percent of farms going onto the market each year, even assuming the state used all its money to subsidise purchases by the poor, change would be a slow process, he said.

But this could change, with more land owned by bankrupted farmers likely to find its way onto the market. "At this stage government doesn't have any intention of bailing out indebted farm-

ers," he said.

A second government's lack of commitment with large problems to put together solutions for la

es rocky terrain

ST 4/2/96



and Affairs, Derek Hanekom

Picture: CHRIS COLLINGRIDGE

by the lack of capacity among communities."

Perhaps of greater concern is the vagueness of the land reform programme's economics.

Ministerial advisor Joanne Yawitch says "The department has commissioned a study looking at the macro-economic impact of land reform".

To date only sketchy conclusions have been reached, including a projection on the percentage of land that will come into the hands of the rural poor if the programme succeeds — around 19 per cent by the year 2007.

How much will the land restitution process cost? Again, the answer is vague. Mr Hanekom says: "The money that's involved in restitution cases is impossible to quantify because we'll have to adjust budgets as we start getting the conclusions of restitution cases and the compensation ordered by the Land Claims Court."

If the National Land Committee is critical of the slow pace of reform, the South African Agricultural Union is as alarmed at what it sees as the rapid erosion of the property rights of its white members.

Replying to the policy proposals, the union's executive director, Jack Raath, said it objected to the use of "a term like redistribution which has a socialistic connotation".

On what did Mr Hanekom base his assumption that small farms were more efficient than large ones, Mr Raath said.

Mr Hanekom replied that if land was to be redistributed, farms would have to be subdivided, or else government would simply be replacing 50 000 white farmers with 50 000 black farmers.

Also of concern to Mr Raath was the proposal in the green paper that a land tax be considered at local government level to help fund local land reform initiatives.

They say the tax would unfairly burden struggling farmers.

Also present at this week's launch was chairman of the parliamentary standing

committee on land, Chief Patekile Holomisa.

Despite several jokes by Mr Hanekom from the podium, Chief Holomisa was a sullen presence throughout the proceedings.

Afterwards he said he had found Mr Hanekom's references to him amusing even though he had sat impassively throughout. "I was laughing inside," he said.

IN a diplomatic faux pas, Chief Holomisa had been refused an advance copy of the green paper by a land affairs official the week before, a gesture he regarded as a snub.

This compounded his fear that traditional leaders had been deliberately excluded from policy formulation. "I'm happy with the green paper, but I'm unhappy that the process of drafting it did not involve traditional leaders," he said.

Chief Holomisa can be expected to subject the green paper to tough scrutiny when it is debated by his committee — yet another hurdle for Mr Hanekom to overcome.

With legislation already passed and more on the way, Mr Hanekom has shown he is determined to use his limited resources to tackle the immense problem of skewed land use.

But his department may be taking on too much and failing to identify manageable tasks that fit its budgetary and capacity limits.

In so doing, however well-intentioned Mr Hanekom may be, he could find his resources stretched to breaking point while he draws growing criticism from restless rural communities.

It is symptomatic of a problem that faces government in general. For, while the National Party became famous for throwing money at its problems, its ANC successors are in danger of throwing problems at their money.

In the months to come, Mr Hanekom will need his bug-free four-by-four to negotiate the steep incline that faces his policy proposals.

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ers," he said.

A second limitation on the government's ability to act is its lack of capacity to cope with large programmes and many communities' inability to put together their applications for land.

Again, Mr Hanekom was candid: "We have hardly any capacity to deal with the few projects that are in front of us. Given the demand-driven nature of the programme, to some extent our lack of capacity is more than matched

CONGRATULATIONS

Fight for land: Pniël man takes on Anglo

ARLT 5/2/96

(271)

Staff Reporter

A LONE Pniël community worker has taken on the might of Anglo American Farms Limited in an attempt to reclaim land being used by the company, but which he believes belongs to the people of the small Boland town.

For the past 15 years Ruben Williams spent most of his free time in the National Archives trying to find out who the rightful owners of the land were, and how Anglo managed to claim possession of more than half of it.

He has had limited success in his quest, but enough for the Land Commission to agree to investigate and take up the matter on behalf of the town's residents.

Records from the archives show that in 1843 Pieter Isaac de Villiers and Paul Retief made a grant of a portion of land for the purpose of erecting

a school for coloureds, and for establishing a place of worship.

Later in the same year, the farm Papiere Molen was bought and placed under the protection of the Apostolic Union — a religious body whose principles were broad enough to include members belonging to all Protestant churches.

The union then established a mission station for the people of the neighbourhood and most of the 47 morgen of land were divided into holdings for the people.

The title deed was held by the church and was managed by a board consisting of local community leaders.

Mr Williams said that some time between 1927 and 1949, the Anglo group managed to take possession of 26 morgen of the land for farming purposes, and that the whole of Rhodes fruit farm was situated on this land.

"I checked with the Deeds Of-

fice to try to find out how they got control of the land but all the records had mysteriously disappeared.

"But I managed to gather enough information and documents, which prove that the land belongs to the people, and have submitted a claim to the Land Commission."

Mr Williams said he contacted Anglo American Farms Limited about his claim and got a letter from the company's managing director Keith Hosking stating that they were satisfied that the company held the valid legal title to all the land it owned.

Mr Hosking said a number of previous investigations had taken place and extensive research had been conducted, and Anglo was satisfied it was the legal owner.

"However, if the claims can be substantiated we will certainly revisit the issue."

R15 000 land reform grants

Sowetan 8/2/96

(271) (S)

By Rafiq Rohan
Political Correspondent

SUBSTANTIAL grants have just been made available to people who qualify as recipients under the Land Reform Programme

The Department of Land Affairs will be giving out the grants because merely providing land and tenure security will not be enough to balance the injustices of the past. Grants of up to R15 000 a person will become available to those who qualify.

The Land Reform Programme focuses on three main areas:

- Redistribution of land to the poor and disadvantaged;
- Restitution of land rights to the victims of forced removal; and
- Tenure reform aimed at promoting security of tenure for everyone

The grants are aimed at ensuring the productive use of land. Measures for grants in terms of restitution, redistribution and tenure reform will include a settlement and land acquisition grant.

This grant is set at a maximum of R15 000 per beneficiary and will be used "for land acquisition, enhancement of tenure rights, investments in infrastructure, home improvements and fencing"

People who qualify for the grants are landless people, farmworkers and their families, labour tenants and their families, residents wanting to upgrade their tenure conditions, entrepreneurs wanting rural property for production purposes and those who have been dispossessed of land.

Land reform plans welcomed

CT 8/2/96

THE government's proposed land reform measures were welcomed yesterday by the farming company which is backed by seven major business concerns to promote disadvantaged communities' access to commercial farming.

However, chairman of New-Farmers Development Company Mr David Gant said redistribution of land, restitution of land rights and security of tenure was not enough. "Much will depend on how land is utilised to create new wealth in a sustainable way."

NewFarmers shareholders are Unifruco, Absa, Sanlam, Rembrandt, KWV, Outspan and Kynoch.

(271)

5 000 land restitution claims

Sowetan 9/2/96 (271)
THE Land Claims Commission has received more than 5 000 claims for the restitution of land.

Most of the claims relate to land taken from people under apartheid policies after 1913. Some claims were lodged on behalf of tribes that

were moved from ancestral lands.

These include the Kgosi tribe's claim to the Lohatla military base in Northern Cape and the Batlounge tribe's claim to farmland in the Lichtenburg district. Urban claims include District Six in Cape Town. — *Sapa*.

NEWS FOCUS

Expropriation seen as an instrument of last resort, says Hanekom

Wynndham Hartley

LAND Affairs Minister Derek Hanekom, in the green paper released by his department last week, gave notice of the government's intention to ease the qualifications under which the state can expropriate land. These measures, which are also under discussion in terms of the new property clause in the new constitution, are controversial.

Hanekom said in an interview last week that expropriation would be an instrument of last resort.

Notwithstanding that, he indicated his determination to expropriate if landowners were not co-operative in certain situations. "If the only desirable outcome in certain cases is that the land from which people were evicted has to be expropriated, then we will expropriate," he said.

Hanekom said that even in cases where a landowner had satisfied the legal requirements to evict people from a property, expropriation could still be used.

"It is our responsibility to provide land for the landless."

"If it is clearly in the public interest not to move the people, then expropriation is valid," he said.

"If it will be traumatic, or for any number of other reasons, for the people not to be removed, if they or the state has offered to buy the land in question and the owner still refuses, then this could necessitate expropriation," he said.

"In fact, we have a case like this in Welverdiend in the Northern Province." There are more than 100 families living there. The farmer bought the land knowing that, and thought he could make a huge, easy profit by offering the property for sale

at much more than market value.

"It was an unfair move and we have threatened him with expropriation."

Emphasising that market price would be the primary consideration in most cases, Hanekom said he was prepared to use expropriation as a means to pre-empt intentions to evict.

"One of our big challenges is rapid land release. People who have been kicked off the land may not have the capacity, or the organisation, to take advantage of the law. Then we are faced with the situation where we would have to make land available fast by identifying what is available."

"It might be municipal land, state land or land on the market."

"In some circumstances we, the state, might have to buy land as a rapid solution. Failing that we would have to look at what land would be best to expropriate."

Mediation

Asked about the rights of those forced off tribal land by disputes with chiefs or traditional leaders, Hanekom said their first option would be to apply to the land commission.

"Much of the work of the department is mediation work. In that case we would accept that this group of people had lost their land rights. The first step would be to start negotiating. Recognising that much of the land problems begin in tribal areas through sheer pressure on the land, it might emerge that it is not possible or desirable to return them to the original land. In such a case we would then slot them into the programme to find alternative land."

Hanekom said there had to be a dis-

cernible need for land. Need was one of the primary qualifications in the entire land reform programme. Thus a group of 500 who had been forced off the land would get more consideration than a single entity.

"In the case of a tribal leader forced off the land with his people, we would insist that if alternative land is provided it must be registered to a communal property association representing all the people."

Hanekom faces a deeply suspicious fraternity of traditional leaders who see land reform as a threat to their power.

He insists "We have to introduce measures whereby people can upgrade their tenure." If there is no opposition to the upgrading of tenure from the tribal authority, it is easy. But what if, as in many cases will undoubtedly be the case, the chief and his elders say no?

"That would have to be addressed as part of a tenure reform programme. It took 20 years to evolve a solution to that in Botswana. Tribal authorities now do not have land allocation authority in that country. It is all decided by land boards. We need to go through a much broader tenure reform process. We are embarking on a two-year research programme with pilot projects around the country."

"We will have a comprehensive tenure reform policy and accompanying legislation in place in two years," he says.

Hanekom insists the first priority is to ensure that land is allocated by a democratic process and not through individuals simply making the decisions.

"In a sense it was not the original role of traditional leaders who were supposed to act in the interests of their people. It has been distorted and extraordinary powers



HANEKOM

have ended up in the hands of chiefs.

"We have to ensure that, in the next couple of years, those groups of people who want to move to freehold land should be able to do so, subject to the broader interests of the community. There must be a democratic component in that process. Because a chief and a couple of elders oppose it is not enough. There must be a policy and a legal framework that allow land to be reg-

istered in group or individual names at the deeds office."

The potential for conflict between the state and traditional leaders, particularly in the two strongholds of KwaZulu-Natal and the Eastern Cape, will depend, Hanekom says, "on how we manage the process there."

"Remembering that there was no collusion with chiefs in Botswana, we would certainly hope that through a serious process of workshops, consultation, and engagement we will be able to achieve reform before 1999. That is where the challenge is going to lie."

"We will do it delicately by developing policies which traditional leaders can accept. We must carry them with us rather than impose tenure reform on them."

Hanekom's most controversial legislation so far has been the Land Reform Labour Tenants Bill, which will entitle farm labour tenants to apply for the right to buy portions of the farm on which they live. The Bill faces a court challenge and the criticism that it will harm relations between farmer and labour tenants.

Conceding that the state is not in a position to supply extensive agricultural support services to labour tenants who gain access to their own land, Hanekom says he does not see good relationships between labour tenant and farmer turning ugly.

"Where there is a useful collaborative relationship, that relationship will continue. It is where it does not exist and they face eviction that they will be the first to apply."

"There are a lot of labour tenants who have a mutually beneficial relationship and if the benefits will be harmed by application for ownership of the land, they won't apply

to be the landowners because they are not stupid. Those that apply will do so knowingly and will make the risk calculation."

"In many cases the farmers will welcome the labour tenant gaining ownership because many of them can use the money."

Hanekom suggests services such as the dipping of cattle, ploughing and planting might well continue as a part of a contract between the now former labour tenant and the farmer.

"There are so many positives that come out of this and it is only when I sit down with farmers and explain that they begin to realise it. In some cases they are getting neither labour from the labour tenant nor the use of the land."

"When they are told that they will be compensated for land they cannot use, it starts to make sense to them."

"I really challenge the people who say they have this good relationship and that the labour tenants Bill is putting it in jeopardy. It's not the good relationship that I would understand."

While legal protections for labour tenants and farmers is carefully built into the legislation, Hanekom concedes that the department does not yet have the capacity or the ground to make it work.

"We now have to build capacity. Hopefully the non-governmental organisations will make the shift as well to a collective implementation and monitoring function. The arbitration panels provided as dead-end lock breakers and the strengthened regional and offices are not yet in place."

"Right now we are able to respond adequately. We have created the legal protection and a lot more has to be done to make it a reality."

Gauteng acts to stop invasions

Huge tracts of land for homeless

(271)
(15)

BD 12/2/96

**Ingrid Salgado
and Nomavenda Mathiane**

STATE land in Gauteng would be released on a massive scale in a bid to stop land invasions, a ministerial meeting resolved at the weekend.

Land Affairs Minister Derek Hanekom reached an agreement on the issue with Gauteng MECs including housing MEC Dan Mofokeng and acting premier Mary Metcalfe.

This follows promises by the Gauteng government last year that it would spend R225m on providing land sites in 16 areas across the province in a bid to beat the growing squatter crisis.

The weekend meeting also comes two weeks before the release of Gauteng's policy on land invasion. According to Gauteng development planning director Carien Engelbrecht, the policy will focus on people being given security of tenure on the sites they are occupying in about 100 informal settlements in the province.

Sapa reports that after the weekend meeting Mofokeng said local councils would draft new lists of people waiting for houses. Local authorities would also be required to assess land needs in their area.

A Gauteng housing spokesman said the meeting with Hanekom showed government's resolve to deal firmly with squatters who were sabotaging

government's development plans and delaying the delivery of houses.

Hanekom said on Friday he would help resolve questions about land invasions and evictions, but the national policy required authorities to offer alternative land or accommodation to squatters who faced eviction.

Gauteng's policy for dealing with homelessness goes, implicitly, beyond even the incremental housing — or site-and-service — approach previously rejected by a number of provincial housing MECs.

Security of tenure was designed to stabilise settlements, leading to rapid upgrading as people were more likely to invest money in their areas, Engelbrecht said. This strategy was aimed at relieving government's budget constraints on service upgrading. About 80% of informal settlements in Gauteng had no access to basic services.

The province would also prioritise the release of additional land at various stages of service provision. Technical committees were being set up to steer programmes to release land.

Engelbrecht said occupiers of provincial land would be evicted only as a last resort. Where possible, every attempt would be made to relocate squatters to reception areas.

The state, as a special landowner,

Continued on Page 2

Homeless (15) (271) backyard shack dwellers.

Continued from Page 1

BD 12/2/96
was obliged not to create homelessness through its actions. It had to show on the balance of convenience that it had acted in a "humane way".

However, punitive measures would be introduced in reception areas. These included allocating small sites (between 80 and 100 square metres) to rule out subletting and expansion, and charging occupation levies instead of securing tenure. Minimum health and safety standards would be adhered to.

Legislation was also on the cards for

There was no short-cut route to addressing landlessness, Engelbrecht said. The department expected results to start showing in about 10 years. Government was having discussions with local authorities and was counting the informal settlements.

Gauteng has been the scene of numerous cases of squatters occupying land, with the most recent being Mofat Park, south of Johannesburg. Earlier squatters occupying buildings in central Johannesburg were moved after a court battle which ended in a court order being granted for Greater Johannesburg's metropolitan council to evict them.

'Drop property clause'

(271) Sowetan 14/2/96

THE DEPARTMENT OF Land Affairs' Green Paper on Land Policy mentions that the "Government believes it is essential that the Constitution should make effective land reform possible". We believe that if the property clause is retained in the final Constitution, it will hinder effective land reform.

The entrenchment of current property rights effectively means the reinforcement of highly skewed and unjust land distribution – a result of centuries of systematic dispossession of black people through colonialism and apartheid.

But the debate on the property clause has really revealed the extent of the dedication of various parties to redressing past imbalances.

Property debate

The National Party and the Democratic Party still insist on the entrenchment of current property rights. For the NP, this position does not come as a surprise. The so-called new NP is still caught up in its past policies that will perpetuate inequality.

The DP on other hand, who give the impression that they are champions of human rights, have never been consistent. They are only interested in protecting white land owners, and they care very little about the rights of the majority of the people.

The view expressed by many supporters of the property clause (including the NP and the DP) that potential investors would be unwilling to invest in South Africa if property rights are not entrenched, is not true for a number of reasons.

Firstly, international investors are generally more interested in intellectual property such as their name, research and development expertise, and so on.

Secondly, investors are far more interested in the stability of the country in general. Thus continuous unrest and land invasions by landless people would be a far greater disincentive.

Lastly, the international community is now convinced that the new Government is not about to nationalise all assets, as propagated by previous apartheid governments.

Incorrect perception

Accordingly, if reasons for removing the property clause from the Constitution are made clear, the perceived detrimental effects of scrapping the clause would, in practice, be non-existent.

The insistence by the African National Congress and the Pan Africanist Congress that the property clause should not hinder land reform is commendable, but it is insufficient as it will lead to a lot of uncertainty.

Thus, rather than having a "weakened" property clause that may bring many unintended consequences in future, it would be better to remove it from the Constitution. We are of the

The inclusion of the property clause in the final constitution will not benefit masses of landless people. Instead, it will make land redistribution difficult, argue **Brendan Pearce** and **Nomfundo Luphondwana** ...

view that the property clause will continue to have detrimental effects on land reform and reconciliation. For one, it will perpetuate the continuation of insecurity over property rights, particularly for black people.

The removal of the property clause from the Constitution will strengthen the confidence of landless people in the reform process, while also avoiding unnecessary lawsuits which may hinder the whole land reform process.

The property clause has serious implications on the Government's ability to expropriate land, and should the Government attempt to expropriate for purposes of land reform, it will be challenged by present land owners as contravening the property rights clause in the Constitution.

This effectively means that land reform will be at the mercy of current landowners. Some sectors of organised agriculture have already taken advantage of the property clause by threatening to challenge the Land Reform (Labour Tenants) Bill – which seeks to provide security of tenure for labour tenants – on the grounds that it interferes with private property.

Furthermore, the property clause compels the Government to pay a "market value" price for expropriated land, thus making land expensive.

This will place great financial constraints on the Government's ability to buy land at "market value". Already, some landowners are taking advantage of this situation by artificially hiking the prices of their land.

The Government is faced with the challenge of implementing the Reconstruction and Development Programme, and it should therefore avoid any obstacles that have a great potential



Flashback ... Mogopa residents rejoice after they returned to their land in 1994. The property clause may limit the Government's ability to address the dispossession of black people's land.

to hinder its implementation.

We argue that the property clause in the Constitution has a potential to hinder land reform and this will go against the Government's commitment to redressing past imbalances.

We are not opposed to the protection of landowners' right to land, but this can be adequately achieved through normal legislation. Other clauses in the Constitution, such as the Equality and Privacy clauses, can then be used to stop excessive expropriation by the state.

Many organisations

It is in the light of the above that many organisations, including the National Land Committee, continue to call for the removal of the property clause from the Constitution.

Land reform should not be at the mercy of present landowners. We are confident that those political parties which are truly committed to redressing the past imbalances caused particularly by apartheid will support this call – with due consideration to the millions of landless people in South Africa.

(Brendan Pearce is Director of the National Land Committee, and Nomfundo Luphondwana is the NLC's Media and Publicity Officer.)

Cosatu joins call on property rights

ARG 15/2/96 (271)

Labour Reporter

THE 1,6 million-member Congress of South African Trade Unions (Cosatu) has joined the call to remove the property-protection clause from the new constitution.

The call is also backed by non-governmental organisations working on land rights, the environment, development and law.

The organisations say entrenching property rights in the constitution will hinder land reform which aims to compensate victims of apartheid, of forced removals and to redistribute 30 percent of South Africa's productive land over the next three years.

The clause could perpetuate the current inequitable distribution of land, they add.

And a provision which states that compensation for expropriated property must be market related, could make land reform unaffordable.

Even a "weakened" property clause which includes the necessity of implementing the government's land reform programme, could have unintended consequences, the organisations argue.

Instead of constitutional protection for property rights, the organisations say that current owners' rights to land should be protected through normal legislation.

● The anti-property clause organisations are: the Congress of South African Trade Unions, the National Land Committee, the Centre For Applied Legal Studies, the Rural Women's Movement, the National Development Forum, the Development Action Group, the Legal Resources Centre, Lawyers For Human Rights, the National Association of Democratic Lawyers, Earthlife Africa, People's Dialogue, the Land Resource Information Centre, the Urban Sector Network and Planact.

Call for scrapping of property clause

(271)

Star 16/12/96

By **MONDLI MAKHANYA**
Political Reporter

A powerful coalition of 23 non-governmental organisations have called for the removal of the property clause from the final constitution and proposed that property rights be protected through normal legislation.

The organisations include the Congress of South African Trade Unions, the National Land Committee, the Human Rights Committee and the National Association of Democratic Lawyers.

The demand coincides with a National Land Committee-organised march on Parliament by representatives of rural communities demanding the scrapping of the clause.

Political parties in the

Constitutional Assembly are deadlocked over the continuation of the clause, which makes it difficult for the state to expropriate land for redistribution purposes. The NP, DP and Freedom Front argue for retaining the clause, saying it is necessary for investor confidence, while the ANC and PAC oppose it on the grounds that it inhibits land reform.

The coalition also opposes the proposed compromise of a weakened property clause, saying this would result in the continuation of insecurity over property rights for blacks.

The grouping said investors were more interested in the security of intellectual property and the stability of the country than property rights.

Land claims could lead to legal actions

(271) AR 4 17/2/96

Other options besides expropriation - Mgoqi

CHARLENE CLAYTON

Property Reporter

CLAIMS for land lost under the apartheid laws of the past could have a major impact in purchase and ownership of such properties.

But regional land claims commissioner for the Western and Northern Cape Wallace Mgoqi, was quick to point out that these properties would not necessarily be expropriated but could become subject to legal proceedings.

Apart from the contentious District Six area, other areas in the Peninsula include Muizenberg, Woodstock, Claremont, Simonstown, Retreat, Goodwood and Constantia.

"I don't think that there is a big danger that they could lose their properties, because the (land claims) court will not make orders that will lead to social disruptions," he said.

"The restitution process provides for four alternatives, and restoration (to claimants) is only one of them."

The other measures following a successful land claim include making available alternative land to claimants, financial compensation for their loss or "alternative relief" such as access to a state-funded development, said Mr Mgoqi.

The current owners of properties could find

themselves in legal wrangles however. Once a claim had been lodged, it was the work of the commission to investigate it and to call the parties - the claimant, the State against which all claims are lodged and the current property owners - together for negotiation.

"If we are not able to resolve it through direct negotiation, we will bring in a mediator and if a deadlock is reached, it will go to the (land claims) court for mediation," he said.

Estimates between 1960 and 1982 indicate that about 3.5 million people were forcibly removed from their land by the former government.

The latest figures on claims that have been rendered are 1 193 in the Western Cape and 116 in the Northern Cape.

Almost 80 percent of the claims for the Western Cape are for land that falls within urban areas.

Mr Mgoqi said the land claims court would be ready for hearings within the next month or two.

Aligned to the issue is the role that estate agents could or should play in transactions in which the property is the subject of a land claim.

Chairman of the Institute of Realtors of South Africa Des Nish said the institute's code of conduct required an agent to disclose the circumstances surrounding a property if it was possible to know the circumstances.

FINANCE

New Farmers: A bid to help the landless

MAUREEN MARUD
Business Reporter

THE expectations of previously disadvantaged communities to own land could go a long way to being satisfied by a new programme designed to raise capital.

Next month a prospectus will be placed privately with prominent financial institutions and several businesses, says Hannes le Roux, managing director of NewFarmers Development Company, a private-sector organisation established in 1994.

Based in Durbanville, NewFarmers seeks to create opportunities for viable farming ventures, focusing on developing communities, through project development, loan finance and equity participation.

Mr Le Roux said substantially more capital was needed than the estimated R10 million raised by existing shareholders which includes a group of seven companies operating in the commercial agricultural sector and related industries.

"We need an investment of

R55 million, which will create 800 jobs, for four projects already in an advanced stage of planning. These are based in various parts of the country."

No figure had yet been targeted as the total required capital for the new placement, he said.

"We are discussing the matter with our shareholders to come up with a final figure. We need substantially more funds to make our ideas work."

Several potential farming projects have been identified apart from those under investigation, Mr Le Roux said.

They included the farm Verlorenvlei in the Ceres district, where about 180 ha could be developed for cultivating fruit, flowers or vegetables. The capital investment needed was about R20 million.

Another potential project, requiring a capital investment of between R1 million and R3 million, was one to encourage small farmers for the cultivation of oriental tobacco.

There were two ways in which developing communities could share in agricultural ownership, Mr Le Roux said.

"One is the farm-worker eq-

uity route, through which we enable them to buy into the existing successful commercial set up, with the proviso that there must be room for expansion to create further wealth."

In such a system the individual would own shares instead of land.

He welcomed the newly announced government incentive of a R15 000 settlement-grant to buy into existing commercial farming operations.

"If you have 40 farmworkers, together they could pool R600 000 for a capital base to take up further loans for a bigger stake.

"We act as a facilitator to structure such deals, but it can only work with really successful, existing commercial farms."

Another way for communities to participate was to settle people in their own right on their own land to farm on a small scale, but this was a riskier route because access to supportive services was very limited, he said.

A modification to this route was being considered, which involved several satellite farms receiving certain services from

the main farm.

"We are working on two projects in the Western Cape where we will be able to implement that concept."

Mr Le Roux said the essence of NewFarmers was a philosophy of partnerships between itself, members of developing communities, existing commercial farmers and other individuals and institutions who identified with the company's broad aims.

Partners would be expected to offer relevant expertise and, or funding and a commitment to make the process work.

"NewFarmers provides the ideal conduit for the business community in South Africa and from abroad to invest in well managed, carefully selected and commercially viable agricultural projects, but with strong emphasis on the creative economic empowerment of developing rural communities.

"All investments will be based on detailed feasibility studies. Reasonable prospects for market related dividends to shareholders will be a key criterion for making investments."

(271) ARG 17/2/96

Property clause has no place in constitution

(271)

BD 19/2/96

BRENDAN PEARCE

EFFORTS to rectify the wrongs and injustices of the past will be frustrated should the property clause remain entrenched in the constitution. The clause will promote inflexibility and make it hard for government to proceed with reconstruction and development. And it will perpetuate the property and income differences between races.

It is in landholding that disparities are very large, and they are mainly a direct result of conquest, unjust laws and other inequitable measures. The role of the market in the acquisition of land as private property was both minimal and a consequence of these fundamental forces, used by erstwhile governments for the interests of one section of the population at the expense of others. These governments overrode or distorted the rules. They instituted a highly skewed and unfair land distribution.

As free and equal access to land has until now been absent, there can be no absolute guarantee of property. The present government has a moral duty and historic task to ef-

fect an equitable redistribution of land. It is fair to say that products of the past that have a bearing on the present situation should be taken into account when assessing needs and ways to bring about parity and meaningful development.

But with government's hands tied by the property clause, very little can be done to advance the land reform process. Even the land affairs department has come to this realisation. In its recent green paper, the department says "it is essential that the constitution should make effective land reform possible. If it obstructs or prevents land reform, a constitutional crisis will occur, as tension develops between the popular demand and need for land, and constitutional provisions which make it impossible for government to respond to that demand."

Although white farmers make up less than 0.17% of the population, they own virtually all the agricultural land. About 55 000 white farmers own more than 11-million hectares, or an average of 2 000ha each. Contrast this with blacks as a

whole, most of whom have access to only about 0.5ha of non-agricultural land each. Nowhere in the world does a similar disparity exist.

If vast tracts of land are not to remain in the hands of a few white landowners, government must intervene deeply and decisively. Those who advocate retention of the clause (like the NP and the DP), do so because the bulk of their supporters have property. But they are in danger of reinforcing the racist spirit that underpinned unacceptable differences.

A realistic and equitable property situation in this country requires that we jettison unfair baggage from the past. The spirit behind the property clause goes against this. Parties supporting the clause are creating an albatross for themselves. Since these parties are presumably committed to justice, the free market and equitable development, they cannot, in all honesty, support a measure which goes against the

speedier establishment of a just, free and equitable property framework. And if they have confidence in the country, the efficacy of the law and the efficiency of the market system, they should relinquish a measure that will only bring about injustice and discontent.

Failure to get rid of the clause could result in more land invasions, contributing to general instability and threatening the viability of the very economy that such parties make so much noise about sustaining. Such developments are likely to discourage foreign investors more than the absence of a property clause — something which does not apply in most democratic countries.

This is not to call for wholesale expropriation of land from the present holders. Nor am I saying there should be no protection or due processes of the law and the operation of the market.

However, government must be more active in intervening directly and deeply in making land accessible to the disadvantaged. If this means it should either suspend or

tamper with the market to achieve equity and economic growth, then so be it.

As long as the property clause makes land ownership an absolute, to be determined entirely by market forces or market-related prices, government's power to implement reform programmes will simply be challenged by present land owners, as contravening their rights, as enshrined in the constitution.

Protection of land owners' rights and procedures for redistribution could be taken care of by ordinary legislative and legal methods. The constitution should not be an instrument for entrenching or safeguarding injustices; nor should it pre-empt or supplant other measures that could do a more effective job in realising both the spirit and letter of justice and development.

As things stand, the clause ties the hands of government in getting rid of obvious and gross aspects of the apartheid legacy.

□ Brendan Pearce is the national land committee director.

BOOK

'ANC, PAC lack will for land reform'

BARRY STREEK
POLITICAL WRITER

(271) (4)

CT 19/2/96

THE National Land Committee (NLC) has slammed all parties in Parliament, including the ANC and PAC, for failing to take a stand promoting land reform.

Both the ANC and the PAC had said they favoured the option of having no property clause in the constitution "but neither parties have the political will to take a stand on the matter", the NLC said.

The NLC issued the statement after a delegation of "rural and landless people", representing communities from eight provinces, last week met Constitutional Assembly chairperson Mr Cyril Ramaphosa and members of the ANC, PAC, National Party and Democratic Party.

Community representatives reminded negotiators that landless people had insisted on three previous occasions that a property clause in the constitution would stop land reform taking place.

They had reiterated their call for the property clause to be removed from the final constitution when they met representatives of the political parties.

"From the ... responses, it seems clear that the NP and DP remain committed to protecting the property of the minority at the expense of the millions of landless people in our country."

The NLC said the community representatives had responded after their meeting that they had been listened to, but the parties had not heard what they had said.

The ANC had invited the representatives for further discussions but they felt these discussions could be in vain as they had already made their position clear.

Property rights row

Labour Reporter

THE Congress of South African Trade Unions (Cosatu) will meet the African National Congress on Wednesday to discuss its concerns about including a clause on property rights in the new constitution.

Cosatu spokesperson Neil Coleman said national office bearers of the 1.6-million strong federation would come to Cape Town specially for the meeting and would also raise other contentious clauses such as the labour relations clause, which currently gives employers the right to lock out workers.

Cosatu also hopes to meet the National Party on Wednesday.

Mr Coleman said Cosatu stood by its belief that property rights

should be dealt with under normal legislation, not in the constitution.

This position is shared by several rural and landless communities and organisations working in the land rights sector.

On Thursday last week, a delegation representing rural communities from several provinces met with Cyril Ramaphosa, Constitutional Assembly chairman, and negotiators from the NP, Democratic Party and the Pan Africanist Congress.

In a statement on behalf of the community representatives, the National Land Committee (NLC) said after the meeting that the

parties had listened to them but not heard what they had said.

"It seems clear that the NP and DP remain committed to protecting the property of the minority at the expense of the millions of landless people," the NLC said.

Although the NP and DP tried to justify a property clause in the constitution as a way of also protecting black landowners, the NLC questioned this "change of heart".

"This is a cheap shot coming from parties who have never been interested in the secure tenure of black people.

"The public needs to see their

□ Cosatu set to meet ANC to discuss the constitution

arguments for what they are - an attempt to entrench racism in ownership of land."

The NLC said that while the ANC and PAC favoured having no property clause in the constitution, neither party had the political will to take a stand on the matter.

"As a result they have compromised on the issue which is central to transformation of the currently skewed and unjust land distribution in this country."

They said the ANC had invited further discussion but community representatives believed this would be in vain, as they had already made their position quite

clear to all the negotiators.

"If a property clause is written into the final constitution, it will be obvious that our government will not be able to help us get land. If this happens, we will be forced to use land invasion as our last resort."

Besides the call for no property clause to be included in the final constitution, there are two other options on the table.

One option proposes guaranteeing the right to own property and says nobody may be deprived of that right unless this is done for a public purpose or in the public interest.

When property is expropriated

the state must compensate the owner, taking into account the market value of the property and any improvements that have been made to it, its current use and how it was acquired.

Another option proposes that the state be able to pass a law which allows it to expropriate property when it is for the public interest - for example, land reform - or for a public purpose - for example, to build a road.

If property is expropriated, the state would have to compensate the landowner, weighing up public interest against the interests of the landowner.

One of the factors which would have to be considered in calculating the compensation would be the state's ability to pay.

brewing

(271) ARG 19/2/96

Land tenure systems 'should be re-evaluated'

BD 20/2/96

(271)

Samantha Sharpe

CAPE TOWN — SA had to re-evaluate its land tenure systems, which included communal land ownership by local chiefs, to reduce rural poverty, Deputy President Thabo Mbeki said yesterday.

Speaking at the opening of a workshop on approaches to rural poverty alleviation in Southern African Development Community countries, Mbeki said the development of small farmers was the key to reducing poverty.

This was a decisive step towards meeting the challenge of poverty countrywide, with the poorest provinces in SA overwhelmingly rural provinces.

About two thirds of SA's poor are found in three provinces — the Eastern Cape (24%), KwaZulu-Natal (21%) and Northern Province (18%).

— Mbeki said government would have to "develop and empower the small farmers" by ensuring that land tenure systems encouraged growth in agricultural production.

This meant access to land and capital as well as training, extension services and marketing support for agricultural products.

About 28% of SA's rural poor had

access to some land for crop production of which more than 80% was communally owned. About 95% of the value of production originated from the large-scale, commercial subsector.

Small farmers also had to be supported by a labour-intensive infrastructure and a strong drive to raise literacy and numeracy levels in rural areas, he said.

Mbeki said reduced poverty in rural areas would translate into lower employment levels in the countryside and a slowdown in rural-urban migration and the development of urban slums.

However, democratic institutions in rural areas had to be strengthened to encourage popular participation in decision-making processes.

World Bank spokesman Katherine Marshall warned that poverty alleviation had to become the real goal of government policy, with words translated into deeds.

She said policymaking in many countries was "still too top down".

There was a danger that governments could become preoccupied with the goal of a healthy macroeconomic environment without immediate relief to the poor, Marshall said.

Property clause widely rejected

Samuelan 20/2/96
(271)

By Joe Mdhlela
Political Reporter

THE NATIONAL Land Committee and a number of non-governmental organisations are calling for the scrapping of the property clause from the final constitution – three weeks after the Government unveiled its green paper on land reforms.

Other organisations fighting for the removal of the property clause include the Congress of South African Trade Unions, the Association for Rural Advancement, Association for Northern Cape Rural Advancement, Border Rural Committee, the Rural Women's Movement, Free State Rural Committee,

There are fears that entrenching the clause will hinder reform

Transvaal Land Restoration Committee, Surplus People Project, Southern Cape Land Committee, National Rural Development Forum, Farmworkers Research and Resource Project, Urban Sector Network, Development Action Group, Transkei Land Service Organisation and Earthlife Africa.

Unjust distribution

Spokesperson for the land committee Ms Nomfundo Laphondwana said even lawyers' organisations such as the National Association of Democ-

atic Lawyers and the Centre for Applied Legal Studies were opposed to the clause. She said it was the view of most organisations that the constitutional entrenchment of the clause will reinforce the highly skewed and unjust land distribution and serve to perpetuate and protect white land ownership at the expense of millions of landless blacks.

"A property clause which insists on market value compensation for expropriating land will prove unaffordable for the Government in the long-term," she said.

All are guilty — Tutu

By Rafiq Rohan
Political Correspondent

CONFESSING the horrors of apartheid, in Truth Commission terms, is something that everyone in South Africa will have to do.

In different measures we all have been guilty. Black people also need to confess, Truth Commission head Archbishop Desmond Tutu told *Sowetan* in an interview yesterday.

Tutu was equally forthright about the question of the huge salaries that commissioners on the TRC will be earning. They are earning over R23 000 a month, salaries equivalent to those of judges.

Not so long ago Tutu accused Members of Parliament of riding the gravy train because of their high

salaries. At the time he became something of an official spokesman for gravy train critics.

Many MPs argued that they worked long and hard hours and that they had actually taken salary cuts by coming to Parliament.

Could the TRC commissioners also not be seen as hopping aboard the gravy train, I asked Tutu?

"I am glad that quite a few of the commissioners felt sufficiently uneasy for it to have been raised immediately in our first meeting.

"The principle is one that I think is quite right. If you are going to second three people from the Supreme Court — as has happened — to operate within the commission you cannot expect them to come from where they are used to their particular

salary level and come and take a lower salary. That is the principle," Tutu explained.

He said that he was shocked at salary levels that people actually earned before coming to the TRC.

"Some of the professional people on the commission actually seriously considered not accepting because even this level (of salary) is lower than what they earn.

"If you are looking for the best people to appoint, and quite a few of them are professional people, it is then up to the commission to decide."

Tutu has volunteered to donate part of his earnings to charitable causes. He also said the salaries were due to the two year period that commissioners would serve.

● See page 12.

Land claims date now extended

THE Regional Commission on Restitution of Land Rights has extended the period for the submission of claims for the restitution of land rights in the Alexandra, Pageview and Albertsville in Johannesburg to April 9.

The initial deadline was December 13 last year. While the commission said it had received a great num-

ber of claims, there is reason to believe that not all potential claimants have submitted claims.

Meanwhile, all former stand owners in Kliptown, near Soweto, have been invited to a meeting on Sunday to discuss land claims. Organiser of the meeting Mr Mthethi Mngomezulu said the meeting will be held at the

former Lilydale Community School from 9am.

He appealed to all landowners or their children to attend. All interested parties should bring along their title deeds, identity documents, death certificates of landowners and sworn statements to prove that they are the rightful applicants.

Star 21/2/96

Claims for restoration of land deadline extended

 (D.H.)
STAFF REPORTER

The period for the submission of claims for the restitution of land rights in Alexandra, Pageview and Albertsville in the Johannesburg area has been extended by 60 days to April 9.

Regional land claims commissioner for Gauteng, North West, Mpumalanga and Northern Provinces, Emma Mashinini, said an official notice of the extension was published in the Government Gazette of February 9.

The notice was only applicable to persons who had not yet submitted restitution claims to the Commission on Restitution of Land Rights.

All claims for the restitution of land rights are to be handled as a single claim for the respective areas as it is believed the resources of the Commission and of the land claims court will be more effectively if they are utilised in this way.

Mashinini said although a great number of claims had already been received there was reason to believe not all potential claimants had yet responded and thus extend the time limit.

Submission of claims before April 9 would enable claimants to fully participate in the negotiation process, which was due to begin shortly.

Claims can be sent to: The Commission on Restitution of Land Rights, Private Bag X833, Pretoria, 0001.

Inquiries can be made at the office of the regional land claims commissioner in Pretoria, telephone number (012) 312-9647.

Farmers warn on land reform

Political Staff

COMMERCIAL farmers have warned such organisations as the Pan Africanist Congress and the African National Congress not to "underestimate the power of the farmers" when implementing land reform programmes.

SAAU president Chris du Toit said it was crucial that land reform did not threaten or destroy commercial agriculture.

"Such threats would not only lead to personal hardship and dissatisfaction, but to national economic instability."

Mr Du Toit was speaking at a media briefing yesterday after handing in to constitutional assembly executive director Hassan Ebrahim the SAAU's submission on the property clause to be included in the final constitution.

One of the options before the constitutional assembly details circumstances under which expropriation of property might be undertaken in future, the way in which courts considering compensation should balance the public interest with the interests of those in need of land restitution, and the ability of the state to pay for such expropriations.

Mr Du Toit said although the SAAU recognised and supported in principle the need for land reform, this should be balanced by appropriate protection for property owners under the new constitution.

Asked what actions farmers anticipated if their proposals were ignored by the constitutional assembly, Mr Du Toit said: "We'll start nothing that we can't pull right through to the end. Don't underestimate the power of the farmers."

Yesterday to
said would
and corpo-
GARTH LUMLEY

Land reform welcomed

CAPE TOWN — The Senate land affairs and agriculture committee's approval of the Land Reform (Labour Tenants) Bill was welcome, the national land committee said yesterday.

The Bill was tabled on Tuesday.

The committee said labour tenants would now have protection from arbitrary eviction. The Bill would also provide for labour tenants, assisted by the state, to acquire land and rights in land.

At least 500 000 labour tenants and their families would be affected by the Bill, the committee said.

Land owners might now be evicted only for a breach of contract, or for being guilty of misconduct or if the owner had very specific needs for the land.

"The process of eviction is circumscribed and is governed by the Land Claims Court," it said.

It believed that labour tenancy was semi-feudal and had to be transformed entirely.

The committee describes itself as an independent umbrella organisation of nine regional affiliates, working with rural and landless communities throughout SA. — Sapa.

Transnet pensions 'will be paid'

TRANSNET's pension deficit would not jeopardise future pension disbursements to its employees, Public Enterprises Minister Stella Sigcau said yesterday.

The company's deficit on March 31 last year amounted to R4,209bn she said.

Transnet became liable for the funding of a deficit of about R17,1m which the company had immediately prior to the transfer of the business of the SA Transport Ser-

vices to Transnet on April 1 1990. This obligation was in turn guaranteed by the state.

Transnet had taken steps to address the deficit, including issuing bonds to the value of R10,394bn and increasing its contribution rate from 11% to 15,525%.

The rules of the pension fund were amended to provide for the fund to invest in growth assets and the board of trustees reduced the benefits of fund members. — Sapa.

Intellectual rights Bills

Wynndham Hartley

BD 22/2/96

CAPE TOWN — Three Bills which will bring SA into line with its international obligations regarding the protection of intellectual property rights have been approved by Cabinet.

Cabinet secretary Jakes Gerwel told a news briefing yesterday that the Intellectual Property Laws General Amendment Bill would bring domestic law into line with SA's agreement at the Uruguay Round of GATT talks on trade-related aspects of intellectual property rights legislation.

The Counterfeit Goods Bill, which aims to provide adequate protection against trading in counterfeit goods for the benefit of both lawful producers of goods and consumers, was also approved. The third bill, the Intellectual Property Laws Consolidation Bill, will remove anomalies that exist as a result of different laws in the former TBVC homelands.

Language board stumped

CAPE TOWN — Parliament was unable to supply interpreters for a meeting of the special senate committee to set up a pan-South African language board yesterday.

Hansard deputy editor Paul Wise said in a memorandum to the committee his section was hard pressed even to sustain a rudimentary translation service for sittings of the National Assembly and Senate. "It is virtually impossible to provide interpreters for committees as well."

Parliament had no full-time interpreting staff, and staff with interpreting skills were "borrowed" from Hansard's reporting and translating sections, often disrupting this section.

The committee was to have compiled a list of up to 26 candidates for the 13-member board meeting yesterday but was unable to do so because the ANC, IFP and DP had not submitted nominations.

Committee chairman Attie Jooste said the nominations would all be in by the end of this week and the committee would discuss them on February 26. It was hoped that interviews would take place early next month and the Senate would confirm the appointments by the middle of the month.

The constitution calls for creation of a language board to foster development of all official languages and to advise on language legislation. — Sapa.

Batloung people of Botshabelo demand land lost to apartheid

(271)

Star 22/2/96



THEMBA HADEBE

BY BONGWE MLANGENI

It will be 19 years this year since the people of the Batloung were removed by force from their ancestral land and ditched in the dry Ramatlabana village in Matleng, North West province.

They remember their rich land with nostalgia as they battle to get it back.

Botshabelo in Putfontein, with fertile soil and diamonds, was a home to about 1 000 people of the Batloung tribe until 1977 when they were removed.

In 1994 the government said they could return to their land but they were prevented from doing so. The Batloung blame this on the bureaucracy of the Department of Land Affairs.

Today they are losing patience with the Government.

Batloung spokesman Peter Ramokala said they can no longer live on unproductive land, facing poverty and seeing their children stunted by lack of food and water while white beneficiaries grow mealies, farm cattle and sheep and prospect for diamonds and platinum.

He sums up the feelings of thousands of South Africans who were the victims of forced removals.

There are two major reasons for the delay in land restitution to the Batloung. One is the Department of Land Affairs, which has been passing their land claim case from committee to committee, and the other is the occupants of the land, who are only willing to move if their land is bought at market-related prices.

However, the Land Affairs



Take us back ... the Batloung are still fighting to return to their ancestral land after 19 years.

Green Paper has proposed that compensation should be below market value for land acquired cheaply under apartheid.

But 15 white Putfontein farmers now living on the land are determined to fight this proposal. Speaking for the farmers, Hannes de Villiers said they had invested millions in the land to produce good crops. "We should be paid what this land is worth. When we came here there was only soil and it was poor soil. We had to work on it to get such good crops," he said, adding that they wanted as much as they put into the land.

While Government and farmers argue over the issue of compensation, the Batloung people are unconcerned about debates they consider irrelevant, said Peter Ramokala.

"All we want is to go back to our land. We have heard enough of debates," he said.

According to chairman of the Transvaal Land Restoration Committee, Peter Ntshoe, the Batloung first lodged a restitution claim with the former Commission on Land Allocation in 1992. However

the council could not deal with the claim as it was only concerned with State Land claims. The Batloung claim was referred to the former Department of Regional and Land Affairs.

In April 1994 the old government resolved that the land be restored to the Batloung but the people could not return as the resident occupants demanded compensation. This was followed by a lengthy legal battle between the occupants of the land and the Government on how much should be paid for the land.

In November last year the State informed the occupants that their properties would not be bought and in December the Batloung claim was passed on to the Land Claims Commission to re-investigate the claim and later make recommendations to the Land Claims Court, which is not yet functional.

Spokesman for the Department of Land Affairs, Glen Thomas, said there was no question that the Batloung should be

returned to their land. However, only the Land Claims Court would determine when the people would go back.

"The time to be taken in resolving this case will also be determined by the speed at which the Commission completes its investigation and recommendations," he said.

But, Ntshoe said the process of land right restitution was long overdue.

"The problem is that the Batloung and many other people have been waiting and are still waiting. The delay is unnecessary," he said.

Ntshoe said they have already sent demands to the Land Affairs Department to expedite the restitution process. He said the minister should immediately give the land back and that communities returning to their land be compensated for developments such as shops and schools on the lands they were forced onto.

"We have noted with dismay that despite the Land Restitution Act of 1994 that empowers people to claim back their land, very little has been achieved and the process is very slow," said Ntshoe.

Ramokala said the Batloung people were not willing to wait any longer. "If this issue is not solved by end of this month there is only one route to follow: we will invade the land."

"We are being turned into fools again. We have suffered enough humiliation," said Ramokala.

But Thomas said communities should allow the process of law to take its course. "It would be regrettable if such an invasion were to take place."

Memories of the removal evoke bitterness

Star 22/2/96

(271)

When dawn came, a new reality knocked at the doors of the people of the Batloung in the North West Province, so hard that even now the memory evokes hatred and anger.

It was on October 31 1977 when they were awakened by roaring trucks and barking dogs. They knew, as they had been told, that the time had come to pack and go.

"But there was no time to pack. Our houses were bulldozed. With guns at our heads and dogs at our feet we hurriedly picked whatever piece of furniture left from the rubble, climbed on the trucks and headed for the unknown," recalls Paul Molefe.

Molefe and his family of six were one of the first to arrive at Ramatlabana in Matleng after travelling for about 100km from

their homes in Putfontein in the same province.

He remembers how their cattle and sheep fell off the trucks and died along the way and how they all feared for their lives, not knowing where they were going.

Before sunset, some of the Batloung had reached the strange land.

"It was hot, dry and there was no sign of life. Nothing to compare to our green, fertile land," he says.

By the end of the week, the Batloung people had been relocated to Matleng, on lands bigger than their own but with no water, sanitary facilities or transport. Although in their ancestral lands they had not needed to use vehicles often, they now needed to travel to get food and water and so cars became vital.

All they were given were tents to pitch. The first days were the most difficult, Molefe says. "We

washed away with the rains and the water does not stay in the soil. This is a place for animals," says Jeremiah Mogorose.

Today, some of the Batloung are still battling to find their feet in Matleng. They still do not have enough water, they use pit-latines and some still live in shacks.

Of the original 1 000 removed from Putfontein in 1977, most of whom are now retired, about 600 want to go back home, dead or alive.

Mogorose says although not all families want to go back and most of the younger generation have no interest in the land, some of the older people want to farm their ancestral land and have a quiet place to retire in.

"We want to buried next to our ancestors, where we never bought hit. "This place is not worth half the Putfontein soil and it is expensive to farm. The fertilisers get Mogorose.



Trade and Industry Minister Trevor Manuel signed a promotion and reciprocal protection of investment pact with Danish Foreign Minister Niels Petersen at the opening of the Nielsen tap factory in Bedfordview, Johannesburg, yesterday. From left are Nielsen Tap MD Sally Marengo, Manuel, Nielsen Tap director Kurt Nielsen and Denmark's Prince Consort Hendrik.

Picture: ROBERT BOTHA

Property rights not 'to protect the rich'

© (271) B023/2/96

CAPE TOWN — Business groups' desire to defend property rights in the new constitution is not an attempt to protect the status quo, says Business SA constitutional committee chairman Bobby Godsell.

"It is a very deep mistake to think that the constitutional defence of property is in any way a protection of the rich or of the status quo," he said before the business lobby presented its latest proposals to the Constitutional Assembly yesterday. "The defence of property is a central part of a free society. It is at least as important — and probably more important — for the poor." This was highlighted by land hunger and the question of security of tenure in land invasions.

"It is about laying a foundation where individuals participate in a market economy with the confidence that their savings and investments will be secure and protected," he said.

The body favoured the idea that labour rights should be dealt with through legislation rather than in the constitution. However, powerful opposing groups were lobbying for the right to strike and to lock-outs. If this had to be specified in the constitution, it was "absolutely imperative that the constitution deals even-handedly with employers and employees", he said. If not, there would be a "fundamental imbalance" between the rights of investors and workers.

"That would be very bad for the investment climate in SA and our growth rate," he said.

The SA Chamber of Business (Sacob) said the constitution should not exclude the death penalty and should have little control over labour relations. "We believe the way must remain open for government — in the light of the high incidence of violent crime — to restore the death penalty as part of a package of anti-crime measures," Sacob said. A strong groundswell of business opinion favoured reintroduction of the death penalty.

With job creation a priority in SA, the constitution should have as few enshrined labour rights as possible, the business group said. It preferred the exclusion of both the right to strike and employers' right to lock-outs.

Labour relations should be regulated by labour law and collective bargaining, not by the constitution, which had to send a strong signal that SA was irrevocably committed to an open market economy and social stability.

Exclusion of a property clause from the Bill of Rights was unacceptable. "Without a guarantee of basic property rights, economic growth and the economic system would be damaged." A government able to violate property rights could also challenge rights to land, shares, vehicles, machinery, savings, patents, livestock and other assets. — Sapa, Reuter.

Van Niekerk slates ANC proposal on compensation

Louise Cook

BD 23/2/96 (271)
AGRICULTURE Minister Kraai van Niekerk yesterday attacked an ANC proposal before the National Assembly to base payment for expropriated land on the state's ability to pay, accusing the party of trying to abdicate its responsibility to the public.

Describing the proposal as ridiculous, Van Niekerk said farmers would reject it outright.

He told an agriculture conference in Pretoria that land reform was sensitive. However, commercial farmers should not ignore the emerging sector, but should rather assist in getting it established.

Single-channel exports contributed to SA's international competitive advantage and state intervention, provided for in the draft Marketing of Agricultural Products Bill tabled in Parliament recently, could be motivated as being reasonable and justifiable, he said. "But it is not the intention of the Bill to bring back control; the local market will remain free."

National Maize Producers' Organisation chairman Cerneels Claassen said the domestic market for maize was deregulated, but single-channel exports by the Maize Board would continue. To date, the board had received 422 000 tons of yellow maize in its export pool and had "sold virtually all of it".

He said 3,6-million tons of yellow maize and 4,8-million tons of white maize were expected this year.

Waiting for the promised land ...

MTG 23-29/2/96

(271)

Ann Eveleth

EVICTED farm labourers in KwaZulu-Natal's pilot land reform district risk losing their life savings as tensions between a rural town council and land reform officials escalate.

About 36 families evicted from white farmland surrounding the sleepy KwaZulu-Natal Midlands town of Colenso face further impoverishment following delays in land redistribution.

Caught between an impatient Transitional Local Council (TLC) and a cash-strapped land reform programme, the labourers stand to lose their livestock — and their futures — while opposing bureaucrats point fingers at each other.

Last month the TLC impounded 260 cattle and goats it claimed trampled on private property and wreaked havoc in the town.

Community representative Victor Mkhize said the families were forced to sell cattle "to buyers who were waiting at the pound" in order to raise the R80 per head fee to free their animals.

The incident elicited claims of police brutality from the cattle owners and counter claims by the town clerk that they had issued death threats to councillors.

A new order to impound issued last week has the community on tenterhooks, wondering when they may have to rescue their animals again from the pound — and how much of their meagre savings they will lose this time.

A temporary reprieve was granted by the TLC, but one councillor warned Mkhize the cattle would be impounded "any day now".

Evicted from the land they called "home" for years, the displacees gravitated to Colenso's Nkanyezi township with nothing but their animals

to show for their lives' work. Living in small plastic tents and makeshift mud kraals on municipal township land, the families are desperate for grazing land and growing impatient with the promised land reform.

A proud descendent of Chief Albert Luthuli, Muntokatenjo Luthuli, says he and his family were evicted from a Ladysmith cattle farm after 10 years of service to the owner. Now the 20-member family lives in four huddled buildings with the animals practically underfoot.

Luthuli says the impounding caused great hardship: "We need the cows and goats for milk, for meat and to sell when we have no money to feed the children. If they take them from us we will have nothing".

Mkhize said most of the families were evicted from a single Colenso farm they had lived on "for generations", after a new farmer bought the land. "People who were born and

bred on the farm were kicked off and dumped at the side of the road with nowhere to go."

The township and the old town council agreed to give the people temporary residence while a permanent solution was sought. But as time passed and the promised resettlement did not take place, the new TLC grew impatient with cattle roaming on to private property.

"We agreed if the cattle wandered into town they could be impounded, but (the council) sent in the Internal Stability Unit to impound the cattle from the kraals," claimed Mkhize.

Town clerk Chris Beyers said the TLC voted to impound the cattle last October, but gave the families 60 days notice to remove them from municipal land: "They were eating washing on the line and damaging gravestones in the cemetery. Ratepayers complained and the land reform department is ducking and

diving. Black evictees know there's R35-million available for this district. Not a cent of that money has been spent."

District land reform manager Peter Green said the resettlement plan was "a lengthy process" as the farm the community wants was "beyond their means". With only R15 000 of government subsidy available per homestead for land and infrastructure, the community would have about R300 000 for the land — half of the R600 000 offer currently under discussion.

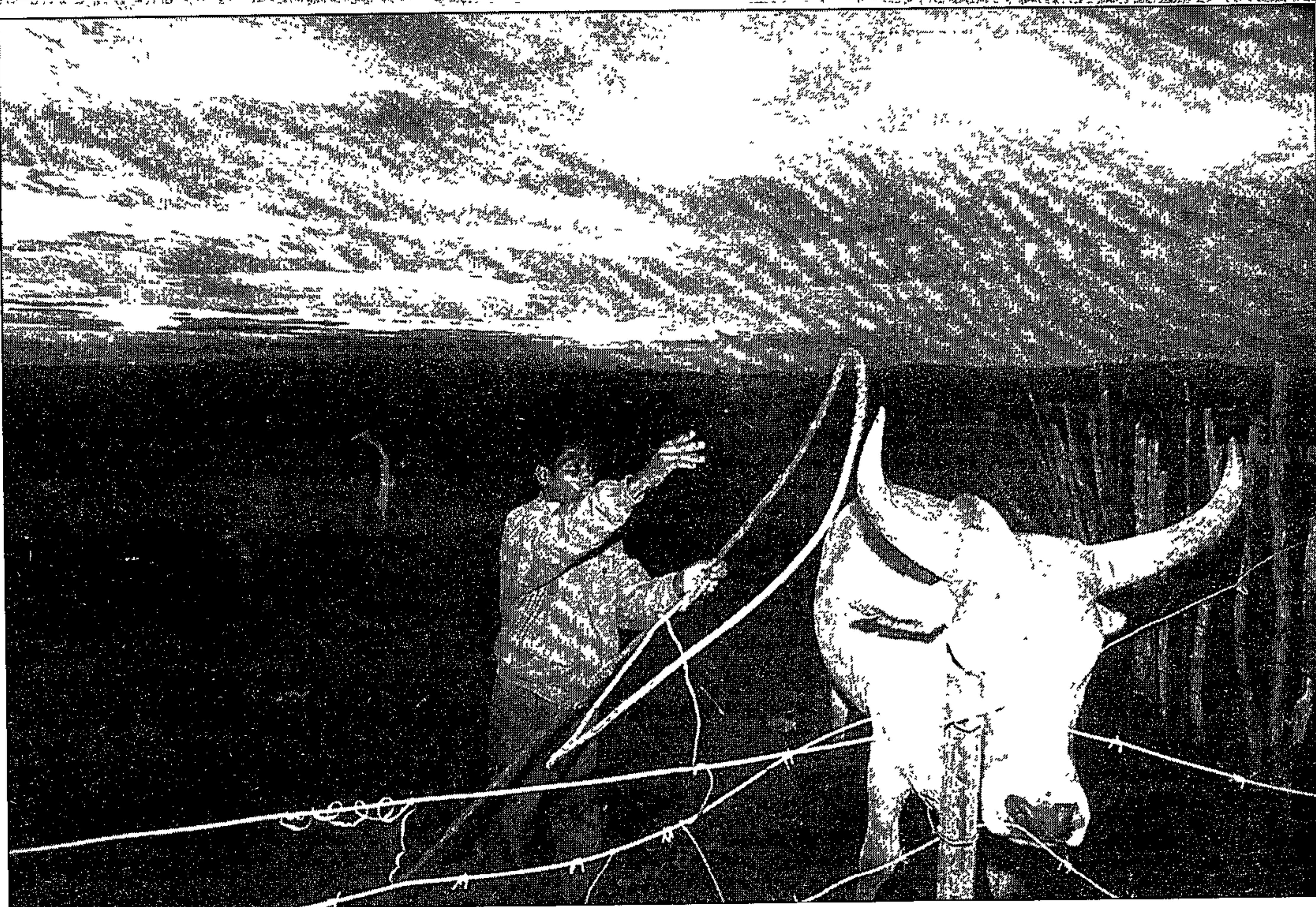
The land reform programme is negotiating a loan to enable the community to purchase the farm, but this would take time: "In the meantime, we need to get the local farmers and the TLC involved and make it their concern. At the moment it's a situation of somebody else's problem."

Green says attempts to seek co-operation from the TLC have met

with little success: "We would like the council to make land available for the cattle to graze as a short-term solution. We don't seem to be able to find other land and the council doesn't want to budge."

Beyers said the land reform department was trying to shift the blame: "The TLC is responsible to the ratepayers. Is it the responsibility of council to provide grazing land for free? Local authorities tolerated those people for more than two years now. They're not ratepayers and they're not our responsibility," he said.

Land Affairs spokesman Helmut Schlenter said little could be done to force local authorities to assist land reform, but the situation could soon change. The Green Paper on Land Affairs, released this month, suggests "moves are afoot to enact legislation to require local authorities and parastatals to bring their land into line with land reform".



Greener pastures: With their cattle impounded, evicted labour tenants are desperate for the land reform plan to get them grazing land

PHOTO DAVE BUZZAND

ANC decision to back property rights brings parties closer to deal

David Greybe

CAPE TOWN — An ANC agreement to guarantee property in the Bill of Rights had brought parties closer to a deal in the latest round of private talks, senior negotiators from the ANC, NP and DP said yesterday.

NP and DP negotiators, however, were still at loggerheads with the ANC over its continued insistence that expropriation payments had to depend in part on the "state's ability to pay".

However, NP and DP negotiators

said they were satisfied with the progress made during an all-day meeting on the Bill of Rights last Friday. The parties are scheduled to meet again next Tuesday.

A DP negotiator said the ANC shift had improved the property clause enormously. An ANC negotiator said while the ANC was prepared to be flexible on the property guarantee, it would depend on agreement on the other outstanding issues in the clause. A few weeks ago the ANC was still opposed to the inclusion of a property

clause in the new constitution.

Critics of the ANC have repeatedly accused it of trying to weaken the right to own property so as to carry out land reform. The link it has drawn between expropriation payments and the state's ability to pay has also come under heavy attack.

The ANC negotiator said yesterday the party's willingness to specify that the institution of property was guaranteed was based on the German model. However, he also said: "The form of property to be protected should not be

an absolute notion of property." That was not international practice.

The ANC wanted details of the regulation of property rights to be left to legislation. Otherwise it would adversely affect, for example, land reform, rent control and environmental protection. He stressed that the part of the clause dealing with compensation for expropriated land had to give the courts — not government — the power to decide when it was appropriate to pay the market value or a lesser value. The ANC was "not married" to any

27/2/96

particular formula, but wanted a clause that provided for a "balance" between public interest and the interests of those affected by expropriation.

The parties also discussed the important Bill of Rights limitation clause, and agreed to study a reformulation proposed by technical experts which sought to break a stalemate between the parties. The ANC had proposed that rights might be limited on "reasonable and justifiable" grounds while the DP and NP demanded a stricter "reasonable and necessary" test.

Seven Areas Act plots claimed (27.1)

POLITICAL WRITER

CT 28/2/96

CLAIMS have been lodged with Western Cape Land Claims Commissioner, Mr Wallace Mgoqi, for seven plots of land that were expropriated for a Group Areas Act buffer zone in Grassy Park.

Buffer zones were created by the apartheid government to separate racially defined residential areas so that different racial groups were physically divided.

Mgoqi has given notice in the Government Gazette of the claims, which are for plots in 8th and 9th avenues.

There can be no ambiguity on property rights

(271) *BD 29/2/96*

IN THE interests of our citizens as individuals and the country as a whole there is an overwhelming case, moral and pragmatic, for the unambiguous protection of property rights in the long-term constitution.

The constitution should have three objectives in this regard: first, to restore and protect the rights of dispossessed people (many have already acquired property in the new SA); second, to protect the rights of present holders of justly acquired property; and third, to protect the rights of people who acquire property in the future.

There is no conflict between the interests of past, present and future holders of property. They can and should be protected at the same time. Indeed, the case for protecting present and future rights is the same as the case for compensating for past wrongs.

When it comes to righting past wrongs, the principles of restitution and non-coercive redistribution are an extension of property rights in that people whose property has been

stolen are entitled to compensation. By contrast, expropriation without proper compensation, for the purpose of redistribution, entails a further violation of property rights.

Fortunately there are several non-coercive means by which government can redistribute land. For example, a plethora of statutory and institutional restraints designed to protect whites prevent spontaneous redistribution of land.

These constraints include laws governing credit, subdivision, township development, licensing, zoning, building codes, transfer and stamp duties. By scrapping or amending these laws government would achieve extensive, market-driven redistribution without threatening security of tenure.

Secondly, the state can redistribute its own vast property holdings and other assets to the poor. Thirdly, it can acquire property for redistribution in the market place, using funds, for example, from the proceeds of privatisation.

While people whose rights were

TEMBA NOLUTSHUNGU

violated should be compensated, present bona fide owners of any race should not be penalised for past injustices. However, to justify protection, property rights must have been acquired legitimately. Ad hoc legislation, now being considered by the land affairs department, may be needed to deal with those who acquired property by unjust means.

The demands of transition, restitution and affirmative action are more than adequately provided for in the proposed general limitation clause, to which the property clause would also be subject. What might the state want to do that the limitation clause does not allow? The answer must be something unacceptable "in an open... society based on freedom and equality".

More fundamental than the principles of restitution and redistribution is the need to protect citizens from the violation of their property rights by future governments. Typ-

ically, arguments against a strong property clause rely on assurances by members of the existing government that they have no intention of violating property rights. This misses the point. The purpose of constitutional restraints is not to protect people from a government that respects their rights, but from one intent on abusing them. Leaders with no intention of violating rights should be happy to ensure their successors also respect those rights.

The constitution should at least ensure that those who acquire property legitimately, especially those whose property rights were ruthlessly violated in the past, are never at risk in the future. Apartheid would have been impossible had there been an effective property rights clause since 1910.

Brendan Pearce recommends that the property clause is removed entirely from our long-term constitution. (Business Day, February 19) because it will "make it hard for the government to proceed with reconstruction and development". On the

contrary, with no property clause the RDP will be jeopardised by inadequate economic growth.

Security of tenure is essential to economic growth. Local entrepreneurs will have little incentive to take risks and work hard unless they are certain of retaining the fruits of their labour, and being able to pass on their savings (in the form of moveable or immovable property) to their children.

Bankers report that mortgage markets have already been destabilised because of the uncertainties surrounding tenure and restitution. International investors will not enter the SA market unless they know their assets are safe from expropriation. If the property clause in our interim constitution is weakened, or worse still removed altogether from the final constitution, a strong message will be sent to investors around the world and they will steer clear of this country.

□ Nolutshungu is a director of the Free Market Foundation.

THE CONFLICT INTENSIFIES

FM 23/2/96

(271)

Are we facing the possibility of what redistribution of land from the white farmers to a dispossessed peasantry has meant for Zimbabwe? The dilemma posed by conflicting formulations of the property clause in the constitution (*Current Affairs* February 9) is intensifying.

This week a delegation from Cosatu intends meeting the ANC and NP to argue its case that there should be no property clause at all — an option favoured by the Pan-Africanist Congress and at times slated as a mandate for wide scale expropriation with scant or no compensation.

The Constitutional Assembly (CA) has moved away from the three property options as formulated in the draft text through which it is working. The ANC and DP have tabled new proposals which indicate a narrowing of divergences. But it is clear that fundamental problems remain that relate to land reform and the State's ability to pay.

This week the SA Agricultural Union (SAAU) took matters further by submitting a detailed analysis of the situation, and suggesting its own wording of a property clause. The union argues that any attempt to weaken the right to own property in an attempt to effect land reform, or to link expropriation payments to the State's ability to pay, would fail the certification test of the Constitutional Court.

It bases its arguments on Constitutional Principle 2 — an entrenched principle with which the new basic law must accord. The clause states in part: "Everyone shall enjoy universally accepted fundamental rights, freedoms and civil liber-

ties, which shall be provided for and protected by entrenched and justiciable provisions in the constitution which shall be drafted after having given due consideration" to the Bill of Rights in the interim constitution of 1993.

The SAAU suggests that the property clause in the interim constitution — which asserts a right to own property free of arbitrary infringements by the State — overrides ANC attempts to entrench land redistribution in a new clause declaring that anything in the property right "shall not invalidate reasonable legislative and other measures that are designed to bring about land reform to redress the results of past racial discrimination."

The SAAU view accords, in broad terms, with that of the DP and NP, whose original proposals are reflected in Option 3 on property in the Working Draft for public consumption published last year.

Understandably, the SAAU is talking to its book. It accepts that "the constitution should not prevent government from implementing reasonable land reform measures redressing the results of past racial discrimination." But certain ANC provisions "would eliminate the constitutional protection of im-

movable property altogether. They would pave the way for expropriation without compensation, as well as other violations of property rights."

It is "appalled by the suggested inclusion of 'the ability of the State to pay' in the list of factors relevant to the determination of compensation. It is self-evident that this change, if effected, will allow the

State to embark on a massive and ever-widening programme of land confiscation. For the inexorable logic of the compensation formula will entitle the government to decrease the amount of compensation payable upon an expropriation simply by increasing the number of expropriations."

The so-called socio-economic clauses in the Bill of Rights are likely to be made contingent on the ability of the State to fund them. But expropriation of land without compensation could destroy the fabric of society.

In its revised proposal for a property clause, the DP suggests that "property may be expropriated only in terms of a law of general application — (a) For public purposes or in the public interest, which includes land reform to redress the results of past discrimination; and (b) Subject to the payment of compensation within a period and in a manner agreed or decided by a court."

In its proposal the SAAU accepts this clause, "strengthening the payment entitlement by deeming it to be 'just and equitable.'" Like the DP and NP it wants the history, use, market value and investments in the property to be taken into consideration.

Behind these disagreements lie dangers and passions. Minister of Land Affairs Derek Hanekom would prefer no constitutional property clause. Cosatu will reaffirm that position to the party leaders this week. And the National Land Committee — representing "community" interests — has gone even further.

In a statement issued last week, the committee claimed that while the PAC and ANC were against any property clause, neither had the political will to enforce this view. It added: "If a property clause is written into the final constitution, it will be obvious that our government will not be able to help us get land. If this happens, we will be forced to use land invasions as our last resort."

If organised labour takes its support for this position further, some form of mass action seems inevitable. ■



State warned to entrench property rights

BY MAGGIE ROWLEY

Cape Town — The failure to entrench property rights in the constitution, coupled with the Katz proposals to tax returns on pension funds, will force institutional investors out of property and into equities, Fanie Lategaan, the general manager of asset management of Sanlam Properties, said yesterday.

Sanlam Properties is the largest institutional property investor in South Africa. It has a portfolio of about R11 billion. Lategaan said serious danger signals were becoming apparent as a result of uncertainty arising from the present constitutional debate over property rights.

"It would appear that political parties are making concessions to one another on this issue, and we face the danger of having to live with a political compromise which is not founded on economic realities and is not in the interest of either property development or job creation, on which the country's economy is so dependent."

Property development, he said, was one of the largest job creators, providing opportunities, not only during the construction phase, but permanent positions within commercial and retail projects when completed and as tenants moved in and projects expanded.

"Thabo Mbeki's ideal to achieve an economic growth rate of 6 percent by the year 2000 will be seriously hampered unless the uncertainty in the property industry is addressed. To achieve growth of this rate, fixed investment will have to escalate by 10 percent in real terms."

Lategaan said fixed investment represented 18 percent of the gross domestic product, with the building and construction industry in turn representing about 40 percent of all fixed investment. He said the failure to entrench property rights or to allow for market-related compensation in cases of expropriation would seriously undermine the drive to encourage fixed investment and scare off foreign and local investors.

Coupled with the Katz commission's recommendations of taxing property returns of pension funds at 30 percent, this will lead institutional investors to switch from property and interest investments to non-job creating share-related investments which will become more tax efficient than property investments.

"It is critical that property rights be protected by the new constitution as their entrenchment is the cornerstone of a vibrant economy. Politicians have to take cognisance of this clear message from the business community."

Stellenbosch University

After the [Article is the report]

Alex claims stream in (271)

Louise Cook

SD 4/3/96
PRETORIA — At least 1 000 land claims are expected to go in on Alexandra township from victims shunted off the site in 1983.

Land Claims Commission sources said at the weekend claims on the site had been streaming into its Gauteng regional office. They could top 1 000 by the April 9 cut-off date.

Many of the claims were from victims moved from residential and business properties to Tembisa, Meadowlands and Diepkloof in 1983.

The commission expected the settlements to be complex. The Alexandra Land and Property Owners' Association said it expected about 2 000 claims.

Farmers to fight invaders

ANGRY farmers are threatening "the worst form of resistance" should land invasion threats made by the National Land Committee (NLC) be carried out.

This is the blunt message given to the government yesterday by the South African Agricultural Union (SAAU) and the National Maize Producers Organisation (Nampo).

The NLC has said that if a property clause was to be included in the new constitution due to be published in May, it would consider land invasions as one way of drawing attention to the plight of landless people.

The first stage of its campaign takes

place in Pretoria today when about 1 000 people from Northern Province march on the Union Buildings to protest against the unavailability of land. A memorandum will be handed to a government representative.

SAAU president Chris du Toit said yesterday: "The NLC is playing with fire and can expect the worst form of resistance should any of the threats be carried out."

He did not elaborate on the form of resistance to be followed but it is understood from agricultural sources that farmers are prepared to "arm themselves if necessary to repel these

people from settling on legitimately-owned property".

Another source said that a blockade of major cities was also being openly discussed on the platteland.

The last time farmers resorted to such a protest was when thousands of farmers invaded and brought Pretoria to a standstill in 1989 over marketing policies.

Watered down

Du Toit added that if a property clause was omitted from the new Constitution, or was "watered down", it would "not only destroy commercial agricul-

ture in South Africa but wreck economic stability in general.

"The SAAU stated its viewpoint very clearly to the Constitutional Assembly, viz that the union in principle recognised and supported the need for land reform but that it was convinced the inclusion of a property clause would by no means prejudice the implementation thereof."

Nampo's general manager, Giel van Zyl, said yesterday that the NLC, Cosatu and NGOs were blatant in their demands for mass land invasion "and is the most serious attack on the democratic order in the new South Africa".

(271) ~~271~~ 5/3/96

Southern

Protest due against property rights clause

Louise Cook

271
RD 5/5/96

TWO thousand rural landless people would march on the Union Buildings in Pretoria this morning to protest against the property clause in the constitution, threatening to start land invasions if the clause were included.

Unconfirmed reports last week suggested the ANC had reached a compromise with the NP and DP on a property clause in the final constitution.

The marchers, backed by the Transvaal Rural Action Committee and the National Land Committee, had been bussed to Pretoria from Northwest, Mpumalanga, Gauteng and Northern Province early this morning.

The action committee said community members were losing faith in the legal processes and organisations could no longer encourage people to follow complicated legal procedures. The inclusion of a property rights clause in the constitution would make it more difficult for the State to act decisively in restitution cases and cripple land reform.

"Because of the history of dispossession in rural parts of SA, such a clause was likely to entrench existing inequalities in land ownership. If effective land reform is unable to proceed, future stability and growth will be seriously jeopardised."

An action committee source who did not want to be named said thousands in Northwest had been trying unsuccessfully since the early 1990s to move back to the land from which they had been removed.

"The land commission (Commission on the Restitution of Land Rights) lacks proper resources, and bureaucratic wrangling at the land affairs department as well as farmers wanting outrageous land prices, have become unbearable."

The protesters said in the memorandum to be handed to Mandela they had been "infuriated" by the presence of the property clause in the interim constitution. They demanded that the clause be left out of the final constitution "for the sake of justice to those who were historically dispossessed".

The memorandum said it was not necessary to protect land rights through a constitutional clause as normal legislation gave adequate protection.

"If the clause is not removed it would maintain unfair land redistribution, give white land owners the right to continue arbitrary evictions and make it impossible for government to expropriate land."

Landless communities in march on Pretoria

Sowetan 6/3/96

(271)

By Joshua Raboroko

MORE than 500 rural and landless communities marched on the Union Buildings in Pretoria yesterday and handed a memorandum to the Government and political parties, demanding that the property clause be removed from the final constitution.

Carrying placards and chanting, they presented the memorandum to the director-general of the Department of Land Affairs, Mrs Angelina Bester, a representative from the office of the

President, Mr Basil Moonsamy, PAC deputy president Dr Motsoko Pheko and the DP's Mr Solly Verveen.

Most of the protesters, who were from the rural areas of Mpumalanga, North West and Gauteng, said they were infuriated by the presence of the property clause in "our interim constitution"

They believed the clause would make it impossible for them to have access to and control land because "we are poor, as a result of continuous evictions, impounding of our livestock and

destruction of our possessions".

Chairman of the Transvaal Rural Action Committee Mr, Peter Ntshoe said if the clause was not removed, the rural communities would continue to invade farms and make it impossible to regulate the use of land.

After receiving the memorandum, Bester said Minister of Land Affairs Mr Derek Hanekom would study the document and reply later. There was no assurance that the clause would be removed from the interim constitution

ment for Welfare and Population Development to the fact that no Minister was . . .

Senator A J WILLIAMS: Mr President, I have just been informed by the office of Dr Dawie de Villiers that the Deputy Minister for Welfare and Population Development was supposed to answer the questions of Dr De Villiers . . . [Interjections.]

THE PRESIDENT OF THE SENATE: Order! We are dealing with Question 5 I shall allow senator Williams to approach us at the end of the Question Time, but not now.

Senator A J WILLIAMS: as well as the question to the Minister for Welfare and Population Development, but she did not receive the message that the time for the sitting had been changed from 15:00 to 14:30. She did not receive any notice of the change. [Interjections.]

THE PRESIDENT OF THE SENATE: Order! That is correct. If any inconvenience has been caused to Ministers, we apologise. If that is the explanation, we apologise. The time printed on the Order Paper, 15:00, is at hand and it is hoped that the relevant Ministers will be here.

Vehicles sold to civil servants in KaNgwane

*6. Sen W F MNISI asked the Minister of Transport:

Whether, with reference to his reply to Question No 13 for written reply on 2 June 1995, his Department has attempted or is attempting to recover the difference between the book value and the purchase price of vehicles sold by the administration of the former territory of KaNgwane to civil servants in KaNgwane, if not, why not, if so, what progress has been made in this regard?

S70E

THE MINISTER OF TRANSPORT

(1) No, no attempt has been made by the Department to recover the difference between the book value and purchase price of vehicles sold by the administration of the former territory of KaNgwane to civil servants in KaNgwane

(2) With regard to these vehicles, may I myself refer back to the hon senator's Question No. 13 of 2 June 1995, and to my reply at section 3(a) and (b), which reads: "Civil servants in both these states were

awarded motor vehicles under the subsidised motor vehicle schemes."

To this I can add that the terms of these schemes are such that public servants benefiting from them are liable for full repayment of the purchase price in monthly instalments.

Senator W F MNISI: Mr President, arising out of the hon the Minister's reply, my question also had reference to some former Cabinet Ministers and the Minister did not cover that. Some of those former Ministers are now members of this Parliament.

THE MINISTER: Mr President, I read the question very carefully and did not see former Ministers referred to in the question. However, to satisfy the senator, I will deal with the question of the former Ministers as well, right now

As regards vehicles sold to former KaNgwane Cabinet Ministers, my response is as follows. Firstly, the former KaNgwane Cabinet Ministers to whom the senator is referring are no longer employees of that government which has ceased to exist. Secondly, the matter now rests with the Receiver of Inland Revenue. The benefit that accrued to each of these ministers in terms of Schedule 7 to the Income Tax Act forms part of his gross remuneration and will as such be reflected in his IRP5 certificate, that is his year-end tax certificate

Senator B T NGCUKA: Mr President, I requested earlier that this matter should stand over until later. The Deputy Minister of Home Affairs is now here to answer the question on behalf of Dr Dawie de Villiers.

THE PRESIDENT OF THE SENATE: Order! We would like to apologise to Dr Dawie de Villiers. We realise that there was a misunderstanding. In actual fact the Order Paper was wrong in stipulating that the time for the commencement of proceedings was 15:00, whereas we commenced business at 14:30

THE MINISTER OF LAND AFFAIRS: Mr President, the Minister for Safety and Security has indicated that he would like to answer Questions 7, 8 and 9 himself, but unfortunately he is unable to be here because he is attending a funeral in Venda.

*7 Sen Dr R RABINOWITZ—Safety and Security. [Question standing over.]

*8. Sen Dr R RABINOWITZ—Safety and Security. [Question standing over.]

*9. Sen Dr G W KOORNHOF—Safety and Security. [Question standing over.]

Curtailment of budgets of art galleries

*10. Sen J A JOOSTE asked the Minister of Arts, Culture, Science and Technology:†

Whether it has been decided to curtail the budgets of art galleries; if not, what is the position in this regard, if so, (a) what such curtailments will amount to and (b) what are the further relevant details?

S74E

THE MINISTER OF ARTS, CULTURE, SCIENCE AND TECHNOLOGY:

I have decided to curtail the budgets of those art galleries and museums that the Department funds at present. The Ministry sees it as a priority to develop arts and culture in local communities and through this work to begin to change and re-define Visual and Performing Arts to include local and traditional cultures. The educational role of museums and the refocussing of exhibitions within museums will play a significant role in future priorities as regards museums. This is in line with the goals of the Government of National Unity (GNU) and with the aims set out in the RDP. The reprioritisation and transformation of present funding structures is essential in this process

The arts, culture and heritage of the majority of South Africans have never been developed through government recognition or support. The Ministry is attempting to actively redress this situation by reprioritising its programmes. In order to do this we must be able to fund new functions out of our static budget so that community-based arts and culture can be developed.

(a) As an initial strategy, the Ministry has decided that the nominal amount of funding received by our associated art galleries and museums will remain the same for the 1996/97 financial year. In real terms, this zero increase represents a reduction of approximately 10%. After careful assessment, the Ministry believes that the galleries are able to absorb these cuts by prioritising programmes and committing

themselves to finding new ways of managing their work

(b) After careful consideration, the Ministry has concluded that it is impossible to sustain the present pattern of funding for the existing museums and galleries. A restructured funding model can be expected that will be oriented by the policy decisions arising from our soon-to-be tabled White Paper. A definite feature arising from the White Paper will be the transformation and rationalisation of museums and galleries in terms of the budget decisions in the coming years.

This redirecting of funds should be seen as a vital and necessary step in the Ministry's goal of restructuring and developing cultural services for all. The idea behind this is that all South Africans will finally be accorded what is, in fact, their fundamental right, that is access to participate in and benefit from the cultural life of their country. This cannot happen without structural transformation.

Resettlement of community at Schmidtsdrift: funds (271)

*11. Sen A E VAN NIEKERK asked the Minister of Land Affairs:†

(1) Whether an amount has been appropriated for the resettlement of the community at Schmidtsdrift, if not, what is the position in this regard; if so, (a) what amount and (b) how is the application or allocation of this amount being administered;

(2) whether the community has any obligation to give account of the application of the funds; if not, why not, if so, what are the relevant details,

(3) whether he will make a statement on the matter?

S76E

THE MINISTER OF LAND AFFAIRS

(1) (a) (i) Funds for the relocation of the *Tswana Community* who were removed under the apartheid dispensation, have been approved and consist of the following:

• Planning of Schmidtsdrift 600 000,00

Handwritten: Hansard 7/3/96 7

- Relocation costs 2 649 000,00
- Development (grants and services) 8 750 000,00
- Administrative expenditures 240 096,00

Schmidtstrif is a Presidential Lead Project and these funds were allocated from the Reconstruction and Development Programme and will be spread in accordance with a planned implementation period, over three financial years.

(ii) Funds for the relocation of the SAN Community (the IXU and KWE groups), currently living at Schmidtstrif, have been earmarked from the Departmental budget as follows:

- Planning of a newly identified area (place) 300 000,00
- Development (Grants and Services) 6 500 000,00

To date no allocation of funds has been done in regard to relocation and administrative expenditure, as these amounts can only be determined when certainty on the place to which the San will go, has been obtained

The planning funds (R300 000,00) were allocated from the Land Reform Pilot Programme for the Northern Cape Province and form part of a global allocation for this purpose from the RDP. The allocation for Development (R6,5m) is a provincial allocation from departmental funds, which can only be determined finally once the necessary identification of land and the land valuations have been completed

(b) In both projects concerned (the Tswana and the SAN), the allocated amounts are transferred by means of transfer payments to the Northern Cape Provincial Administration, who

will, with the aid of the Land Reform Steering Committee and the Land Reform Pilot District Administration (which has been created for this purpose), do the administration. These mechanisms have been created to appoint, in collaboration with the communities concerned, consultants who will appropriate the allocated funds, in accordance with approved business plans

(2) The communities concerned have a responsibility to properly justify expenses concerned (as in any other similar situation). The consultants who are contracted by these communities with the assistance of the Provincial Authority, will assist them in this connection. Full accountability for all expenses must be made and in the process due cognisance of the prescribed Tender Board Prescriptions must be strictly adhered to. The normal settlement of expenditure procedures will be followed, namely expenses are paid after the work has been satisfactorily finalised and approved by the afore-mentioned Steering Committee.

(3) A statement on this matter is not envisaged, as the above-mentioned answers are standard in regard to all cases within the Land Reform Pilot Districts

Development Facilitation Act: application

*12 Sen A E VAN NIEKERK asked the Minister of Land Affairs:

Whether the Development Facilitation Act, 1995 (Act No 67 of 1995), is currently being applied in all the provinces; if not, (a) in which provinces is it not being applied and (b) why not in each case?

S77E

The MINISTER OF LAND AFFAIRS:

No, (a) chapter 1 of the Development Facilitation Act, 1995 (Act No 67 of 1995), in which the general principles for land development and conflict resolution are being addressed, is applicable in all provinces

All the provinces also indicated that they wish to nominate representatives to the Development and Planning Commission. Invitations to nominate representatives were sent to the vari-

ous provinces. The final date for nominations is 8 March 1995

The other chapters in the Act will be implemented once the regulations have been published. Preparations for implementation are in progress in all provinces with the exception of the Western Cape Province which has indicated that it will not be implementing the Act.

(b) According to the representatives of the Western Cape Province on the Forum for Effective Planning and Development, the province is preparing provincial legislation to direct land development.

*13 Sen Dr G W KOORNHOF—Safety and Security. [Question standing over]

Sources of energy for rural poor

*14 Sen S M RASMENI asked the Minister of Mineral and Energy Affairs

Whether his Department has taken or intends taking any steps towards improving sources of energy for the rural poor; if not, why not, if so, what steps?

S97E

The MINISTER OF EDUCATION (for the Minister of Mineral and Energy Affairs).

(Reply laid upon the Table with leave of House).

The Department of Mineral and Energy Affairs has a special Directorate dedicated to Energy for Development. The responsibilities of the Directorate are directly related to the energy needs of the urban and rural poor with the objective of alleviating the energy lack suffered by the poor

My Department and I recognise the importance of appropriate, available and affordable energy as a necessary element in attaining a reasonable quality of life as well as for socio-economic development to be effected. We are therefore committed to the Reconstruction and Development Programme of the Government of National Unity, and accept the RDP's imperative to change structures and adjust priorities in order to achieve its objectives with attendant benefits for all the people of South Africa

The following programmes give a brief indication of how the Department is attempting to come to grips in a realistic and practical way with the need to improve sources of energy for the rural poor:

(a) The Biomass Initiative/Plant for Life. Approximately one third of South Africa's people depends on traditional fuels—wood, dung and crop waste—as primary energy sources. They live in the rural areas where poverty is pervasive and population densities often high. The central role fuelwood plays, its increasing scarcity which places a burden mainly on rural women in terms of time spent and distances walked in its collection, as well as the environmental damage as a result of deforestation due to over-exploitation (settlement and agricultural needs, grazing requirements, building materials, etc) make it imperative for us to address the fuelwood crisis as a matter of urgency

The planning phase of the Biomass Initiative Programme, called Plant for Life, was launched in 1992 under the guidance of an Interdepartmental Steering Committee coordinated by the Department of Mineral and Energy Affairs, as approved by Cabinet on 1 April 1992

This planning phase, conducted in three main programmes, namely

- * a national assessment;
- * a biomass production and demonstration element; and
- * an information dissemination element;

has been completed

A two-day symposium was held in September 1994 to publicise the major findings

The Independent Development Trust (IDT) agreed to take over the community nurseries and demonstration sites established in the course of the programme, as part of its extended rural development programme. This sound foundation was laid by the Department of Mineral and Energy Affairs

Although the Biomass Initiative has an energy focus as major element, its main driving force is rural development. It requires appropriate extension services and funding aimed at the empowerment of rural communities and households towards self-sustenance. It is therefore central to the objectives of the RDP

The Initiative represents a multi-dimensional and multi-disciplinary intervention in rural society. It requires input from a number of Government Departments,

Unions 'can shape future'

Renee Grawitzky

THE union movement's ability to resolve its capacity crisis would be crucial in determining the future shape of industrial relations in SA, the National Labour and Economic Development Institute's Jeremy Baskin says in the latest edition of the SA Labour Bulletin.

In an article titled "Unions at the crossroads — Can they make the transition?", Baskin said the labour movement now had an "institutional role in policy-making and was recognised as social partners by the democratic movement". But they were not making the most of these dramatic gains.

Baskin said "with Nedlac (the National Economic, Development and Labour Council) and the workplace forums envisaged by the new Labour Relations Act, SA has one of the most institutionalised forms of corporatism in the world. Ironically, this has emerged without any explicit union commitment to co-determination, income accords and the social democratic-type politics

which normally accompany such developments.

For example, debate within the union movement on workplace forums had revealed little enthusiasm for these institutions, with many unionists still fearful the forums would undermine shopfloor organisation. Some unions had resolved not to initiate forums, fearing these would "diminish class conflict and encourage worker-management co-operation".

Baskin said co-determination required sophisticated negotiations between the parties and he questioned whether the union movement had the capacity. He outlined three dimensions to the problem of capacity.

The first, he said, related to the high levels of staff turnover in recent years which were far more complex than just experienced unionists moving to take up government positions. On the shopfloor, he said, "particularly as racial barriers decrease and pressure to implement affirmative action increases, many talented shop stewards have been promoted to supervisory and management positions".

The second area related to what Baskin called the "challenge of influence". The establishment of various institutions at national and sectoral level had granted unions an opportunity to be involved in policy decisions. However, "the union movement is battling to make effective use of the space it has won."

The third challenge, he said, was more ideologically based. Although unions had been "pragmatic negotiators", their vision of transformation "frequently remains rooted in outdated paradigms".

Baskin said it was not clear whether unions were able to "engage with the implications of new trends, including changing political and economic circumstances."

As a result of this, he said, "one sees vacillations between dogmatic and pragmatic perspectives and a focus on criticising state initiatives rather than presenting alternatives." Labour's challenge was to "use its power in a new context".

Lack of interest compels land rights claims delay

Louise Cook

THE commission on the restitution of land rights has again had to postpone the deadline for claims to property in District Six following a poor response to the restitution process.

People forcibly moved from the area in the 1960s under Group Areas legislation now have until April 30 to put in claims. When the second deadline expired at the end of last month, only 700 people had come forward.

Regional commissioner's office spokesman Elizabeth Davidson blamed the response on a lack of information about the restitution process.

Regional commissioner Wallace Mgoqi said processing of claims would not start until at least 2 000 people had responded because "it is the only way to use the resources of the commission and the land claims court effectively".

A source said the regional commissioner's office held meetings regularly with various communities to promote awareness of the restitution process. People could either claim their original property back, apply for financial compensation or apply for alternative land.

City Council sources said last month that District Six had been targeted for subeconomic housing, and those forced to move away would get first option to return.

Learning to

No protection for land bought by 'foul means'

Wyndham Hartley

CAPE TOWN — Property obtained by "foul means" during the apartheid regime by local and foreign investors would not be protected from expropriation, Trade and Industry Minister Trevor Manuel said yesterday.

Speaking in an interpellation debate in the National Assembly, Manuel was responding to NP suggestions that investment protection agreements with foreign governments were in conflict with ANC negotiations in the Constitutional Assembly.

Manuel acknowledged that 10 agreements had been settled and a further 17 were in the pipeline guaranteeing market level compensation in the event of expropriation by the state or losses due to war, insurrection, armed conflict, revolt or riot. He said this was important if SA was to provide the security needed by foreign investors.

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He said that while the agreements concluded, which will shortly be presented to Parliament for ratification, did not contain clauses relating to land restitution, it was accepted in principle by other countries that "market-related compensation may not be paid in cases where the investor has benefited directly from the acquisition of apartheid-tainted land".

MP Sheila Camerer (NP) said she was disturbed by the contradiction between the investment agreements and the positions adopted by the ANC negotiators in the Constitutional Assembly on the property clause. She said the refusal of the ANC to specify market value in the property clause meant domestic investors would enjoy less secure rights in their own land than foreign investors. It was possible that the agreements were "not worth the paper they are printed on" because the ANC in Parliament might refuse to ratify the agreements.

'Mine has done nothing for us'

Star 7/3/96

(271) (202)

While walls crumble, villagers take on Potgietersrus mine over removal

By JUSTICE MALALA
AND CHRISTINE ROMBERG

Francinah Nthelebofu returned home from a march on the Potgietersrus Platinum Mine yesterday and vowed never to be moved again by the mine that has been a constant pain for her and her fellow villagers in GaPila since 1969.

Nthelebofu's house is one of about 200 which stand about 500m from the open-cast mine outside Potgietersrus, and which have been slowly cracking from the blasting that takes place there every second or third day.

Every time the mine blasts, it dispatches a bus to ferry Nthelebofu - who is so old she says she does not know her age - and others away from their houses in case they are injured during blasting. On January 12, a part of Nthelebofu's house fell in. Several other

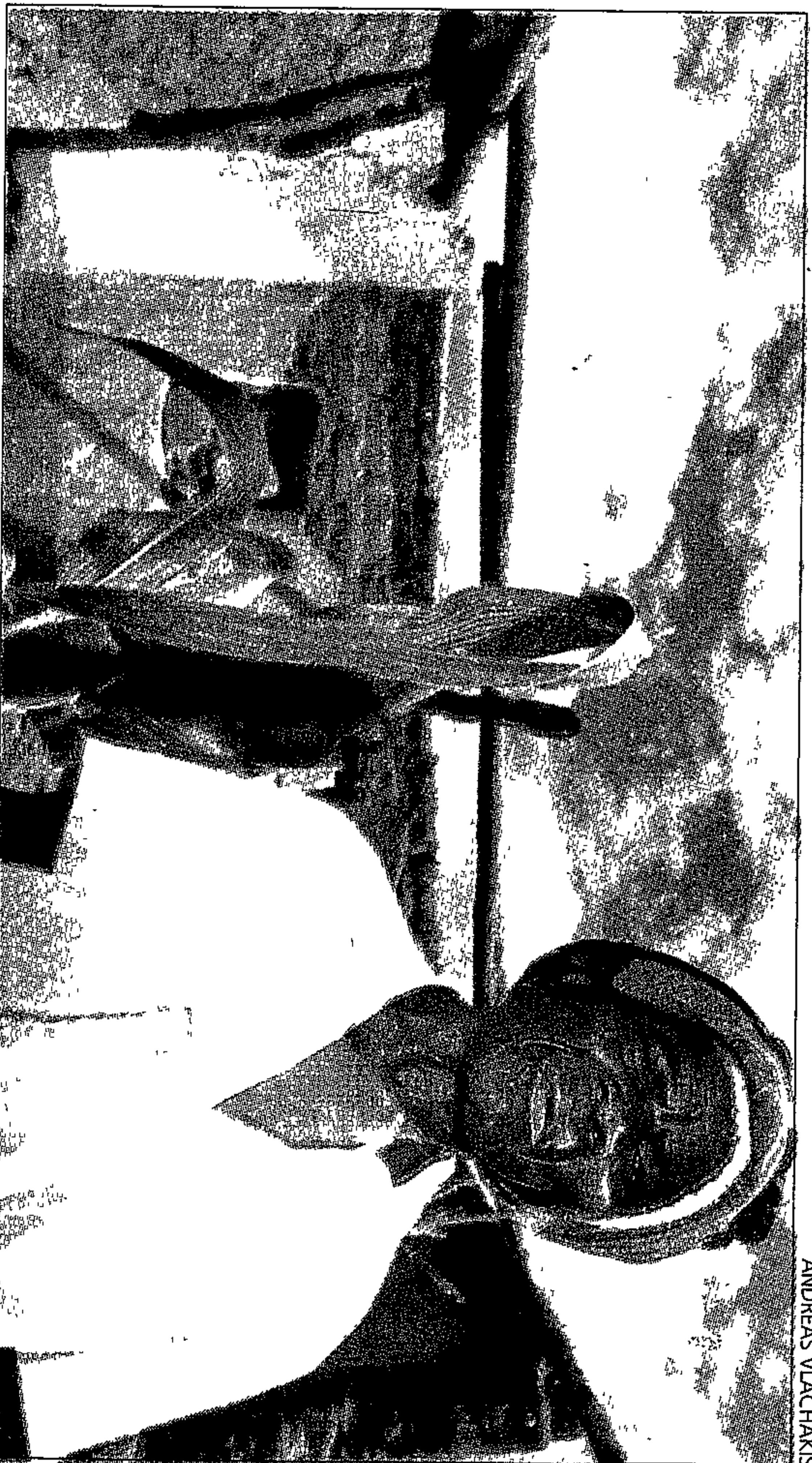
houses, most of them built with mud bricks, also succumbed to the combination of blasting and rain.

"These people moved us from our first home in 1969 to build the mine, which they said would help us with jobs and schools for our children. But since it started working, all we've had is danger and irritation from this blasting," she said.

Yesterday, about 300 residents of GaPila - which has more than 800 houses - marched on the mine, demanding that the blasting be stopped while talks about relocating them to another area continued.

The residents are also concerned that dust from the blasting could be hazardous to their health; that the mine is not hiring locals; and that, as the mine expands, it threatens to take away even more of their tribal land without ploughing any of its riches back into the community.

Mine manager Alewyn Raubenheimer said the mine agreed



ANDREAS VLACHAKIS

Tough tannie ... Francinah Nthelebofu, in front of her ruined house, will not leave her birthplace to make way for mine operations. The village would be safer and better off if it was relocated, but mining operations should not be stopped while this continued.

He admitted a 30cm diameter stone had landed near children on the periphery of the village on one occasion, but said there had never been a serious accident from the blasting. Another case, when a

rock landed in the village, was "sub judice".

Councillor for the area Steven Matlala said if the villagers were relocated, the new land had to be long to them, they had to be compensated for losses and they demanded a shareholding in the mine. He said because there had been no development of GaPila since the

mine's inception, the new village should be provided with water, electricity, roads and other infrastructure.

Raubenheimer disputed claims that the mine had not contributed to the local economy, saying it strived to have 80% of its staff drawn from local villages. It had also built a clinic, technical col-

lege, crèche and sports fields as part of its community involvement. But Nthelebofu's mind is made up: "When we came here in 1969, we had to carry our own thatch roofs like dogs, kicked away from our own land. But this time we are not moving (from) here. The mine must move because it has done nothing for us."

Land claimed in plush suburbs

(271)

BARRY STREEK

CT 8/3/96

CLAIMS for the restitution of land rights in some of the plush areas of Cape Town are among the 1 348 being processed in the Western Cape.

The Regional Land Claims Commissioner for the Western Cape, Mr Wallace Mgoqi, said claims included: Sillery (Constantia) 5 claims, Constantia (2), Rondebosch (15), Claremont (44), Newlands (13), Bishopscourt (4), Protea Village at Kirstenbosch (11), Mowbray (4), Woodstock (11), Observatory (20), Goodwood (197), Plumstead (13).

● See Page 5

Land policy shift slated

THE "sudden change of heart" by Land Affairs Minister Derek Hanekom, in favour of inclusion of a property clause in the final constitution was inexplicable and very disappointing, national land committee director Brendan Pearce said yesterday.

He was reacting to a statement by Hanekom earlier this week, to the effect that committee members were wrong to want the property clause removed from the constitution, as its removal would prohibit government from expropriating land for redistribution.

"On a number of occasions ... Hanekom publicly said he was opposed to inclusion of the property clause as he believed it would hinder effective land reform," Pearce said.

Pearce said Hanekom was aware a property clause would in practice hinder land reform. Property rights could not be constitutionally entrenched until effective land redistribution had taken place. — Sapa.

BD 8/3/96

Anger over delays on land claims

GLYNNIS UNDERHILL

Staff Reporter

CLAIMING land is not like claiming "a bag of potatoes" and people have to understand the process is very complex, said regional land claims commissioner Wallace Mgoqi.

Mr Mgoqi was responding to complaints about the lengthy process involved in land claims restitution.

With the Land Claims Court ready to sit at the end of March, pressures at the regional land claims office are mounting. Mr Mgoqi said he had been asked to prepare the first cases for the circuit court.

However, some of the potential claimants, including the Perth Street School Trust in Salt River, have contacted Sat-

urday Argus to register their disappointment at the "frustrating merry-go-round" involved in claiming land.

Explaining the delays, Mr Mgoqi said yesterday the process involves at least 14 stages.

There have been 1 418 land restitution claims registered in the Northern and Western Cape, he said.

"We were expecting more and we have now extended the notice period for District Six residents, including tenants, for two more months," said Mr Mgoqi.

Mr Mgoqi said the District Six land claims would be given priority by the Land Claims Court when all the claims had been submitted.

The City Council would be

applying under section 34 of the Restitution of Land Rights Act for land in District Six to be excluded from restoration to individual land claims, he said.

"If they can convince the court of the merits of utilising the land in District Six for purposes of public benefit, then the application is likely to be successful," he said.

No individual claimants would then qualify to get back land in District Six as an individual, but could qualify as part of a group, said Mr Mgoqi.

A furious chairman of the District Six Residents and Traders Action Committee, Abdul Gaffoor Ebrahim, said he was one of the first to submit his claim to the regional office.

But Mr Ebrahim claimed he was still waiting for his claim to appear in the Government Gazette to show that his case will be heard by the court.

A showdown over land in Wingfield is looming between former residents of Ndabeni and organisers of the Olympic bid.

Mr Mgoqi said a report on the Ndabeni claim had been completed and had reached the office this week.

A mediation process would be put in place immediately, he said.

While Ndbabeni residents appeared to have earmarked Wingfield for possible resettlement, the state could not be forced to hand over the area, said Mr Mgoqi.

(271) ARG 9/3/96

Row blazes over land claim delays

ST (M) 10/3/96 (271)

By CHARL DE VILLIERS

A STORM has erupted over bureaucratic delays holding up one of the Western Cape's most important land restitution claims.

The wrangle over red tape has embroiled Land Affairs Minister Derek Hanekom and his Public Works counterpart, Geoff Radebe, whose department has been blamed for the hold-ups in dealing with the claim by the Elandskloof community, near Citrusdal, to Western Cape Land Claims Commissioner Wallace Mgoqi.

The row centres on a crucial report which estimates the price of the Elandskloof farm and will lay the basis for the state's negotiations to buy the land for residents evicted 34 years ago.

Angry Land Claims Commission officials this week accused the Public Works Department of "sitting" on the evaluator's report which they say had been completed on February 15, revised by March 1 and could have been tabled at a PWD Land Affairs Board meeting this week.

But according to the PWD, the report had not been ready in time and was not urgent enough to be considered at its fortnightly meeting two days ago.

The impasse reached breaking point on Friday when Mr Mgoqi urged Mr Hanekom to take up the delay with Mr Radebe.

"It's ridiculous to say that this matter is not urgent. We have prioritised Elandskloof precisely because it is an urgent matter. Mr Hanekom made an announcement to this effect (in October) last year already," Mr Mgoqi said.

In his letter, he has asked the Land Affairs Minister to approach Mr Radebe with a view to convening a Land Affairs Board meeting tomorrow to consider the evaluator's report and convey its findings to the Western Cape Land Claims Commissioner by Wednesday.

Confirming Mr Mgoqi's request, Mr Hanekom yesterday told Metro he would try to get the Land Affairs Board to meet before March 21, when the next round of Elandskloof negotiations take place.

"It's not as though nothing is happening about Elandskloof; things don't happen miraculously in government. But it is a pity the LAB has not yet approved the evaluation," said Mr Hanekom.

"At this stage I don't know where the problem lies. We'll have to find out if the board had good enough reasons for not dealing with evaluation, and for returning the report to the evaluator.

"And on what basis does the board treat cases as urgent or not? We don't need unnecessary delays."

Mr Hanekom said it would be far better to have the Land Affairs Board attached to his department, which was charged with land restitution.

The board's next is scheduled for March 22.

Confirming his frustration at the delays, Mr Mgoqi added: "My commission has been put in the precarious situation where we're supposed to be driving the (land claims) process, but we're not in the driving seat.

"In the meantime, we're catching flak for not delivering."

Meanwhile, frustration is also mounting among the Elandskloof claimants.

Compensation for farmers

(271) 3
By Joshua Raboroko

STANDING committees of the Gauteng Legislature are to announce their findings on amendments made to the programme aimed at reimbursing farmers who dispossessed thousands of communities of their land during the apartheid era.

The Conservation and Agriculture, Housing and Local Government, Urban and Rural Development and the

Land Reform and Environment committees are expected to submit their report in Johannesburg today.

The committees were appointed by the Gauteng MEC for Development Planning, Environment and Public Works, Mr Sicelo Shiceka, to work on a "farmer settlement programme" to investigate ways and means of buying back dispossessed land and to empower rural communities.

Gauteng Legislature's communica-

tion officer Mr Moemise Motsepe said yesterday that members of the public, including the farming community, have been invited to the meeting.

Rural communities and the Transvaal Rural Action Committee have claimed that white farmers hoped to make "a fortune out of the government's land reform programme."

Farmers are demanding about R22 million in compensation before the land is restored to its rightful owners.

semetan 11/3/96

Championing cause of the landless gives

lawyer reason for living
(271) CP 12/3/96

THE significance of his role in settling land claim disputes and the emotional bond people have with land were brought home to Western Cape Land Claims Commissioner Advocate Wallace Mgoqi recently.

He was interviewing people from the Gathlose, Maremane and Khosi communities who were removed for the creation of Lohatla military base in the Northern Cape.

According to the SANDF, the area is littered with live ammunition and not safe for settlement. The communities who want their land back claim this is not strictly true. They have seen cattle grazing contentedly without incident.

Sitting behind a huge desk in his office in Strand Street, Mgoqi, a distinguishing grey edge to his close-cropped hair, leans forward to be heard above the rattle of jackhammers in the street below.

"Unless one witnesses it," he

says "one never realises just how strong these ties are."

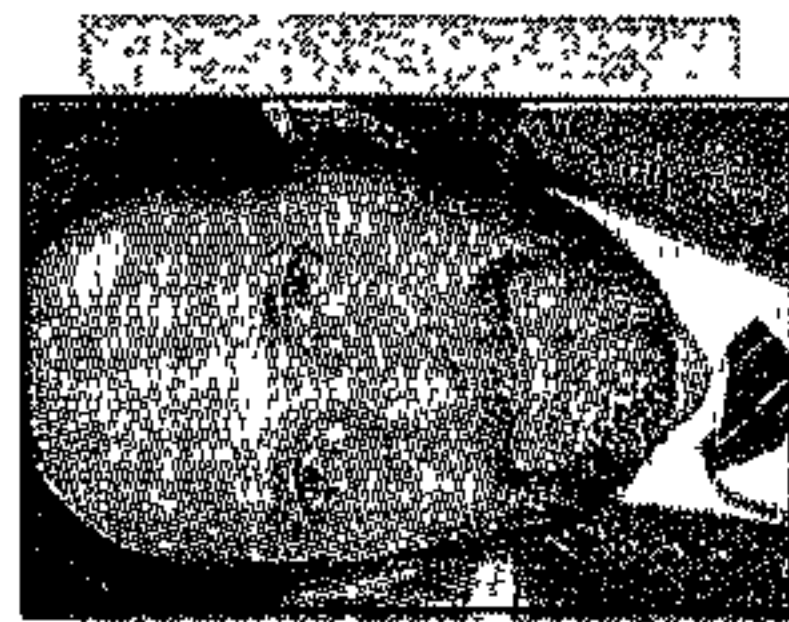
"That woman told me she did not care if she were blown up. Going back to the land of her ancestors was more important to her than life itself. She told me that only if her blood was spilled on that land would her soul find rest."

"It's incidents like these which make one realise the enormity of one's role in this process. It is not only about land, it's also about restoring dignity, about redressing some of the injustices of the past and about allowing people to live their last days in peace."

One is a word Mgoqi uses often in referring to himself.

Some people use it to claim superiority, some use it to defer to others. Mgoqi uses it because, I believe, he genuinely does not want to claim credit for his considerable achievements.

Born the son of an abattoir



ON THE LEVEL
EVELYN HOLTZHAUSEN
SORTING out land claim disputes is the most arduous task Advocate Wallace Mgoqi has ever faced but he's determined to succeed.

labourer, Alfred Mangaliso Mgoqi, in Goodwood in 1949, Mgoqi remembers a life of incredible hardship endured through the example of his mother, Florence Nonzima, who, he says, was a constant source of strength to her seven children.

The incident he remembers best was after she returned to Nyanga after more than a year in the Transkei where she cared for her sickly father-in-law.

"She refused to accept that he

had been 'endorsed' out of the area, stood her ground, and was eventually allowed back."

That incident taught him lessons in perseverance he's never forgotten. And it was that perseverance which he drew upon to begin his studies again after he had been expelled from Fort Hare for protesting over the summary dismissal of fellow students.

It was while he was working among squatter communities in the Western Cape, however, that

Mgoqi found his true calling. "The Supreme Court ordered Stellenbosch authorities to rebuild shacks they had illegally demolished. I saw then that the law, even although it had been used to suppress us, could work for us."

Spurred on by this vision, Mgoqi, not without difficulty, enrolled to study law at the University of Cape Town, supporting himself by selling insurance.

And as soon as he qualified he went back to helping people who could not help themselves through his work at the Legal Resources Centre.

"One finds it difficult to put into words the enormous richness derived from relating to people less fortunate than oneself. To see an improvement in the lives one has helped effect: It is a rich, warm feeling—a reason for living."

The feeling, says Mgoqi, surpasses the pleasure of owning a



LEGAL EAGLE: Advocate Wallace Mgoqi, driven by desire to win.

fancy car — he drives a "normal family saloon" and lives in a "cosy place" in Welgelegen, Parow, with his wife, Thembisa (Dolly) and their children Bulumko, 23, Lindiwe, 21, and Nomvuyo, 19 — or a high-earning job; he's turned down offers from top legal firms.

But he does enjoy a sense of achievement and is more than somewhat bemused by the turns his life has taken: From being born in a lowly shack in Parow/Goodwood to owning a "cosy" house there, from selling policies for Old Mutual to being on its board, from struggling to get into UCT as a student to being appointed to the UCT Council and enrolling his daughter Nomvuyo there, from being a victim of the law to being able to wield its power for good causes.

"In all these instances one has the feeling that I was here before — but in a different capacity. Now, here I come again in a different but more powerful capacity."

Power, however, is not a word one readily associates with Mgoqi. Humility perhaps, dignity, yes, but more so sincerity.

Mgoqi is totally believable when he says he has been "humbled" by the enormity of the task ahead of him.

The law he has to apply is the Restitution of Land Rights Act of 1994. On the face of it it's disarmingly simple: People who were forcibly removed from their land after June 19, 1913, can apply to get it back or be compensated.

But in its application, Mgoqi and his team are on ground as potentially explosive as that Northern Cape weapons-testing site.

"One is overwhelmed by the weight of responsibility in bringing justice to bear," he says, "but if, at the end of the day, I can say to someone, that which has been denied you is now being restored, and I can help make up what has been lost, I will at least have been effective."

And being effective, judging by his record, is precisely what Mgoqi is about.

'THE END OF AN ERA'

Last surviving San patriarch dies at 96

CT 13/3/96 (271)



REGOPSTAAN KRUIJER dreamed of dying in the Kalahari Gemsbok Park, where he was born, but his dream was not fulfilled. MELANIE GOSLING reports.

HE was born in the wilds of the Kalahan, lived his early life as a nomadic hunter-gatherer, and died last Friday at 96, squatting in a tiny shack on the borders of the Kalahari Gemsbok National Park — the place he dreamed he and his people would one day return to.

Many say he was the last surviving Bushman, and describe his death as the end of an era.

Regopstaan Kruijer, whose Bushman name //Am//Op means survivor, was the patriarch of what is believed to be the last Bushman or San group surviving in South Africa.

His passion was the Kalahari, and he died just hours after being told that a piece of land bordering the park had been secured for him and his people.

Regopstaan's son Dawid Kruijer now heads the //Khomeni tribe and lives with about 30 of Regopstaan's descendants at Kagga Kamma reserve in the Cedarberg, where tourists visit to see the group.

Regopstaan got his Bushman name after his father and mother — who was pregnant with him at the time — escaped a Bushman massacre by a German hunting posse in Namibia in 1899.

He was born in what later became the Kalahari Gemsbok National Park, and lived with his //Khomeni tribe as nomadic hunter-gatherers in much the same way as their forebears had done for thousands of years. His early years were untouched by Western culture — he saw his first white person when he was a teenager.

In 1931 the land was declared the Gemsbok Park, and, like millions of indigenous people, he was dispossessed of the land of his birth.

He was once arrested for hunting a gemsbok. His defence was that the gemsbok belonged to all the people, not just a select few. He was imprisoned anyway.

Human rights lawyer Mr Roger Chennells, who was representing the Bushman group in a land claim which is now in the hands of the Department of Land Affairs, said Regopstaan was the figurehead behind the land claims which wanted sections of the Gemsbok Park returned to them.

"I saw him just two hours before he died and told him that we had received the money to secure a piece of land from the Mier community next to the park where he and about eight families could live. He was so relieved, it was almost as if he just let go.

"He called me back three times after I'd left. He thanked me for a penknife I had given him, and for a box of cigarettes and for a box of grapes. These were things I had given to him years ago. I realise now that he knew it would be the last time he would see me," Chennells said.

"The stories about him are legion. He would apparently run 50 kilometres every day to collect a newspaper for his boss, have a quick smoke break and then go to work as a farm labourer for the rest of the day. He lived a semi-nomadic life, working and then going walkabout and living by hunting.

"His passion was the Kalahari. When he or his people returned after

they had been away for some time, they would rub the red Kalahari sand all over their bodies, in their hair and even eat it."

For some years Regopstaan lived at Kagga Kamma reserve in the Cedarberg. Last August he told the owners that they must fly him back to the Kalahan because he wanted to die there.

They flew him back to the area, but his dream of having land from the Gemsbok Park returned to his people, and of being able to die in the park where he was born, never became a reality. Instead he died in a tiny shack in a settlement called Welkom on the park borders.

National Parks Board manager for cultural resources Mr Johan Verhoef said the land claims of Regopstaan's people covered about two-thirds of the Gemsbok Park, as well as adjacent land in Mier.

"We understand and sympathise that they would like to have roots in some part of the country, but we haven't entered into formal negotiations with the San people about their claims because the whole issue is now with the the Department of Land Affairs," Verhoef said.

Ms Henrietta Engelbrecht, socio-ecologist for Gemsbok Park, was instrumental in buying the piece of land from the Mier community for Regopstaan and his people, but it came just too late for the old patriarch.

"I took him medicine and soup and tried to make him comfortable.

"He couldn't go and live in the park. There are vicious lions inside which would just take him," she said.

He had a song about his escape, which he played on a mouth bow, an instrument which looks something like a hunting bow and sounds similar to an Abooriginal didgeridoo.

Ms Cait Andrews, an ethnomusicologist who studied Regopstaan's music, said yesterday: "His personal song was the survivor's song. He is gone now and with him an era has died, a language and a lot of knowledge."



PATRIARCH: Regopstaan Kruijer, patriarch of the last surviving San group in the country, has died at the age of 96. He was born in what later became the Kalahari Gemsbok National Park, and lived his early adulthood as a nomadic hunter-gatherer, in the same way as his forebears had done for thousands of years

PICTURE JOHN JOGG

Growing bitterness over land restitution

Stephen Laufer

FLUSHING Meadows is the tongue-in-cheek name given to a "toilets-in-the-veld" development outside Plettenberg Bay by its residents, landless people from across the Eastern Cape seeking to scratch a living on the edges of the well-off holiday town.

Not far up the N2 towards Port Elizabeth, a group of rural squatters has found an equally colourful name for their settlement.

But sweet as it sounds, the tiny village of Guava Juice, near Clarkson, is a place of growing bitterness.

The issue is land restitution, and Land Affairs Minister Derek Hanekom has had to step in to unravel a knot of community intrigue, generational conflict, neighbourhood jealousies and old-fashioned racism.

Speaking at a meeting with community representatives in Clarkson's whitewashed, thatched church, Hanekom said he would ask a special adviser to examine the competing interests and make recommendations which would allow the return to their ancestral land of all of the Mfengu who wished to do so.

Seemingly, the return of the Mfengu to their land was to be a model for rapid restitution. At the beginning of the 1990s, approximately 700 dispossessed families were given back 11 000ha of some of the country's best farming land.

They had been forcibly removed in 1977.

The 19 white farmers who had worked the land in the interim — most of them former Rhodesians — received R26m compensation.

But then things started going wrong.

A trust, set up with R1m to administer the

return of the land, signed long leases with the white farmers, allowing them to continue farming while the Mfengu were denied access to their property.

Dispersed between Port Elizabeth and Cape Town, the new owners found communications a problem.

"We heard only in 1994 we had received our land back," said one old man at the meeting with Hanekom.

Ostensibly, the leases were signed to provide a breather while the community decided how the land was to be divided and where housing was to be built for returnees.

But, increasingly, questions have been raised as to the real motives of the trustees.

"You are riding the gravy train," one old man yelled in the direction of Thobile Makamba during the church meeting.

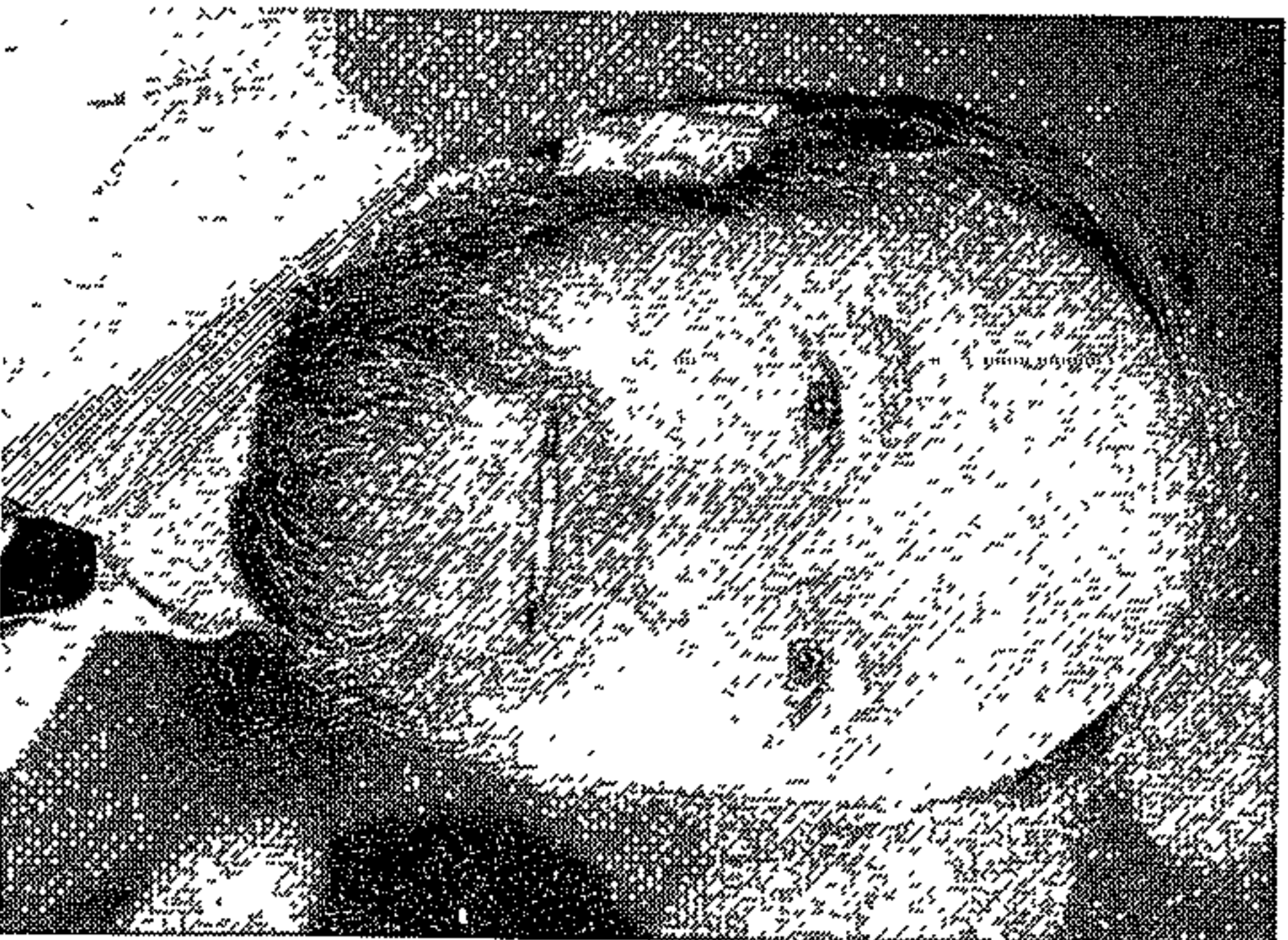
Once a trustee, Makamba is now the trust's chief executive — and is earning a salary of R10 000 a month.

Whatever the truth about the delays behind his efforts to get housing and land distribution sorted out, the older men in the community believe Makamba is preventing them from returning to farming before they are too old for the task.

Many tears are shed as they tell Hanekom of their frustrations, of the loss of their animals, and their knowledge of the workings of animal husbandry.

Meanwhile, people have become impatient and started drifting back.

However, even as they return they are a community divided — both among themselves and from the coloured community that managed to stay on in Clarkson after the removals



HANEKOM

took place.

Those who have become accustomed to township life — mainly younger people with non-agricultural professions such as teaching — have bought houses in Clarkson or erected corrugated iron dwellings just outside, in an

area now called Silvertown.

But Clarkson's long-time residents and its pastor have been less than welcoming.

"When I get up in the morning, word spreads there is a kaffir on the streets," reported one Mfengu woman who bought a house in the village.

Another criticises the long-time residents for trying to discriminate in Clarkson.

"They say they want development, but not us black teachers.

"They must not use development to divide us," she said.

Clarkson's established community has opposed further housing development in the village. The church, which controls town land (as opposed to the Mfengu farmland) which was held in trust for the community as long as apartheid prevented ownership by coloureds and Africans, now says it cannot make the land available for new development before a church council in 1998.

Those who want to go back to farming have begun to squat on land vacated by one of the white farmers.

A night of home brew drinking marked their return to the land.

Locals who joined the celebration thought they were drinking guava juice, took long swigs and were left staggering about, much to the amusement of the returnees.

"Our mistake," an old farmer said when Hanekom visited Guava Juice, "was to rent the farms back to the white farmers."

"As land minister I could say my job is done here," Hanekom said.

"You have your land back. But you are not back on the land yet, so I will help."

(271) 20 13 3196

Warnings on entrenchment of property clause

By **MONDLI MAKHANYA**
Political Reporter

South Africa would face a constitutional crisis if the present property rights clause is entrenched in the final constitution, National Land Committee director Brendan Pearce said yesterday.

He said the ministries of Land Affairs, Justice, and Safety and Security had failed to curb arbitrary farm evictions because their hands were tied by the interim constitution's property rights clause. The clause was also giving trade unions difficulties in gaining access to farms for the purpose of organising farmworkers.

"While these are clear instances of racism and union-bashing, farmers are able to hide behind the property clause to perpetuate these evils associated with the

apartheid past," said Pearce.

He also criticised Land Affairs Minister Derek Hanekom for apparently doing a somersault on the property clause and now saying it posed no threat to land reform. Hanekom said earlier this week he felt "comfortable" that the clause would not prevent land reform.

"On several occasions Minister Hanekom publicly said he was opposed to the inclusion of the property clause as he believed it would hinder land reform," said Pearce.

The National Land Committee charged that the upcoming local government elections in KwaZulu Natal and the Western Cape were in danger of being frustrated by farmers who could prevent workers from voting.

"Property rights cannot be constitutionally entrenched until effective land redistribution has taken

place, otherwise the property clause only serves to protect and perpetuate apartheid land policies. The majority ANC government has at least a moral duty to ensure the property clause is not included in the final constitution," Pearce said.

The property clause would also entrench economic disparities, imbalances and unjust distribution of land, according to the country's largest black farming organisation.

The National African Farmers' Union (Nafu) warned that a property clause would "not be worth the paper it is written on" because peace and stability would be threatened as a result of landless people invading property, writes **Norman Chandler**.

"Nafu is strongly opposed to the inclusion of even a modified form of property clause in the new constitution. It will be denying the

existence of (the) cruel results of apartheid in dispossessing through land redistribution," a spokesman for the organisation said yesterday.

"To include the clause will also be a denial that land-grabbing by whites and dispossession of Africans did occur. It will also be ignoring (the fact) that misguided legislation and attendant regulations and procedures were used as a prime instrument of successive apartheid governments to deprive and deny Africans of any means of wealth creation, thus sentencing them to the current state of abject poverty, marginalisation and disempowerment as well as being cheap labour and beggars in our country."

A property clause would prejudice landless African farmers and deprive them of access to the means of production and land settlement

Community wants Olympic village site

(271) (271)

By MONDLI MAKHANYA

Political Reporter

Star 15/3/96

The planned erection of an Olympic village in a prime Cape Town industrial site is set to clash head-on with a land claim by people removed from the area in 1924.

The KwaNdabeni Land Restoration Committee (KLRC), which comprises former residents and their descendants, has threatened to invade the land if it does not obtain the co-operation of the land claims authorities.

Spokesman Vuyisa Qunta - also an Azanian People's Organisation executive member - said the committee had lodged a land claim two months ago but had still not received an acknowledgement from Western Cape regional land claims commissioner Amos Mgoqi. The claim is being backed by Azapo.

Ndabeni is one of Cape Town's prime industrial sites and about 12sq km of the unused land has been earmarked for one of the Olympic villages if Cape Town wins the 2004 Olympic bid.

But the KLRC has other plans for the area and wants to set up a "healing community" for the offspring of removed landowners, whose community suffered social dislocation after their removal.

According to Qunta, there will be a prohibition on the sale and distribution of liquor in the proposed settlement.

He said the claimants were concerned by the "encroachment" on the area by the Olympic committee. He warned that if there was no progress on the claim, the claimants would invade the space they have identified.

"One day we're going to drive our cars there and put up our zinc shacks."

Land payout for 550 Zulu families

MARITZBURG. — At least 550 Zulu families, removed from land on the eastern shores of Lake St Lucia between 1956 and 1974, will be compensated, KwaZulu-Natal land claims commissioner Cheryl Walker said here. (27) ARG 16/3/96

In a statement yesterday she said claims for the restitution of land rights lodged on behalf of an "estimated several thousand people" had been accepted.

"The claims lodged by Phineas Mbuyazi and by Inkosi M M Mkhwanazi of the Mpukonyoni Tribal Authority are being investigated together, in order to arrive at the most equitable settlement for all those affected by the population removals of the past."

Options being considered included restoration of original land, allocating alternative state-owned land, or cash compensation.

Ms Walker said a recent cabinet decision to halt mining in the area had focused attention on the region's tourism potential and emphasised locals' right to benefit from its development.

"The rights of those formerly dispossessed must take centre stage in planning for the area."

The eastern shores of Lake St Lucia had been defined as state land since 1897 when Zululand was annexed to Britain.

With the demarcation of the Zululand reserves in 1909, all areas falling outside proclaimed reserves remained in the state's possession.

Local people continued living there until 1956 when the area was declared a forest reserve.

Ms Walker said she was confident a just settlement satisfying claimants' demands for land, economic development and access to their historic lands would be reached. — Sapa.

Forced removal victims claim Olympic site

(271)
ARG 19/3/96

Municipal Reporter

ABOUT 200 Langa families who were moved from Ndabeni in the 1930s have submitted a land claim for Wingfield - which has also been earmarked as the main Olympic site for Cape Town's 2004 Olympic Bid.

The claim, supported by the Azanian People's Organisation, will have to go before the Land Claims Court after mediation between the Olympic Bid Company and the families.

The court will have to ratify any agreements reached. The claim was submitted by the KwaNdabeni Land Restora-

tion Committee, made up of former residents and their descendants.

The committee is asking for nearby Wingfield in lieu of the land they originally occupied, which now forms part of Epping Industria.

Under the Land Restitution Act, claimants can either get their original land back, or, where that is not possible, alternative state-owned land.

Failing this, they stand a chance of being paid out or benefiting from a state development.

The families were forcibly removed in the early 1900s under sanitation laws to Nda-

beni, and in the 1930s from Ndabeni to Langa. Pre-1913 removals are not covered by the Land Restitution Act, but their removal from Ndabeni is.

The Olympic Bid Company has proposed Wingfield as the location of the main Olympic stadium, a 2,2km rowing course and the athletes' village.

It has to submit these proposals in their final form to the International Olympic Committee on August 15.

The bid document is likely to go before the Cape Town City Council for approval in mid-May.

THURSDAY
MARCH 21, 1996 ★

NEWS

BRIEFS

Taximan shot after car chase

A MAN was wounded in Khayelitsha last night after a car chase involving members of the Cape Amalgamated Taxi Associations.

Police said a man in a white Cressida crashed into a pole after being chased by fellow Cata members in a white BMW.

He was shot in the leg as he left the scene of the accident. Police said they were investigating.

UK footballers in court again

LONDON: Allegations of match-fixing involving football players

Canadian chiefs seek pointers on land claims

PETER DENNEHY

A DELEGATION of Canadian "Red Indians" — or First Nations people as they are known in Canada — is on a fact-finding mission to Cape Town, looking into the way land restitution issues are being handled in this country.

They are paying for their own trip, but are guests of the ANC.

The head of the delegation, Grand Chief Phil Fontaine, who is head of the Assembly of Manitoba Chiefs, said First Nations people feel a close affinity with the ANC, he explained.

"We have been strong support-

ers of the anti-apartheid movement," he said. "We have shared similar experiences, we have been on the same journey. We are indigenous people."

In Manitoba there are 61 "Indian reservations", in which 100 000 First Nations people live. They make up 10% of the population of the province and 4% of the nation.

Mr Allan Torbitt of the Assembly of Manitoba Chiefs secretariat said that in Canada, First Nations people traditionally owned land collectively, so there would be few individual claims for the restoration of land there.

There were 400 land claims

outstanding in Canada, but only one seemed to be settled each decade.

The delegation has met Archbishop Desmond Tutu, Mr Basil Davidson of the Community Land Trust, which is dealing with District Six, and regional land claims commissioner Mr Wallace Mgoqi.

Torbitt said the delegation had come to learn first-hand about the progress of creating a new order of government.

Two years ago, he said, an agreement had been signed in Canada which will enable the First Nations people of Manitoba to

create a distinct order of government.

But the First Nations people are not wanting to secede from Canada, he added.

Quebec's attempt to break away from Canada in 1990 had had a positive spin-off for the First Nations people, because it had sensitised the central government to the wishes of people who wanted to have a degree of self-rule within Canada.

People in many "Indian reservations" are so poor that their living conditions are not very different from those of the poor in South Africa, he said.

Accountancy firms accused of racism

ARG 22/3/96
MAUREEN MARUD
Business Staff

CITY accountancy firms have been accused of paying lip service to political change while remaining prejudiced against blacks training to be accountants.

"Black trainees are being recruited into most firms but they are denied opportunities to develop," Chantal Cuddumbey of the Community Agency for Social Enquiry (CASE) told members of the Western Cape branch of the Association for the Advancement of Black Accountants of Southern Africa (ABASA).

CASE was commissioned by ABASA to research problems black people experienced in qualifying as chartered accountants.

Ms Cuddumbey said only eight percent of students who passed the exam to become chartered accountants were black because African, Indian and coloured students continued to be denied adequate access to training. Many his-

torically African schools did not teach mathematics, students had poorly-trained lecturers at black universities, and accountancy firms offered limited opportunities for doing audits in the workplace. Black trainees she interviewed said firms gave important audits to white trainees, "because the white partners have more confidence in them."

They also complained that the firms' clients discriminated against them on a regular basis, and that very often firms accommodated the clients' prejudices.

"Sometimes they felt they were taken off a job simply because the client objected."

Representatives of accountancy firms told her black trainees lacked drive, initiative, and confidence.

A common perception among established accountants was that black trainees had little knowledge of the business world "because of their background where family members are labourers", as one partner told Ms Cuddumbey.

More families lay claim to Olympic site

ARG 22/3/96 (271)
Municipal Reporter

THE number of former Ndabeni families who are claiming more than half of the Wingfield site, which is also the city's prime Olympic venue, has swelled to 380 families.

Gilbert Fesi, chairman of the KwaNdabeni Land Restitution Committee, said most of the claimants lived in Langa, where they were relocated in the early 1930s, but that others were as far afield as the Transkei, Free State and Gauteng.

He said the committee had not given the Azanian People's Organisation any special brief to represent them, and among the claimants were supporters of the African National Congress, Pan Africanist Congress and the National Party.

Mr Fesi said the claimants were intending to lobby the International Olympics Committee to achieve their objectives.

A spokesman for the regional land claims commissioner said a mutually acceptable mediator would be appointed.

'Comedy of errors' in land

By CHARL DE VILLIERS

(271) ST 24/3/96

claim

THE Western Cape's most important land claim may be heading for the Land Claims Court following a frustrating series of bureaucratic blunders which have taxed the Elands-kloof community's patience to breaking point.

In the latest episode in a "bitter comedy of errors", the state's chief negotiator failed to arrive at Thursday's mediation session at the Citrusdal NGK hall.

Mr Glen Thomas, Chief Director of Restitution at the Department of Land Affairs in Pretoria, had apparently not been able to book a flight to attend a meeting which he had scheduled, an informed source told Metro.

The meeting was supposed to have served as an opportunity for the state to say if it accepted an evaluator's figures as a "benchmark" from which to start negotiating a price for the land with its owner, Citrusdal farmer "Boetie" Smit.

But according to the source, Land Affairs Western Cape chief Jean Ehlers had told the expectant gathering that the evaluator's report had not reached the department nor Mr Hanekom's office this week.

This is despite Mr Hanekom's successful intervention to persuade the Department of Public Works to consider the report before March 21 instead of a day later, when the PWD's Land Affairs Board was to have had its next scheduled meeting.

Mr Hanekom's involvement followed an appeal by a furious Western Cape Land Claims Commissioner, Wallace Mgoqi, who two weeks ago slammed the PWD for playing down the urgency of the Elands-kloof claim and insisted that the valuation be cleared in time for Thursday's scheduled meeting.

The community — evicted from their former mission farm in 1962 — has now instructed the Western Cape Lands Claim Commissioner to tell Land Affairs Minister Derek Hanekom that the state and Mr Smit must agree to a purchase price within the next two weeks.

If not, five months of painstaking, stop-start negotiations aimed at returning the Elandsklowers to their southern Cedarberg land will probably have to be referred to the Land Claims Court for settlement, a source close to the negotiations told Metro.

"Fingers can be pointed at almost all authorities involved in the Elandskloof saga. The parties at the meeting thought that the Department of Land Affairs could at least have shown the courtesy of explaining its absence," the source added.

Nearly 80 families were evicted from the former mission farm in 1962, about a year after two white farmers had bought the land from the Dutch Reformed Church.

"We still trust and believe that the State will pull up its socks, and that other communities with land claims will not have to suffer like this," said a source.

Officials 'ignored govt directives about land'

(271) BD 28/3/96
CAPE TOWN — State officials had repeatedly ignored government directives on the disposal of land earmarked for incorporation into Qwa-Qwa, the Budlender commission of inquiry has found.

Some farmland in the Harrismith and Bethlehem districts, acquired by the state in 1986, had not been incorporated, and in 1993 had been put up for sale, the only commissioner, Geoff Budlender, said in his report released yesterday.

In late 1993 and in 1994 public works department officials had moved to sell this land back to its former owners, contrary to recommendations of the former land allocation commission, ministerial decisions, standing procedures of the public works department and the moratorium on the alienation of state land imposed by Public Works Minister Jeff Radebe.

Budlender could not establish who in the department was responsi-

ble for the irregularities, but all the officials had been aware of the instructions and therefore should all bear some part of the responsibility.

The original owners of the land did not have any preferential claim on it now as they had been fully compensated in 1986.

If it was decided that the remaining land should be sold to commercial farmers, it should be sold on the open market, pre-empting any disputes over its true value.

Different considerations might apply if it was decided that the land should be made available to communities needing land, or to beginner farmers. — Sapa.

Accountants probe Transnet perks

By NICOLA KOZ

TRANSNET's chairman, Professor Louise Tager, has instructed a firm of accountants to scrutinise the perks and expense allowances of the company's top management.

The investigation, conducted by Dlamini and Ngidi, covers four areas: the use of company credit cards, special privileges, overseas trips, and discretionary expenses. The firm will also investigate the use of Transnet's assets.

"Obviously I have some concerns, otherwise I would not have called for an investigation," Professor Tager said this week. "We need to put in place a sound business ethic. It must start from the top and run the length and breadth of the company. Ethics and a good culture have to be developed in Transnet."

Results of the investigation, which started in February, were expected in two weeks, she said.

Professor Tager said the investigation was not a "witch-hunt".

"This is an investigation into how the system is working. I am not suggesting there is abuse. I asked for the investigation because it is part of the whole control environment."

"I need to understand the system and make improvements if necessary."

More than 1 000 top employees, including Transnet's managing director, Dr Anton Moolman, and managers of the company's business units, have been told of the investigation into their use of business perks.

They have been sent two official letters requesting

detailed information regarding entertainment, travel and other expenses, and information on sponsorship, contracts, and work by consultants.

Professor Tager said: "Transnet has a big part to play in our economy. No one is above accountability in Transnet."

"I want to make sure that special privileges are properly accounted for. The investigation will tell me how the system of control works. Are the rules clear and comprehensive? This investigation should provide me with a lot of answers."

"I am responsible for accountability — to ensure proper controls in the business, eliminate fraud, leakages and corruption."

"Transnet is 100 percent owned by the government. Every cent the company makes belongs to the state."

It is not a business run for private individuals and therefore accountability is even more critical."

She said the investigation into the credit-card system was "just the start".

"It is the start of the culture of responsibility in Transnet."

"If the investigation indicates that the system does not work, then we will take steps to improve the situation."

● Five new executive directors have been appointed to Transnet's board by the ministry of Public Enterprises, the company announced this week.

The new directors are: Saki Macozoma, Joseph Ndhlela, Zukile Nomvete, Mafika Mkwanaazi and Dr Moolman, who was confirmed as managing director of Transnet.

ST 7/4/96

(270)

Transnet's perks system on review

Star 10/4/96 (270)

Robyn Chalmers

THERE were indications that the system governing Transnet management's perks and expense allowances would have to be overhauled, but this depended on a final report being compiled, chairman Louise Tager said yesterday.

Tager has ordered an investigation into how top management's perks and expenses operated, which she said was likely to be completed within the next few weeks. The investigation included Transnet MD Anton Moolman along with more than 1 000 other Transnet employees.

She had already received an interim report from accountants Dlamini & Ngidi on how the Transnet perks and expenses system operated.

The report was aimed largely at informing Tager on the process involved in the perks and expenses system.

"Depending on the outcome of the final report, there will be an improved system put into place although I am not suggesting that there is abuse at present.

"But Transnet is a public company, and we need to engender a culture of responsibility within the organisation, as well as put a sound business ethic in place," Tager said.

The investigation had been undertaken to ensure that as non-

executive chairman she had comprehensive information on the perks and expenses system. The investigation would look particularly at whether or not there were effective controls in place.

The investigation would consider four broad areas — management's overseas trips, discretionary expenses, special privileges and the use of company credit cards.

One source said yesterday that there did not appear to be any indication of widescale abuse of entertainment privileges, and the investigation seemed to be more a general check of management expenses.

Public enterprises ministry spokesman Douglas McClure said the investigation had not been initiated by Minister Stella Sigcau, although there had been contact between the minister and Tager.

McClure said a similar investigation into other parastatals would depend on the chairmen of the individual organisations, but there was no such audits planned from a ministerial level.

Eskom MD Allen Morgan said there was no investigation planned at the organisation, which ran a regular internal check on all perks.

All entertainment allowances, perks and other management expenses at Eskom were fully disclosed, he said.

Black managers welcome new blood at Transnet

BY THABO LESHILO

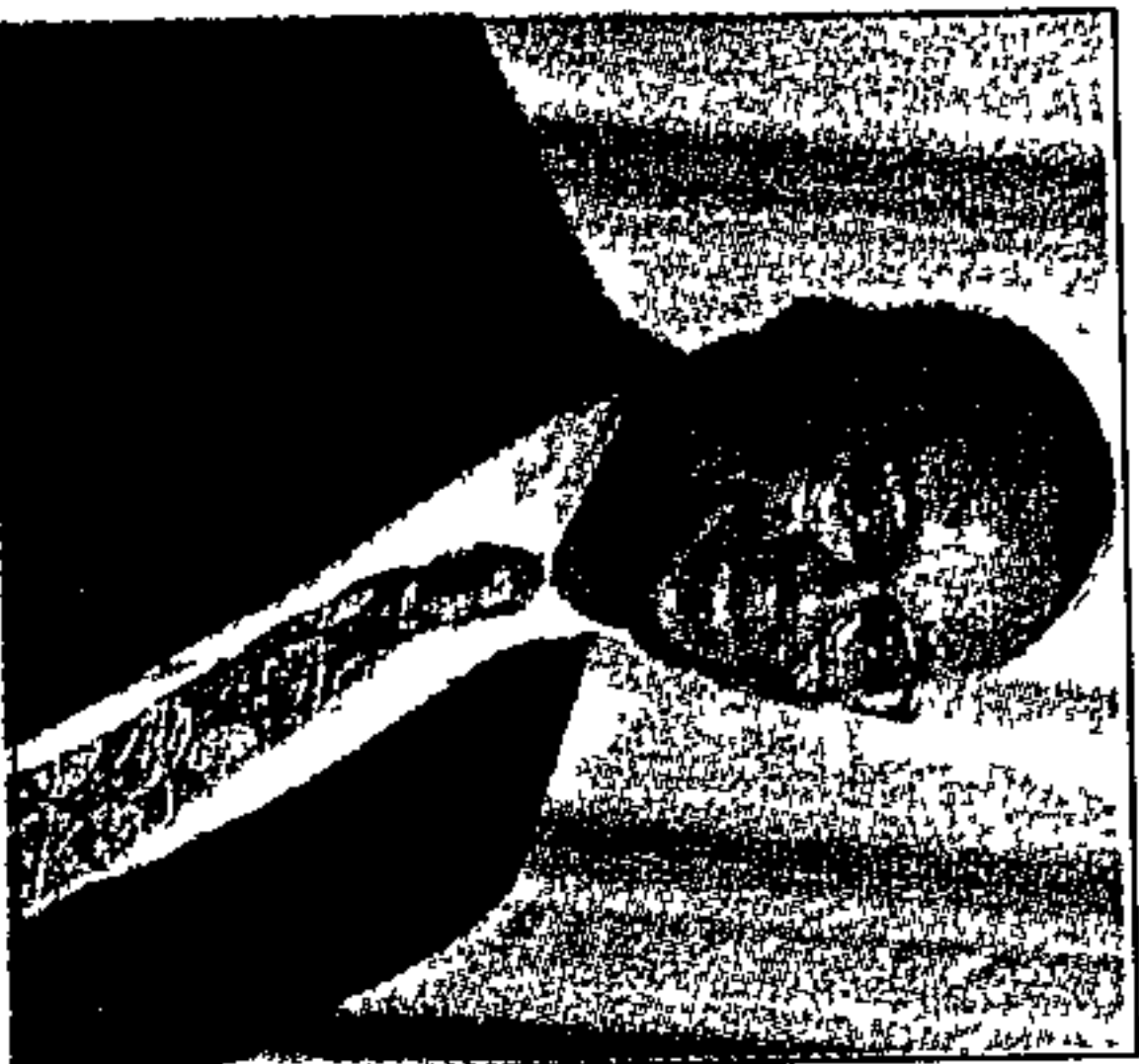
Johannesburg — The black business and management community has welcomed the appointment of the four new executive directors of Transnet as an important development towards transforming the parastatal and other state companies.

"Nobody could have put a better team together. We fully endorse them and their chairman, Louise Tager," said David Moshapalo, the general secretary of the Foundation for African Business and Consumer Services (Fabcos).

Moshapalo, who is also the chairman of the Provincial Small Business Council, believes the new directors would be more sensitive to the need to develop small, micro and medium enterprises.

The four new directors are Saki Macozoma, an ANC MP and the chairman of the portfolio committee on communication of the National Assembly, Joseph Ndhlela, a director of companies and a member of the Transnet board since 1994, Zakhe Nomvete, a director of companies, including the Airports Company and Sun Air; and Mafika Mkwanaazi, the chief executive of Metrorail and the former plant manager at BMW (SA)

Lot Ndlovu, the president of the Black Management Forum, said the



RIGHT ON TRACK *Mafika Mkuamazi, the executive director responsible for Spoornet*



TOP OF THE TEAM Sakunzi Macozoma, designated as the deputy managing director



FLYING HIGH Zukile Nomvete, the executive director responsible for SAA and other aviation portfolios



THE HUMAN FACTOR Joseph Ndiela, the executive director responsible for training and development

appointments were long overdue. "The appointment of black people of calibre is a critical ingredient in transformation."

He said the fact that none of the new directors was deeply rooted in conventional corporate management practice was an advantage.

"They are fresh in outlook, are likely to be more unorthodox and creative, making them the ideal people to lead the process of transforming Transnet"

Mashudu Ramano, the general secretary of Nafcoc said: "We wish to congratulate the new executive directors—

especially Saki Macozoma on being appointed the deputy MD—and wish them all the best.”

The new directors' individual responsibilities include:

□ Saki Macozoma: Transnet marketing policy and strategy; employee benefit and strategy; joint performance of the responsibilities of the managing director, group corporate affairs, corporate communications, parliamentary liaison and joint ventures.

☐ Joseph Ndhlela: human resource policy, training and development

cies, organisational transformation, energy transformation, PX, Transwerk, Petronet, partnerships and business associations.

□ Matika Mkwanazi Spoonnet, rail commercial and commuter policy, road vehicle utilisation policy, Metro services, chemical services and national road infrastructure planning

☐ Zukkle Nomvete: aviation and property policy, SAA, Apron Services, Fabtravel, Airchiefs, SA Express, Alliance Air, Connex travel, the Bay Waterfront, Transite Properties, Asset Rationali-

sation and Propnet.

They were appointed for five years, effective from April 1, to join Anton Moolman, the managing director since 1990 and Louise Tager, chairman since January.

Two more executive directors and eight non-executive directors will be announced at the end of the month.

Nonvete said he and his colleagues would bring Transnet's corporate governance in step with that of any large, private conglomerate "with a new approach, dynamic and ethic".

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Traffic
officers
AAG 13/4/96
may strike

ANDREA BOTHA
Staff reporter

TRAFFIC officers at Elsies River who are members of the South African Municipal Worker's Union (Samwu) are threatening to strike if their grievances are not addressed.

Union members at the traffic department have demanded the resignation of traffic chief Louwtjie Geldenhuys. They also want a thorough investigation by an independent body into alleged irregularities.

Tensions came to a head when T P Ludick was promoted to Station Commander last week. The union says the appointment was contrary to an affirmative action agreement negotiated in 1994.

Director of Protective Services Piet Louwrens said in response to the complaints that he only recently came to hear of them and regarded the matter as "very urgent".

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TRANSNET will launch a housing project at Kleinvlei in the Western Cape this week to meet the needs of its employees and the communities it is involved in.

Transnet Housing corporate relations manager Derek Grobler said yesterday that there was a great need for housing among Transnet employees in the region. As a result, Transnet Housing had bought a 10,5ha site for R500 000 at Kleinvlei located in the central eastern area of the Cape metropolitan area.

The site would be divided into 328 stands, with 322 stands to be al-

Transnet to initiate housing project

located for residential development along with a church, crèche, community facility, three formal public open spaces, 30 street parks and roads.

"Due to the high unemployment rate in the Kleinvlei area, it was decided that the project and construction must be labour-intensive. This project will provide 13 464 man days of work and create 102 job opportunities a month over a six-month construction period," Grobler said.

The house prices

would range from R30 900 for a 40m² house to R41 400 for a 50,5m² house, excluding the stand price of R17 000. Of the 322 residential stands, 200 had been reserved for Transnet employees and 122 for private buyers.

Grobler said a project development committee had been established to deal with all the planning proposals with regard to town planning, stand sizes, community facilities, standard of services and roads.

He said the commit-

tee would ensure that all community concerns were addressed, that planning was done according to the needs of the community and the development was cost-effective and supported by the community and local authority.

Grobler said the project would be launched at Kleinvlei on Thursday by Public Enterprises Minister Stella Sigcau, along with Housing Minister Sankie Mthembu-Nkondo and Western Cape premier Hannes Kriel. (270) (271)

20 17/4/96

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NEW ABODE: Transnet general worker Cynthia Tandazo, centre, is overjoyed at being able to move into her home. Celebrating her happiness is her former employer Elize van der Linde and Transnet's Kleinville housing project facilitator Neil Engelbrecht.

Housing: Transnet pulls its weight for employees

JOSEPH ARANES
Municipal Staff

(270)
(244)

TRANSNET, the biggest transport industry in the country, is committed to finding ways of housing the country's homeless.

Since 1988 the company has built 5 760 houses, mostly for its own lower-income employees, but has now broadened that base, in-line with the government's reconstruction and development programme to provide dwellings for other homeless people too.

Transnet also has launched another housing project, consisting of 322 units, in Kleinville near Eerste River.

Transnet's executive manager of housing, Johan van der Westhuizen, said the company bought 10,5 ha of land at a market-related price, and earmarked 200 of the sites for Transnet employees while 122 would be sold to private buyers. The prices of the houses

will range from about R45 000 to R64 000 a house, including the land. The provincial housing board has made capital subsidies available to first-time home-owners and this played a significant role in making the dwellings affordable to the prospective buyers.

He said he was often asked why Transnet, with its roots in transport, involved itself in housing.

"A valid question if one is not familiar with the company which has just more than 110 000 employees spread throughout the country. In essence it boils down to a philosophy in the company that housing forms an essential link with the social and economic development of people."

"Proper housing is seen as a foundation for development of our human resources and homeownership is the cornerstone of a stable community and a stable family life, which is a pre-requisite for increased

productivity.

"This belief gave rise to the vision of the company to see that all our employees were home-owners by the turn of the century, and at Transnet Housing, we are tasked to make this dream a reality."

Mr Van der Westhuizen said that during the 1985/86 financial year, close to R84 million was spent and almost 1 000 houses built not only for Transnet workers, but for private individuals too.

The Kleinville project, where some of the residents have taken occupancy of their homes, will provide jobs for a 102 people for about six months.

Johan Ollwegge, his wife and son were one of the first families to move into the new development after living in a caravan park for the past two years.

Mr Ollwegge said they had been living in a Gordon's Bay caravan park for a couple of years when they received an

eviction notice from the owner who was selling the park to have it developed as a holiday resort.

"We had nowhere to go and after weeks of fruitlessly trying to find alternative accommodation, we ended up living in our car. We would park it in the road next to the beach and use the beach's toilet and washing facilities. Life was very difficult as my wife and myself were working and my son was at school writing examinations. We had to eat, sleep and even study in the car."

Mr Ollwegge was working for Transnet when he saw a notice on the board about the Kleinville housing development and inquired about it. He was promised that a plan would be made to accommodate him.

"True to their word, a few weeks later I was shown this house and immediately decided we would move in. My family is extremely happy at being given a chance to own our home."

COMPANIES

Transnet staff urged not to fear changes

By THABO LESHELO

Johannesburg — The recent appointment of the new executive directors to the board of Transnet has caused anxiety among managers about their future in the face of the imminent transformation of the R40 billion parastatal.

"People are uncomfortable with the transformation. Everybody is tense and very irritable," a source told Business Report yesterday.

At the core of the mostly white managers' consternation is the fear that they are regarded as being unsupportive of the process of parastatal transformation and may be replaced with black managers who will be more receptive to the government's programme.

But Saki Macozoma, the newly appointed deputy managing director, said there was no need for managers to panic as there were no plans to fire anybody.

He said that given the expertise the managers have gained working in the company they have an important part to play in collectively determining "a new

ethic and a new way of doing things" at Transnet. He has told managers reporting to him "to continue (with their jobs) in the understanding that there will be changes".

Macozoma began his new job at the Transnet head office in Parktown, Johannesburg, on April 15, after resigning as an ANC member of parliament. Much of his time since then has been spent meeting the chief executive officers of the Transnet business units under his control.

"There are decisions to be taken. The most important decision is what the new management structure is going to look like," he said.

Macozoma is one of the four black executive directors appointed by Stella Sigcau, the private enterprises minister, to drive the transformation process at Transnet.

He describes as "fair" the assumption that he will be the main driving force behind the changes at Transnet, given his extensive experience in politics and civil society.

"I see my role as a catalyst implementing the transformation," said Macozoma.

He said that everybody at Transnet, from the cleaners to members of the board, would be involved in shaping the transformation process.

"I don't think because I come from parliament, I know the 10 commandments as to what should be done. The approach should be much more consultative to ensure that transformation does take place in as inclusive a manner as possible," said Macozoma.

But he made it clear that the process of change will not be bogged down in unending consultations.

"The government, as a shareholder, brought us here to ensure Transnet goes along the transformation route of the country. We have to bring in a new ethic and way of doing things," he said.

Macozoma shrugged off as "journalistic enterprise" the observation that he is the heir apparent to Anton Moolman, the managing director of Transnet.

"The problem with crown princes is that they begin to worry about the crown, not the job to be done. I have a specific job to do," he said.



TRANSFORMER Saki Macozoma, Transnet's deputy managing director. PHOTO JOHN WOODROOF

Land redistribution programme shows dramatic signs of

Wyndham Hartley

CAPE TOWN — Land redistribution programme delivery has taken a dramatic leap forward with 12 new projects securing the tenure of 1 276 families and involving farmland worth more than R12m.

The programmes, including the first purchase of "white" farmland for farm labour tenants under the recently approved Act, are made up of seven in Free State, two in KwaZulu-Natal, two in Eastern Cape and one in Northwest.

They involve about 30 farms or portions of farms. Some of the land distributed was formerly in state hands.

Even in the case of the Berdina farm in the Vryheid district of KwaZulu-Natal where tenants have bought a farm, all the deals were negotiated without expropriation of private land.

At Welverdiend in Northwest the community trust has had to offer the state first refusal if it sells. Clauses like this will help reassure farming communities which fear rampant shackfarming and sale of land bought

with state money for quick profit.

The money for the purchase of private land comes from the R15 000 grant to individuals for development in rural areas — the equivalent of the housing subsidy for urban areas — and land affairs department subsidies. In many cases the grants were not fully used to purchase the land and the balance can be directed to development.

An example is the Slovo Welcome Trust in the Eastern Cape, where land was bought for 112 families for R1,25m. The community qualifies for

R6,6m in settlement grants, leaving R4,9m for development.

Innovations such as "agri-villages", and stringent regulations to preserve the environment, prevent overgrazing and maintain population density at reasonable levels are contained in agreements.

In KwaZulu-Natal, where land in the former Reserve Six near Richards Bay has been designated for the Mandlazi Community Trust, no settlement can take place before a properly planned "agri-village" has been com-

pleted and individual lots surveyed. "Densification" beyond the 570 families provided for may only take place once facilities and service infrastructure have been upgraded.

In many of the programmes approved by Land Affairs Minister Derek Hanekom, the families to be settled are determined to engage in commercial agriculture. In at least one the community will designate a farm manager while others remain resident in the location to preserve the agricultural integrity of the land.

taking off

'Delight' at ANC's new stance on property rights

Lukanyo Mnyanda

803/4/96 (271) (232)

THE South African Property Owners' Association (Sapoa) has welcomed reports that the ANC had softened its stance on a property clause in the new constitution, dropping its earlier insistence on linking compensation for expropriation to the state's ability to pay.

CEO Brian Kirchmann said he was "delighted" that the organisation seemed to recognise the importance of having a property clause in the constitution to protect present and future property owners from the possibility of having their land arbitrarily taken away by the state.

The ANC has reportedly offered to drop the clause linking compensation with the state's ability to pay with one stipulating "the need for effective land reform".

Kirchmann said: "SA is now a country of equal opportunity and people who were disadvantaged in the past are able to obtain property."

"It would be sad if, for example, 40 years down the line, a hostile government was able to deprive them of their property again," said Kirchmann.

The ANC's move was also likely to have a positive effect on investor confidence as many people who were interested in investing in SA were being kept away by the uncertainty regarding their

security of title.

"The softening of the ANC's stance is encouraging because people won't invest in the country if they don't think they will have security of title," said Kirchmann.

Sapoa supported land reform and did not believe it would be hampered by having a property clause in the constitution.

"In fact, having the property clause without making provision for land reform would be silly. The two go together, and our members are willing to assist with land reform," said Kirchmann.

Also welcoming the ANC's move, Sanlam Properties Asset Management GM Fannie Lategan said he was "more comfortable" now that the term, "the state's ability to pay", seemed set to disappear from the clause.

As previously worded, the clause would have been open to abuse and would have prevented courts from making binding judgments compensating people whose property had been expropriated.

But Lategan said he was opposed to entrenching land restitution in the constitution.

He said restitution was supposed to be a temporary measure aimed at addressing past imbalances, while the constitution "is supposed to last forever".

However, the ANC's new stance was a positive development because "the right to ownership is crucial".

Land of guilt and money

MTG 4-11/4/96

(271)

A few white farmers in North West province want a big chunk of the land compensation budget — for farms which were dirt-cheap in the first place, reports **Hazel Friedman**

FIFTEEN white farmers in North West province are threatening to hijack the government's land reform programme unless they are awarded millions of rands in compensation for their farms.

And the Batlounge people — rightful owners of the land who were forcefully removed in 1977 — have threatened to invade the land in protest against the government's "bureaucratic delays".

At the core of the conflict — a test case for the future of the government's land policy — is a controversial section in the Department of Land Affairs' Green Paper on land reform. It concerns the calculation of "just and equitable" compensation for land restored to its rightful owners, and a clause in the Restitution of Land Rights Act of 1994.

The 15 farmers, who bought the land in 1981 at well below market-related prices, have refused to move unless they are compensated at market value, estimated at R22-million — a substantial portion of the

restitution budget for the entire country, which presently stands at R89-million.

The farmers are demanding between R700 and R1000 per hectare for their farms, even though they paid less than R250 per hectare when they purchased the land in 1981. The Green Paper has proposed that compensation should be below market value for land acquired cheaply under apartheid.

The Batlounge — deprived of their ancestral land for 19 years — simply want to go home. The ongoing delay has increased their distrust of the Land Claims Commission (established by the Department of Land Affairs to investigate and process land claims).

Says Peter Ntshoe, chairman of the Transvaal Land Restoration Committee, and a member of the dispossessed community. "The commission is widely perceived as part of the Department of Land Affairs,

which, as the Department of Native Affairs during apartheid, was responsible for robbing blacks of their land."

He adds. "The Batlounge are a farming community. We made a good living off the land, yet we were deprived of our livelihood and ditched into a place without schools, shops or even arable land. Now, we are prepared to take whatever action is necessary to reclaim our land."

In 1992, the 1000-strong community lodged a restitution claim with the former Commission on Land Allocation. Yet the council could not deal with the claim as it was only concerned with state land claims and the Batlounge claim was referred to the former Department of Regional Land Affairs.

In April 1994 the previous government agreed to return the land to the Batlounge. In July 1995, the farmers claim, Land Affairs Minister Derek Hanekom undertook to buy their land — but in November of that year they were told this would not happen.

In December 1995 the Batlounge claim was passed onto the Land Claims Commission to re-investigate the claim and make recommendations to the Land Claims Court, which is due to start operating in April this year.

In the same month, the farmers sought an urgent interdict against Hanekom, Public Works Minister Jeff Radebe and the Land Board chairman, claiming they had employed "delaying tactics" in buying the farms. Although the Pretoria Supreme Court dismissed the application with costs, the farmers have refused to move until they are given what they describe as a "fair deal".

Hannes de Villiers, spokesman for the 15 farmers said "We did not kick the Batlounge off their land. We bought the farms when there was nothing but veld and poor soil. We have worked to make the land productive and deserve to get out as much as we put into it."

Yet when the farmers bought the land in 1981, they paid a maximum of R220 per hectare for dry land and R84 per hectare for grazing areas. According to court papers in this case, the market price at the time for dry land was R700 per hectare and R200 per hectare for grazing. In addition, farmers received substantial government loans and subsidies over 20 years, with interest at a mere 5%, compared to the then interest rate of 10, 5%.

Despite the generous aid, however, many of the farms remain heavily in debt and operate at a loss. Durkje Gillman, a

lawyer at the Legal Resources Centre who is representing the Batlounge, says "The farmers had a chance to make a go of their farms, but many failed, more as a result of bad management than drought, and they should not deprive the owners of their rights. If they receive the market price for the farms they will benefit twice from the previous government's policies of forced removals."

The Department of Land Affairs's Glen Thomas says, "There is no doubt the Batlounge must be returned to their land, but the Land Claims Commission still needs time to complete its investigations and recommendations before the matter can be taken to the Land Claims Court."

Run by a small staff of five on a tiny budget, the Land Claims Commission is only able to process about one claim per week.

"Yet already the number of land claims being lodged with the commission is in excess of 3 000. Obviously this calls their future efficacy into question," says Norman Abrahams, a lawyer with the Legal Resources Centre in Johannesburg.

And there might be more at stake in the Putfontein conflict than community rights and equitable compensation. The Putfontein area is rich in minerals, particularly diamonds.

When both the Batlounge and the farmers bought their land, mineral rights were excluded from most of the deeds of sale. Now, the question is: once the land is returned to the Batlounge, who will own the mineral rights to Putfontein?



Bonded to the soil: Farmer Gerrie van Zyl faces an uncertain future

PHOTOGRAPH: HAZEL FRIEDMAN

Paying for the sins of the past: Two different views

Simon Ndebele

THAT'S where the school used to be", says Simon Ndebele, pointing to a piece of veld dotted with fragments of rubble. "My parents helped build it in 1946, and it became a wonderful place of learning for the Tswana aristocracy. By 1956, with the help of the missionaries, we had a clinic. The soil was rich, our lives were good."

He pauses. "Then they chased us from paradise and dumped us on dry grass."

We are standing on a sand path overlooking a vast pancake of land which seems to have been overlooked by the recent heavy rains. Yet the canvas Ndebele paints, the rough edges of memory blunted by nostalgia, is of a pastoral paradise, with fertile alluvial fields teeming with plant life and livestock.

"It looks dry now but there is an underground water source which once served our subsistence farming needs perfectly. What I miss most of all is the sense of belonging. For 19 years my people have been like the Israelites exiled from the Holy Land."

The "holy land" is the district of Putfontein

in what was the Transvaal, later part of Bophuthatswana. The area was purchased by the Batlounge under chief Shole shortly after the Anglo-Boer War. With the implementation of the Native Land Act of 1913 and the Native Trust and Land Act of 1936, the Batlounge — along with millions of other black people — were deprived of the right to own land.

Ndebele was only 10 years old when the trucks arrived to relocate his community to Ramatlabana, more than 100km away. But he remembers every detail of October 31 1977, when he was awakened by the sounds of dogs and shouts.

At gunpoint, 1 000 people were herded onto open trucks alongside sheep and cattle and transported to their "new home".

But, says the son of a Batlounge elder, "It was nothing like home. It was like the desert."

Paid between R15 and R40 for their Putfontein plots covering thousands of acres, the Batlounge were provided with little water, no sanitation, shops or schools, and scant shelter.

"When the government officials showed the chief and my father this so-called promised land, it was like throwing shit in our faces."

Gerrie van Zyl

ON either side of the only route to Gerrie van Zyl's Putfontein farm are two road signs saying "Cecilia's Home and Sweet-home". They frame the route like bookends.

Called Omega, one of three subdivided, identically titled farms, it is more than a home to the Van Zyl family. It is an invisible umbilical cord constantly feeding into and off them, entwined with their identity.

But soon the cord will be cut. Van Zyl is one of 15 farmers who will have to return the land to the Batlounge community. Van Zyl accepts the inevitability of it. He is willing to move on, but not at any price.

"I bought this farm in 1981, when there was nothing here. I have made it the flourishing place it is today," he says, indicating manicured gardens and fertile sunflower and mielie fields melting into the horizon. "I have planted every blade of grass and hammered each nail. This farm became my life and my family's future. Now the only life we have is uncertainty. As for the future... God knows."

Born in Stellenbosch, Van Zyl studied agri-

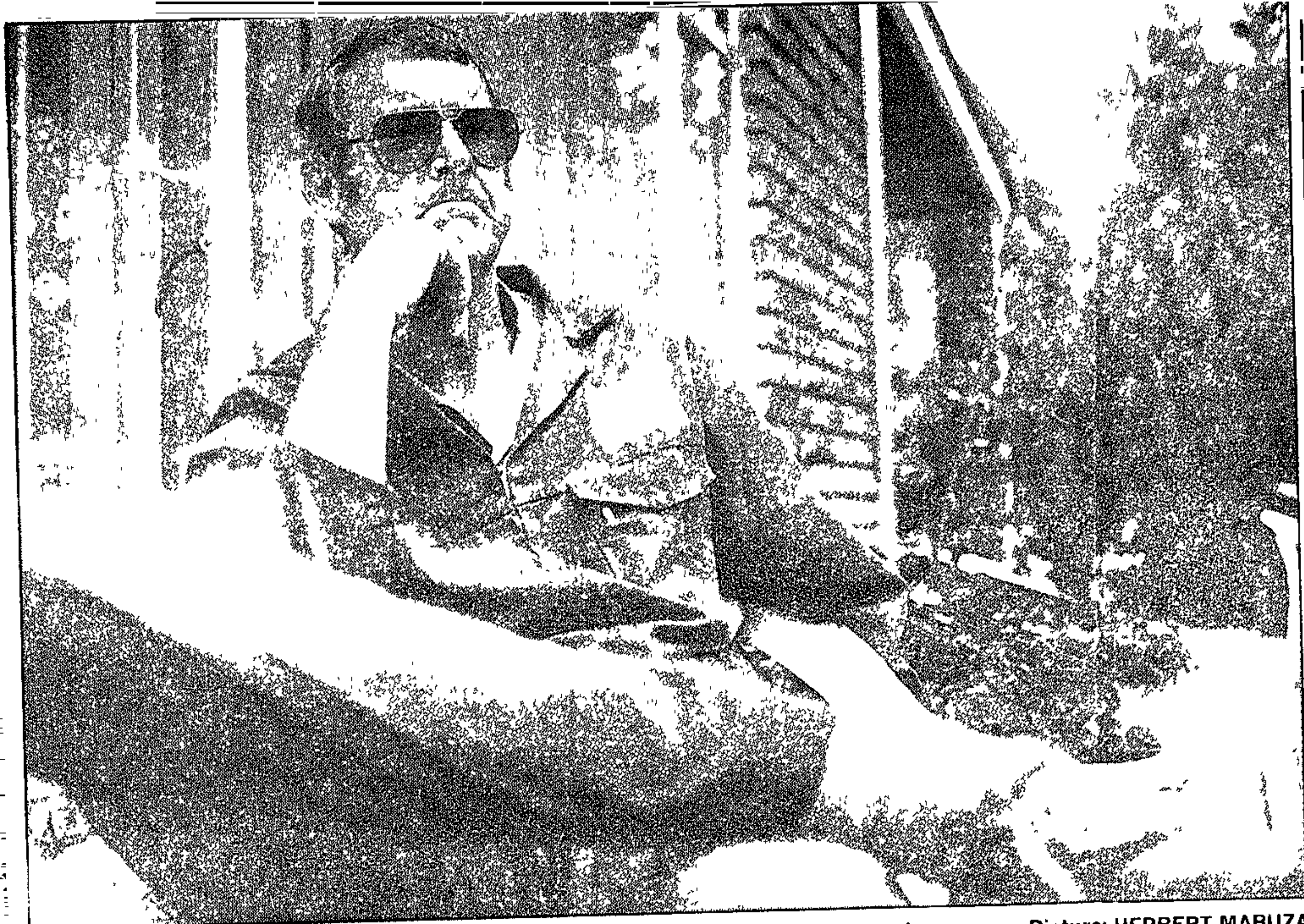
culture before coming to the Transvaal in search of the quintessential South African dream. He thought he'd found it in 1981 when he saw an ad in the newspaper offering farms for sale in the then northwestern Transvaal at absurdly low prices.

"We were aware at the time that other communities had been occupying the land before us," he admits, "but for a farmer just starting out, it was a fantasy come true."

Van Zyl insists the purchase price of the farm, although below market value, grew to a substantial investment, because the farm had to be developed from scratch. "It would have been much easier for me to purchase a farm with an existing infrastructure, instead of having to develop one myself. How then can the government calculate the value of my land? They did not witness the work, commitment and love that went into it."

"All I ever wanted was to farm," says Van Zyl. "And that is all my son wants to do. Yet unless we receive adequate compensation to enable us to start up another farm, we will have nowhere else to go."

"This land is not for the faint-hearted, it drains you. Yet my soul is bound to it."



FIGHTING TO THE END . . . Hannes de Villiers wants to be left well off after compensation

Picture: HERBERT MABUZA

Court to put a price on apartheid's land betrayal

(271) ST 7/4/96

Villagers who were kicked off their land to make way for apartheid are now destined to return. But first the land claims court must decide on compensation for the present occupants. CHRIS BARRON reports on what will be a test case for future land restitutions

WHEN the government offered Hannes de Villiers 372ha of prime farmland in the western Transvaal for a barely believable R70 000, even at 1981 prices, it was a dream come true.

At 40 percent below market value, this was the deal of a lifetime. When the purchase price was made available at five percent interest over 20 years this aspiring farmer, then 33, didn't ask questions.

If he had, he would have discovered that his land was never the government's to sell. The government, of course, would have said that in terms of various laws going back to 1913 it had every right to kick the Batlounge tribe off land their great-grandfathers had bought from white farmers in 1885.

If young Mr De Villiers had spoken to the 600 families, they would have told him that they had the title deeds to the land, that their dead were buried there and that they would return given half a chance.

Mr de Villiers would have had a hard job tracking them down.

By the time he moved onto his farm in 1981 they had been dumped 200km away on a stretch of parched semi-desert on the far side of Mafikeng. He would have found they were not even South Africans anymore, but citizens of newly independent Bophuthatswana.

Even if he had found them, it is unlikely he would have believed they would get their half chance to return.

Whether ethics alone would have deterred him is debatable. Certainly it had no effect on the white farmers who lined up four years later to buy cattle belonging to the Mogopa people as they were evicted from their land not far away.

Put the question to him as he sits on his farm in Putfontein, outside Ventersdorp, and Mr de Villiers says: "If I knew then what I know now I would not have bought this land."

But ask him what he knows now and he tells of the sweat he put into building his farmhouse, sinking boreholes and fertilising the soil — nothing of the tears of those whose land he took.

He says his appreciation of the ethics of the situation is implicit in the fact that he and 14 other farmers whose land is being reclaimed by the Batlounge have agreed to let them have it.

But this was only after their lawyer, the former Deputy Land Affairs Minister Johan Scheepers, told them they had little

choice. All they're holding out for now is suitable compensation. The Public Works Department valued their land at R23 million in 1994, a quarter of the restitution budget for the whole country. The Minister of Land Affairs, Derek Hanekom, asked the Land Affairs Board to advise him, but members of the board could not agree on an amount.

At the end of last year the farmers got tired of waiting for an "offer", and took the government to court.

"We were told an offer would be made in August, but by November we were still waiting. We didn't know whether to plant or not, and we couldn't start looking for other places until we knew what we'd get for our farms," said Mr de Villiers.

The case was thrown out and the farmers will have to wait for a decision by the lands claim court. The court's interpretation of the "just and equitable" clause in the constitution will set a precedence for future compensation payouts.

Most of the farmers have run up huge debts since they bought their farms, either through bad farming or, as they would have it, a combination of bad soil and drought. Mr de Villiers's debt is more than R300 000.

In addition to soft loans from agricultural institutions, many have bonded their farms, in at least one case to finance other ventures.

They face the threat of being offered compensation that will, after repayment of loans, leave them bankrupt.

"We will not accept any compensation that does not leave us as well off as we were before, or better off," says Mr de Villiers. "We will fight it all the way."

Meanwhile, four years after lodging their claim, the Batlounge are impatient. Not for nothing is their clan totem the elephant. "The elephant is peaceful until you tease it," says their chief, Gustav Shole, 39. The elephant also has a long memory. When they arrived in no-man's-land, the Batlounge named their new village "600", after the 600 families that had been moved. It was their way of saying: "We will never forget."

And they haven't. They remember the six churches, the five schools, the big clinic, the houses their grandfathers built, the fields they ploughed, the crops they grew and the cattle they grazed.

They remember getting eviction notices in March 1977. They remember being dragged out of their homes and watching, handcuffed, while bulldozers demolished the lot. They remember leaving their livestock behind.

They re-member arriving in the middle of nowhere and finding row upon row of corrugated iron shanties.

They remember being paid between R300 and R400 compensation for everything they lost, and they cannot understand why so much time is being spent deciding compensation for those they believe displaced them.

Paul Molefe is a frail 82. His dream since 1977 has been to return to his birthplace.

He feels the government is betraying him by making him wait. Betrayal is a word frequently on the lips of Mr de Villiers as well.



DREAMING OF HOME . . . Paul Molefe

Confiscate unused land to stop speculators, urges Gauteng ANC

Star 8/4/96 (271)

By KARIN SCHIMKE
Gauteng Reporter

Unused land in Gauteng should be confiscated to discourage land speculation and register the State's interest in available land to achieve some of the aims of redistribution in the province.

This and other suggestions will be made by the ANC in Gauteng as part of its contribution to the debate around the green paper on South African Land Policy, which the party believes does not address Gauteng's urban peculiarities.

The party held a workshop in preparation for the recent Gauteng Land Policy Conference and concluded that, although the green paper was satisfactory in other aspects, it did not make allowances for the high urbanisation and lack of land in Gauteng.

Party members concluded that the land policy paper needed to accommodate mechanisms to discourage land speculation and to register the interest of the State in property transactions.

ANC member of the Gauteng legislature Trish Hanekom said: "There appears to be a rural bias in the Green Paper and we feel it needs to incorporate measures to address urban problems. Our proposals are very broad and they would need to be researched."

She said property owners who were not using land should be given an option to develop it, but if it remained undeveloped it should be confiscated to be used by the Government.

Another suggestion was to introduce a limit on the size of land-holding per household for residential purposes, a measure that could be phased-in immediately in newly established residential areas.

Imposing a land tax was a particularly effective way of preventing land speculation, Hanekom said, and the ANC proposed it be introduced on presently untaxed land "to encourage the sale or development of land held for speculative purposes".

This would force property owners not using their land to "think twice" about keeping it

and will probably improve land utilisation.

Hanekom said it was a useful fiscal tool for freeing-up land for development.

The party also suggested the introduction of legislative measures giving government the right of first refusal on the sale of all fixed property.

This would allow the Government to acquire suitable land and also create a small downward pressure on property prices in Gauteng, said Hanekom.

Other proposals include the regulation of land prices and the introduction of incentives for "appropriate land development in keeping with the principles of the Development Facilitation Act".

Hanekom said: "These are just proposals, and they must be refined through research. But we need to open public debate around these issues."

"Gauteng is in a unique position in this country as far as land and land usage are concerned, and we must move as speedily as possible so people can protect their land from invasions," Hanekom said.

Cavendish site at issue in first land claim case

■ The first historical grievances are about to be heard in the Land Claims Court

GLYNNIS UNDERHILL

Staff Reporter

LAST-MINUTE preparations for the first land claims to be heard by the Land Claims Court are under way, the regional land claims commissioner for the Western and Northern Cape, Wallace Mgoqi, has announced.

Speaking from Pretoria, where he was meeting the other regional land claims commissioners and presenting his finished reports to the national Land Claims Commission, Mr Mgoqi said it was exciting that the process was reaching fruition.

One of the first Western Cape claims to reach the Land Claims Court - at a date still to be decided - would be the claim by Stella Nelson on behalf of her deceased father, John Bessick, he said.

The property, in Dreyer Street, Claremont, is now the site of the Cavendish Square shopping mall.

The case was accepted and investigated, and a research report has now been completed. The matter was now under mediation, said Mr Mgoqi in his report to the Land Claims Commission.

"The owner certainly owned property and was disposed of his right in land, as a consequence of the application of the Group Areas Act 41 of 1950," the report states.

"The case, on the face of it, appears to have been a private transaction between willing seller and willing buyer, but it was evident that the seller was continually pressured to dispose of his property or face expropriation by a state which had become hostile to certain sections of its population," the report claims.

Among the other land claims which will receive top priority and be one of the first to be heard by the Land Claims Court is one by former Ndabeni residents.

In the report on the Ndabeni claim, the regional Land Claim Commission states the claimants have stated as their preference land in Wingfield, which has been declared a possible site for the Olympic Games.

"The matter is currently a subject for mediation and the outcome is awaited eagerly, at which point it will be determined as to what to do," according to the regional commission report.

The claimants were removed to an outpost near Maitland, later renamed Ndabeni, after the outbreak of bubonic plague in February 1901.

Ndabeni, which the report states became a location for African people, was regulated and controlled by the Cape Town municipality, which later evicted all the residents of the township.

"The claim was accepted as a valid one insofar as there indeed was dispossession of a right in land, which took place under, or for the object of, furthering purposes of racially discriminatory laws or practices," the report states.

(271)

NRG 13/4/96

Picture: NIKKE HILLMAN

'Puppet government' slammed

(271) CP 14/4/96

BLACK parliamentarians should be pre-occupying themselves with the land question, rather than tinkering with peripheral issues, says Azapo president Mosibudi Mangena.

Speaking at Azapo's fifth National Congress in Cape Town, Mangena stated the new government.

"This present political dispensation has done nothing to undo white land robbery against the blacks. We are still slaves of white settler colonialism."

Devoting his entire speech to the theme of the Congress - "Land, Liberation and the Challenges Facing Black Intelligentia" - Mangena said it was a national tragedy that the land question was receiving only perfunctory attention from those in power.

To the thunderous applause of the more than 1 000 delegates,

Mangena said: "White-owned land, which rightfully belongs to the indigenous black populace of this country, should be forcefully expropriated."

He added that black people in this country had been reduced to a nation of workers and servants.

He charged that as long as the land question remained unresolved, blacks would never be able to play a meaningful role in the economy of this country.

To appreciative applause, he slammed President Mandela and his government, saying that they were preoccupied with, and more responsive to, white interests than those of the black majority.

"That's why they heap praise and eulogies on this present leadership and shower them with gifts," remarked Mangena.

He said that black people in South Africa were mere pathetic



LAND ISSUE ... Mosibudi Mangena says Madiba has wrong priorities.
REGGIE MAVUKA

political and economic midgets of the worst kind.

"Our political leadership are nothing but puppets of the white community that runs the economy. After all, you can't have political power without economic power," he charged.

Azapo veteran Don Mattera, who received a standing ovation from the huge crowd at the University of the Western Cape, said Azapo was not an ordinary organisation.

"It stood the test of time, and gave birth to the current premiers of this country: Popo Molefe, Cyril Ramaphosa, Teror Lekota, just to name a few," said the veteran poet.

He warned the youth not to be conceited, advising them to carry the burden of their people and to provide leadership with accumulated political skills.

"You must arm yourselves with education for the future," said Mattera.

People rush to claim back land

(271) Star 16/4/96

Wealthy suburbs could see some changes as the dispossessed fight for their rights

STAFF REPORTER

Land claims across Johannesburg are flooding Gauteng's Commission on Restitution of Land Rights, with some of the golden city's prime property possibly being cited for reclamation.

According to regional commissioner Emma Mashinini, her office has been inundated with claims.

"Each day we have another queue of people delivering their

claims - possibly even in quite prestigious areas of Johannesburg," she said.

Mashinini said Alexandra and surrounds were among the prime areas where dispossessed people were claiming in their droves. She said this area, nestled in among some of Johannesburg's wealthiest suburbs, would have to be very carefully handled by the commission.

But she said wherever people had been removed during the

apartheid years - from Sophiatown and Kliptown through to Denver - the commission was receiving claims.

According to the Land Restitution Act of 1994, anyone who was forcibly removed or who lost land under racially biased laws after June 19 1913 can lay a claim.

Areas isolated as pivotal to the commission in Johannesburg are the mixed area of Alexandra, the predominantly Indian area of Pageview, and the mainly co-

loured area of Albertsville.

They have been selected to represent claims across the racial barriers.

She added forums were selecting a committee to represent them.

She said any individual could lay a claim, but added that the commission preferred organised groups delivering claims as it helped with the commission's investigations into the actual facts and details of title deeds.

People pine for snatched land and (271) houses Star 18/4/96

By ADAM COOKE

A veteran of World War 2 and the apartheid wars sleeps alone in a room he rents just over the road from a prime piece of Alexandra property that once belonged to his father. That property now belongs to the state and, like many ex-landholders in the area, he wants it back.

Daniel Marume spent all his youthful energy in the military - first in North Africa and Italy and then in ANC training camps in the frontline states. And his erect, rigid body reflects as much.

Yet when he speaks he becomes quite animated. Half a mouthful of teeth flash white across his face, and eyes glint blue murder at the word "expropriation" "I spent my life fighting for my country, and now I have nothing."

Marume is just one of thousands of Alexandra residents laying claims with the Commission on Restitution of Land Rights for land taken from them by the government.

He went into exile in 1962, and on his return 30 years later he found the land had been expropriated and unknown tenants were living in his father's house.

Members of the Alexandra Land and Property Owners' Association (Alpoa), an organisation launched around the same time as the ANC in 1912, told of yet more incredible cases of land loss.

Caroline Mojapelo was paid R10 in compensation for her land when it was forcibly bought from her by the State in 1962. She remembers the time with terrifying clarity "It was the 30th of July, mudwinter, and my family was left homeless. From that day we were forced to pay rent for a house that once belonged to us."

Luke many Alexandra residents, she lived on in the house until 1989 when she bought it back



THYS DUBLAART

The future is uncertain ... 75-year-old Daniel Marume hopes that the country he has served in the military will give him back the house that was taken from him by the state in the 1960s. His father owned it but the Government expropriated it and now other people live there.

for R13 000. Now she wants the money back for the home where she was born.

Other Alpoa members introduced a theme which seems to illustrate one point. It is payback time in one of the country's oldest black urban areas.

Central to the problem is the fact that during the expropriation years, outsiders were moved into

the area. They were provided with accommodation and forced upon the previous owners.

"We feared we would be removed by the government. So we compromised and decided to pay rent for our own houses and live with those tenants who were forced on us," said 81-year-old Sarah Noge.

Today this problem has multiplied - certain properties are occupied by up to 18 families, all of which have housing permits and claim right of ownership to the land. Many of the older land holders feel overcrowding and crime started with the arrival of these tenants. "Many of us have bought back our land, but we are not allowed by certain elements to

charge rent or to kick out these tenants," said Noge, who was born in Alexandra.

And what will happen if their land claims are accepted and they ask tenants to leave? "There will be war," they said in unison.

► Alex residents angry over transfer delays

... Page 6

"One of the worst super

Near accord on property clause

(271) CP 18/4/96

BARRY STREEK
POLITICAL WRITER

THE proposed property clause in the new constitution, which has not yet been agreed to in the Constitutional Assembly (CA), has the hallmarks of a compromise, chairperson Mr Cyril Ramaphosa said yesterday.

"Nearly all the parties are rather pleased with what they see in the proposed clause, but they are not very happy with it," he said in a speech to the Cape Town branch of the National Business Initiative.

He remained confident the new constitution would be approved by May 8.

The proposed property clause was not discussed yesterday by the constitutional committee, but negotiations continued, including a meeting between the NP and Cosatu, and discussions with business organisations.

Negotiators said they were close to agreement on the proposed clause.

Ramaphosa said 10 to 15 drafts of the clause had been submitted.

At last week's discussions at Arniston he had told all the parties they were adopting "silly" positions on the property clause and were bickering. If this continued, it could jeopardise the process, forcing a referendum and an election.

After 12 hours of negotiations, the parties had agreed on a formula they could live with.

"We will now agree on a property clause," he said.

The constitution could not be watertight in all respects and the Constitutional Court would have to interpret many of its provisions.

Ramaphosa said the constitution had to be drafted clearly and had to be so straight-forward that children could understand it.

He hoped the constitution would be studied in schools and become a compulsory subject, as it was in the United States.

In the end the country would have a modern constitution all

South Africans could be proud of.

"We will be saying to the world that these are our dreams, a vision of the perfect society we all seek to aspire to," Ramaphosa said.

The current draft property clause says no one can be deprived of property except in accordance with law of general application, and no law could permit arbitrary deprivation of property.

Property could only be appropriated for public purposes or in the public interest and "subject to compensation, the amount, timing and manner of which must be agreed, or decided, by a court".

Compensation must be just and equitable, reflecting a balance between public interest and the interests of those affected.

All relevant factors would be taken into account, including the current use of the property, the history of its acquisition and use, and its market value.

"The extent of state investment and subsidy in the acquisition and beneficial improvement of the property", the purpose of its expropriation, and "the nation's commitment to land reform, and to reforms to bring about equitable access to all ... natural resources".

The state has to take reasonable legislative and other measures, within its available resources, to foster conditions which would enable citizens to gain access to land on an equitable basis.

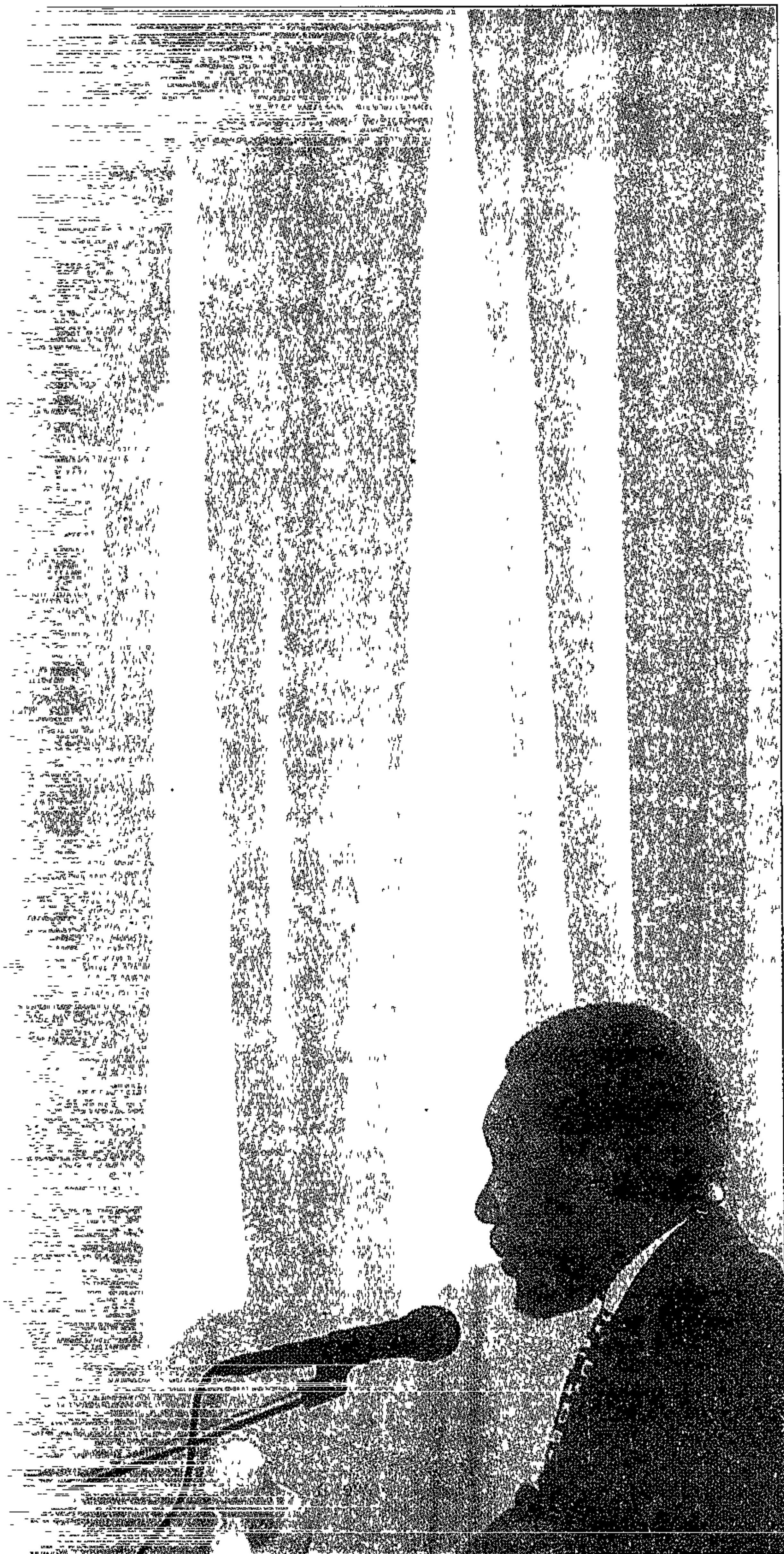
No provision of the section "may unreasonably impede the state from taking reasonable legislative and other measures to achieve land reform and or in order to redress the results of past racial discrimination".

● The time for the Inkatha Freedom Party to return to the Constitutional Assembly was fast running out, Ramaphosa said.

He hoped the IFP would return to the Constitutional Assembly.

"If they come back we will welcome them because there is still time for them to make an input."

See Page 5



Constitutional Assembly chairperson Mr Cyril Ramaphosa tells Cape Town business he is sure the constitution will be finalised by May 8.

PICTURE: BENNY GOOL

Claims on Dist 6, Constantia

SOME 400 PROPERTIES in District Six, expropriated or sold under threat of expropriation under the Group Areas Act, are among 1 600 for which claims have been laid in the Western Cape and Northern Cape, writes **BARRY STREEK**.

NOTICE has been given in the Government Gazette of claims for restitution or compensation for land in Cape Town and its suburbs — including Claremont, Constantia, District Six, Goodwood and Southfield — that was expropriated under apartheid laws.

The claims include the land on which the Cape Technikon now stands and land now owned by Fairbairn High School, the National Housing Board, the Cape Town metropolitan transitional substructure, churches, companies and individuals.

Mr Pieter Joubert, deputy director of the Regional Land Claims Commission for the Western Cape and Northern Cape, said yesterday that his office had already received 1 600 claims for property in the two provinces, including about 400 properties in District Six.

Speaking on behalf of regional commissioner Mr Wallace Mgogo, Joubert said the cut-off date for claims in District Six was Tuesday next week, April 30.

Claims were not confined to people who had owned property in District Six. People who had rented property there and had occupied it for longer than 10 years could also claim.

Although the claims published in the Government Gazette included the names of the present owners of the properties, all the claims were against the government.

The present owners would not have to defend themselves in the Land Claims Court, except in cases where some irregularity was involved.

Joubert said most of the claimants were seeking compensation for their eviction and the expropriation of their properties.

They are entitled to claim compensation, restitution of the property or alternative land.

The claims are investigated by the regional commissioner's office, which tries to mediate a settlement between the claimant, the present owner and the Department of Land Affairs.

This settlement is then referred to the Land Claims Court — which begins its work this week — for a decision that can be enforced by the courts.

Where the mediation has been successful, the Land Claims Court will make an order accordingly. If there is a dispute, the court will have to rule on the basis of the evidence before it.

Joubert said that mediation in a few cases in the Western Cape was already close to settlement and that they would be referred to the court once the negotiations were completed.

The claims notices published in the Government Gazette include properties in Kensington, District Six, Kuils River, Parow, Woodstock, Southfield, Athlone, Steenberg, Goodwood, Brooklyn, Oakdale (Bellville), Mitchell's Plain, Lansdowne, Claremont, Vasco, Elsie's River and part of Silverhurst in Constantia.

The National Housing Board owns a number of the properties, particularly in District Six.

Land claimed in Southfield is now owned by the Parkwood Baptist Church, the Old Apostolic Church of South Africa, the Christian Brethren Parkwood estate and the Cape Town municipality.

Goodwood claims relate to land owned by NBS Boland Developments and Syfin Properties (Pty) Ltd.

Land claimed in Mitchell's Plain is now owned by the National Housing Board.

The Cape Metropolitan Council, Trevalco Ltd and several individuals now own the land claimed in Constantia.

Most of the former owners of these properties lost them through expropriation, or under threat of expropriation, under the Group Areas Act introduced by the National Party government in 1950, just two years after it came to power.

Land Affairs Minister Derek Hanekom has announced that two farms in Namaqualand, one owned by the government and one bought by the Irish government, are to be restored to the Witbank community, who have occupied the land since 1860.

The land had been transferred into the government's name in 1937. A few years later a request by the Dutch Reformed Church to declare Witbank a protestant coloured settlement had been refused.

The farms had been leased to farmers and the communities had been allowed to stay on as farm workers, Hanekom said.

The last coloured farmers still on the land had been ordered to move from the area in 1957.

However, after the flood in 1974, white farmers had moved away and the original population had returned to their land.

Hanekom said the Witbank Community Development Trust would take over ownership of Witbank No 30 for settlement purposes.

It would also take over ownership of the farm Hartebeesfontein, which the Irish government had brought from a private seller, and would lease the farm Barganab, for agricultural purposes.

An investigation for an additional farm for the community was under way.

The Witbank farm was government property and would be sold to the community trust for R4 357, which was R1 a hectare, Hanekom said.

(271)
SIES
CT 22/4/96

Mediator for families' claim to state-owned Olympic site

(271) BD 23/4/96
Linda Ensor

CAPE TOWN — A claim by about 200 families for state-owned land earmarked by the Olympic Bid Company as the central site for its proposed Olympic facilities is due to be considered shortly by a mediator.

Regional land claims commission deputy director Pieter Joubert

said yesterday a mediator had been nominated.

Once appointed, the mediator would try to bring about an agreement between the Olympic Bid Company and KwaNdabeni's land restoration committee.

The outcome of the mediation would then be submitted to the Land Claims Court, which would make a decision.

An Olympic Bid Company spokesman said it had submitted its proposals for the Wingfield site to the commission.

It was envisaged that the main Olympic stadium, a 2,2km rowing course and the athletes' village be located there.

The claim has been lodged by about 200 Langa families forcibly moved from Ndabeni in the 1930s. They have asked for Wingfield in lieu of the Ndabeni land, which was used for industrial development.

Joubert said the commission now had 1 600 claims for Western Cape and Northern Province property, including 400 claims in District Six.

Among the claims are land from the present Cape Technikon site, and land owned by schools, government bodies, companies, churches and individuals.

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DNAL.

Auction threat in land claim bid

Rylands man seeks compensation for loss

ANDREA WEISS
Metro Reporter

A RYLANDS man whose family was removed from Kenilworth under the Group Areas Act is desperately fighting time to stop the Cape Town City Council from auctioning off two erven he has claimed to substitute for the house the family lost in the 1960s.

Maruwan Gasant has claimed the two erven as substitute "state" land because they back on to the original house his family owned. But the erven are due to be auctioned off at noon tomorrow.

In a last-minute appeal for help, he turned to The Argus.

Under the law governing land restitution, claimants can ask for alternate state land to be awarded to them if it is not possible to get the original property back.

Mr Gasant submitted his claim on behalf of his father Ebrahim Gasant about six months ago, but he was dismayed to see the two erven in question, which lie next to College Road in Kenilworth, advertised as being up for auction.

In his claim, Mr Gasant said his father bought the original house in Meyer Street for £1 400 (R2 800 at the time) in December 1948.

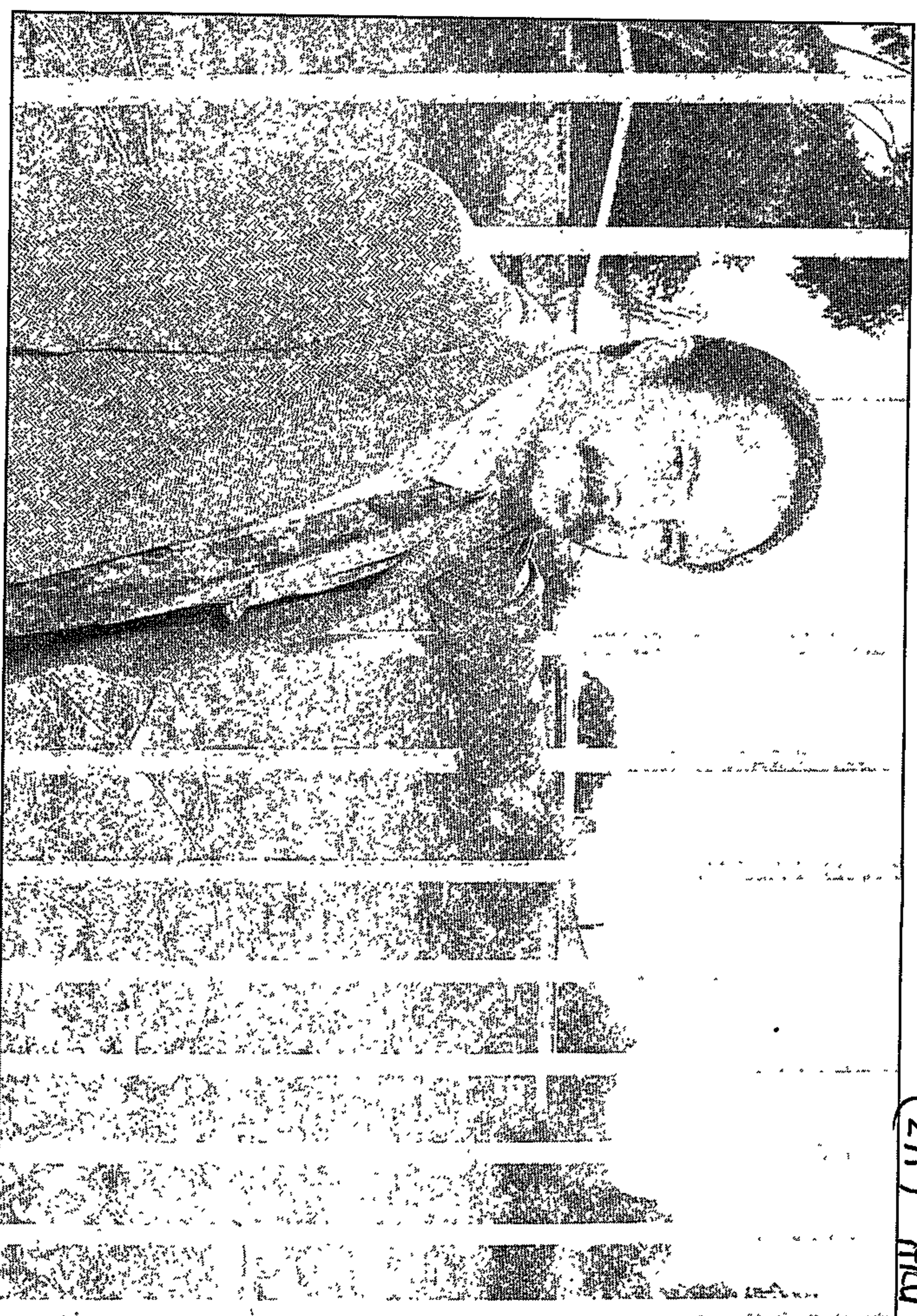
Seventeen years later, because of the Group Areas Act, he was forced to sell the property for £1 800 (R3 600 at the time) which did not even cover the cost of improvements and appreciation in value in the intervening years.

"It is my contention that property prices dropped for coloured sellers because of the blackmail tactic of only being allowed to sell to white buyers for whom a buyers' market had been created," he said.

Mr Gasant said his father had to build a new house in Lansdowne which cost him two-and-a-half times the price he got for his original home.

In addition, his father was prevented from exercising an option on other land in Meyer Street, because of the Group Areas Act.

"This does not take into account the fact that as children we used to walk to school and back, and we used to walk to Muslim school and back in the



(271) ALG 24/4/96

Picture: DOUG PITNEY,
The Argus

LAND CLAIM:

Maruwan Gasant points to the land which backs on to the house his family owned in Kenilworth. He is claiming two empty erven as a substitute for what his family lost, but the Cape Town City Council has put the land up for auction.

afternoons," he said.

"Added to this was the immeasurable cost of trauma and stress in our family through estrangements which took years to heal because of conflicting political opinions and the two opposing views of stay-and-to-hell-with-the-old-regime, or to knuckle under and sell."

Mr Gasant said his father had given him power of attorney to deal with the restitution claim. He had

decided that he did not wish to upset the present owners of their former house and wished them "every happiness" in the house which had created a stable environment for his family. He also believed in the need for reconciliation following the 1994 election.

For this reason, he had decided to claim the two vacant erven which lie almost directly behind the old home to make up for the financial losses his

father experienced and the emotional trauma the family had to go through.

Owen Tudor, manager of the council's estates branch, said the auction was under review after Mr Gasant's case had been brought to his attention.

He said once the details of the land claim were verified, the matter would be discussed with the chairperson of the council's executive committee, Nomamanda Mfeketo.

Sensitive link between two vleis to be preserved

Metro Reporter

ARG 25/4/96
THE Cape Metropolitan Council has agreed to secure an ecologically sensitive link between Rondevlei and Zeekoevlei, which is currently in private hands and zoned for residential development.

Botanists describe the land as being of high conservation value because it contains the highly-threatened strand plain fynbos, and represents the last remaining undeveloped link between the two vleis.

At a meeting in March, the Botanical Society, backed by scientists and non-governmental organisations, and with the support of Land Affairs Minister Derek Hanekom, suggested that the CMC be asked to intervene.

Possible action would be to exchange the land for other CMC-owned land, buying the land out or getting the developer to redesign its plans to mitigate against the negative effects.

At its monthly meeting yesterday, the CMC agreed to give its chief executive officer authority to negotiate with the Cape and Transvaal Land and Finance Company to find a solution which would possibly involve a land swap.

If the CMC successfully secures the land against development, it will be incorporated into the Rondevlei nature reserve.

W Cape under-

ANDREA WEISS
Metro Reporter

WOMEN in the Western Cape are vastly under-represented in positions of power and influence, two studies on the topic have found.

The studies, one by the Development Action Group focusing on Working Women of the Western Cape, and the other by Idasa, entitled Women at the Periphery of Power, conclude that despite making up half the population, women are marginalised when it comes to positions of influence.

The DAG study found that the position was "dismal" when looking at boards of major companies and senior management in the Western Cape.

Of six large companies with head offices in Cape Town, two had no women board members, and the other four had only one each. Most had only one woman in senior management. The best was eight percent women and 92 percent men in senior

Proposed street trading by-law approved by Chamber

Metro Reporter

THE Cape Chamber of Commerce and Industry has welcomed the latest draft by-law to control street trading, saying it appears to be "both reasonable and workable".

In the latest Business Bulletin, Chamber president Geoffrey Ashmead describes street traders as "potential new members of the chamber - once they prosper, expand and become able to take the leap from informal business to small business".

The Chamber said it now seemed that the provincial Department of Economic Affairs, headed by Chris

ARG 25/4/96
Nissen, was about to announce a by-law which would allow organised street trading to flourish without incurring the wrath of formal trading.

"The Chamber supports the ministry's latest initiatives in this regard and believes that the controls on informal trading which have been set out in a model by-law appear to be both reasonable and workable, and generally to not impose burdens which are unduly onerous," the article said.

The Chamber however, is petitioning for further attention to be given to the issue of shop windows being obstructed by street traders.

Auction on hold in land claim case

Metro Reporter

ARG 25/4/96
THE Cape Town City Council's estates department has decided to postpone the auction of two erven in Kenilworth, which was due to take place today, because of a land claim against the erven intended for auction.

The council-owned land in College Road was set to be auctioned at noon, but after queries by The Argus, a decision was made to postpone the auction pending the consideration of the land

claim by the commissioner. (271)
Claimant Maruwan Gasant expressed his joy at the decision, saying that if the decision went in his favour, he would build a house there. The land lies behind the original house owned by Mr Gasant's family and had to be sold in 1960 as a result of provisions under the Group Areas Act. Under the land claims law, claimants can be compensated with alternate "State" land, a provision which also applies to council land.

They needed permits to live in own homes

(271)

ARG 25/4/96

MORE than 1 400 families have put forward claims for the restitution of land rights in the Western Cape. Those that lived in District Six and haven't yet done so, are being urged to put in their claims before April 30, 1996, as this is the first deadline for a group claim. Deadline for all other land claims throughout the country is April 28, 1998. GORRY BOWES TAYLOR spoke to two families, one of whom owned a great deal of prime land in Newlands; the other was removed from a Rondebosch house that had been in the family for three generations..

URSULA JACOBS and her brother DONALD DAVIDS.

PETER Davids, woodcutter, owned luscious land in that highly desirable part of Newlands, those leafy lanes and bowery avenues alongside Newlands Avenue.

His land was bordered by King Street, Governors Lane, Oak Avenue and Kent Road, the other land lay between Swansea Street, Norfolk Street and Kent Road.

There was their own house (still standing), cottages which Mr Davids built to rent, five oaks (four remain) and the old gym (now a double-storey house).

"Remember the first coloured Mr South Africa, David Isaacs?" says Donald. "He trained in our gym."

Ursula and Donald say over and over again that you could ask anyone and they all knew Peter Davids, woodcutter.

He cleared Newlands, Claremont, Wynberg, Constantia, Devil's Peak, Kirstenbosch.

"We made the roads on the mountains," says Donald.

They sold the wood to timber yards in Wetton.

The children collected acorns in paraffin tins from Newlands House ("We cleaned that whole place for Joyce Newton Thompson, who was mayor then") and from The Old Brewery, which Mr Davids sold to Mr Abrahams on

the main road in Claremont for pig food.

The women in the old Newlands village did the washing for the whites and delivered the starched stuff by donkey cart. Peter Davids prospered.

Life, Ursula and Donald say, was like paradise.

Newlands was such a beautiful place; on Sundays they used to walk the fields to Kirstenbosch. Now they're in a wood-and-iron house in Gleemore.

A cottage on one of the Peter Davids' old erven has just been sold for R322 000. Vacant land is R500 000 a square metre, cottages go up to R825 000.

In 1964 the Davids were given three months to move.

Resisting, Peter Davids took his bitter battle to court, and lost. Finally he accepted the R26 000 he was offered for his seven acres, slaughtered his cattle, poultry, hundreds of rabbits.

They left the fruit trees ("Every year the Claremont police filled their baskets with our figs"), his wife's flowers.

"Hell man, it was hard," says Donald.

LORRAINE GABRIEL

The Gabriel's commodious, rented flat is over a store in Kuils River. The view from the balcony is pleasant enough, palms, gum trees, a neighbour's pomegranate hedge, but in the 12 years

they've been there the roof has leaked without cease

Lorraine Gabriel (nee Obery) is claiming the old family house in Rondebosch off Klipper Road, near President Mandela's Genadendal and opposite Westbrook.

The family lived there for three generations.

"The house belonged to Catherine Elizabeth Obery, my father's mother," says Lorraine.

Lorraine's mother, Mrs S G Obery, and her four children were evicted in 1963, having for two years paid for permits to live in their own house as "coloureds" in a newly declared "white" area. When the house was sold, Mrs Obery also had to pay rent to the buyer

So her Group Areas payout of R1 800 was eroded, by permits, by rent and by lawyers' fees to R1 407

"That was too little to buy another house, so she rented in Carlton Road, Kenilworth

"It took us kids and our mother months before we could sleep, it was so noisy there."

In 1984 Lorraine, her husband and three children were evicted from there when the area was declared "white" and came to Kuils River.

"The rent went from R89 in Claremont to R200 in this flat which was such a big difference that we didn't know if we could manage."

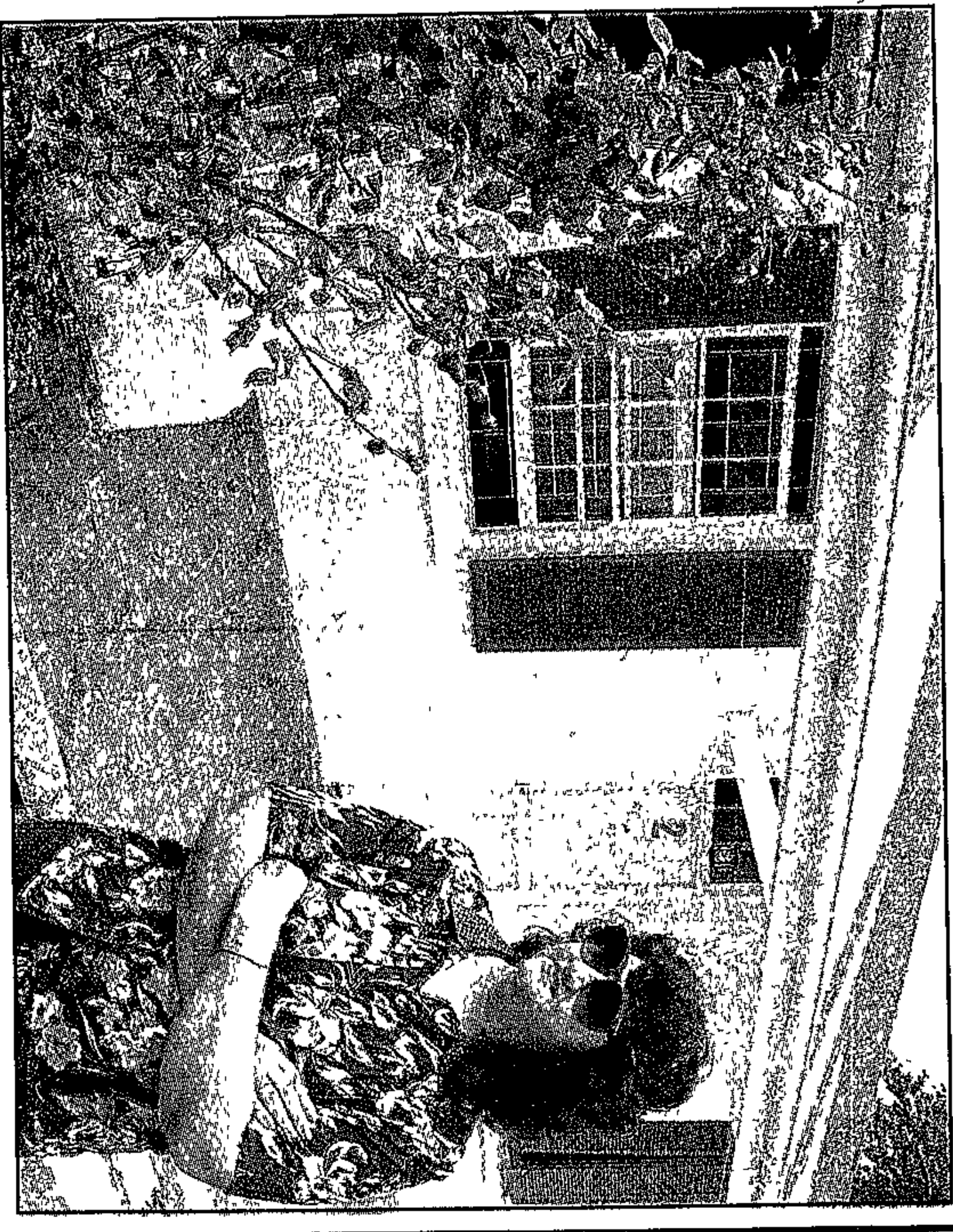
With this eviction, Lorraine relived her mother's agony 20 years earlier.

"I felt then what it must have been like when she was put out.

"I just want my house back," says Lorraine firmly.

96/7/52
(12)

Revisiting the painful past



Picture: HANNES THIART, The Argus

"I JUST WANT MY HOUSE BACK" : Lorraine Gabriel in Kuils River ... and at the Rondebosch house which was occupied by her family for three generations.

Govt moves to block dubious land claims

BB 26/4/96 (271)

Louise Cook

PRETORIA — The Restitution of Land Rights Act is to be amended following problems in the registration of claims.

The land affairs department said yesterday that changes to the Act included procedures to weed out dubious claims, dropping restrictions on land claimed and rethinking the procedures of the new Land Claims Court. The department wanted to put the proposed amendments before the land affairs parliamentary standing committee next month.

Nearly 7 000 claims have been lodged — more than 60% in KwaZulu-

Natal and the Western Cape — and the court is to begin hearing them soon.

The Transvaal Agricultural Union said gazetting of claims was devaluing land and though many claims were dubious they were rarely checked before being gazetted.

Claims by farmers who lost land to homeland development were being ignored and regional land commissioners' failure to communicate on claims was leading to a rift between government and farmers.

Land affairs spokesman Tinus Pretorius said the amendments could include empowering the commission to throw out invalid claims, which only

the court can do at present.

It was possible that restrictions placed on farms after claims had been gazetted could be dropped.

Commission spokesman Thys Human said several claims had been changed after being gazetted, though this related mainly to title-deed numbers. However, a Soutpansberg community had withdrawn a gazetted claim after it was challenged by another community. Land claims specialist Alec Danfuss said many farms had been affected by land claims. One claim, covering 129 citrus farms, was being opposed because it was not clear whether the claimant had lived there.

Forum for settling land claims to be established

(271) Mar 27/4/96

A forum consisting of property owners and land claimants in three residential areas outside Johannesburg is to be established to settle land claims and allay fears caused by the restitution process, it was announced yesterday.

E T Mashinini, lands commissioner for Gauteng, Mpumalanga, North West and Northern Province, said the decision had been taken at a meeting on Thursday of representatives of claimants in the areas of Alexandra, Albertville and Pageview.

She said it was agreed that the three areas be regarded as a special restitution project to be used as a model on which other group claims could be handled and settled.

The fact that blacks, Asians and coloured people had been affected by forced removals under the Group Areas Act gave the project a special interest, she said.

The meeting agreed that research on the circumstances surrounding the removal of people from the areas should include the psychological and sociological implications.

It was also pointed out that any development undertaken in areas such as Pageview would be done at the risk of the developer, pending the outcome of the Land Claims Court's finding on the group claim. - Sapa

Land hopes shipwrecked, community fears

Bloemfontein – Members of the Bethany community, which is seeking to regain occupation of land in the Edenburg district, fear that a mediation meeting in Kimberley on Monday might be shipwrecked after a meeting of the Free State Rural Committee was cancelled yesterday.

The community, which was located on land of the Berlin Missionary Society, was moved to Seloshesha in Thaba Nchu in 1965. The land was subse-

quently registered in the name of the Evangelical Lutheran Church of Southern Africa. The community has been negotiating for the past six years to return to the land.

Petrus Bahumi, a member of the Bethany committee, said yesterday's meeting of the Free State Rural Committee was to have briefed delegates for Monday's meeting between the Lutheran Church and the Bethany Committee and its legal representatives. Sapa

(271)

Star 27/4/96

Law will help rapid land reform

(271) CT(BR) 29/4/96
By JAMES LAMONT

Johannesburg — The government is committed to removing barriers that restricted the fast development of land, Derek Hanekom, the land affairs minister, said on Friday.

In an address to the South African-British Trade Association, Hanekom said parliament had passed a Development Facilitation Act to speed up industrial and residential development of land and clear up a backlog of planning applications.

He said the legislation was being implemented at provincial level, where tribunals would consider the merits of new developments. The tribunals would be appointed by premiers and would have equal representation from the government and private sector.

The fast-track tribunals would "ensure good decisions can be taken more rapidly on land development", Hanekom said.

The minister outlined the government's three-pronged strategy of land reform: redistribution, restitution and the reform of land tenure.

The programme aims to address the needs of those who lost their land through apartheid legislation, those who wished to buy land for productive use and those who did not enjoy secure tenure where they lived.

"If you do not have land reform, you can be 100 percent sure that you will have conditions of social strife and instability," he said.

The programme provides for giving start-up farmers R15 000 to buy a plot of land and giving them better access to agricultural finance.

It would contribute towards the economic objective of achieving conditions to encourage economic growth and investment, he said.

"The government does not want historical land claims to hang over the property market forever," Hanekom said.

Yesterday, the controversial issue of property rights, which is one of the factors believed to be influencing the rand's collapse, was discussed in meetings between the government, business and labour.

200 ELANDSKLOOF FAMILIES TO RETURN

Govt pays R4m to buy back land

THE SETTLEMENT of South Africa's first land restitution case involving private land comes with a hefty R4 million price tag that has angered the affected community and the land sector NGO involved in the case, reports Political Writer **HENRY LUDSKI**.



THE government is to pay out R4 million to settle a historic land restitution battle and enable about 200 families to return to their mountain home near Citrusdal, in the Clanwilliam district.

The people of Elandskloof — now scattered throughout the Western Cape — were hounded off their ancestral land in 1962 when citrus farmer Mr Piet Smit bought the 3 100-hectare property from the Dutch Reformed Church for R34 000.

The settlement — South Africa's first land restitution case involving private land — has been described by Western Cape land claims commissioner Mr Wallace Ngoqi as a "major breakthrough".

He confirmed that the settlement, which had already been signed by the Department of Land Affairs, was now awaiting the signature of farmer Mr Jan Smit, son of the late Piet Smit.

The framework for the settlement was reached at the weekend when about 100 former Elandskloof residents met in Citrusdal and reluctantly agreed to sell-off 51 ha of their original land to Smit for about R50 000.

Elandskloof Committee executive member Mrs Aletta Titus said the community had been reluctant to sell any part of the property to Smit. He had initially asked for 288 ha, then 180 ha and eventually settled on 50 ha when the community steadfastly refused to sell any of the land.

She said the community, exhausted by their 34-year battle to return to Elandskloof, had eventually agreed to the settlement rather than see the matter drag on in court for a number of years.

"It was my dream to eventually go back to my birthplace and at first I was unhappy about the way in which the settlement was reached and the amount paid for the land, but now I have made peace with myself and I am looking forward to returning to Elandskloof."

Several of the Elandskloof families who have lived on the nearby farm Allandale since being removed from Elandskloof, had been given until January next year to get off that farm.

Titus said the community had accepted the settlement with a "heavy heart" but "time is running out and we have to get back to Elandskloof".

Mr David Mayson, a project worker of the Surplus People Project (SPP), which has

assisted the Elandskloof families in their land battle since 1991, expressed his concern at the high price the Department of Land Affairs had agreed to pay for the land.

"It is setting a terrible precedent for settlements with white farmers, considering the way in which many farmers acquired land and the assistance they received from the government over the years."

Mayson said the Elandskloof people were largely a farm-working community and every effort would be made now to improve the productivity of the Elandskloof farm to enable it to support a community of 600 to 1 000 people.

Legal Resources Centre attorney Mr Henk Smit said the LRC had also argued for a lower settlement figure.

However, he believed the landmark settlement to be an "excellent outcome, which shows there can be enough goodwill between all parties and that the Restitution Act can work".

(271) CT 1/5/96

He said the agreement had been reached in spite of "bureaucratic bungling that resulted in the negotiation process being delayed". But fortunately it had not scuppered the settlement.

The Elandskloof people, who had occupied the land since 1860, were eventually forced off the land a century later. They were locked out of the church and school, had their crops burnt, their homes destroyed, and their domestic animals poisoned.

At the turn of the century the state had granted an extra piece of Crown land to them and their church, the white Dutch Reformed Church, with the proviso that the land should be used only for "missionary purposes". But by 1962 the missionary clause had been scrapped by the Nationalist government and the church and the land were sold to the white farmer.

Mr Glen Thomas, chief director for restitution in the Department of Land Affairs, said yesterday that in the formula used to determine the value of the land the department was satisfied that it had not paid more than a "just and equitable" price.

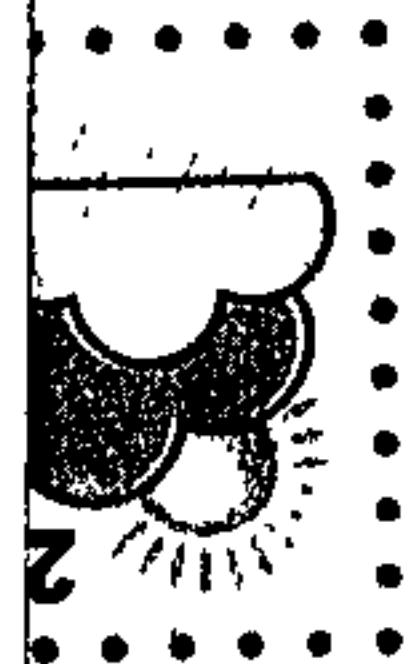
"It is my impression that we have all learnt valuable lessons from this particular case and in spite of the delays along the way, what has happened makes one feel good," he said.

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FAMILIES RECALL THE SORROW

District 6 land claims flood in

ET 2/5/96

(271) (568)

AS A GROWING NUMBER of claimants call at the offices of the Regional Land Claims Commission, the staff are hard-pressed to cope, and lack the resources they need to do the job, Political Writer **HENRY LUDSKI** reports.

AN OLD man bursts into tears as he recalls watching his home in District Six being bulldozed. And Mrs Marjorie Bosch, 66, struggles to piece together her son's tattered baptism certificate, which she is using to help verify that her family lived at 26 Mount Road, District Six.

These are some of the scenes being played out at the Strand Street offices of the Regional Land Claims Commission as families who were subject to forced removals stream in to lodge land restitution claims.

This week the commission, already struggling to cope with claims, was unexpectedly swamped by hundreds of families wanting to beat a Tuesday April 30 deadline for laying District Six claims.

The deadline is expected to be extended to give more families an opportunity to lodge claims.

But scores of families who had been forced to move from other areas by the Group Areas Act were under the mistaken impression that D-day for their respective areas had arrived. And they too crammed into the small commission office.

Commission staff were eventually forced to use their main boardroom to accommodate the overflow as, one after another, people

began relating their experiences

Their recollections were touched with nostalgia for districts that are no more.

Bosch and her sister Ms Nancy de la Grange recall the moves they saw at the British in Caledon Street, the National in William Street and the Star in Hanover Street.

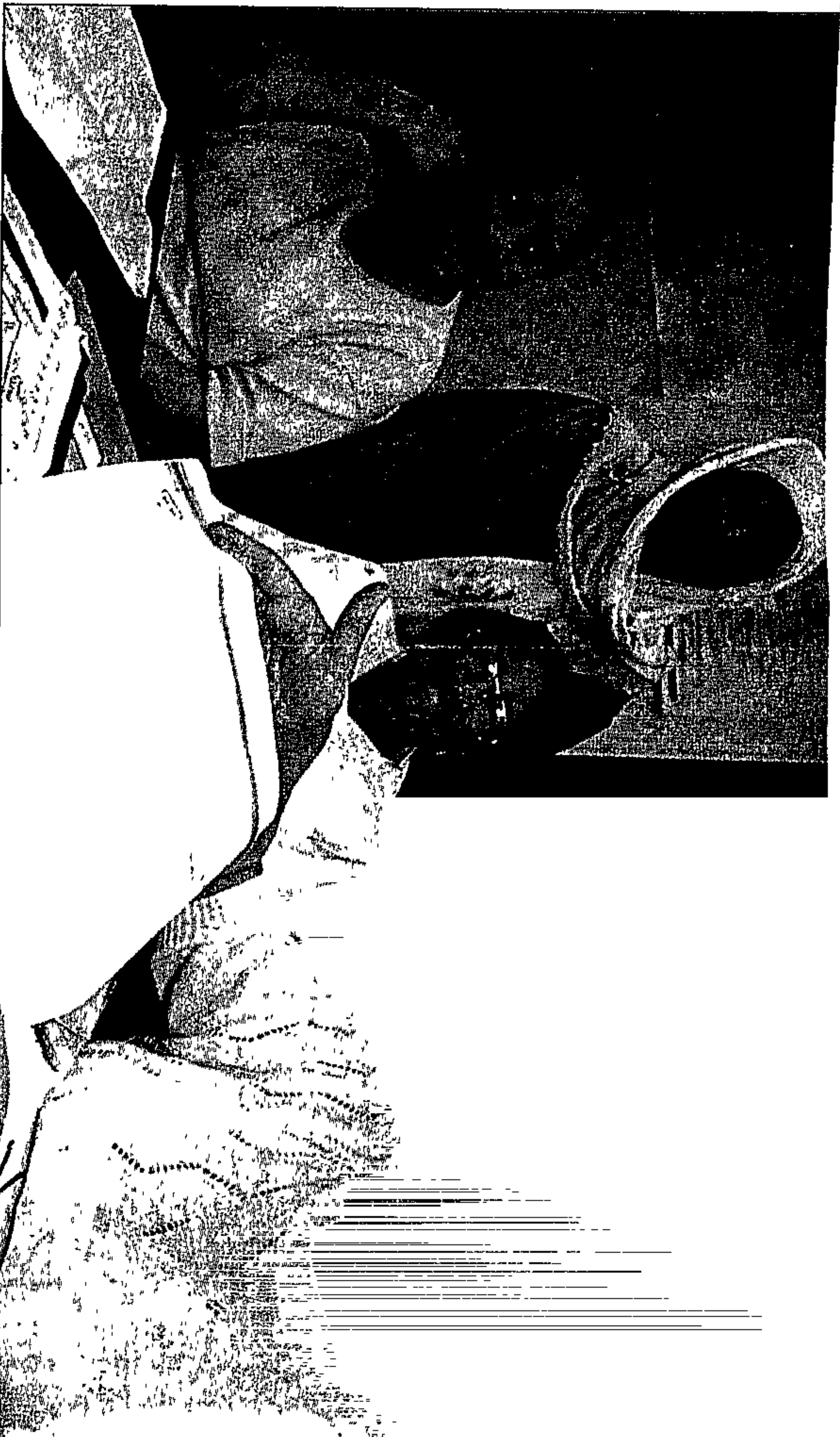
They speak of Saturday evening dances at the Ex-Servicemen's Club and "my mother dragging us out early the next morning with a broomstick"

Bosch says. "Later, after we were evicted and our home was demolished, I travelled to work by bus, and whenever we passed a particular pole I remembered, I used to become upset when I told my friends that that was where I had lived."

Mrs Margaret Wentzel, 66, and her sister Mrs Helen Jordaan, 79, tell of their removal as they show "the papers" that confirm that their father, Mr John Brinks Davids, received a mere £69 (R138) for his 9 000m² property in Kronboom Estate.

Jordaan says she still feels a tinge of sadness when she rides past her old home and remembers those "happy years"

"We had a big property. I was heartbroken when we moved. I had always thought that we would



STAKING THEIR CLAIM: Land restitution claimants (from left) Mrs Margaret Wentzel, Mrs Helen Jordaan, Mrs Mymoena Firtrey and (back) Mrs Moemena Samsodien discuss their claims at the regional offices of the Land Claims Commission.

be able to grow up there."

She and her sister now live in Athlone. "We don't want the property back. We want to be paid out," she tells an official firmly.

The flood of claims, and the complexity of most of them, has brought home very starkly the serious problem the commission faces in dealing with more claims than were expected.

It also comes at a time when land-sector NGOs and civic associations facilitating the land claims of communities have begun openly to voice their concerns and doubts about the commission's ability to cope.

The commission, which has only a small staff to deal with claims from the whole of the Western Cape and Northern Cape, has also been criticised for not having

done enough to "reach out" to dispossessed families.

Ms Sohra Dawood of the Surplus People Project, a land claims researcher working on Group Areas claims, blames a "combination of factors" for the problem.

These factors include that not enough publicity was given to the right of people to claim and that the commission has insufficient resources.

"Dealing with land claims is a time-consuming process, and although I believe that people at the commission have a genuine desire to bring forward as many claims as is possible, it is evident the commission hasn't the capacity to process and research the volume of claims they are receiving," Dawood said.

"My real concern is that insuffi-

cient resources have been allocated to the work of the commission, and this could undermine the whole process."

Mr Anwar Nagia of the District Six Civic Association expressed surprise at the small number of people submitting claims for District Six and other areas.

"I don't believe it has been made sufficiently clear that tenants who rented property for more than 10 years are also entitled to lodge restitution claims," he said. Most of the families forced to move from District Six occupied rented homes.

The commission has received only about 2 000 claims for the Western Cape and Northern Cape, although an estimated 50 000 families were moved under the Group Areas Act.

Most of the removals in the Western Cape were under the Group Areas Act and in terms of influx control regulations

Western Cape Regional Land Commissioner, Mr Wallace Mgqoti, conceded that the commission lacks resources. He said this problem had been raised with Land Affairs Minister Derek Hanekom.

"We are facing severe constraints and need more resources, but we are aware of the importance of containing government expenditure," he said.

Mgqoti estimated that the commission would require double their present resources to "come up to speed"

He said that the critical part would be to bolster the research component of the commission's work.

Farmers take Land Act to court

Louise Cook

(271)

BD 7/5/96

THE Transvaal Agricultural Union had taken contentious clauses of the Restitution of Land Rights Act to the Constitutional Court despite moves by the land affairs department to amend the Act, the union said yesterday.

Union spokesman Jack Lochenberg declined to give details, but said it had started court action last week.

Meanwhile, the department was moving to amend the Act following complaints that the gazetting of claims was devaluing land and that many dubious claims were being accepted by land claims commissioners.

Beeld reported documents submitted to the court alleged farmers were given no opportunity to respond to, or contest land claims before notices were published in the Government Gazette.

The publication of the notices seriously jeopardised the landowner as well as the value of land, the document said.

The land affairs deputy minister's office said government was aware of the pending legal action. However, the department was working on amendments, due to go before the parliamentary standing committee this month.

A spokesman said the planned amendments were aimed at weeding out dubious claims, empowering the land claims commissioners to reject invalid claims without having to involve the Land Claims Court, and doing away with caveats.

Chief land claims commissioner Joe Seremane said he was not able to respond because he had merely read about the court case in the media. Land Affairs Minister Derek Hanekom was not available for comment.

Land: allocation to Black communities

168 Mr Z D MNGUNI asked the Minister of Land Affairs:

- (a) What is the total extent in hectares of land covered by recommendations of the former Commission on Land Allocation, (b) how many hectares of this land was, in terms of the recommendations of the Commission, to be returned to Black communities whose lands had been dispossessed because of the apartheid policy and (c) (i) how many hectares of land in respect of which the Commission had made recommendations had been subdivided into economic units with a view to locating Black beginner farmers thereon, (ii) how many such economic units were involved in each of the provinces and (iii) how many of these units in each province have been allocated to Blacks to date?

N310E

The MINISTER OF LAND AFFAIRS:

- (a) The area covered was 780 000 ha.
(b) An area of 154 000 ha is to be returned to Black communities.

- (c) (i) (ii) and (iii) It is not possible for me to answer this question, because I do not know what the hon member means by "economic units". In question (c)(ii) I am asked how many such economic units were involved in each of the provinces. With respect, it is not at all clear to me what is meant by the question. Involved in what? Perhaps Mr Z D Mnguni would like to clarify. Since I do not know what unit is being referred to, I cannot answer question (c)(iii).

Land: claims for restitution

169 Mr I D VAN ZYL asked the Minister of Land Affairs:

With reference to the statement on page 4 (box 1.2) of the Green Paper on South African Land Policy that about 5 000 claims for restitution have been received, how many of these claims are based on the (a) forcible removal, in terms of the apartheid policy, of Black communities from so-called "Black spots", (b) forcible removal from land previously communally occupied by Blacks on land set aside in terms of the 1913 Act, (c) removal from land of persons in the implementation of so-called "better-

Hansard

ment" schemes, (d) removal from land of persons where Blacks lived as labour tenants and (e) removal in terms of the Group Areas Act of (i) Coloured, (ii) Asian and (iii) White persons from properties they used to own or occupy?

N311E

The MINISTER OF LAND AFFAIRS:

The programme according to which land claims are registered in the offices of the Commission on Restitution of Land Rights, presently only makes provision for distinguishing the province within which the land being claimed is situated and whether it is a rural or an urban claim.

The information asked by the hon member will only be forthcoming as the Commission investigates each claim, be it a group or individual claim. The reason for this is that the information referred to, which the Commission also needs in order to settle a claim, is not made available at the time when claims are lodged.

Prisoners: assaults by prison warders

174. Mr D H M GIBSON asked the Minister of Correctional Services:

- (1) (a) How many complaints relating to assault were made by prisoners against prison warders in 1994 and 1995, respectively, and (b) how many prison warders were (i) charged with and (ii) convicted of assaults on prisoners in each of these years;

- (2) (a) how many prison warders faced disciplinary hearings arising out of assaults on prisoners, (b) how many prison warders were dismissed for assaulting prisoners and (c) what other forms of disciplinary action were taken against such prison warders, in 1994 and 1995, respectively?

N332E

The MINISTER OF CORRECTIONAL SERVICES:

- (1) (a) 1994: 1 880
1995: 1 311
(b) (i) 1994: 440
1995: 461
(ii) 1994: 22
1995: 11

- (2) (a) 1994: 45
1995: 30

- (b) 1994: 0
1995: 2

- (c) No other formal disciplinary action was taken against members. The Department of Correctional Services regards every complaint of alleged assault by a member on a prisoner, no matter how petty, in a very serious light. Each complaint of alleged assault is therefore thoroughly investigated and the Department would not hesitate to assist a prisoner in laying a charge, whether criminal or departmental against any member. Departmental policy stipulates that all allegations of assault by members on prisoners, should be handed over to the SAPS should the complainant (prisoner) request it. In accordance with the stipulations of the Constitution, a prisoner has the right to protect his interests, and the Department acknowledges this right.

KaNgwane government: dismissal/payment of employee

175. Mr A J LEON asked the Minister for the Public Service and Administration:

- (1) Whether a certain person, whose name has been furnished to his Department for the purpose of his reply, was ever employed by the KaNgwane government, if so, (a) during what periods and (b) in what capacity was he employed;

- (2) whether a payment of R250 000 was ever made to the said person by the KaNgwane government following a claim for unfair dismissal arising out of the production of a letter allegedly granting this person leave of absence during the period he had previously been found to be absent without leave; if so, (a)(i) by whom and (ii) when was the letter of permission allegedly written and (b) from which budget was this amount allocated;

- (3) whether the letter referred to in paragraph (2) was subjected to forensic verification; if so, what are the relevant details; if not, why not;

- (4) whether any other attempts to verify the letter were made; if so, what attempts; if not, why not;

- (5) whether the matter was referred to a court of law for administration of justice; if not, why not; if so, what was the finding?

N333E

The MINISTER FOR THE PUBLIC SERVICE AND ADMINISTRATION:

- (1) According to information received from the Provincial Service Commission: Mpumalanga, the said person was employed by the former KaNgwane Government Department of Education and Culture with effect from 1 April 1978 to 31 January 1988 as a Principal School Psychologist and later on as Principal Education Planner.

- (2) The said person was dismissed after he was arrested for murder. He was later on found not guilty and reinstated. A settlement amount of R250 000 was paid to him after he sued the KaNgwane Minister of Police and other Political Office-bearers for wrongful arrest, detention and damages.

- (a) (i) and (ii) No letter with regard to leave of absence could be traced on his personal file.

- (b) The payment was made from the budget of the former KaNgwane Government Department of Education and Culture.

- (3) No letter with regard to leave of absence could be traced on his personal file.

- (4) The case was settled out of court by the former KaNgwane Government's Department of Justice.

Human Rights Commission: amount budgeted

176. Mr A J LEON asked the Minister of Justice:

- (1) (a) What amount has been or is to be budgeted for the Human Rights Commission until 1999, (b) how many (i) members and (ii) other specified staff members of the Commission are employed by the Commission, (c) what annual salary is being paid to each of the (i) members and (ii) staff members of the Commission and

Her dreams take her far from desert

(271) 60 9/5/96

Kathryn Strachan

KHUMOENG Masiane shows the patch in her yard where she has tried to grow vegetables in the sandy soil of the Kalahari, but the only plants that survive in this wasteland are Namaqualand daisies.

Khumoeng lives in the desolate Northwest village of Laxey, about 200km from Kuruman, and she and her fellow villagers yearn for the day they return to the fertile soil of the home they were forcibly moved from on December 3 1976.

The residents of Laxey and neighbouring Maremane and Gatlhose talk of the place 400km away that was their ancestral home until they were removed to make way for the Lohatla Battle School 20 years ago.

Now their lives are a daily battle against encroaching sand. "We were dumped here in the sand where nothing can grow and our people suffer," says Maremane resident Loitsiwe-mang Masiane, whose home is half buried in the sand that has swept across the village.

The only thing that breaks the drabness of the dustbowl villages is the "straatmeid", a yellow-flowered weed growing along the streets which even sheep and goats will not eat.

These communities make up only part of the 17 communities — or 16 000 people — claiming back land in the Northern Cape, says the Association for Northern Cape Rural Advancement. But the claim for Lohatla Battle School is the most emotive.

More than 600 families have submitted a claim for the land, which now houses the third largest military school in the world — and is the only base in SA where the army and the air force can simulate a war situation together. But it is just as valuable to the community, as it has a natural spring and it is their rightful home. Talks between the communities, the SANDF and the Commission on Restitution of Land Rights are looking at a proposal to share the land between the community and the SANDF, which would be a simple solution if it were not complicated by the SANDF's claim that the land is littered with live ammunition. The SANDF, which has set up an infrastructure of R200m at the base, has claimed it would cost up to R25m to clear the land of the live ammunition — a claim of which the community is sceptical. The total cost of the land restitution, including acquiring extra farmland for the army, is expected to amount to R88m.

An independent British environmental group has been called in to end the controversy over the cost of clearing the land of live ammunition, and its confidential report is to be the focus of discussions this week. The community

refuses to accept alternative land because, it says, the rightful owners to that land could come forward one day and the community removed yet again.

In the meantime, the SANDF is not commenting on the land dispute and is refusing Press access to the Khotso coloured community still living within the base. Because they were coloured they could not be evicted along with the black communities 20 years ago, and the 35 families have carried on their lives in the midst of army manoeuvres.

The Batlharo community have never given up their fight for the land, and sometimes have resorted to innovative strategies. Last year a group pretending to be a soccer team coming to play a match arrived at the battle school gates and, once inside, erected their shacks as a sign of protest. It cost them a night in jail.

Maremane community leader Kerekolotse Tlhopile says residents are losing hope because the process is so slow. "But if we lose hope we will die here in the sand," he says.

"In the meantime people are suffering. Only wild animals can live here, not people. Children are dying from diarrhoea, sandworm, scorpion bites, and our eyes burn from the sun."

Scenes of children leading blind people down the road are common in these villages and the local clinic, which regularly runs out of medicines and supplies, says it is swamped by the eye diseases of children and adults caused by the sand, the heat and the extreme dryness. "This life is too heavy for me. A lot of people die from high blood pressure because of the hard life we have here," says Tlhopile. If they need to get to a doctor or a hospital, it costs R30 to go by minibus to the nearest hospital, which is in Kuruman, 200km away, and to hire a taxi in an emergency costs R300.

The dust also triggers respiratory diseases, and Khumoeng Masiane's severe asthma. Dumped miles away from any town there are no opportunities for residents in these forgotten villages to get jobs, and for the most part families survive on old people's meagre pensions. Some people work on the Free State farms, but as their wage is made up mostly of bags of mealies, there is hardly any cash to send home to their families. "The youth do not have any money to leave this place and just hang around on the streets," says Tlhopile.

Since he lost his mining job three years ago, Tlhopile, his wife and their four children survive on the charity of his sister, who is a nurse at Batlharos. Back in Lohatla they grew vegetables and had many goats and cows, he says. But many of the animals died on the way to Maremane and the rest perished in the desert. "My husband got a job on a mine and he never came back again," says Kebogile Sibanda, who



Gatlhose residents live in hope of returning to their home.

Picture: KATHRYN STRACHAN

was left to bring up six children on her own in Laxey.

"That has happened to many families here, because it is so difficult here and they do not want to come back."

Josiah Gasehete, who lives in Gatlhose, has painful memories of that day in December 1976 when the residents of his village were loaded onto trucks and dumped in the desert. "Our houses were bulldozed," he says. "Some people received R100 for a three-bedroom house; others received nothing."

"They dug up our ancestors' graves and buried them all in a mass grave. And in Gatlhose we survived only on what the Maritz brothers (the Catholic monks living in their village) provided for us."

At another mission, Moffat Mission outside Kuruman, representatives of all the 17 displaced communities have gathered at a workshop to put forward their ideas on land reform. The stipulation that no land seized before 1913 can be claimed, and the constitutional property clause which enables present occupants to sell the land at market prices emerge as the controversial points, and Chief SB Seboko proposes that a daughter who is unmarried and has children be given the same right to land as a son. Among the representatives are the elderly chiefs of communities who were thrown off their land, not by the defence force, but because they were a black spot in a white area.

Of these, the dispute over claims for the farms in Kono, outside Kuruman, have been the most bitter. Bahurutsi chief Samuel Petrus says his tribe of 1 200 people were forcibly removed in

1959 to villages in what was later to become Bophuthatswana, and the land with its spring was bought by white farmers and divided into six farms. "Then we had cattle, sheep and donkeys. Now at this place there is no water and we have no animals," he says. "Our children are hungry and our old people are suffering."

"I feel hope that my people can be restored back to our land so that we can feel proud again."

The black community started putting in their claims three years ago, but the farmers, led by Conservative Party MP for Kuruman Jan Hoorn, have refused to negotiate or mediate on the matter. Approached for comment, Hoorn said he could only say that the farmers had decided to fight the matter in the Land Claims Court.

Nim Liebenberg, who farms in the Suurveld area of Kuruman, says all the white farmers in the district feel threatened by the land claims. Even if there are no direct claims for their farms they now risk having black neighbours who will cut down their fences and steal their livestock, Liebenberg says. Few of the farmers in the area are prosperous and he explains what it is that makes people so attached and so fiercely protective of their patch of this arid terrain.

"There is something about the Kalahari that — once it is inside you — you can never leave."

He pauses, and then quotes from a favourite poem: "It's a sea, but not like other seas. Its ships are wrecks of leafless trees midst dancing waves of heat."

to make no comment on Nkomo's condition.

REPORTS: Business Day Reporter,
Sapa-AFP

The three Cities Hotels group — will be based on the concept of exclusive club facilities and will be sold to corporate clients on a sectional-title basis.

The first club hotel, to be built

possibly one for Durban. Suites will sell for R425 000.

The Sandown Executive Club is expected to open in April next year and construction on all five will begin by the end of the year.

Proposal for state to pay costs of land claims

Louise Cook

8013/5/96
PRETORIA — The land affairs department is proposing to make the state carry the court costs if land claims are thrown out of the Land Claims Court.

The department, in its planned revision of the Restitution of Land Rights Act, has also proposed that land claims be tested before they are referred to the court, and that restrictions on land be revoked once a claim has been made against it.

The amendments, to be tabled

in Parliament this month, follow complaints by the farming sector over shortcomings in the Act.

Farmers claim the current restitution system has little scope to weed out false claims and that claims devalue their property as soon as they are gazetted.

The department's proposed amendments include empowering regional land claims commissioners to throw out false claims, and barring claims going into the court with a "feasibility certificate". The land claims commission would also have to meet Land Court

(271)
costs if a claim failed.

The department refused to comment on the proposals at the weekend. But the proposals have already been shown to the SA Agricultural Union and the national land committee.

In a letter, the union welcomed the proposals, claiming they would streamline land reform. One union source said the amendments would force government to take a "far more cautious" approach to restitution claims. The national land committee said it was still studying the plans.

Land claim a blow to Sun group expansion

Louise Cook

PRETORIA — A land claim has been lodged against Sun International's main Free State gambling and hotel operation, prompting the group to rethink new development across the spectrum of its SA businesses.

The land claims commission said yesterday 80 families had lodged the claim against the Thaba Nchu Sun hotel and casino. The families claimed that they had been thrown off the land without compensation by the former Bophuthatswana government in 1982, three years before the hotel was built.

A spokesman said research had shown the claim was legitimate and would be gazetted within days. A gazetted claim would bar Sun International from doing anything with the land or property until the claim had been heard in the Land Claims Court.

Sun International MD Peter Bacon said the group had not planned developments for the Thaba Nchu site, but it would now study its other operations, checking for potential land claims, before pushing ahead with new development. He was not aware of other claims on land held by the group.

The leasehold land and buildings

for the 120-room Thaba Nchu hotel were valued at R47,3m for the year to June 1995.

The group's lease is due to expire in September 2084, with the rent currently running at R80 000 a year. It operates the smaller Naledi Sun Hotel on the Thaba Nchu site.

The commission said it was unclear whether the claimants wanted alternative land or compensation.

It said other claims had been lodged against residential land at Fairview, Salisbury Park and Korsten in Port Elizabeth, and on land near Pretoria's Mountain View suburb.

Square deal for My Lady Cavendish . . .

(271) ARG 18/5/96

■ Where once Stella Nelson's family home stood, there is now a popular shopping mall. Her land restitution case will be one of the first to be resolved.

GLYNNIS UNDERHILL
Staff Reporter

THE end of a long struggle for land restitution is in sight for pensioner Stella Nelson and her family, who were thrown out of their home in Upper Claremont by apartheid laws. Mediation over the land, now the site of the popular Cavendish Square, is reaching finality. A relieved Mrs Nelson said she had asked for land of equitable value to the land wrenched from her family.

"It looks favourable in the sense that they have established that my father was forced to sell under the Group Areas Act. They now have to establish the present-day value and research if the people my father sold to are still alive," she said.

The entrance to one of the plush shopping complexes in the country was once her front gate. Mrs Nelson's history might be buried in the hub of Cape Town's fashionable southern suburb - but she has ensured it will never be forgotten.

She said she had asked for alternative land or property in Claremont, during the mediation process at the regional commissioner's office this week.

The government has set aside funds for the settlement of land claims, but it will also make its own land or property available, if possible.



□ **BACK HOME:** Pensioners Douglas and Stella Nelson at what was once the front gate to her family's home - now the entrance to one of the plush shopping complexes in the country.

Mrs Nelson, 66, said as land was a good investment, she would be happy with such a settlement of her claim. She said she and her husband Douglas were living on a pension. The family had no other investments.

Mrs Nelson's family owned two quaint cottages in Draper Street.

She paints a vivid picture of the lushness of the gardens, the homeliness of the interior and the stability the family enjoyed there.

Mrs Nelson's father, John Henry Bessick, was also forced to sell his properties in Dreyer Street for £1 600 in 1954.

Mrs Nelson's three sisters then left for Australia.

Heartbroken by the destruction of their home life, they have not been back to South Africa, not even for a holiday.

Mrs Nelson stayed on in South Africa to care for her parents.

"I informed my sisters about what I was planning to do with

the land claim and they told me to go ahead.

"They wanted nothing to do with it.

"They said they gave me one hundred percent for tenacity," she said.

For three years Mrs Nelson has been pursuing her land claim, gathering documents and evidence.

Approaching the deeds office was a daunting experience, but she was determined to see justice done.

Wallace Mgoqi, regional land claims commissioner, confirmed that mediation on the Cavendish Square site was continuing.

Mediation over the case of Ndabeni residents forcibly removed from their homes was also taking place in Cape Town, he said.

The land claim by the former residents of Ndabeni was at a preliminary stage, said Mr Mgoqi.

The claimants had indicated some land in Wingfield as

their preference in terms of restitution. Wingfield has been declared a possible site for the 2004 Olympic Games, if Cape Town is selected.

Mr Mgoqi said the application by the City Council and province - under Section 34 of the Restitution of Land Rights Act - for land in District Six to be excluded from restoration to individual land claimants would be presented to the Land Claims Court only after it had been viewed by the public.

"It will lie for public inspection before it is submitted to the court.

"It will be put up at public libraries, magistrates' courts and other public places," he said.

The claims by individuals for land in District Six would be submitted to the court at the same time to enable it to assess all claims in the area.

Meanwhile, the Land Claims Court has also started hearing upcountry claims at its temporary premises in Johannesburg.

QUESTIONS

Indicates translated version.

For written reply:

SANDF: occupied land made available

129 Sen E. K. MOORCROFT asked the Minister of Land Affairs:

Whether the South African National Defence Force has agreed to make land occupied by the Lohatla military base available to persons forcibly removed from this land previously; if not, why not; if so, (a) how many persons have laid claim to the land, (b) what amount of land is to be made available and (c)(i) what are the estimated costs of making this land available and (ii) what items do these costs comprise?

S203E

The MINISTER OF LAND AFFAIRS.

No. In terms of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), the Commission on the Restitution of Land Rights is responsible for negotiating a resolution to the Lohatla land claims with all interested parties, including the South African National Defence Force. These negotiations are in progress.

(a), (b), (c)(i) and (ii) fall away.

Lifespan of Land Claims Commission

130. Sen E. K. MOORCROFT asked the Minister of Land Affairs:

(1) (a) What is the expected lifespan of the Land Claims Commission, (b) how many (i) members of the Commission and (ii) other specified staff members are employed by the Commission, (c) what annual salary is being paid to each of the (i) members of the Commission and (ii) staff members of the Commission and (d) from which premises is the Commission currently conducting its operations;

(2) whether the members of the Commission and/or staff members are entitled to any (a) car, (b) travel, (c) subsistence and/or (d) other specified allowances; if so, what allowances in each case;

(3) whether the Commission has purchased any premises from which to conduct its

Handwritten: 271

operations; if so, (a) which premises, (b) at what cost and (c) what other expenses were incurred or are being incurred as a result of this purchase; if not,

(4) whether the Commission is renting any premises; if so, what is the annual rental?

S204E

The MINISTER OF LAND AFFAIRS:

(1) (a) The expected lifespan is 5 years.

(b) (i) 5 (five)

(ii) 36 staff members in terms of section 8, and 25 staff members in terms of section 9 of the Restitution of Land Rights Act, 1994.

(c) (i) R268 710 per annum for the Chief Land Claims Commissioner and R216 410 per annum for each of the four Regional Land Claims Commissioners.

(ii) Staff members appointed in terms of section 8 of the Restitution of Land Rights Act, 1994 are remunerated according to their grading and in terms of the salary structure applicable to civil servants. A total amount of R4,7 million has been budgeted for this purpose for the 1996/97 financial year.

Staff members appointed in terms of section 9 of the Restitution of Land Rights Act, 1994 are remunerated in terms of contractual agreements that vary in terms of job description, particular knowledge and experience of the person. An amount of R1,75 million has been budgeted for the 1996/97 financial year.

(d) Mr Joe Seremane
Chief Land Claims Commissioner
First Floor
Provisus Building
523 Church Street
Arcadia
0083

Advocate Wallace Mgoqi

Deputy Land Claims Commissioner

Third Floor

Matrix House

73 Strand Street

Cape Town

8001

Mrs Emma Mashinini

Regional Land Claims Commissioner

Fourteenth Floor

184 Jacob Maré Street

Pretoria

0002

Dr Peter Mayende

Regional Land Claims Commissioner

Thirteenth Floor

Caxton House

Caxton Street

East London

5201

Mrs Cheryl Walker

Regional Land Claims Commissioner

20 Otto Street

Pietermaritzburg

3201

(2) (a), (b), (c) and (d) Yes. The normal allowances as applicable within the Civil Service as specified by the Public Service Commission, are payable to officers designated in terms of section 8 of the Restitution of Land Rights Act, 1994. Section 9 appointments are paid allowances as determined by the Minister of Land Affairs in consultation with the Minister of Finance, which amounts to the same allowances applicable to civil servants in this case.

Members of the Commission receive the following annual allowances as determined by the Minister of Land Affairs, in consultation with the Minister of Finance and the Public Service Commission:

Post	Pension	Housing	Medical	Motor
Chief Land Claims Commissioner	R22 920	R7 464	R9 360	R45 534
Regional Land Claims Commissioners	R17 841	R7 464	R9 360	R39 022

(3) No.

(a), (b) and (c) fall away.

(4) Yes. The Department of Public Works is responsible to acquire such premises. The monthly rental for the different offices are as follows:

— Provisus Building, Arcadia
Accommodation is shared with a part of the Department of Justice. The total monthly rental amounts to R41 472,06.

— Matrix House, Cape Town
Accommodation is shared with the Regional Office of the Department of Land Affairs. The total monthly rental amounts to R18 418,34.

— 184 Jacob Maré Street, Pretoria
Accommodation is shared with the Department of Land Affairs. It is a Government Building, therefore no rental is applicable.

— Caxton House, East London
The monthly rental amounts to R4 577,33.

— 20 Otto Street, Pietermaritzburg
The monthly rental amounts to R7 330,80.

Gifts received by minister/wife

181. Sen W F MNISI asked the Minister of Arts, Culture, Science and Technology:

Forced removal victims 'also need to speak out'

ARG 25/5/96

(271)

■ As victims of human rights violations, people who have suffered forced removals have stories which need to be told, according to the Regional Land Claims commissioner.

GLYNNIS UNDERHILL
Staff Reporter

REGIONAL Land Claims commissioner Wallace Mgoqi was deeply moved by a letter from a 76-year-old former District Six resident which landed on the heap of documents on his desk.

The story of the forced removal of this family so touched him that Mr Mgoqi feels it needs to be told.

After assessing many of the hundreds of land restitution claims flowing into his office, he believes victims of forced removals also need to let the world know what they went through, he said.

In her letter Mrs September said she had stayed at 171 Hanover Street in District Six for more than 39 years before being removed from the house through the Group Areas Act in 1973.

"I was forced to take a house in Lavender Hill. My four married sons and their wives, who shared the house with me at the time, were forced to move to the Cape Flats. My youngest son, then 17 and in Standard 9, had to move with me and my husband to Lavender Hill. The house in District Six was then demolished."

The family had rented the house in District Six and had hoped to be given first option should the company which owned it decide to sell.

"All of my eight children were born in that very same house and did all their schooling in District Six. The move to Lavender Hill was a very sad one. We were given no choice. The change and all the unhappiness that went with it put a lot of strain on my husband," said Mrs September.

She said her son had dropped

out of school because he did not want to travel all the way to Cape Town. "He also did not want to go through another change similar to the move from District Six."

Mrs September said her husband was a preacher at the Moravian Church in District Six and preached the gospel at various prisons, including Robben Island.

"The move forced him to give up what he enjoyed doing most and he eventually suffered heart attacks in 1974 and 1975. In 1977 he had a heart operation and died in 1980."

"My son, who was married in 1977, remained staying with me until his father's death. We just could not stay on (in Lavender Hill). This was seven years later and we still could not accept the forced move from the only house we knew," said Mrs September.

Eventually Mrs September moved with her son and his wife to a rented house in Strandfontein Village.

"Today he is still renting and I am still staying with him and his wife and three children. It is our wish one day to move back to the only place we really love," she said.

Mr Mgoqi told SATURDAY ARGUS Mrs September clearly qualified to lodge a claim under the Restitution of Land Rights Act.



Bull Dogs Pub, the fastest growing pub franchise in the

Land restitution cases continue

Louise Cook

(271)
BD 28/5/96

THE restitution of land rights would continue despite a pending Constitutional Court case after an application to halt the process, brought last month by the Transvaal Agricultural Union.

The Commission on the Restitution of Land Rights yesterday denied reports suggesting that land restitution would have to be suspended until the court made its ruling.

Last month the union applied to the Constitutional Court for a ruling that, based on the interim constitution, regional commissioners should not be allowed to consider land claims.

Regional commissioners process local claims, but the union said this authority was given only to commissioners in Pretoria.

The union also asked the court to rule that the commission's procedures in informing land owners of claims on their land was unconstitutional.

The rights of its 8 780 members were jeopardised and land owners were deprived of a reasonable opportunity to react appropriately to claims, the union said.

Chief restitution commissioner Joe Seremane said it would be "business as usual" until the case was heard in the Constitutional Court, possibly on September 19.

Land reform will cost SA no more than R3bn — Hanekom

Drew Forrest

BD 31/5/96
(271)
LAND reform would consume a maximum of 2% of the Budget — or R3bn — when it reached its peak, Land Affairs Minister Derek Hanekom told an ANC news briefing in Johannesburg yesterday.

At present, R400m was budgeted for land restitution and redistribution programmes.

Hanekom said the 122-million hectares of agricultural land in SA, worth between R50bn and R60bn, were a fixed resource available for redistribution. Four percent of it changed hands as a result of voluntary transactions every year.

Giving details of progress in the land redistribution programme, Hanekom said "a few dozen" cases had been completed or were nearing completion.

However, there were many other cases across SA where people were identifying land for purchase under the programme and organising themselves. The process had started taking off at the beginning of the year.

Hanekom said none of the 8 000 restitution claims before the land claims commission had been entirely

processed. However, each of the commissioners had taken on priority cases and it was expected that about 30 claims would be disposed of by the end of this year.

Government had underestimated the amount of technical work restitution entailed, he said. He would be appointing more commissioners.

Hanekom also said his approach to the agriculture portfolio — which he adds to land affairs from July 1 — would be "quite different" from that of all previous agriculture ministers.

"I do not have a special relationship with any sector; I do not represent farmers," he said. "My responsibility is to address problems in agriculture, to make it more competitive and efficient and to address inequalities."

While policy had been devoted to making SA self-sufficient in agriculture, his focus would be on food security for all. The interests of consumers would also be taken into account.

A major departure would be the special consideration given to farm workers. "Just to focus on the performance of farmers would be a serious injustice to farm workers and their families, who make up 20% of the population."

sy sekondêre rolle aangewend te kan word. Die groot aanvaag vir die Nasionale Weermag om die Polisie Diens te ondersteun, is egter 'n bron van kommer as gevolg van die groot finansiële las wat dit op die weermagbegroting plaas en daardeur die Nasionale Weermag beperk in die voorbereiding vir sy primêre rol.

(3) Die beëindiging van apartheid en die totstandkoming van 'n demokrasie het bygedra tot dramatiese veranderinge in die strategiese omgewing. Die land is nie meer langer internasionaal geïsoleer nie. Die RSA is in baie internasionale forums en organisasies verwelkom en speel 'n aktiewe rol op die militêre gebied. Dit het positief bygedra tot die moreel van die soldate.

Die Nasionale Weermag het homself posities daartoe verbind om ewe verskillende magte tot een Nasionale Weermag te verenig. Dit word voorsien dat hierdie proses van integrasie en oorbuiingsopleiding vroeg in 1997 voltooi sal wees. In tussen het 'n volkskaalse program van korpsopleiding en burgerlike opvoeding in aanvang geneem. Na afloop van die integrasie sal 'n proses van rasionalisering plaasvind, ten einde die Nasionale Weermag as 'n bekostigbare mag daar te stel. Die onsekerheid rondom die rasionaliseringsproses het 'n negatiewe impak op die moreel van die soldate.

Die moreel van die soldate wat humanitêre hulp en diens aan die hele bevolking in die bewaring van lewe, gesondheid en eien-dom lewer, was altyd hoog. Dade van dapperheid en toewyding is veelvuldig. Diens ter handhawing van wet en orde toets die opleidingsvermoë van die soldate en het daarom 'n positiewe impak op die moreel. Die soldate is egter bewus daarvan dat die taak net tydelik van aard is totdat die SA Polisie Diens self hierdie taak kan uitvoer.

Die Departement van Verdediging het 'n program geloods om die moreel te monitor en te kortkominge reg te stel en sal gereeld aan die Parlementêre Toesig Komitee verslag doen.

*27. Mr M J ELLIS—Health. [Question standing over.]

Post Office: target delivery times

*28. Mr J A JORDAAN asked the Minister for Posts, Telecommunications and Broadcasting:

- (1) Whether the Post Office has set any target delivery times in respect of each of the provinces; if not, what is the position in this regard; if so, (a) what target delivery times have been set in respect of each of the provinces and (b) what is the average delivery time for mail in each province;
- (2) whether the Post Office is experiencing delivery delays in any area; if so, (a) in what areas and (b) what are the reasons for such delays?

N687E

The MINISTER FOR POSTS, TELECOMMUNICATIONS AND BROADCASTING:

The Managing Director of the South African Post Office Limited has informed me as follows:

- (1) Yes. National target delivery times have been set, but not in respect of each province
 - (a) The set delivery standard is 90% in respect of each of the following categories:
 - Within metropolitan region—3 days
 - Within a province as well as between the major centres within the country—4 days
 - Between remote rural towns in the various provinces—5 days
 - (b) The latest results measured by an independent auditor are as follows:
 - Witwatersrand 77%
 - Western Cape 95%
 - Eastern Cape 98%
 - KwaZulu-Natal 84%
 - Central Provinces (OFS, Northern Cape and North West) 92%
 - Northern Province (including Mpumalanga) 87%
- (2) Yes.

- (a) Delays in delivery were recently experienced on a country-wide basis but especially in the Witwatersrand area.
- (b) Recent industrial problems and the number of public holidays also impacted on delivery, but these issues are now well in hand.

Transkei: automation of telephone exchanges

*29 Prof J B PEIRES asked the Minister for Posts, Telecommunications and Broadcasting:

Whether any progress has been made with the automation of telephone exchanges in the former Transkei since 1 April 1996; if not, why not; if so, what progress, with specific reference to (a) Cala, (b) Tsomo and (c) Cofimvaba?

N690E

The MINISTER FOR POSTS, TELECOMMUNICATIONS AND BROADCASTING:

The automation of telephone exchanges in the former Transkei is being managed by the deployment of Telkom's Vision 2000: Strategic Network Build Programme, and more specifically their "million line turn-key (MLP) project". No tangible automation progress since April 1996 can be reported. Regarding Cala, Tsomo and Cofimvaba, they are currently scheduled for phase 3 of the MLP project and would most likely, according to current plans, be addressed in 1999.

At this stage the focus is to restore services to existing customers, as well as the provisioning of RDP-type services (i.e. services to hospitals, schools, clinics and general public access, via public phones) in the broader Transkei. Services to business customers and emergency services are also being addressed as a high short-term priority.

Transkei: fire protection services

*30. Prof J B PEIRES asked the Minister for Provincial Affairs and Constitutional Development:

Whether, with reference to certain particulars which have been furnished to his Department for the purpose of his reply, there are any plans to provide fire protection services for the 26 smaller towns in the former Transkei, if not, why not; if so, what are the relevant details?

N691E

The MINISTER FOR PROVINCIAL AFFAIRS AND CONSTITUTIONAL DEVELOPMENT:

Yes. The Eastern Cape Provincial Government appointed a Working Group as well as four "Category of Authoursed Persons" (CAPS) during January 1996 in terms of section 13 of the Fire Brigade Services Act, 1987 (Act No 99 of 1987), to formulate strategic plans to ensure that all citizens of the Eastern Cape Province receive the benefit of an efficient and effective emergency service.

The question of the 26 towns in the former Transkei are being dealt with in the context of these strategic plans.

For written reply.

Land: districts for redistribution

87. Mr A S BEYERS asked the Minister of Land Affairs:

- (a) What are the names of the selected districts mentioned in the green paper on land affairs in respect of which 13 500 households are expected to benefit from the Government's redistribution policy, (b) what is the total acreage of land involved, (c) what extent of this land is State land, (d) what will be the total financial implications involved in the implementation of this particular project and (e) what approximate period of time will be required to implement the project?

N167E

The MINISTER OF LAND AFFAIRS

- (a), (b) and (c) The reference in the Green Paper on Land Policy to 13 500 anticipated beneficiaries of redistribution, refers to the Land Reform Pilot Programme. It should be noted that individual projects are being selected within these districts. Potential beneficiaries have already been identified in these districts and negotiations are proceeding with potential sellers to acquire land in terms of the redistribution policy. The question is addressed per province as follows:

Eastern Cape:

- (a) The pilot district comprises of Tarkastad, Hewu, Queenstown, Cacadu (Glen Grey), Cofimvaba and Calhcart magisterial districts

- (b) The total area of the district is approximately 1 358 570ha. The process of identifying suitable land for redistribution (available state land and privately owned land for sale on the market) has not yet been finalised and is still in the planning stage.

- (c) There is approximately 488 820ha of state land in the district. The status of this land is currently being investigated for inclusion in the national state land information system.

Free State:

- (a) The pilot district comprises of the eastern, north-eastern and south-eastern portions of Bloemfontein magisterial district, the South-eastern portion of Brandfort magisterial district, the western part of Ladybrand magisterial district and Dewetsdorp, Thaba Nchu and Excelsior magisterial districts.

- (b) The total area of the district is approximately 1 112 180ha. The process of identifying suitable land for redistribution (available state land and privately owned land for sale on the market) has not yet been finalised and is still in the planning stage.

- (c) There is approximately 122 540ha of state land in the district. The status of this land is currently being investigated for inclusion in the national state land information system.

Gauteng:

- (a) The pilot district comprises of the north-eastern quadrant of the province between routes N1 and N4.

- (b) The total area of the district is approximately 652 100ha. The process of identifying suitable land for redistribution (available state land and privately owned land for sale on the market) has not yet been finalised and is still in the planning stage.

- (c) There is approximately 358 690ha of state land in the district. The status of this land is currently being investi-

gated for inclusion in the national state land information system.

KwaZulu-Natal:

- (a) The pilot district comprises of Weenen and Estcourt magisterial districts, the adjoining portions of Muden magisterial district and the area known as Tugela Estates.

- (b) The total area of the district is approximately 450 360ha. The process of identifying suitable land for redistribution (available state land and privately owned land for sale on the market) has not yet been finalised and is still in the planning stage.

- (c) There is approximately 114 160ha of state land in the district. The status of this land is currently being investigated for inclusion in the national state land information system.

Mpumalanga:

- (a) The pilot district comprises of Groblersdal, Middelburg, Moutse One, Moutse Two and Moutse Three magisterial districts and part of the area known as Zaaipplaats.

- (b) The total area of the district is approximately 835 310ha. The process of identifying suitable land for redistribution (available state land and privately owned land for sale on the market) has not yet been finalised and is still in the planning stage.

- (c) There is approximately 202 940ha of state land in the district. The status of this land is currently being investigated for inclusion in the national state land information system.

Northern Cape:

- (a) The pilot district comprises of Warrenton, Barkly West, Herbert, Kuruman and Postmasburg magisterial districts.

- (b) The total area of the district is approximately 5 266 720ha. The process of identifying suitable land for redistribution (available state land and privately owned land for sale on

the market) has not yet been finalised and is still in the planning stage.

- (c) There is approximately 540 940ha of state land in the district. The status of this land is currently being investigated for inclusion in the national state land information system.

Northern Province:

- (a) The pilot district comprises of the tribal authority areas of Mapela, Bakenberg, Bakone (B K Matlala), Bakone (Phutu Matlala) and Mashashane, as well as those people living on the so-called Gillenberg farms.

- (b) The total area of the district is approximately 363 768ha. The process of identifying suitable land for redistribution (available state land and privately owned land for sale on the market) has not yet been finalised and is still in the planning stage.

- (c) There is approximately 71 750ha of state land in the district. The rest is trust and tribal land. The status of this land is currently being investigated for inclusion in the national state land information system.

North-West Province:

- (a) The pilot district comprises of Ventersdorp, Lichtenburg and Swartkops magisterial districts.

- (b) The total area of the district is approximately 1 060 560ha. The process of identifying suitable land for redistribution (available state land and privately owned land for sale on the market) has not yet been finalised and is still in the planning stage.

- (c) There is approximately 151 570ha of state land in the district. The status of this land is currently being investigated for inclusion in the national state land information system.

Western Cape:

- (a) The pilot district comprises of Knysna, George, Mossel Bay, Riversdale and Heidelberg magiste-

rial districts and the eastern part of Swellendam magisterial district.

- (b) The total area of the district is approximately 1 214 310ha. The process of identifying suitable land for redistribution (available state land and privately owned land for sale on the market) has not yet been finalised and is still in the planning stage.

- (c) There is approximately 165 520ha of state land in the district. The status of this land is currently being investigated for inclusion in the national state land information system.

- (d) The total financial implication for the implementation of the Land Reform Pilot Programme in the nine provinces is R315,81 million (R35,09 million per province).

- (e) The Pilot Land Reform Programme began in early 1995 and the budget is currently committed to the end of the 1996/97 financial year. It is however anticipated that implementation will continue thereafter, and that the finalisation of land transfers will be determined by circumstances in the different areas.

Kokstad T.L.C.: objections to applications on voters' roll

258. Mr G Q M DOIDGE asked the Minister for Provincial Affairs and Constitutional Development:

- (1) Whether the returning officer of the Kokstad Transitional Local Council objected at sittings of the T.L.C.'s Revision Court to any applications reflected on the voters' roll; if so, (a) what are the relevant details in each case and (b) what were the reasons advanced in each case;

- (2) (a) for how long has each voter reflected on the list of voters which has been furnished to his Department for the purpose of his reply, resided in his or her respective area, (b) why has each voter been found not to be eligible to be on the voters' roll and (c) what are the further relevant details in each case?

R15m Dutch boost for land body

HENRY LUDSKI
POLITICAL WRITER

THE Land Rights Commission — under-resourced and struggling to cope with the huge volume of claims — has been given R15 million by the Dutch government to help address these problems

National Land Claims Commissioner Mr Joe Seremane said yesterday that the sum — equal to the commission's current budget — would allow it to address the "urgent need for quick mechanisms" to deal with under-resour-

ET 4/6/96
ing, especially in research

Seremane is one of five members of a special Land Restitution Trust Fund. The other members of the trust, set up to administer the fund and which held its inaugural meeting last Friday, are Land Affairs director-general Mr Geoff Budlender, regional Land Claims Commissioner Mrs Emma Mashinini, Ms Joane Yawitch, representing the Ministry of Land Affairs, and Dr Wilfred Kistner of the Ecumenical Advice Bureau.

The commission has five offices throughout the country and is pro-

cessing about 7 500 claims — 2 100 of these from the Western Cape.

Although independent, the commission has been hamstrung by bureaucratic delays. Its most pressing problem has been the lack of staff to research land claims

Land Affairs Transformation Unit manager Ms Carolyn Fletcher said the trust was helping the commission secure research staff

The fund would also be used for services to help claimants prepare claims, bolster communication services and buy equipment.

Baster community to keep fighting for land

(271) M+G 31/5-6/6/96
Christof Maletsky

THE Baster community at Rehoboth have vowed to continue fighting for the land they claim is rightfully theirs, despite last week's supreme court dismissal of their appeal.

There are already indications that the community intends to take its case to international human rights bodies, having lost in the Namibian courts.

Baster leader Hans Diergaardt said that he will hold a series of the community meetings to decide the next step in their bid to regain land.

"It (the judgment) was not the end of the road. We will not stop. The whole process is expensive, but it is not the end of it," Diergaardt said yesterday.

The court case, which dragged on

for three years, cost the community in excess of N\$2,5-million.

The Baster community officially lost their bid to regain land in May last year when the high court dismissed, with costs, their application for the return of their communal land.

The approximately 30 000ha land was ceded to the government by the defunct government of Rehoboth at independence.

According to the Constitution, property which had been owned and controlled by the government of Rehoboth before independence should pass into the possession of the central government.

The high court said the community in 1976 had opted for self-governance through its leaders because they saw its advantages for them. With

Namibia's independence, they freely subscribed to the new Constitution, again seeing an advantage in being part of a unified Namibia created by the new Constitution.

That same Constitution transferred the property of the government of Rehoboth to central government as the fragmented self-governance of the apartheid era had come to an end.

Therefore, the high court found that the community had no justifiable complaint when communal land it owned in the past was vested in the central government.

In a final appeal to the supreme court the community, through their legal team, argued that the land was only held in trust for them by the defunct Rehoboth government. —
The Namibian

The instructions and directions state that an undertaking must be signed by the individual stipulating that if "state cover" is forfeited, the individual will become responsible for the repayment of the legal costs. Each of the accused have signed such an undertaking

- (b) The Accounting Officer, on advice of the State Attorney authorised legal representation and costs. The State Attorney also advised that the ex-members are entitled to subsistence and transport allowances in terms of Treasury Instruction W5 3. Such costs as seen to be in the public interest, and are seen as part and parcel of the legal costs, or the costs to defend members and ex-members

In view of the above, the Defence Force arranged cost effective accommodation, at the Army Foundation Holiday Resort at Umdloti. This facility was the most cost effective, because of the very low rate, applicable to Army Foundation members

Regarding the provision of meals the regulations stipulates that a member when leaving town for official purposes can claim a prescribed amount (maximum of R112), per day for three meals. Arrangements have been made to refund actual costs which are invariably lower than the maximum prescribed amount.

- (c) With regard to the legal teams, counsel and private attorneys each receive an all inclusive substance allowance (i.e. for meals and accommodation) of R250 per court day, and accordingly no expenses are reimbursed in this regard. It must be borne in mind that they are entitled to actual expenditure which is commensurate with their position in society. The Bar Council stipulates that when there is a protracted court case away from their practise, Counsel is entitled to return home over week-ends at clients' expense. Counsel and attorneys are all based in Pretoria. Most of the accused reside in Pretoria and consultations were done and instructions given from Pretoria. A return business class

- (2) whether he will make a statement on the matter?

N954E

THE MINISTER OF LAND AFFAIRS.

- (1) The question of compensation for land needed for restitution is dealt with in sections 28(3) and 123(2) of the Constitution. The relevant portion of section 28(3) reads as follows:

where any rights in property are expropriated, such expropriation shall be subject to the payment of agreed compensation or, failing agreement, to the payment of such compensation and within such period as may be determined by a court of law as just and equitable, taking into account all relevant factors, including, in the case of the determination of compensation, the use to which the property is being put, the history of its acquisition, its market value, the value of the investments in it by those affected and the interests of those affected.

Section 123(2) provides that where land is expropriated for restitution, this shall be subject to the payment of compensation calculated in the manner provided for in section 28(3).

The Constitution thus entrusts the determination of such compensation to a court of law. Section 22 of the Restitution of Land Rights Act, 1994 (Act No 22 of 1994) established the Land Claims Court. That Court has the duty, in the first instance, to determine the compensation payable in any case. Decisions of the Land Claims Court are subject to appeal to the Constitutional Court or the Appellate Division of the Supreme Court.

I therefore need to emphasise that it is the Courts, and not the Department of Land Affairs, that have the power to determine what is "just and equitable" compensation. As the Courts deal with restitution cases, they will no doubt develop a jurisprudence on the question of compensation. All parties, including the State, will be bound by those decisions of the Courts. However, the Department of Land Affairs

and the Commission on the Restitution of Land Rights need guidelines for compensation for their negotiations with relevant role players. In 1995 I therefore established the Ministerial Committee Regarding the Determination of Land Values (also known as the Geldenhuys Committee), to investigate amongst other issues how compensation could be calculated. Guidelines were derived from this Committee's report. They propose that the calculation of compensation should have regard to the following factors, amongst others that may be relevant in particular circumstances:

- The actual price which was paid by the present owner at the time of acquisition;
- the market value of the land at the time of acquisition;
- the value of any special benefits which the owner received from the State, e.g. low interest rates;
- the value of beneficial improvements made to the property by the owner; and
- the present day market value of the land.

The underlying approach is that while an owner should be fairly compensated for what he or she paid for or invested in the land, he or she should not make a profit at the expense of the public as a result of any special benefits that were given. This is believed to be the correct interpretation of the "just and equitable" provisions in section 28(3) of the Constitution.

These guidelines are being used in negotiations with the role players to get a sense of the compensation that might be awarded by the Courts. The final determination, however, will lie with the Courts as I have mentioned before.

- (2) No.

For written reply.

R56 road between Mt Fletcher and Afterscar.

upgrading

270. Mr G Q M DOJDGE asked the Minister of Transport:

1 923 land claims lodged in Western Cape, Hanekom tells the senate in

CLIVE SAWYER
Political Correspondent

A TOTAL of 7 095 land claims had been lodged, Land Affairs Minister Derek Hanekom told the senate today.

Of these, 1 923 were in the Western Cape, 1 869 in urban

areas in the province and the rest in rural areas.

Opening the land affairs budget debate, Mr Hanekom said it had always been clear to his ministry that land restitution, which dealt only with cases of dispossession, would not succeed without an accompanying

programme of redistribution. Redistribution was designed to address the harsh realities of landlessness and a legacy of denied access to land.

Subsidies were given to those who would have little chance of becoming land owners in a market economy without state assis-

tance, said Mr Hanekom.

State assistance was in the form of land acquisition or settlement grants of R15 000 a household, and planning grants and a range of support services.

During the 1995/96 financial year, 8 164 hectares was transferred to 1 021 households, who

were given R27 million in financial help.

All the transfers took place in the last quarter of the financial year, accounting for almost 75 percent of the department's budget for redistribution.

In the last quarter of last year, the land affairs depart-

ment had been given additional money by the Reconstruction and Development Programme office.

This would be "rolled over" to the 1996/97 financial year.

Mr Hanekom said good progress had been made on various initiatives in support

land affairs budget debate

of land distribution.

Last year, a legislative reform programme to protect informal land rights had been initiated.

But, it was a sad reality that there were still many cases of evictions of farm workers.

"We have a moral and political responsibility to ensure that

farm workers also enjoy security of tenure and acceptable occupational rights in their modest homes.

"There is something intensely immoral about people being forced to leave their homes, even if they are not the title deed holders," he said.

A detailed black and white map of a city area, likely New York City, showing a dense grid of streets and buildings. A large, irregularly shaped area in the center is shaded with diagonal lines, indicating a specific district or zone. The map includes labels for various streets and landmarks, such as 'MARKET ST', 'PORT ROAD', and 'ST. JAMES'. The shaded area is bounded by several streets, including 'MARKET ST' to the north and 'PORT ROAD' to the east. The map is oriented with North at the top.

NOT TO SCALE

DISTRICT SIX: LAND CLAIMS SUBMITTED

**2 PLOTTED ON
THE MAP OF
PRESENT DAY
DISTRICT SIX**

NOTE:
Only states with
an 18-year-old
age of consent
are shown.

NOT TO SCALE

District Six (271)(83) settlement

[illegible]

of District Six submitted to the Land Claims Court. The Community Land Trust has applied to integrate all these claims into one so the area can be developed in an holistic way.

District Six (271)(81) settlement ARG 12/6/96 application

JOSEPH ARANES
Municipal Staff

THE battle to redevelop District Six into a vibrant community is almost certain to be settled in the Land Claims Court after the Cape Town Community Land Trust lodged an application with the court on Monday for the integrated and holistic development of all vacant land in the area.

The trust's application has the support of the Central substructure (Cape Town City Council), the provincial government and the District Six Development Forum.

If the Section 34 application is successful, former residents of the area who were forcibly removed under apartheid's Group Areas Act and who have submitted claims, will not be able to get back their original properties.

While no date has been agreed to for the court to hear the application, it is understood that the application will probably be one of its first.

Chairman of the trust Seraj Desai said the history of District Six was an unfortunate saga of events and mishaps, but that the present application would bring all aspects together in respect of a vision to see the area redeveloped for all the people of Cape Town.

"This is a carefully considered proposal which took 18 months to draft. We have submitted it to the court but hope that people who feel aggrieved by the contents will use the opportunity to debate the issue in court.

"Those with objections must come forward and present their cases to the court, but we believe this is the best option for the area. It will pull together the remaining 45 hectares of vacant land with a variety of design styles in an integrated way so that an important section of Cape Town can become vibrant and alive again."

Mr Desai said they were still having ongoing fights and negotiations about privately owned land, and with the Cape Technikon.

"We have managed to get some of the land back and are still wrestling with the technikon to get land back from them so all the vacant land can be returned to the people," he said.

Basil Davidson, chief executive officer of the Community Land Trust, said

their redevelopment initiative predated the land claims process by several years, and that the application represented a unique opportunity for merging development and restitution in District Six in an innovative way.

"It is generally accepted that the area cannot be restored to its former self. Few of the original properties exist as they used to and much land has been lost to new development. Many properties are situated under roads and scattered haphazardly across vacant land.

"The application offers an opportunity for the creation of an integrated, high density, mixed use and affordable 4 000 housing unit precinct with the ex-residents targeted as prime beneficiaries.

"This would unleash the full potential of the site and create a vibrant inner city area capable of revitalising and bringing back life to central Cape Town," Mr Davidson said.

Cape Town City Planner Dave Daniels said the council had been involved in the process for the past six years and agreed that the only rational way to develop the area was to do it in an integrated way.

"We can create the opportunity for people to live closer to the city which is the most important employment node in the metropole, and the inner city development could be used as a model for the rest of the country."

Errol Myburg, director of regional co-ordination for the provincial government, said they were fully supportive and firmly believed that the application was the correct way to get the process of development moving forward in District Six.

Copies of the application with affidavits and supporting documents may be viewed at:

- The municipal reference library in the Civic Centre,
- Room 932 in the Provincial Legislature Building,
- Public libraries in Cape Town, Athlone, Hanover Park and Westridge,
- Cape Town, Athlone, Bellville, Wynberg and Mitchell's Plain Magistrate's Courts,
- The Regional Land Claims Commissioner's office, Matrix House, Strand Street, Cape Town, and
- At the offices of the Trust's attorneys, Mallinicks, Long Street.

Over 7 000 land claims probed

(271)

Cape Town - The Land Claims Commission was examining 7 095 claims for land taken from its owners during the apartheid era, Land Affairs Minister Derek Hanekom told the National Assembly yesterday.

There were 1 220 claims in Gauteng - 995 in urban areas and 225 rural - and negotiations were well advanced. Some of the cases would soon be referred to the Land Claims Court.

On land redistribution, he said 164ha had been transferred to 1 021 households who received R27-million in financial assistance.

- Parliamentary Correspondent

Star 13/6/96

Court case could affect future of land claims

(271) BD 13/6/96
CANBERRA — The Australian High Court in Canberra was urged yesterday to find that native title rights are eliminated by pastoral leases in a legal action that could determine the future of hundreds of Aboriginal land claims.

The Wik and Thayorre peoples from the Cape York region of Australia's northwest launched the action this week, claiming native title may not be eliminated by pastoral leases because the title could revive once leases ended.

It is a complex but crucial question which remains unanswered following the High Court's historic 1992 Mabo judgment enshrined in the former Labour government's 1993 Native Title Act returning limited land rights to dispossessed Aboriginals.

Aboriginal elders are sharing the courtroom with 70 lawyers in what is seen as a watershed case.

The lawyers represent six state and federal governments, four Aboriginal land councils, pastoralists and mining giant Comalco. Claims by the Wik people have blocked a huge mining project started by Comalco.

The Mabo judgment held that, contrary to the previous legal view, Australia was not "terra nullius", or a land belonging to no one, at the time of British settlement in 1788.

The Act gave native title holders and registered claimants, meeting specific criteria, rights to crown land in some cases and established a national land fund for dispossessed Aboriginal people not benefiting under the Act.

Validated freehold grants; residential, commercial and agricultural leases extinguished native title under the legislation, but mining industry grants did not.

Cape York Land Council director Noel Pearson told reporters the basis of the case was the Aboriginal view that it would be unjust if a lease granted at the beginning of the century but never taken up could deny ownership to the people who had been living on a reserve in the area for 90 years.

Opening the Queensland government case, the state's solicitor-general Pat Keane told the court pastoral leases extinguished native title rights because they gave exclusive possession to pastoralists. He argued that the leases did not allow for native title rights claims being made by the Wik people.

The Wik claims were being made for possession and full beneficial ownership and would prevent third parties like pastoralists from having a say in agreements on the land claims, he said.

Judge Kevin McHugh said it was difficult to believe the legislation had intended pastoralists to have exclusive possession of properties which could run for hundreds of kilometres.

But Keane said the High Court had found previously that this was the case. Sir Maurice Byers, for the Thayorre people, said on Tuesday most judges in Mabo recognised native title existed outside the feudal legal system under which pastoral leases were issued by governments. — Sapa, AFP.

Elandskloof land claim near final agreement

(271)
BARRY STREEK
POLITICAL WRITER

ET 13/6/96

THE 35-year battle for the return of land near Citrusdal to its original inhabitants was at a final agreement stage, Land Affairs Minister Derek Hanekom said yesterday.

The claim by Elandskloof residents would become the first restitution claim involving privately owned land to be referred to the Land Claims Court, he said during the debate on his vote in the Senate.

The community had lived on land held in trust for them since the 19th Century by the mission committee of the Dutch Reformed Church, but the area was declared a "black spot" in 1961 and the community was forcibly removed.

"Despite promises from the National Party government that their land would be returned within five years, nothing happened for more than three decades.

"Throughout this time they have lived under appalling conditions as so-called 'squatters' on barren land."

Hanekom said 1 923 claims for the restitution of land had been lodged in the Western Cape.

District Six land handled as group claim

THE process of land distribution followed in District Six was an excellent example of how to reconcile different needs and priorities, Land Affairs Minister Derek Hanekom said yesterday.

(271)
The Commission for the Restitution of Land Rights had announced all claims for District Six land would be handled together as a group claim to expedite the process.

"In the meantime, the Cape Town Community Land Trust — in conjunction with the Transitional Metropolitan Substructure and the province — is co-ordinating efforts to redevelop District Six and re-integrate into the city."

On Monday these bodies asked the Land Claims Court to exempt District Six from being returned to individual claimants. —

Political Writer

CT 14/6/96

Land claims target queried

Samantha Sharpe

BD 19/6/96 (271)

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CAPE TOWN — The restitution of land rights commission was hampered by administrative and staffing problems which could prevent it processing all land claims within its targeted five-year period, the commission warned in its first annual report.

Chief land claims commissioner Joe Seremane said most key posts in the commission had been filled, but its staff complement was still too small for the huge task of handling all claims within the next five years.

The report said that it would take 15 years to plough through claims if research facilities were not extended.

Seremane said the commission was "wary" of its allocated R14,05m budget for financial 1996/97, especially regarding a possible shortfall for the appointment of urban claim researchers.

High-level discussions with government, as well as certain foreign donors on the creation of a special trust to assist with this funding, are in an advanced stage," Seremane said.

Louise Cook reports that talks with the Dutch government over a possible R15m injection to establish the trust are close to completion.

Credentials

Seremane said details of the donation still had to be finalised, but the money was likely to be spread over a few years.

Seremane said response from private land owners to claims on their land had varied enormously, with some ready to negotiate and others "extremely suspicious" of the commission's credentials.

By the end of March, 7 095 claims had been registered throughout the country, of which

2 490 were in KwaZulu-Natal, 1 923 in the Western Cape and 1 220 in Gauteng.

However, only 300 claims had been officially gazetted as claims accepted for further investigation, with several group claims also identified and officially gazetted.

Seremane said that problems surrounding land claims had centred on divisions among claimants, with tension arising in some cases between tribal authorities claiming land and ad hoc restitution committees.

"A great deal of the commission's time and effort has gone into attempts to resolve such disputes and create conditions conducive to an amicable settlement of claims," he said.

At Lohatla in the northern Cape, more than 5 000 families from four different communities were claiming the same land, which was currently in the hands of the SANDF.

Elandskloofers wait to go home

CF 20/6/96 (271)

CLAIMANTS to Elandskloof say the farmer, whose land is being bought back by the government in a restitution case, is holding out. **LINDIZ VAN ZILLA** reports.

PEERING beyond the "trespassers will be prosecuted sign", Mr Daniel Dirks is looking forward to the day when he will return to his birth-place, Elandskloof — where he was last allowed to wander freely 34 years ago.

Elandskloof, in the foothills of the Citrusdal valley, is on the verge of being returned to the small farming community who had inhabited it since the 1860s, before being forcibly removed.

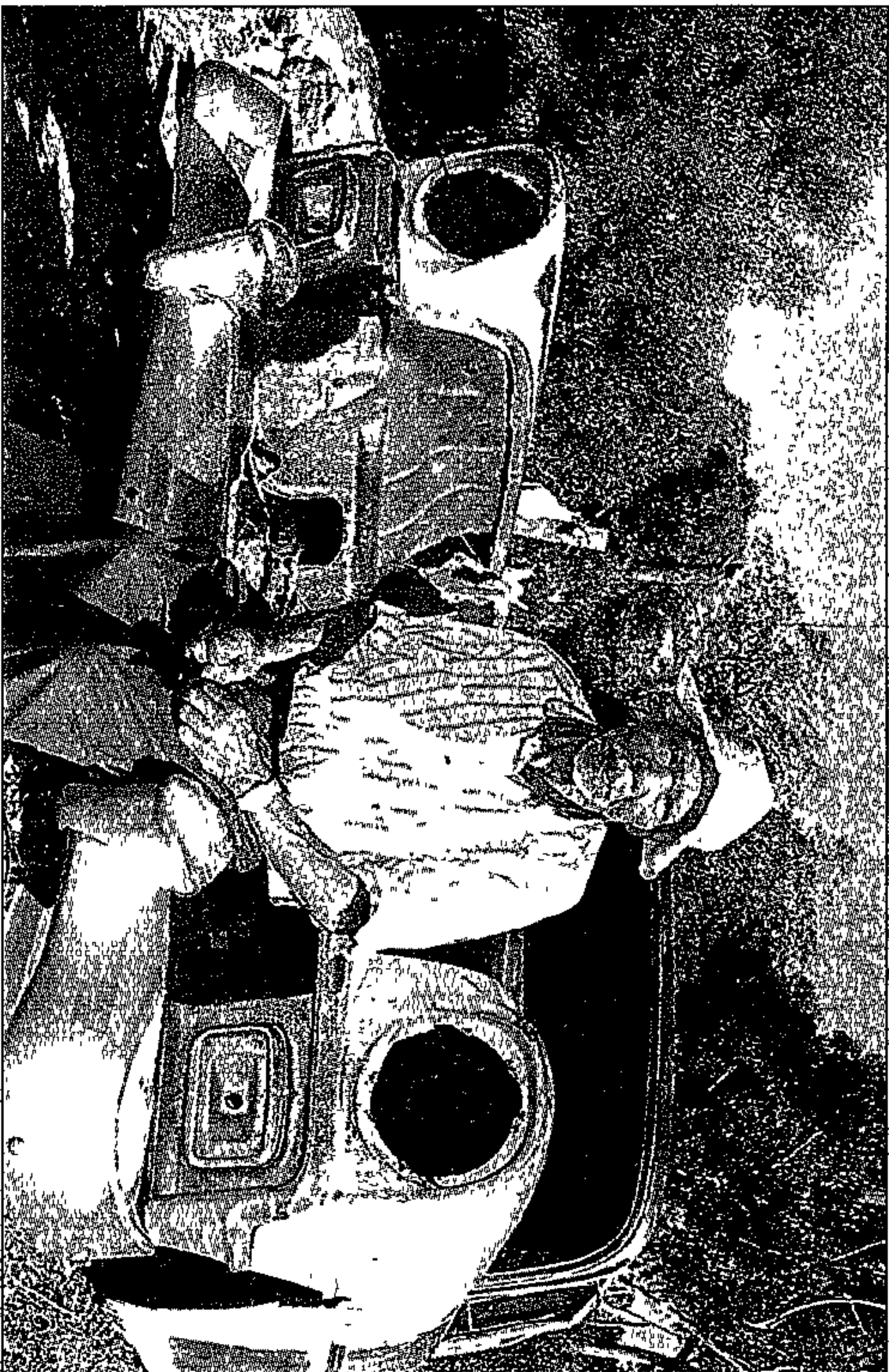
Representatives of the community, the state and owner of the land, Mr Jan Smit, will meet today to finalise the agreement.

The state has offered to buy back the land on behalf of the community for R4 million, and a provisional date of December 15 has been set for the handover of Elandskloof, the first land restitution case involving private land. The community has — reluctantly — agreed to sell off 51ha of the original land to Smit for R50 000.

The story of the Elandskloof community's dislocation dates back three decades — since then Elandskloof descendants have been scattered as far as Kraysna and George.

Time is running out for the original residents. Dirks, now 77, said: "I want to return before I die."

Seventy-seven families of the Elandskloof mission community in the Citrusdal valley were



PASSING YEARS: Oupa Flip George has been waiting for 30 years to go home to Elandskloof.

hounded from their homes in 1962, after the Dutch Reformed Church sold the 3 100-hectare section of land to two white farmers for R34 000.

Recalling the events of 1962, Dirks said the farmer, Mr Piet Smit, Jan's father, told them to get off the land "reinstonds" (immediately). "He came and shot our dogs, burnt our pigs and took our livestock. Then he told us to leave."

Today the Elandskloofers squat on adjacent land on the Allendale farm, while on Elandskloof their church, school and houses stand empty and dilapidated.

They have been barred from venturing on to Elandskloof, thus

the graves of their ancestors — and their children — lie unattended, something which pains Dirks, whose wife and two children are buried there.

The 26 families on Allendale are impatient to return — they complain that Smit is holding out.

When approached by the Cape Times yesterday, Smit said he had to finalise several aspects before deciding to sign over the land.

The struggle for Elandskloof has been a hard one. Dirks said: "We first went to Verwoerd, then Vorster, P W Botha and F W de Klerk, who all referred us to the former Coloured Affairs department

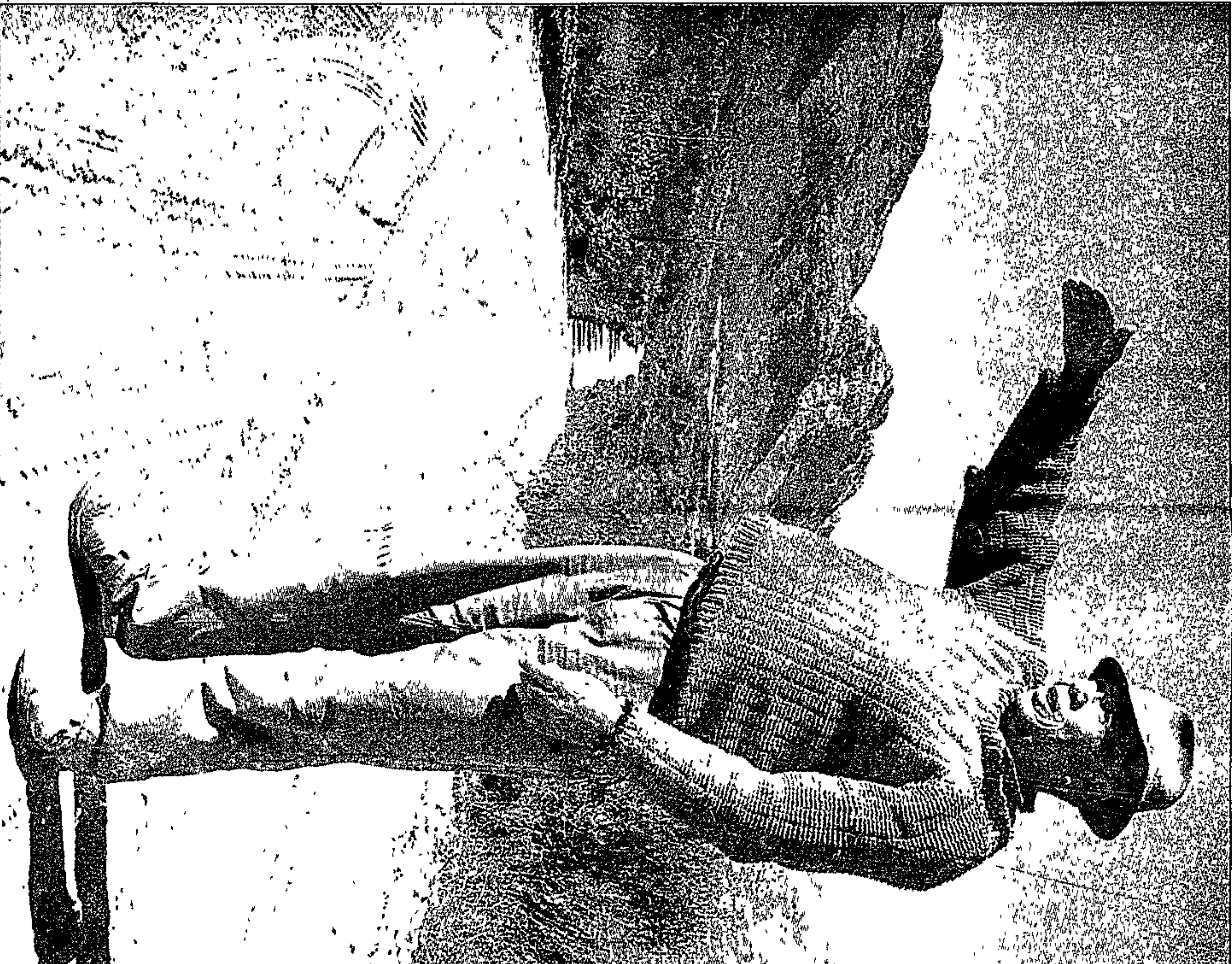
"It was only when Mandela took over that we started seeing some light.

"Minister of Land Affairs Mr Derek Hanekom has been here twice, and he promised us we would get our land back."

Mrs Aletta Titus said: "I am looking forward to going back. I don't know of one Elandskloof who wouldn't be happy to go back.

"It is my birthland, it is our land and we love it."

Elandskloof Oupa Flip George, 78, said: "We have been waiting for a future for a long time," and added resignedly, "It will probably only happen after I am dead."



ANCESTRAL LAND: Former Elandskloof resident Mr Daniel Dirks stares out over the land that is to be returned to the original Elandskloof community

Top urban project bogged down by 300 land claims

Louise Cook

PRETORIA — The R1,4bn urban renewal development planned at Cato Manor, one of the largest of the RDP's presidential lead projects, has been halted amid a string of land claims.

A group claim from about 300 claimants, representing some of the 160 000 people ejected from the site 40 years ago, has already been gazetted, legally barring further development of the KwaZulu-Natal scheme.

The Cato Manor Development Corporation said yesterday it had appealed to the Land Claims Court last week to give a special ruling preventing restoration of the land.

The corporation's land director Dave Smiley said the project was in the public interest, and that macro-delivery was being frustrated by "land claims popping up all over the place".

Regional land claims commissioner

Sheryl Walker confirmed that talks between the parties were held last week. "We are impartial," she said. "Hopefully they will reach a settlement."

The project — aiming to provide 30 000 houses, alongside clinics, schools and an industrial node in Cato Manor over the next 5 to 8 years — has been plagued by problems, especially funding between various institutions.

The cost is being shouldered by local authorities, the province's health and education departments and the European Union. Just R30m has been secured from the RDP. The corporation has spent much of the past two years drawing up a comprehensive business plan to attract further funding.

Part of the land claimed includes a slate quarry currently run by a Murray & Roberts subsidiary. Ready Mixed Materials MD Desmond Eriksen said the company was caught in the middle — it was renting from the council.

B0 25/6/96 (271)

PROPERTY

Land proposals 'could alarm investors'

Reports by
Lukanyo Mnyanda

AN ANC land study affairs group's targeting of foreign and local speculators by proposing that available land first be offered to the state for redistribution before it could be sold to foreigners might scare off international property investors, industry spokesmen warn.

They were reacting to comments by National Assembly land affairs committee and study group chairman Pathekile Holomisa that land reform should not be jeopardised by the selling of property to

foreigners. The group also targeted domestic "absentee landlords" who allegedly held large tracts of land which were not being used.

"Are they trying to chase away international investors? The effect of this statement is almost as bad as the violent crime which is keeping investors away," SA Property Owners Association CEO Brian Kirchmann said.

Although the plan mentioned only agricultural land, Kirchmann said it was safe to assume that other types of land would be affected if the proposals eventually became government policy. This would send jitters throughout the property industry.

"Are we trying to run the country or are we in the business of pacifying the poor? A country cannot be run on the basis of handing out charity."

Government should focus its energies on eradicating violent crime and let the private sector run the economy, said Kirchmann.

"Violent crime is our biggest problem. There is a rape every 80 seconds in SA, and I think we really need to have that referendum on the death penalty."

Kirchmann warned that an increasing number of local investors would take their money offshore if restrictions were placed on their ability to buy land.

Sanlam Properties investments GM Alan Le Roux agreed that foreigners would be less willing to buy land if there were restrictions, but stressed that "we must be careful not to forget about SA's poor".

"Government is faced with a difficult situation. Local people have a claim to land but you also cannot prescribe to investors."

Le Roux said SA needed to strike a balance and accommodate "necessary" land distribution without damaging investor confidence.

Old Mutual Properties property operations manager Derek Stuart-Finley said it was still too early to comment on the reports, but he felt any restrictions on the buying of land could be a deterrent to international investors.

Hopes rise over land restitution

ARL 26/6/96 (271)

JOSEPH ARANES
Municipal Staff

THE land restitution process is gathering momentum and almost a third of all the land claims that have been submitted are from people living in the Western Cape.

Chief Land Claims Commissioner Joe Seremane, who recently tabled the commission's first report in parliament, said several administrative difficulties had been ironed out and that the commission was looking forward to speedier progress.

To date, the commission had received 7 564 land claims, 2 145 of which were submitted in the Western Cape.

Mr Seremane said when they took office at the beginning of March last year, they had no illusions of the formidable and vast task that faced them.

"We also had no qualms about tackling that task head-on and facing the tremendous challenge to restore rights where they had been dispossessed or denied, to rectify injustices of the past regarding access to land and land ownership, and to do it in an even-handed manner without repeating past injustices and hurts.

"More than a year has passed and now the cobwebs of bureaucratic red tape are starting to untangle and the seemingly insurmountable hurdles of suspicion, mistrust, impatience, inflated expectations and even greed and avarice are one by one being dis-

mantled."

He said most important of all were the feelings of hope and expectation that the process had engendered and that, given the commitment and support of all concerned, it could be concluded in the allotted five years or at least soon afterwards.

But in the report he also listed several matters that the commission was still coming to grips with.

Many labour tenants and farm workers facing current eviction threats or those recently evicted have in their desperation turned to the commission for help.

The passage of the new Land Reform Act means they can now be referred to the Land Affairs Department.

Mr Seremane said another difficulty was assessing land claims by labour tenants who had lost their land rights after 1986 when the Development Trust and Land Act was abolished.

He said it was also evident from certain claims lodged with the commission that special attention would have to be given to the matter of historical claims - claims based on actions before June 1913, which is the cutoff date stipulated in the Restitution Act.

"These claims may be very complex with various layers of competing land rights at stake and different interpretations of historical evidence."

He said the commission had referred a number of claims of this nature to the minister and the

Department of Land Affairs as they clearly did not fall within the commission's terms of reference.

"It is a matter of importance that these claims receive attention through the Land Redistribution Programme administered by the Land Affairs Department."

Mr Seremane said the commission had also encountered severe problems with individuals who saw a possible get-rich-quick opportunity in the restitution process.

"These individuals started advertising assistance with the processing of claims and claim forms, at a fee of course, and in some cases a quite exorbitant fee.

"We informed the police about these illegal activities."

He said in some cases where whole communities were removed and land was now being claimed, tensions had arisen between different sections of the community.

"In some cases land adjacent to land being claimed was acquired by individuals of the community.

"Other members of the community now regard this land as belonging to the entire community while the individual owners do not see it that way, but regard the individually owned land as their property while also laying claim to their interest in communal land.

"There are also cases where conflict arises from more than one community is claiming the same portion of land.

Land reform challenged (271)

Louise Cook

509/7/96
PRETORIA — The SA Agricultural Union is to go to the Constitutional Court today to flesh out its arguments against the property clause in the constitution.

Executive director Jack Raath said the section breached constitutional principles which entrenched universally accepted fundamental rights. "Land reform features more prominently than property rights (in the clause) and compensation in the event of expropriation could be to the serious detriment of land owners," he said.

He said the union had already given the Court two files of documents to support its arguments.

A senior advocate had been appointed to appear for the union.

Land reform runs into multiple hurdles

(271) MtG 12-18/7/96

The Tswana are ready to move into Smitsdrift, the San to move out — but when and at what price?
Colleen Lowe Morna reports from Kimberley

On the face of it, it should have been a simple case of musical chairs. The South African National Defence Force (SANDF), which set up a training base at Smitsdrift, Northern Cape, after the forcible removal of several Tswana families in 1968, would move to new land, acquired by the Department of Public Works.

The 5 000 Tswana people, who have been living nearly 300km away in desolate conditions near Kuruman, would move back to their home following the approval of their land restoration claim soon after the 1994 elections.

And the 894 San families brought to South Africa after the wars in Namibia and Angola, and housed at Smitsdrift after the disbanding of the notorious Battalion 31, would move to new land, under the land redistribution programme.

Six years after they were brought to the base, the San people are still living in army tents, and 20 Tswana men have moved next door, threatening that the rest of the group will follow if things don't change.

Both sides are unhappy. "If we had been indigenous people the government would never have allowed us to go on living in these conditions," says Mario Mahongo, a former tracker for the then-South African Defence Force in Angola — now a member of the trust established to oversee the resettlement of the IXu and Kxwe people to their new homes.

"So many things are promised," adds Gilbert Sengwe, one of the 20 Tswana's "squatted" in a tin shack house at Smitsdrift. "We'd just like to know where these promises are."

The immediate cause of delay is a drawn-out tussle over the cost of the land to which the IXu and Kxwe communities want to move.

The asking price for the San's chosen Platfontein farm was R13-million — against the R10-million they are eligible for in subsidies (R15 000 per family, for those earning less than R1 500 per month).

Land Minister Derek Hanekom's evaluator told him the market value was R7.5-million and — according to his spokesperson Helmut Schlenker — he vowed "not to pay a penny more".

A match to see who would blink first followed: ending last month with Van der Weisthuizen relenting, because, he says, he was "under pressure to sell for personal reasons."

The tendency for farmers to hike the price of land as soon as they know that it is in demand by the government is a growing concern as land reform gathers pace.

Noting that this inevitably undermined the opposition of the National Land Committee (NLC) to the property clause in the new Constitution, Brendan Pearce of the National Land Committee said: "These may be isolated cases now, but we are looking at a mounting problem. The definition of 'market value' is extremely blurred."

Dene Snider, adviser to the Northern Cape MEC for housing, who has been closely associated with the Smitsdrift negotiations, described the saga as "scandalous" and a huge waste of time.

■ TO PAGE 6



Waiting: Bushmen who fled Namibia six years ago are still living in army tents at Smitsdrift

PHOTOGRAPH HENNER FRANKENFELD



AMANZI WATER MEETSE

Water

The challenge.....



STEWARTS & LLOYDS

P.10

Hurdles in land reform

■ From PAGE 3

(271)
M+G 12-18/2/96

San consultant Jan Viljoen has another concern. He notes there will only be R2,5-million left for housing, hospitals, schools and amenities — compared to his budget of R50-million.

Viljoen argues it's unfair that the Tswana, who are getting their land back free because it is a restitution case, should be eligible for the full housing subsidy to put up homes, while the San have to split their subsidy between land and houses.

Schlechter argues that there can be no comparison between restitution and redistribution, even if the 1913 date is somewhat arbitrary. The two cases in Smitsdrift, he says, "are quite different. In one case, people are being given land that was taken from them. In the other, land has to be found."

He says beneficiaries of land redistribution like the San are

expected to approach other departments like education and health for assistance, and to use the subsidy "as a lever to obtain private-sector finance".

The land department has established a commission of inquiry into rural finance to assist those who resettle. With the banks already reluctant to lend to low-paid workers in towns, Schlechter concedes it is unlikely they will start lending to poor farmers any time soon.

The bottom line for the San, Mahongo says, is that "we are not moving unless we have homes to go to. We refuse to live in tents again."

Sengwe, on the other hand, says the Tswana are running out of patience. "We've been waiting nearly 30 years to move back to our homes," he reflects, stoking his open-air fire, and reminiscing over his wife and family back in Kuru-man. "How much longer are we expected to wait?"

Farmers triumph in clash over land

(271) Nov 18/7/96

Pietersburg - Thirty-four landowners south-east of Pietersburg have successfully appealed against tribal land claims in the area, their attorneys confirmed yesterday.

Land claims by the Mmaboi community would be dropped when the case was heard in the Land Claims Court on Monday, the attorneys said.

The farmers had opposed the claims, despite being advised against such action by the Transvaal Agricultural Union.

They brought a court action against the regional and national land claims commissioners, the minister of land affairs and the Mmaboi community.

After the respondents had conferred with their attorneys, they decided to drop the land claims.

The farmers' legal costs will be paid by the state.

"This is a great victory for landowners and serves as an example for those threatened by land claims," said Piet Steytler of Pietersburg after successfully guiding farmers through the legal procedures. - Sapa

Land claims blocked

(271) CT 18/7/96

PIETERSBURG: Thirty-four landowners south-east of here have successfully appealed against tribal land claims in the area, their attorneys confirmed yesterday.

When the case was heard in the Land Claims Court on Monday, the attorneys said land claims by the Mmaboi community would be dropped.

The farmers had brought a case against the Land Claims Commission, the Minister of Land Affairs and the Mmaboi community. The respondents decided to drop the land claims after seeking legal advice.

"This is a great victory for landowners, and serves as an example for those threatened by land claims," lawyer Mr Piet Steytler said after successfully guiding farmers through the legal procedures. — Sapa

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Letter bomb to UDF leader 'in son's school report'

(271) BD 18/7/96

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PIETERSBURG — Northern Province UDF leader Peter Nchabeleng avoided opening a letter bomb in April 1986 only to die a few days later in police custody, the truth commission heard yesterday. Nchabeleng realised that an envelope containing his son Maurice's school results might be booby-trapped, and he refused to open it.

Maurice told the human rights violations committee his father had noticed the envelope contained "a wire". Maurice claimed

that the school principal, David Sego Oebeila, now a school inspector in Northern Province, had known that the envelope was a letter bomb.

Nchabeleng's widow Gertrude told the commission in a statement she and members of her family were convinced Oebeila had been a police informer.

Immediately after her husband's death, the principal left for Lebowa kgo, "which confirmed my suspicions", she said.

Maurice testified that his fa-

ther had told him to take the unopened letter to the principal, who had acted "very scared" when he saw it. The matter was not reported to the police.

Peter Mokaba's brother Ernest told the commission yesterday his family had been ostracised by the community and beaten, harassed and detained by the SA and Lebowa police, because of their link to the ANC MP.

Peter Mokaba was not present at the hearings, and did not make a written submission. — Sapa.

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Right-wing killer's views 'are changed'

Stephané Bothma

PRETORIA — A "soldier" of the ultra right-wing National Socialist Partisans had murdered three people — including two women — as part of a struggle to avoid a bloody takeover of the country by the ANC, the truth commission's amnesty committee was told yesterday.

Cornelius Johannes van Wyk is serving a life sentence for the 1991 murders of Makwarela Dobani, her husband Wilson and Maria Claudine Roux, who were killed in an unsuccessful attempt to steal weapons from their home at Clouds End, Louis Trichardt. He said yesterday his political group had only four members.

Van Wyk and Jurgen White, military leader of the partisans, broke into the Roux home, seeking weapons to use in a burglary at a military base in Oudtshoorn. The Dobanis and Roux were shot and White cut their throats.

"I was not too worried at the time about the death of the two black people, but the death of Roux really upset me. However, we believed they were casualties of war," said Van Wyk, a straight A matric pupil who had been granted a bursary to study engineering at Pretoria University, in support of his amnesty application.

An amnesty committee member, Adv Chris de Jager, recused himself from the hearing yesterday because, he explained, he had represented Van

Wyk on an earlier occasion.

Partisans leader Jean Prieur du Plessis, serving 13 years for theft and the illegal possession of weapons, also applied for amnesty. His testimony will be heard today. The fourth member, Jurgen Grobbelaar, and White, both died at Noenieput, near Upington, in November 1991 while fleeing from the police. They are alleged to have committed suicide.

The group had also successfully burgled the Potchefstroom military base, where a "large amount" of weapons and explosives were stolen to be used in their struggle to protect the whites of SA from the "definite blood-bath" which would take place when the ANC took over the country, Van Wyk testified. "Although my beliefs of the time now seem naive, I truly believed then that our actions were necessary and justified."

So strong were their beliefs that the four members had sworn a blood oath that they would remain true to their cause and die for the Afrikaner nation if necessary. They accepted that people would die in their struggle.

Since his conviction in 1994, he had completed a BA degree at the maximum security section of the Pretoria prison, where he teaches Std 4 mathematics to black inmates.

His political beliefs had changed, he said, and although he still hoped for the creation of a volkstaat, this should not be obtained by violent means.

Land claims to be dropped

PIETERSBURG — Thirty-four land owners southeast of Pietersburg in Northern Province had successfully appealed against tribal land claims in the area, their attorneys confirmed yesterday. (271)

Land claims by the Mmaboi community would be dropped when the case was heard in the Land Claims Court on July 22.

The farmers went ahead with their opposition to the claims, despite being advised against such action by the Transvaal Agricultural Union.

They brought a court action against the land claims commissioners, the land affairs minister and the Mmaboi community. After the respondents had conferred with their attorneys, they decided to drop the land claims. The farmers' legal costs will be paid by the State. BD 18/7/96

"This is a great victory for land owners," Piet Steytler of Pietersburg said after successfully guiding farmers through the legal procedures.

Steytler said land prices in the area would now stabilise. — Sapa.

City passes council land claims negotiations on to the state

JOSEPH ARANES
Municipal Staff

CAPE TOWN municipality's executive committee has instructed its legal advisers not to negotiate away council land during talks about land restitution and claims for council-owned property, submitted by families to the Land Claims Court.

Members of the executive committee said that although they agreed with the principles of the Restitution of Land Rights Act, they felt the government had a responsibility to settle matters with the claimants - even if it meant expropriating council land.

Two land claims were tabled at the meeting. The first was a claim by the N'dabeni Land Restitution Committee, which has lodged a claim with the

Land Claims Court for part of the Wingfield site.

The other was from the Braaf and Hamdulay families, whose land in 6th Avenue, Kensington, was bought by the former city council in 1967 for R5 486 under the former Slums Act.

The executive committee was told the council was no longer involved in the N'dabeni claim as the Wingfield site was state-owned land, and that mediation was in progress between the government and claimants through the court.

In the Kensington matter, part of the land still belonged to the council. Descendants of the Hamdulay family were still leasing it and had for several years shown a willingness to buy back the property.

The legal team offered the committee two approaches in an attempt to settle the dispute - either they followed the legal

(271) ARG 19/6 7/96
procedure through the Land Claims Court, or they entered into mediation with all the parties and reached an agreement that would be acceptable to everyone.

In terms of the legal approach, the claim would be lodged against the state and not the local authority, and the land claims commissioner would then investigate the claim to see whether it complied with the Act.

The Land Claims Court could then order the state to buy or expropriate the land and restore it to the claimant, order the government to grant the claimant alternative land or force it to pay the claimant compensation.

In mediation, the emphasis is on a settlement of the matter rather than relying on legal rights and obligations.

Hanief Tiseker said that

although the committee understood the morality of the claims, it was in a difficult situation because if it conceded to the claimants it would set a precedent for other land claims.

"We should not work outside of the Act. By doing so we are opening ourselves to more and more claims - and the more we pay, the fewer services we will be able to deliver."

Leon Markovitz agreed, saying the council must not become responsible for providing alternative land to settle matters, as this was the government's responsibility. "In any case, we will run out of land."

The legal representatives were advised to liaise with the government's representatives at the hearings, to see what plan of action they intended following, before reporting back to the executive committee.

tion plan in Cape Town yesterday. The Worcester Technical

Wingfield land claim (271) rejected

er 19/7/96
HENRY LUDSKI

THE Department of Land Affairs has rejected a restitution claim by former Ndebeni residents for compensatory land that forms part of the proposed site of the main 2004 Olympic complex at Wingfield.

But the estimated 200 families moved from Ndebeni in the 1930s are sticking to their claim that the 34-hectare area at Wingfield is the most suitable for them.

Ndebeni land restitution committee spokesman Mr Gilbert Fest yesterday described the ruling as "unacceptable", saying it would be opposed "to the bitter end".

The area where the Ndebeni community once lived is now an industrial area. The strategic Wingfield site is now considered their nearest and next best option.

This is in spite of their never having lived on the Wingfield site and Land Restitution Act provisions that preclude families laying claim to land they never occupied.

The land is also still subject to a restraint-of-sale agreement in terms of which the site reverts to the Graaff Family Trust if no longer used for military purposes.

The Ndebeni community are also understood to have refused four alternative sites.

The wrangle over the land, which started more than a year ago when 107 families submitted their land claim to the Land Restitution Commission, is presently under mediation which has involved the Olympic Bid Company.

Ms Nicola Lloyd, a company planner, said yesterday that the Bid Company had sympathy with the community's claim.

However, she confirmed that the dispute was holding up its planning around the key Olympic site.

From protests to parties: Richtersvelders celebrate

(271) Star 23/7/96

THE PEOPLE of the Richtersveld at the weekend celebrated the fifth birthday of the region's national park — and the culmination of a protest that turned into a co-operative venture. Environment Writer **MELANIE GOSLING** reports. Pictures by **ANNE LAING**.

AN outsider may not have appreciated the irony. On the surface, it was just a normal celebration. The people of the Richtersveld, the remote desert region in northern Namaqualand, joined staff of the National Parks Board at the weekend to celebrate the fifth birthday of the Richtersveld National Park.

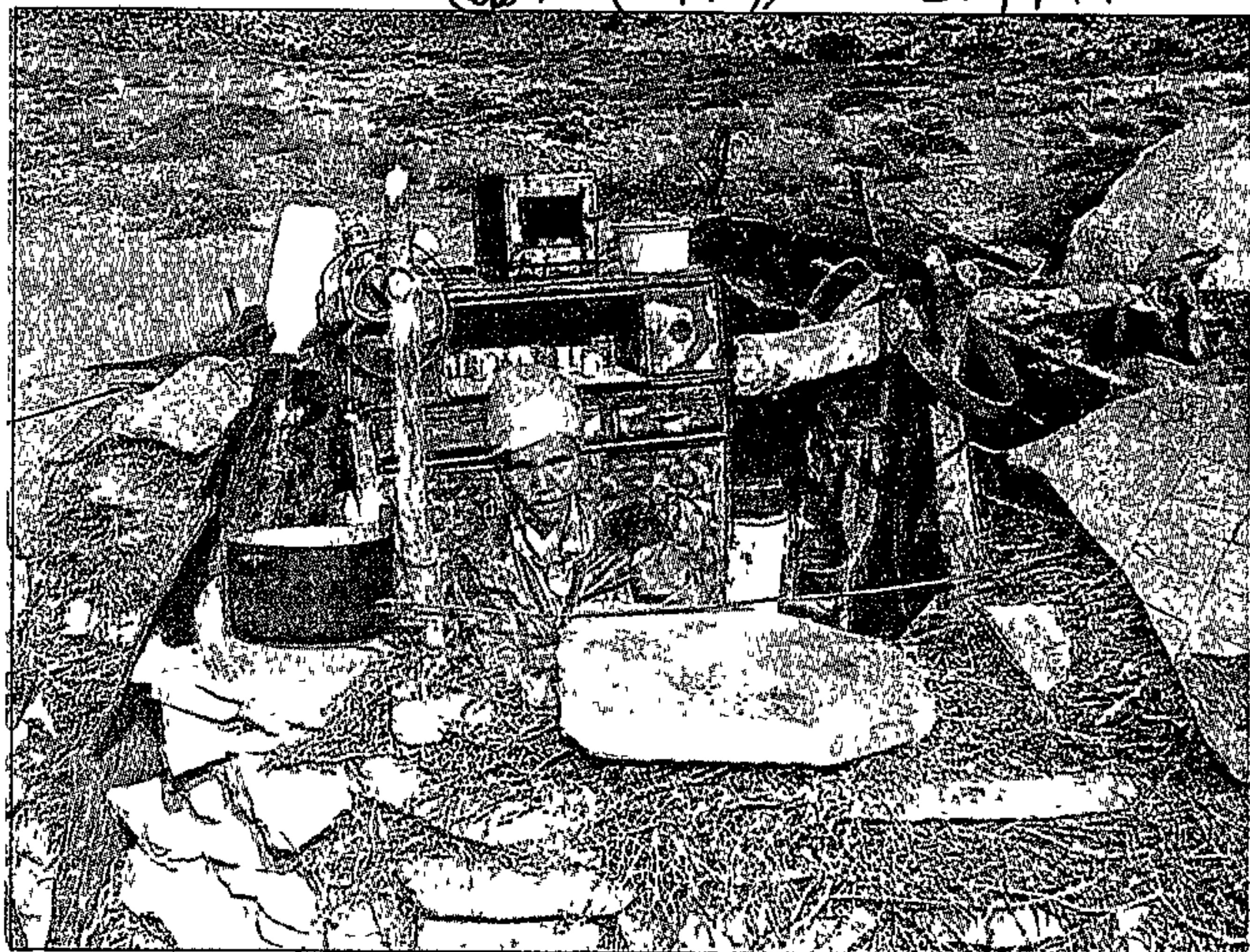
The festivities were spread over three days and four villages — Lekkersing, Eksteenfontein, Sanddrift and Kuboes. There was singing and dancing, speeches and marches, food and balloons. Children tucked into cakes, men played guitars, tiny drum majorettes went through their paces, choirs sang.

In the dusty village square of Kuboes, where some of the residents speak the Nama language of their pastoralist ancestors, women prepared *kop en pootjies* and curried tripe in big black pots over open fires, and *asbrood* under a heap of coals to feed the crowd.

On impulse, National Parks Board chief Dr Robbie Robinson joined in a Nama dance with a woman in a traditional *kappie*, swirling in the dust, doing what looked like a cross between a *toy-toy* and a *tiekiedraai*.

If you had never met the Richtersveld community before, the irony might have been lost on you. For the very people celebrating the Richtersveld National Park's fifth birthday, were the people who once fiercely opposed the park.

The master of ceremonies at Kuboes, Mr Willem de Wet — standing on a petrol drum to address the crowd — was the same man who six years ago got a Supreme Court interdict prevent-



VELD KITCHEN: Maria Rooi of Eksteenfontein in a *skerm*, a temporary kitchen set up next to a *matjieshuis*, the dwellings of nomadic stock farmers in the Richtersveld.

ing the then local authority from signing a lease for the land with the Parks Board — the first step in establishing the national park.

The community even formed the PWB — the Parke Weerstandsbeweging — to stonewall the establishment of the park.

Although the Parks Board would have paid to lease the land from the Richtersvelders, who would still have been the owners, they would have lost the land for grazing. What the court interdict did do was force all the stakeholders back to the negotiating table to thrash out a solution.

Out of this a management committee was formed, consisting of four Parks Board members and five representatives from the local Richtersveld communities, which now decides on how the park should be managed.

And some of the former PWB's strongest supporters beamed proudly as they received certificates from the board for completing training as guides to take visitors on the three hiking trails which opened in the park at the weekend.

It's been an uphill battle for both parties and the Richtersveld National Park is still not without its problems. But it's working. It is the first contractual national park jointly managed by the Parks Board and the com-

munity.

Said Mr J J Links of Kuboes, holding the birthday cake in the form of a huge figure five: "We believed these people were coming to take our land. But now these same people are planning the management of the park with us."

The community still owns the land, which the Parks Board leases from it for R80 000 a year and the nomadic stock farmers are allowed to graze their sheep and goats in the park.

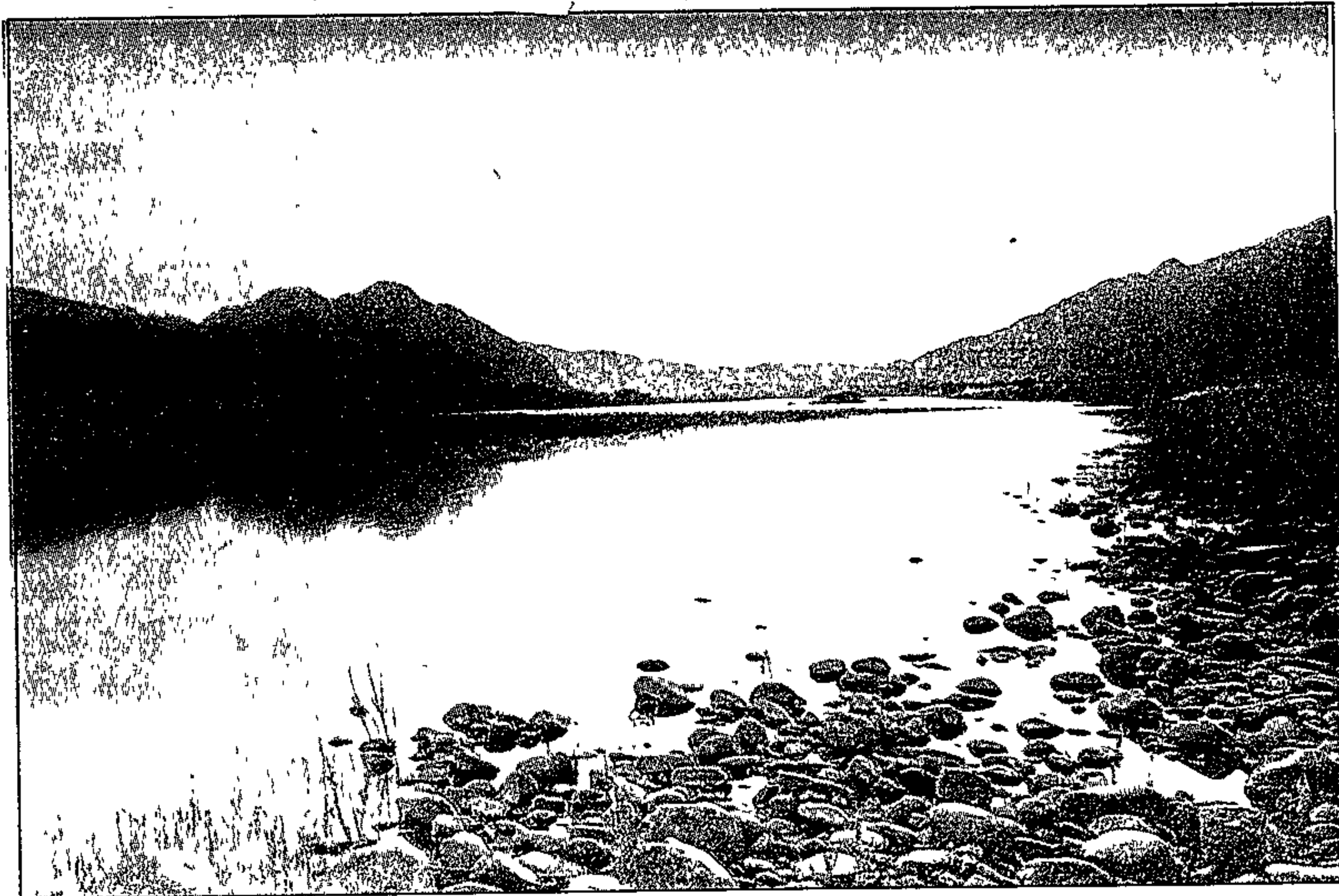
If you drive through the park, you will come across little *matjieshuise* scattered in the veld, the temporary homes of the nomadic farmers.

Robinson had long dreamed of having the Richtersveld, in the great loop of the Orange River about 100km from the coast, protected in a national park. Apart from its dramatic beauty, the Richtersveld is the only mountain desert in South Africa, home to many plants — like the famous and weird halfmens — that occur nowhere else in the country, and some plants which occur nowhere else in the world.

It's a harsh land, where temperatures can soar to 52° in summer, and plunge to freezing on winter nights; where rainfall can be as low as 50mm a year. But with the Orange River close by, it's supported Nama Khoi-Khoi pastoralists for thousands of years. Today their descendants maintain, in part, a nomadic herding lifestyle.

Together with the Parks Board, they will ensure that the unique Richtersveld will be there for future generations.

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mens plant has become the symbol of
its unusual plant life.

TRANQUILITY: Dawn over the Orange River at Pootjiespramberg, one of the camping sites in the Richtersveld National Park.



FESTIVE: Oom Paul de Wet, chairman of the park's management committee, trips the light fantastic in a traditional Nama dance — part of the park's fifth anniversary celebrations in Kuboes at the weekend.

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STARK BEAUTY: A lone aloe on the sweeping plains near the start of the Leliesberg-Oemsberg hiking trail which was opened during the fifth birthday celebrations of the Richtersveld National Park at the weekend.

TUESDAY
★ JULY 23, 1996

Plea to rethink court bid on District Six

STAFF WRITER

THE District Six Civic Association is to ask the Cape Town City Council to reconsider its application to the Land Claims Court about District Six.

Early last month the council was one of three bodies that applied to the Land Claims Court to exempt District Six properties from being returned to their original owners.

The council wants all vacant land in District Six initially to be under a single ownership so that a co-ordinated development can be planned.

The other two bodies are the provincial government and the Community Land Trust, which is to become the owner of the land if the application succeeds.

The application is due to be argued in the Land Claims Court at the end of this month, but it seems it will be postponed.

The application has prompted an outcry, mainly from the District Six Civic Association and the Ex-Residents and Traders Action Committee. Both of these have withdrawn from the District Six Development Forum.

Mr Anwar Nagia, who chairs the District Six Civic Association, said the application would be opposed in court. "One of the

arguments is that the white people who used to own most of the District Six property will get most of the benefits of restitution. This is nonsense because those whites were not dispossessed under the Group Areas Act. The area was declared white."

Nagia said people whose rights had been violated were being dragged to court again, potentially at great expense.

A National Restitution Front was being formed to put the case for those who had lost rights in property under apartheid and were struggling to gain restitution, he said.

When people were deprived of their property or of the chance to get it back, it was always argued that this was in the public interest, Nagia said.

Decisions about not restoring land to its original owners should be taken in conjunction with those owners, he said.

All District Six owners and former tenants should be called together so that the beneficiary community could be established at the start of redevelopment and could sign for the new homes.

He had heard that the planned District Six apartments would cost between R90 000 and R120 000, Nagia said.

"If this is so, then we are wasting our time. Where will they (the dispossessed) get that kind of money from?"

Court puts 'dubious' land claim on hold

Louise Cook

GOVERNMENT's land restitution policy backfired yesterday when the Land Claims Court ordered that a dubious land claim notice be withdrawn with costs pending further research.

The action followed after several Pietersburg land owners, led by the National African Farmers' Union president and farming tycoon Matome Maponya, took the regional commissioner to the Land Claims Court for gazetting a questionable land restitution claim by the Mmaboi community.

Costs have not been finalised but those of one legal team could run to R100 000.

The Northern Province regional land claims commissioner said in a statement the contesting parties eventually agreed that the commissioner would withdraw a notice gazetted in September 1995.

The notice, which said the commission accepted the Mmaboi claim for further investigation, effectively had barred any further development on the land until the claim was finalised.

The statement said the withdrawal of the notice implied that the Mmaboi claim required further investigation before the commissioner could decide whether it was a valid claim in terms of the Restitution Act.

Sources said that last year the

Mmaboi community claimed 41 662ha of prime farmland in the Pietersburg district after consultations with Witwatersrand University academic Richard Levin.

In a memorandum submitted to the court, Levin said the central issue of the restitution claim was that the 1913 Land Act had eroded the Mmaboi's tribal land rights and converted the community into labour tenants.

However, current land owners told the court the Mmaboi community never had lived on the claimed land.

SA Agricultural Union legal spokesman Analize Crosby said the SAAU supported any move to block dubious land claims.

Regional land claims commissioner Emma Mashinini and Maponya were not available for comment.

Meanwhile, it appeared Agriculture and Land Affairs Minister Derek Hanekom was deliberately seeking confrontation with farmers, the Transvaal Agricultural Union said yesterday, reports Sapa.

In Pretoria TAU vice-president Willie Lewies said existing legislation adequately protected workers against unfair evictions by farmers. "Further legislation will lead to conflict."

Hanekom said last week unfair evictions had to be stopped and measures to protect labourers could be tabled in Parliament in February.

Gauteng hospitals to be renamed

Ingrid Salgado

THE Gauteng government is to rename hundreds of public institutions, particularly those with names reminiscent of the apartheid era.

The renaming process would attempt to avoid renaming institutions after deceased or living people, Vusi Mavuso, chairman of Gauteng legislature petitions and public participation standing committee, said yesterday. Names based on geographic location should be considered where possible.

The committee — which will first target public health institutions — is to recommend name changes to Gauteng's executive committee after hosting public hearings across Gauteng to solicit the views of users, employees and communities. The first hearing

starts in Johannesburg at month-end.

Hospitals whose names could be changed include Pretoria's HF Verwoerd Hospital and Johannesburg's JG Strijdom Hospital — named after former NP prime ministers. Others are Baragwanath Hospital in Soweto, named after the developer JA Baragwanath, and Coronation Hospital in Newclare, which refers to the crowning of Britain's Queen Elizabeth II.

Mavuso said it was not government's intention to embark on the renaming exercise "for the sake of it". There was an urgent need to rid SA of racial division and all vestiges of apartheid. He hoped Gauteng's education and safety and security departments would consider renaming buildings such as Johannesburg's police headquarters, John Vorster Square.

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Evictions 'may force minister's hand'

New threat to expropriate farmers' land

BD 29/7/96

(271)

Wyndham Hartley

CAPE TOWN — Land Affairs Minister Derek Hanekom could be forced to expropriate farms if the owners persisted with large-scale evictions of workers ahead of a negotiated solution to land tenure security, a source close to the minister said at the weekend.

They said evictions had, if anything, increased following the summit called by Hanekom about 10 days ago to discuss the issue. Organised agriculture, farmworkers' unions, the National Land Committee and government were represented at the summit.

The July 18 meeting in Pretoria agreed that the various groups would submit their proposals for the security of land tenure for farmworkers by August 12 and that this would be followed by a second summit to thrash out points of difference ahead of the production of draft legislation.

Hanekom, who chose to pursue a broad consultative route to new legislation, yesterday appealed to farmers to halt evictions and to search their consciences before evicting farmworkers and their families in one of the most bitterly cold winters of recent times.

He said he did not want to threaten farmers but rather sought their co-operation in finding a solution. He said appreciation would be shown for sympathetic treatment of agricultural

labour problems. However, the state would not shirk its responsibilities with regard to evicted farm workers.

The ministry source said this included expropriation, the "option of last resort". He said the minister essentially had to make a choice between having thousands of farm workers and their families being turned into squatters and them staying on the land where they were. In some cases it might be easier to go in and simply expropriate the farms where mass evictions were taking place.

Ironically farmers who feared that government intended to give large pieces of their land to the workers would ensure this happened if they continued to evict, he said.

The July 18 summit was told that expropriation would be considered. Hanekom gave the meeting details of hundreds of farm workers evicted or facing eviction and said the predicament of the 8-million farm workers who did not have secure access to where they lived could not be ignored.

Ministry spokesman Hellmuth Schlenther said some of the elements of a possible solution to security of tenure for farm workers were "agrivillages", secure access to land, not necessarily the farmer's; and farmers themselves assisting their workforce to apply for government grants for housing, possibly in nearby urban areas.

Farmer threatens to sue if farm is sold to chief

VRYHEID — A northern Kwa-Zulu-Natal farmer has threatened to sue Land Affairs Minister Derek Hanekom should he sanction the sale of a R4,3m farm to a traditional chief and his followers in Vryheid.

The province's land affairs department has recommended the 5 700ha farm Driekwart be sold to 374 families under Zulu chief Johannes Mdlalose, who applied for land 13 years ago.

Final approval rests with Hanekom, who last month intervened to speed up the sale after Mdlalose gate crashed a meeting with farmers and put his case to the minister.

(271) BD 30/7/96
Kerneels Greyling, whose farm borders Driekwart, has objected to the sale. He says Driekwart's owners, Lood and Hendrik van Rensburg, stand to make a huge non-taxable profit from the sale, but that his land will devalue.

As an example, Greyling points to farms bordering Madadeni which devalued drastically when the Newcastle township encroached on their borders. He says the farm owners are unable to sell the land, even at ridiculously low prices.

Greyling claims Driekwart can not be optimally utilised by 374 families, and an indepen-

dent report commissioned by the department backs his view. The report found the land could be commercially viable if farmed by no more than 20 farmers, a view shared by an official of the Agricultural Credit Board.

The proposed land sale has been further complicated by hostilities between Mdlalose's Othaka tribal authority and the Hlahlindlela tribal authority.

Mdlalose and his followers are squatting on land in Bekhumthetho, near Emondlo, owned by the Hlahlindlela.

The official who has drawn up the report for Hanekom, Johannes van Dam, has been ne-

gotiating with the two groups in an attempt to prevent conflict.

Several meetings have been held with little apparent success, yet Van Dam says he has recommended that the land be designated anyhow and that urgent attention should be given to develop Bekhumthetho.

Another official says the sale is an attempt by government to correct an administrative error made in 1964, when the former government incorrectly allocated the land to the Hlahlindlela, but that it will result in faction fighting — Sapa.

Comment: Page 10

RESETTLEMENT

1996 — 1977

Kruger Park claim backed

Louise Cook

BD 2/8/96 (271)

THE National Parks Board decision yesterday to support land claims from communities seeking land restitution could see widespread changes to the Kruger National Park in the next few years, including rest camps in remote areas.

The decision, fully supported by management at a board meeting in Pretoria yesterday, followed months of talks between the National Parks Board and a community who had been moved from land in the Kruger Park during the era of forced removals. They were now claiming 20 000ha of land in the Pafuri area, far north in the reserve between the Limpopo and Levuvhu Rivers.

Land restitution committee spokesman Thys Human confirmed the Makuleke community, the only people to stake a claim so far, had also lodged the claim with the restitution commission. However, the claim had not been gazetted and would not halt development by the National Parks

Board in the meantime.

If the claim succeeded, the community of about 2 000 families would reportedly put up and run a rest camp. Beeld said yesterday an undisclosed amount of support money from the German government was made available for the project.

National Parks Board chairman Robbie Robinson said the affected area was noted especially for diverse bird life with an abundance of big game, including elephant, as well. However, the place was not visited by many tourists owing to a lack of rest camps.

To preserve the environmental balance, any camps would have to be built on the periphery of land claimed. "We hope to be able to accommodate land claims without having to go the court route." No other claims have been lodged in the Park but Robinson said others could still be made.

Other game reserves — Richtersveld, Kalahari Gemsbok and Augrabies Park in the Northern Cape — have reportedly also been targeted for land claims.

District Six blacks urged to file claims

STAFF WRITER

PERCEPTIONS that District Six had been inhabited exclusively by coloured people were inaccurate, Mr Anwar Nagia, chairman of the District Six Civic Association, said yesterday.

The question of black people submitting claims for land restitution was raised at a meeting of former District Six residents.

Few black people had applied, Nagia said, adding that an effort had to be made to include all former District Six residents who had been dispossessed.

Calls were also made for other former residents to come forward. Of the estimated 8 000 families forcibly removed from District Six, only 700 have applied for land restitution.

People of District 6 can claim compensation

Cape Town - Former District Six residents now have the opportunity to claim compensation for apartheid forced removals under the Group Areas Act simply by completing an application form.

This offer was made by the Restitution of Land Rights Commission to former residents of the area by giving them four choices of compensation.

The choices include the restoration of actual land if feasible, financial compensation, pro-

viding them with alternative state-owned land or restitution measures of relief.

Land Claims Commissioner Wallace Mgoqi said yesterday that there had been a poor response to the offer and no more than four application forms had been registered.

People were apparently misled into believing they did not qualify, without substantial evidence, to claim compensation. But Mgoqi said that even "oral

and hearsay evidence" was enough to make a claim.

Compensation will be given to those who did not want to return to their old properties but only sought alternative land or financial compensation.

This also applied to descendants of former residents and anyone who was under pressure to leave District Six after 1913. Deadline dates for claims were extended until November 30. - Own Correspondent.

Star 9/8/96

(271)

Visions of medals in the ruins

(271) Star 12/8/96

Land forcibly wrested from people could become cradle of Olympic hopefuls

RIAN HORN

BY SHIRLEY WOODGATE

South Africa's future Olympic athletes will come from Maruping - soccer and tennis players, marathon and sprint champions, trained in the sports facilities envisaged when the East Rand suburb is rebuilt from the ruins

That is the dream of the 350 former residents who met yesterday on the bare site of what was once Brakpan's black "location", and was declared a white group area in the 1970s

A familiar pattern followed the government's apartheid decree - relocation with minimal compensation (in this case to Tsakane, where household plots were marked by toilets, four families to a bucket), then bulldozers obliterating all signs of human habitation.

Signs that the 95ha site was turned into a thriving township after 1927 were there: brick, mud and zinc houses; the indoor sports and recreation centre; schools; tennis courts; shops; halls; a clinic; a creche; and the spot dubbed Freedom Square where young rebels named Mandela, Sisulu, Ngoyi, Kathrada and First once urged "Mayibuye Africa" ("Return Africa to the people")

But the bulldozers failed to wipe out the memories of people like David Bopape and Nelson Mogudi, who swung into action last year - almost 30 years after they were thrown out - when rumours surfaced that Brakpan planned to sell off the prime space for development.

They formed the Maruping ("Ruins") resettlement committee, rallied the dispossessed people, and yesterday, launched a public campaign to reclaim their land

They came from far and near to seek out their former plots - people such as tough Black Pirates gangster Daniel Diale, who became a pastor; Hubert Seyani (72), who brought his son to see where he was born; and Abel Ngake, who recalled the coffin they secretly made, the one emblazoned on one side with the words: "Burial of Bantu Education"

The people gave the committee an unqualified mandate to take their case to the Land Restitution Court, decided to appoint lawyers, and agreed to donate R50 each and launch a fund to raise local and foreign donations to foot the bill, Mogudi said

"Up to 10 000 people can be accommodated at Maruping, many of them making a nostalgic return to their birthplace"



Road to the future ... Zodwa Dlamini picks up wood on the last remaining road in Maruping, after the meeting where it was decided that residents should return to the former township near Brakpan.

Wild Coast Sun in restitution dispute

BD 14/8/96 (271)

Louise Cook

PRETORIA — Hotel group Sun International has been hit with a land claim on its Wild Coast Sun resort, one of the group's highest-profile operations.

The Eastern Cape regional land claims commission said yesterday that the claim on the site — from the Lurholweni community — had already been gazetted.

A gazetted claim bars Sun International from doing anything with the site until the claim has been adjudicated by the Land Claims Court.

The group has already been burdened with a land claim on its main Free State operation, the Thaba'Nchu Sun.

Sun International MD Peter Bacon said yesterday the group would assist government — which owns the site of the Wild Coast Sun — at a meeting on Friday to negotiate with the claimants.

The Lurholweni community claims 78 families were evicted from the land in 1979. They say the former Transkei government

under George Matanzima offered the land to Sun International to lease for 50 years.

As their first choice the claimants want the land back. This would put them in a position to lease it to Sun International for the rest of the duration of the contract, and to earn royalties.

Bacon said the group moved onto the site only in 1983 and that the replacement value of the resort was now about R1bn. He said lease payments were not "significant" but the commission said the amount was thought to be R100 000 a year.

The Thaba'Nchu Sun claim prompted Sun International to check potential claims on its other operations before pushing ahead with new developments.

The Thaba'Nchu claim has not yet been gazetted. Free State restitution commission spokesman Philemon Tsese said the commission was stalling until more proof in support of the claim had been obtained. Tsese said the commission was "proceeding carefully, learning as we go".

Ancestral land claim fits in with the Kruger

(271) (S)
ST 18/8/96

By ANDREW UNSWORTH

THE National Parks Board believes it can accommodate a tribe's claim for access to ancestral lands in the Kruger National Park.

The Makuleke tribe is seeking a slice of the Northern Province which includes 20 000ha of the northern end of the park between the Limpopo and Levhuvhu rivers, as well as a military base and a part of the former Venda homeland in adjoining areas.

The claim has been gazetted by the Land Restitution Commission, which, after allowing a month for comment, will begin seeking a negotiated agreement between interested parties, failing which the claim will be argued in a protracted court case.

But the National Parks Board is optimistic that an amicable arrangement can be made to allow the tribe to reap economic benefit from the land while retaining its status as a conservation area.

Dr Robbie Robinson, chief of the board, says a policy is already in place to provide benefits to communities living next to the country's game reserves.

"We have created about 4 000 jobs for people living adjacent to the Kruger National Park, which provides an injection into the local economy."

In this instance, the Makuleke tribe is claiming a bit more, and their case revolves around the loss of customary rights to the land and their rights as beneficiaries in terms of the SA Development Trust Act — ironically, a piece of apartheid era legislation.

Lawyers at the Legal Resources Centre describe the case as a legal nightmare, and have assembled a formidable team on behalf of the tribe.

If agreement is not reached by all parties — including the Department of Land Affairs, which must approve the use of the land — the case will go

to the Land Claims Court.

Robinson says the board believes the area must be preserved within the park in as natural a state as possible, but has no desire to get entangled in disputes.

"We believe we can settle it, but just handing over the ground would benefit nobody. We would like any tourist development to be on the periphery of the park, not in the middle of pristine areas."

"We certainly believe we can soon reach a win-win situation where everybody is happy."

The tribe's spokesman, Lamson Maluleke, says the Makuleke's motives are not in conflict with the aims of conservation.

"Our people were moved off the land in 1969 and some went as far as Zimbabwe and Mozambique. We have lodged our claim to land which we formerly occupied, but we do not want to resettle it. We want to be involved in decisions about it and the right to benefit from it."

Peter John Massyn, an environmentalist in Johannesburg who has been advising the tribe, says the aim is to use the land for non-consumptive, high-value tourism.

"They are in agreement about preserving the land and there is no rational reason why it should leave the Kruger park."

A German aid agency, GTZ, has also been involved, with the funding of young members of the tribe to study conservation and business management at Technikon SA.

Although the claim involves only a small area of the park, it sets an important precedent for other reserves as South Africa has a below-average percentage of land set aside for conservation.

According to Robinson, the particular area is also important because of the proposals being discussed at international level to link adjoining reserves in Zimbabwe and Mozambique to the Kruger park.

Commission on land gets over 8 000 claims

(271) *Ataw 21/8/96*

Cape Town – The Land Restitution Commission had already received about 8 000 claims for land, Agriculture and Land Affairs Minister Derek Hanekom said yesterday.

Briefing the media and diplomats, Hanekom said some of these claims represented up to a thousand people, while others were individual claims.

Although he was not happy at the rate of restitution, the process took time to ensure proper consultation and investigation of each claim.

The appointment of another commissioner to help speed up the process was being considered.

Due process had to be balanced with the need for it to be expedited. In addition, all claims for restitution approved by the commission had to be validated by the Land Claims Court, he said.

People wanting to make claims for restitution had been given three years to do so, while the whole process would take five years or longer. – Sapa.

San claim national park land

EUNICE RIDER

ABOUT 300 remaining Khomani San people, who are scattered across the Northern Cape, have lodged a claim for about half of the Kalahari Gemsbok National Park in terms of the Land Restitution Act.

The San claim the land on which the park is situated is the land of their birthright and want to be established either in the park or on its perimeters.

Mr Roger Chennells, a Stellenbosch attorney who is representing the group in their claim, said his clients — the only remaining indigenous San people in South Africa — wanted to make it very clear that they did not wish to "take over the park just for themselves".

He said they were descended

from the estimated 100 000 San people who appear to have been the first people to arrive on the sub-continent.

He said he viewed the claim as historically and symbolically very important, not only to the individuals involved, but also because land might be returned to a people who were "dispossessed and destroyed on a vast scale, more than any others (people)".

Chennells said the land claim included about half of the Kalahari Gemsbok National Park and a portion of the Mier Coloured Reserve.

He pointed out that programmes with indigenous peoples, living in or very near national parks, had been very successful in various countries, such as Australia and Kenya.

He said he had been working on the claim with the San for about two years and hoped they would receive clarity on the direction of their claim — as well as on the negotiations to be undertaken — before the end of this year.

Park warden Mr Dries Engelbrecht and his wife Henriette, the national park's resident social ecologist, said yesterday they accepted the San had a claim to land in the Kalahari, but believed "they would not necessarily be settled in the park".

Engelbrecht said he would be "happy for the San people to be helped, along with anyone else who has legal land claims".

But he said that the decision lay with the Minister of Land Affairs and Agriculture, Mr Derek Hanekom.

(271) ET 26/8/96

New farms for families evicted under apartheid

CT 29/8/96

POLITICAL STAFF

(271)

FAMILIES evicted from farms under apartheid in the Weenen and Escourt regions are to collectively buy four farms for R2,47 million with the aid of a R15 000 a family subsidy provided by the Department of Agriculture and Land Affairs.

The farms will cost just under R1 million, leaving R1,5 million over for agricultural development — or about R5 000 for each of the 165 families involved.

Agriculture and Land Affairs Minister Mr Derek Hanekom said in a statement issued in Parliament yesterday that 147 families in the

Weenen district and 18 in the Escourt district had benefited from state subsidies.

In terms of the Provision of Certain Land for Settlement Act of 1993, the minister has designated the farms Lonsdale, Hazerswoude and Lunenberg in the Weenen district "for the purpose of settlement".

The minister's spokesman, Mr Hellmuth Schlenther, said the beneficiaries were selected from the people who experienced evictions from white farms in the Muden and Weenen areas, some dating as far back as 1975. Some of these families were already settled on these farms.

147 Weenen families get own land

Sowetan 29/8/96
They were labour tenants and victims of evictions on the farm they now own

By Rafiq Rohan
Political Correspondent

AFTER MANY YEARS of long and arduous struggle and suffering, 147 families in the Weenen District of KwaZulu-Natal finally have land that they can call their own.

Minister of Land Affairs Mr Derek Hanekom yesterday announced that a number of farms in the area be designated as areas of settlement for the families that have lived through a series of evictions and uncertainty.

A trust formed by the beneficiary group will hold the land on behalf of 147 families, Hanekom announced.

He said that the beneficiaries were selected from people who experienced evictions dating as far back as 1975 in the Muden and Weenen areas.

Getting to the stage where the land is handed over to the new owners has involved a lengthy process of selecting the beneficiaries and negotiating with sellers of the land, the Minister said.

"The Ministry would like to commend the buyers and sellers on their willingness to co-operate and on the organised way in which they have conducted

this transfer," Hanekom said.

It is not only the people of Muden and Weenen who are smiling. Eighteen other families in the Estcourt district have also become proud land owners.

They were families who were labour tenants and were also the victims of evictions from the farm they now own.

Hanekom said: "Most of the families were born on the farm and have a long history of working on the farm. Some worked on a six-month contractual basis."

Opposed evictions

Most of these families opposed their eviction and chose to buy a part of the farm through the land reform pilot programme.

In March agreement was reached between the farm owner and the families on the price.

Hanekom said the group's organised manner of going about the process of securing the land was worthy of congratulations.

"We recognise the patience and restraint required in this struggle to obtain land," he said.

In this case, too, a trust will hold the land on behalf of the families.

Govt moves to enact tax incentives law

Tim Cohen

CAPE TOWN — Legislation introducing a range of investment tax incentives in SA is likely to be squeezed through Parliament in the current session, in spite of misgivings about the short period allowed for public comment.

This emerged yesterday during the parliamentary finance committee hearing, which decided it would try to hold public hearings about the incentives next week.

The meeting followed complaints by committee members who objected to efforts by the finance department to rush the legislation through Parliament. The pressure for enactment flowed from the commitment in government's macroeconomic strategy to introduce the tax holiday scheme by the last quarter of this year.

Finance department officials denied there was any "rush", but said they were keen to ensure investment decisions were not delayed longer than was necessary.

Finance committee chairman Zingile Dingani said the only way to ensure that the legislation would be passed during the current session, which ends this month, would be to hold public hearings on a day when all parliamentarians were due to be working in their constituencies.

Dingani said he had written to Speaker of Parliament Frene Ginwala yesterday asking for permission to allow finance committee members to attend the public

hearings. Dingani said it was unlikely this would be turned down.

If the meeting was allowed to go ahead, Dingani said, it would be possible to draw up a report on the legislation. Any amendments would be introduced on the floor of parliament by Trade and Industry Minister Alec Erwin, probably on September 17.

The legislation, which would allow tax holidays of up to six years for certain companies making new investments, and for accelerated depreciation of plant and machinery, would be formally tabled in parliament today.

Meanwhile, Deputy Finance Minister Gill Marcus dismissed misgivings about whether government had the capacity to regulate the new laws, saying systems were in place to adequately monitor the incentives.

The trade and industry department would use staff involved in the application of the general export incentive scheme (GEIS), which was being phased out.

Marcus dismissed concerns that the tax base would be eroded, saying government could not be losing. If the incentives did not exist, the original investment might not have been made.

Trade and industry director Alan Hirsch said that for this reason, any calculation about what revenue might be lost would be hypothetical. However, the department had calculated the loss to the fiscus would amount to less than a percentage point of total revenue.

45 families take over land they have lived on

(271)
Louise Cook

THE land affairs department would redistribute 6 531ha of state-owned land at the weekend, the biggest redistribution this year, land affairs spokesman Deon van Tonder said yesterday.

The latest move involved farm land in northeast Namaqualand worth R250 000. The department said 45 families who had lived and worked there since 1940 had claimed the land in terms of the Provision of Certain Land for Settlement Act.

The deal provided for the families to buy the land with a special R15 000 household state grant and to lease adjacent land.

"One of the main features of this case is that Irish Aid — the Irish government's official development assistance programme — has been involved in helping the community."

Van Tonder said R500 000 worth of equipment and a barn had been donated by Ireland.

Other redistribution deals included land, valued at R6,3m, at Richards Bay for the settlement of 570 families, the settlement of 232 people at Weenen in KwaZulu-Natal, settlement of 200 families on land valued at R2,8m at Odenaalsrus in the Free State, and a further six settlement deals in the Free State.

At Kirkwood near Port Elizabeth, and elsewhere in the eastern Cape, deals to settle 206 families were reportedly in the final stages of being concluded.

NEWS

A Great Brak family claims its heritage

Jigsaw of slavery, blood and land is pieced together

(271)

ANDREA WEISS
STAFF REPORTER

Members of a Great Brak family are laying claim to land they say they were cheated out of when apartheid divided them - making some white and some coloured.

The story on which they base their claim has all the makings of the plot of the great South African novel, reaching back into the days of slavery.

A young girl and her brother, sold into slavery by their impoverished parents, are sent to the Cape from Java.

The girl is bought for the equivalent of 15c by Charles Searle of Great Brak River during a visit to Somerset West. She falls pregnant by her master's son - Charles Searle the second.

The name she brought with her from Java is Candaz.

And her lover provides her with a surname when he frees her and settles her on land acquired from a man called Wesso. She becomes known as Candaz Wesso and bears Searle his one and only son, Ferdinand

Verwaght Wesso, in 1864

Charles Searle the second cherishes his son, lavishing affection and gifts on him. His lawful wife, Mary Murray, bears him only daughters, drawing the father and son closer.

So close is their relationship that Searle is remembered taking young Ferdinand rowing on the river, and bringing a tutor from England to teach him the tannery business, which is part of Searle's substantial holdings in the area.

Ferdinand grows up to become a co-director in the tannery, and his father visits his home every evening. When Charles Searle the second dies, three substantial portions of land pass into Ferdinand's hands, as well as control of the tannery they ran together.

The inheritance consists of the Verwaght lands, including a kloof, a hill, Willow Street and the tannery, the Wolwedans farm and an area called Sanddrift - today known as Hersham and filled with holiday houses.

But the trouble begins when Ferdinand dies intestate in 1934 and the white half of the family gains control of the land. This is

where Andrew Wilson Williams, 64, of Port Elizabeth picks up the story. He is the grandson of Ferdinand Verwaght Wesso - his mother Louise Wesso was Ferdinand's 10th child, one of twins.

Mr Williams maintains a family member, Billy Franklin, whose mother stems from the legitimate marriage between Charles Searle the second and Mary Murray, sold the land from 1968 in deals involving millions of rands.

Mr Franklin died in 1994 after emigrating to the United States, but Mr Williams and other members of the family are now piecing together the puzzle that led to their losing the land they believe would fetch R950-million today.

Cameron Dugmore, an African National Congress member of the Western Cape provincial legislature, said the case was being brought to the attention of the Land Claims Court and the Human Rights Commission.

Meanwhile legal advice is being sought on unravelling the true affairs of Ferdinand and his estate. For Mr Williams there can be only one happy ending: "We want what belonged to us."



Family tree: Andrew Wilson Williams, right, with his nephew, Bran Stuart John Wesso, and their 'family tree'

HANNES THOMAS

District Six: Restitution or development?

The battle for District Six in the Land Claims Court promises to be as bitter as the fight against the forced removals from the area, writes **Rehana Rossouw**

THEY'LL be on opposing sides in the Land Claims Court (LCC) in October, but Basil Davidson and Anwar Nagla agree on a fundamental issue: the Restitution of Land Rights Act of 1994 is flawed.

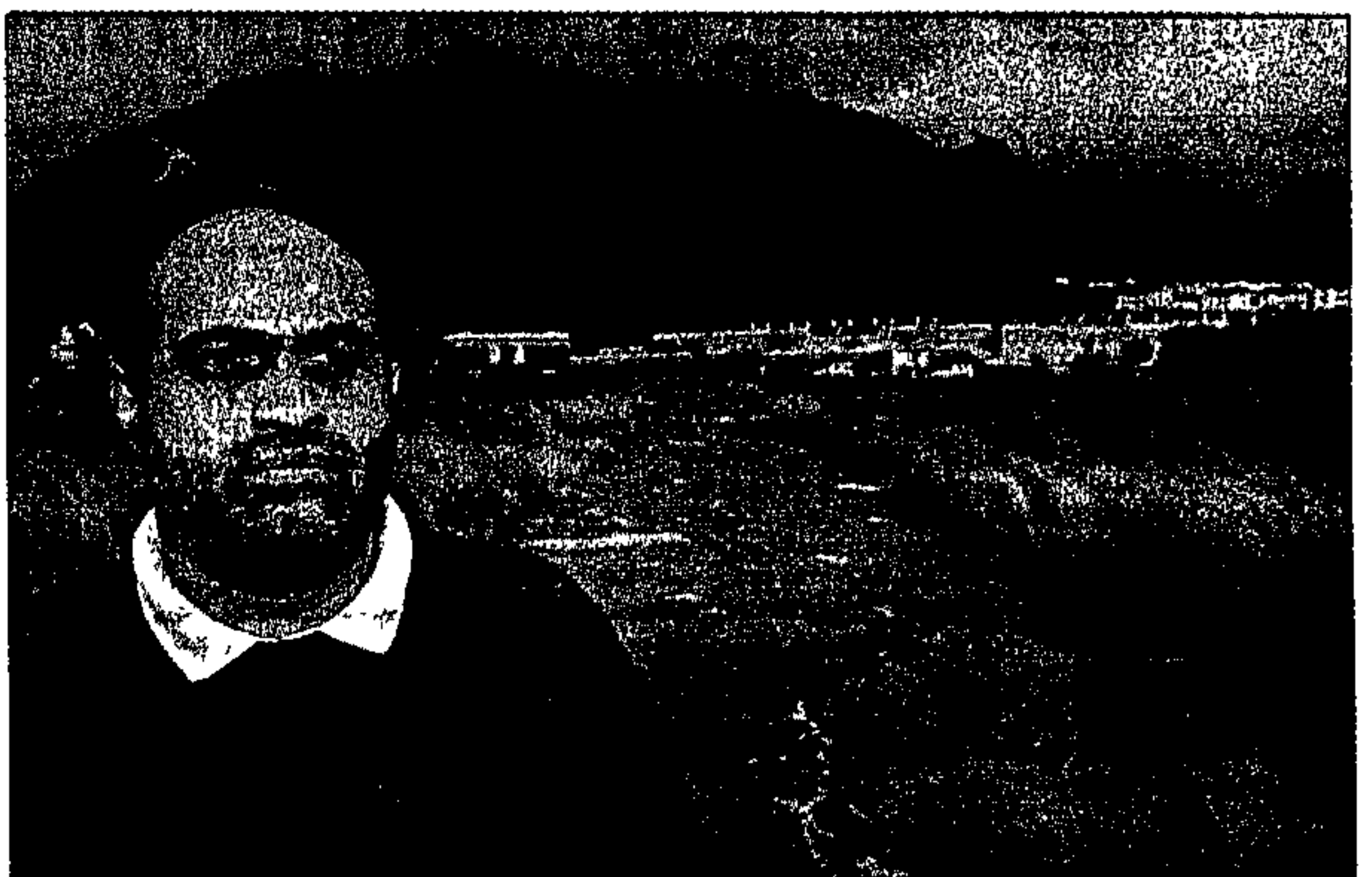
Davidson, chief executive officer of the Cape Town Community Land Trust overseeing the rebuilding of District Six, supports a June application in terms of Section 34 of the Act, under which restitution can be refused if it is in "the public interest".

If it succeeds, vacant land in Dis-

trict Six will not be restored to claimants who have applied to the Land Claims Commissioner, but will be redeveloped by the trust.

The application is being brought by the owners of the land, the city of Cape Town and the provincial government. They are paying the legal costs.

Nagla, chair of the District Six Residents' Association (DSRA), is opposing the application on the grounds that it is expropriation in a different guise, and will further traumatise victims of forced removals. He wants District Six claimants to be allowed to submit indi-



District Six Residents Association chair Anwar Nagla: "We were tricked"

vidual claims and to be awarded compensation. They can cede their rights to the trust if they wish.

Davidson is motivated by practical considerations. The trust aims to house 4 000 families in an integrated development on the cusp of the CBD. If Cape Town is in the running for the 2004 Olympics, the building of sports venues will start soon and they would prefer the development to start before building costs rocket.

"If there is no Section 34 application, land will only be returned to the small minority of landowners and not to the tenants who made up the bulk of the population of District Six before the forced removals," said Davidson.

"We are not denying anyone their rights to claim for restitution, but redevelopment offers a broader benefit."

There were about 71 000 people living in District Six when it was declared a white area in 1966. The government expropriated 2 375 properties, of which 66% were owned by white absentee landlords.

Since then, more than half of the land has been sold and developed. Of the restitution claims already lodged, 28% is for land under existing roads, 18% for land developed by the Cape Technikon, 13% for homes erected after the area was declared white and 41% is for vacant land.

Should the trust redevelop District Six, most claimants would benefit from revenues

raised from what is built. The LCC has the authority to grant claimants alternative land if theirs is not available.

"An underlying problem with District Six is a bigger problem with the Act itself," said Davidson. "The original Act was drafted for application in rural areas and the drafters tacked on clauses relating to urban Group Areas Act removals without thinking through the procedures. I predict that Cato Manor in Durban will experience the same problems."

"If claimants become more realistic we can get more participation in the planning of redevelopment. We don't want to ride roughshod over anyone, but we have to start moving soon."

"There is no alternative to the Section 34 application. It is the only way to make it possible for more of the former tenants to move back."

Nagla believes there has to be an alternative. He says the Section 34 application has stripped individuals of their rights and made them "ashamed" of pursuing their rightful claims.

The DSRA has been a leading light in the struggle to reclaim District Six. It was central in the campaign to halt development for white residents in the 1980s. It battled to rename the area District Six after the government changed it to Zonnebloem and it marched on private companies intent on developing the area and forced them to abandon their plans.

"When negotiations started we were

told the ANC was fighting for equitable redistribution of land." But, said Nagla, "We were tricked. Section 34 smacks of the same tactics the government and the council used when they declared District Six white."

"We represent a wounded community. In the interest of greater participation — therapy if you like — claimants should be allowed to lodge individual claims."

The DSRA has held three public meetings since the application was filed in June and has secured power of attorney from 999 former District Six residents to oppose the court action. The organisation has withdrawn its participation from the District Six Development Forum, established by the trust to oversee the planning process for the area.

Nagla is incensed that the trust has chosen to fight the matter in court.

The costs of the application will be paid by the central structure of Cape Town and the provincial government. Jeremy Gauntlett, SC, will represent them.

"If we want to oppose this matter successfully," said Nagla, "we will also have to brief a senior advocate and we estimate the legal costs will amount to R300 000."

The matter will probably be heard in October. Davidson is hoping to start planning the new District Six. Nagla is determined to stop him. "If the redevelopment does not have the support of 100% of the claimants, then District Six will remain barren," he vowed.



Basil Davidson: Supports District's redevelopment

PREGNANT? BREASTFEEDING? YOUR SMOKING CAN HARM YOUR BABY

15 mg tar 1.4 mg nicotine. As per Government agreed method

Rothmans King Size.
Unmistakably British - all over the world

Rothmans King Size.
Superbly smooth. All over the world.

Sold and enjoyed in Greece and in over 160 other countries.

To live and die in the District

Rehana Rossouw

EBRAHIM JACOBS says his heart belongs in District Six, and he supports the application to the Land Claims Court because it offers the best opportunity for tenants to return to the area.

Jacobs's family was among the last to leave District Six. They were kicked out in 1981 after alternative housing was built for them in Lentegeur, Mitchells Plain — more than 25km from the city centre.

He lodged a claim this year with the regional land claims commission on behalf of his parents, who were both born in District Six and had hoped to die there.

Jacobs is the secretary of an organisation called Concerned Ex-Residents of District Six which represents 900 ex-residents and is part of the District Six Development Forum.

His grandparents, father and

mother were born in District Six, and his parents raised their nine children in a three-bedroomed terraced home they rented in Upper Ashley Street. The house survived the demolition of the area, but the street has been renamed Blinders Street.

"We're not expecting to get our old house back, we know that's not possible, but my parents want to move back to the area at least," said Jacobs.

All the Jacobs children went to school in District Six, and when the family was moved to Lentegeur, they made a daily trek to school each day.

"We were never happy in Lentegeur. The only good thing about the move was that the families from District Six were all moved together and so neighbours could stay in touch with each other," Jacobs said.

"But the children grew up without the same kind of community

spirit there was in District Six and today the area is plagued with gangsterism and crime."

"My family has never felt settled in Mitchells Plain and so when the opportunity arose to claim back our right to District Six, we made sure our claim was lodged."

Jacobs said his parents had been tenants for all of their lives and would now have purchase a new home in the redeveloped District Six. Their nine children are all committed to assisting financially.

"My brothers, sisters and I would also love to move back, but we know that won't be possible. My heart is in District Six but the pain of leaving will be eased if at least my parents get the right to live there again."

He said it was very frustrating that the redevelopment was now delayed by the District Six Residents Association's opposition to the Section 34 application.

Luck of the Irish for community in N Cape as aid buys back farm

Land reform breakthrough

STAFF REPORTERS

In a breakthrough for South African land reform, residents of the Northern Cape community of Witbank will get the title deed to a farm on the banks of the Orange River, bought for them by the Irish government.

Irish Minister of State for Overseas Development Joan Burton will hand the deed to community leaders tomorrow.

She will also inspect equipment worth more than R1,5-million bought by the Irish government for use on the farm.

The community had lived on the Hartebees farm in the Witbank area since the late 1800s. Under the Crown Lands Disposal Act, the land was transferred to state organs, eventually being leased to white farmers with the community staying on as labourers.

In 1974, after major floods, the white farmers left the area.

After the new government took over in 1994, the community sought ownership of the land.

Deon van Tonder, spokesman for the Department of Land Affairs, said the state had agreed to a grant of R15 000 to each of the 45 families.

"The Irish government then stepped in and agreed to buy the farm and help fund infrastructure to run it," said Susie Power of the Surplus People's Project.

"They have therefore made a non-sustainable project sustainable," she said.

The Department of Agriculture has worked out a management plan for the farm and is organising a training programme for the community.

According to Ms Power, the government will develop a small settlement and the Surplus People's Project will help the community manage and administer their new assets.

"It is an example of how funders, non-governmental organisations and government departments can engage to produce something good," Ms Power said.

National and local government officials have been invited to attend the handing-over ceremony.

Probed
(271) ST(CM) 15/9/96

State land scam

By JESSICA BÉZUIDENHOUT

WESTERN Cape Minister for Transport and Public Works, Leonard Ramatlakane, has ordered an independent probe into irregularities in the sale of several state-owned properties following a Sunday Times investigation.

The probe will investigate any role played in the sales by top Public Works official Barend Birk, who was suspended from duty last week after he allegedly threatened colleagues with a firearm, Ramatlakane said.

Sources in the department claim the gun was pointed at two senior officials during a row that erupted after a threat was made to expose the circumstances surrounding the sale of several state-owned properties.

The matter is being investigated by the police.

Ramatlakane said the first he knew of the possible irregularities was when he was contacted by the Sunday Times on Friday.

"I immediately summoned the head of my department for a explanation on the matter."

The department head confirmed to him that an investigation was being conducted by the Western Cape Auditor-General, he said.

"After listening to the explanation of the head of the department I had no alternative but to constitute an investigation into the matter."

The investigation will examine whether Birk abused his position to facilitate the transfer of state-owned land, which was then purchased by close corporations to whose members he has been linked, reliable sources said.

According to the sources, Birk allegedly used inside knowledge of departmental procedures to bypass red tape and facilitate transfers of state land.

This would normally have required approval of other government departments.

This approval was one of the conditions set down in a government moratorium imposed in July 1994 on the transfer of state-owned land.

The moratorium makes provision for transfers to proceed only where negotiations for the sale of state-owned properties were under way and could only go ahead with the written agreement of the Minister of Land Affairs. The members of the independent investigation committee would be announced once he had consulted with the Premier of the Western Cape and the state's law advisors, Ramatlakane said.

A Sunday Times investigation over the past few weeks has revealed an intricate web of transactions involving the sale of at least three properties in Cape Town after the moratorium came into effect.

Front to fight for return of District Six land

STAFF WRITER

A NEW body was formed yesterday to fight to have land returned to former District Six residents.

The District Six Land Restitution Front was launched to

oppose the application, under section 34 of the Land Restitution Act, by the Western Province government and the Central Substructure whereby the authorities can oppose land claims

Front chairman Mr Anwah

Nagia said last night they had instructed attorneys to oppose the application. "This will be the first land claims case in the City Bowl, worth hundreds of millions of rand."

The Land Claims Court hearing will start on October 26.

Land claims delay

(271) Star 18/9/96

Cape Town — The 9 646 land restitution claims would take longer to process than expected, Land Affairs and Agriculture Minister Derek Hanekom told the National Assembly yesterday when he introduced an amendment designed to streamline the process.

The Land Restitution and Reform Laws Amendment Bill will block claims in cases where just and equitable compensation has already been paid. — Parliamentary Correspondent.

Uphill battle of land reform could take up to 20 years

Star 19/9/96 (271)

By TROYE LUND

The Land Claims Commission is fighting an uphill battle and, according to commission chief Joe Seremane, it could take up to 20 years to complete the land-reform process.

Of the 10 000 land claims lodged with it over the past five years, only 648 have been gazetted and the single case that got to the Land Claims Court was rejected for technical reasons.

These figures were released today by non-government groups involved in land restitution. They have called on Land Affairs Minister Derek Hanekom to address the problem urgently, saying that land reform is an "essential part of

national reconciliation, reconstruction and development".

Transvaal Rural Action Committee (Trac) and National Land Committee spokesman Pogiso Molapo said:

"People are now losing faith in the legal process. It is becoming increasingly difficult to convince rural communities that the existing structures are any more effective than the previous government"

Hanekom's spokesman, Hellmuth Schlenter, said the commission had been

swamped by claims and had set out a "streamlining" bill for Parliament. Problems and bottlenecks, Schlenter said, could be solved only by new legislation and by employing more commissioners.

"It has been a learning experience for all of us," he said

Land Claims Commission chief

Joe Seremane urged communities to be patient with a process that is "tedious, complicated and sensitive". Seremane, who is receiving around 300 new cases every month, said not

every application was necessarily a valid claim, while valid ones took time to research and negotiate settlements. He warned that it could take up to 20 years to complete all the land claims process.

"I have gone past frustration. I have realised that each case has its own problems and one needs to tread carefully and ensure each one is dealt with properly," he said. The process, he added, was also being slowed down by his offices being understaffed.

Each provincial Land Claims office has only two or three contract researchers to deal with the claims. Seremane said claimants were also often unable to provide necessary documentation

“
People are
now losing
faith
”

Groot Brak land claim spurious, (271)

Grandson fights to protect good name of family

ANDREA WEISS
STAFF REPORTER

A former ambassador and grandson of Charles Searle jun of Great Brak River has rejected a land claim by a family against property once owned by the Searles as "spurious" and "an unsubstantiated attack on the good name and reputation of the family".

Stuart Franklin has nevertheless arranged for a "thorough investigation of the Searle family historical papers in an endeavour to settle the matter".

The Williams-Wesso family claim they are the descendants of an illegitimate child, Ferdinand Verwaght Wesso, whom they say was born of a union between Charles Searle jun and a slave. Charles Searle jun served in the Legislative Assembly of the Cape Colony

for 12 years and in the Senate from 1910 until his death in 1918.

The Williams-Wesso family base their claim on an alleged bequest in his will in favour of Ferdinand.

They say the slave girl was bought by Charles Searle senior in Somerset West some time after he arrived in Great Brak River from England in 1859. Mr Franklin has pointed out that this is unsubstantiated and "unlikely in the extreme" as slavery was abolished in South Africa in 1832.

He adds that while there were Wessos in Great Brak River, none of the family had ever heard of Ferdinand Wesso, of his suggested role in the tannery of which he was said to have been co-director, or of his alleged inheritance.

Mr Franklin said the Searles established a progressive industrial village in Great Brak

River and were highly respected and well-known for their "integrity, humanity and highly developed social conscience".

The first indication he had of a claim against the inheritance was when a lawyer visited Margaret Franklin, the widow of his brother Bill, earlier this year to inquire about the possible existence of Ferdinand. Margaret Franklin is the author of a book, *The Story of Great Brak River*. Mr Franklin said her research did not turn up any indication of the existence of Ferdinand.

Mr Franklin said Charles Searle jun would have been only 14 or 15 (his birthday was in July) when Ferdinand was allegedly born in 1864 - "an unlikely story".

Mr Franklin has also rejected suggestions that his brother Bill Franklin - who was "highly regarded by all who knew

him" and who was chairman of the Searle Company which owned the Great Brak land - would have willfully done anyone out of rightful inheritance.

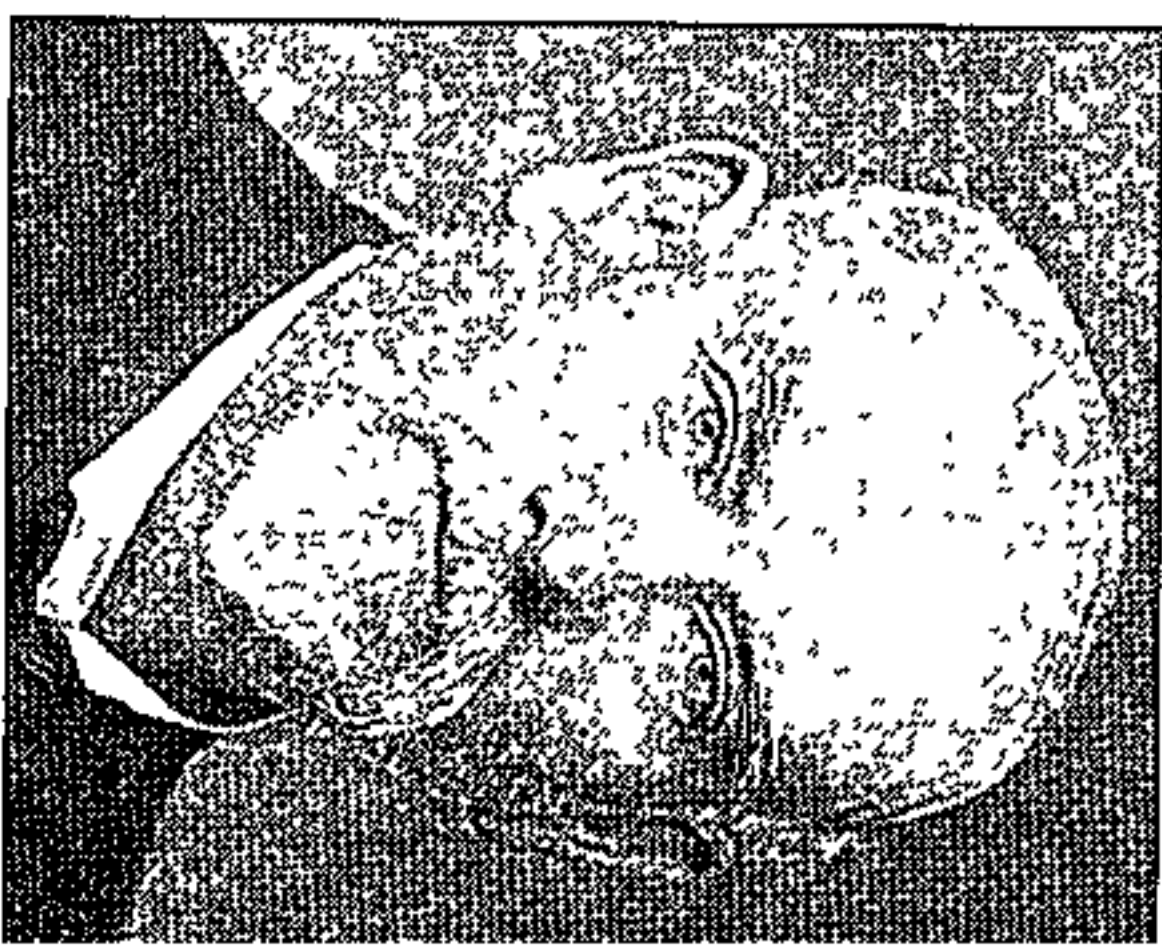
He said all of Charles Searle's land was sold to the partnership of C Searle and Company in 1899. When he died in 1918 he could not have left land to Ferdinand because it was owned by the company.

"The suggestion that my brother Bill Franklin sold the land from 1968 in deals involving millions of rands is ridiculous," said Mr Franklin.

The company was sold to the Boltons company in 1979, he added.

Mr Franklin said his brother was a man who had an encyclopedic memory and was held in high esteem, in particular by the coloured community of the village of Great Brak.

He also had a reputation for knowing all of his 2 500 employ-



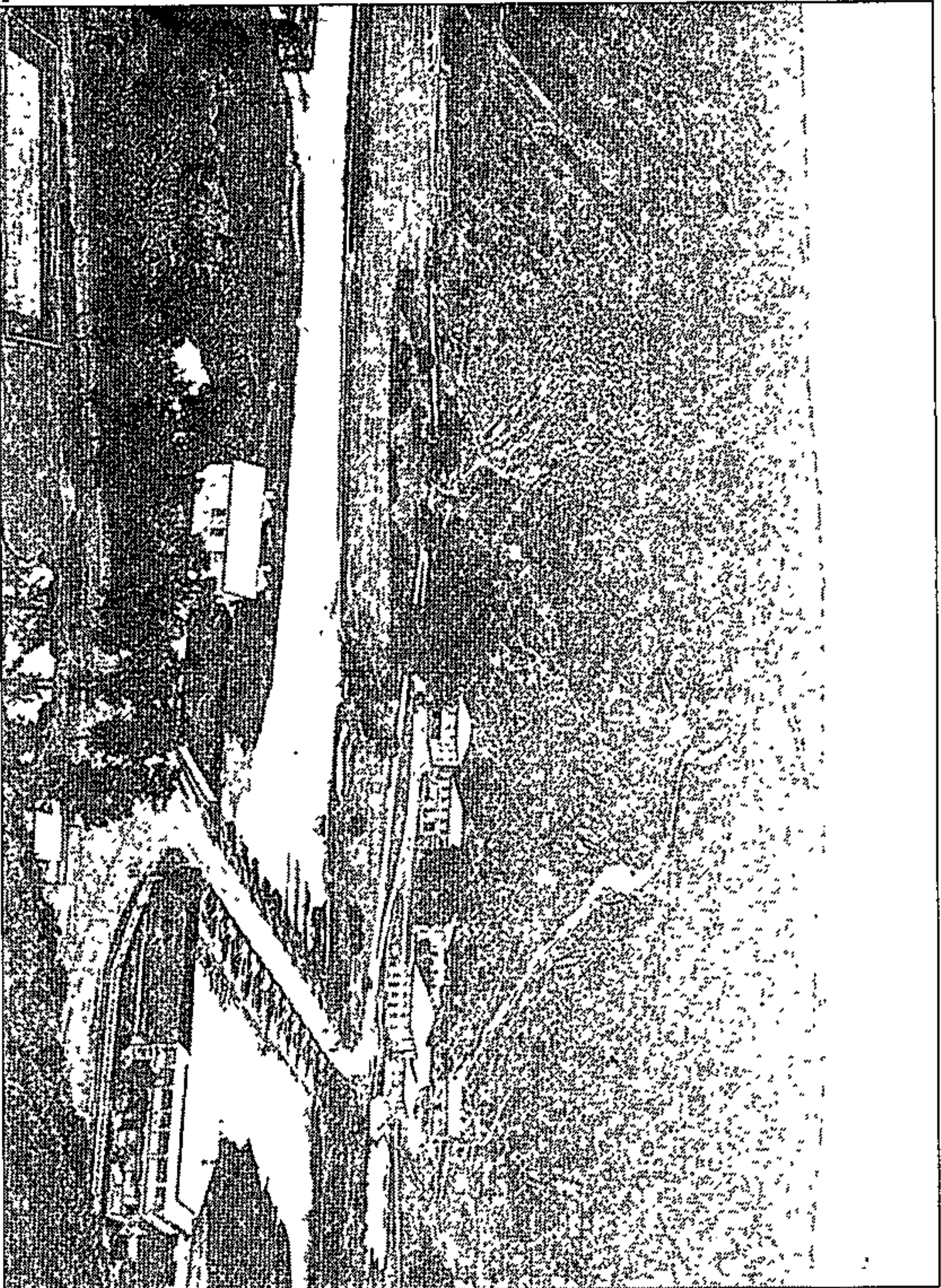
Land claim: Charles Searle junior

ees and for raising living standards and working conditions. "It is a pity he isn't alive because he would have been able to knock this on the head for he had at his fingertips the history of Great Brak River and the families of Searle's employees," he said.

ARG 19/9/96

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says former envoy



Early scene: a view of Great Brak River around 1900 when the land in dispute belonged to C Searle and Company

Plan to head off land claimants

Louise Cook

BD 20/9/96 (271)
PRETORIA — The Durban municipality has gone to the Land Claims Court to head off 2 500 claims on the R1,4bn urban renewal development project at Cato Manor.

The land restitution commission said yesterday that the municipality had applied to the court to rule that the claimants, if successful in their application, should be given alternative compensation.

The commission would make a recommendation to the court on whether restoration of the original land should be allowed. The court will hold a special hearing on the matter in December.

The scheme, one of the largest RDP president lead projects, includes building 30 000 houses, clinics, schools and an industrial node over the next five to eight years.

However, the Cato Manor Development Corporation was forced to halt development earlier this year when the land claims were lodged.

About 160 000 people were forced off the site 40 years ago.

A spokesman for the KwaZulu-Natal regional land claims office said several claimants had indicated in their applications they wanted their original land back, but only a few felt particularly strongly about it.

Alternative land or financial compensation were other options, she said.

Meanwhile, future developers may avoid having to halt development in areas where land claims are lodged.

A draft amendment to the Restitution Act, currently before Parliament, proposes scrapping restrictive clauses in the Act.

Constitutional Court battle over legality of land restitution

By ROBERT BRAND

(271)
Star 20/9/96
The Constitutional Court heard argument yesterday about the legality of the Restitution of Land Rights Act, the main legal tool of the Government's policy on the redistribution of land.

The act is being challenged by the Transvaal Agricultural Union (TAU), which claims that sections of the act are unconstitutional because they infringe on property rights and the right to free economic activity of landowners.

The claim is being opposed by Minister of Land Affairs Derek Hanekom and the Commission on the Restitution of Land Rights.

The sections in dispute require the land rights commissioner to publish any claims lodged with the commission in the Government Gazette, and to take steps to publicise the existence of the claim in the district in which the land is situated.

After publication of the claim, the landowner is prohibited from

evicting anybody living on the land and from removing, destroying or damaging improvements to the land without the written consent of the commissioner.

Wim Trengove, SC, for Hanekom, argued this provision was needed to prevent the obstruction of land claims. A landowner who had good reason to evict tenants or remove an improvement could do so with the commissioner's permission, and was thus not entirely without rights over the land.

Trengove said that since the promulgation of the act in 1994, 648 claims had been published and not a single request had been received for the eviction of tenants or the disposal of improvements. This showed that the effect of the section in dispute was negligible.

Jan Coetzee, SC, for the TAU, said publication of a land claim would devalue the land because it would scare off prospective buyers. The owner of the land would also be prevented from using it in any way he wanted.

Land wrangle at Olympic

site

ST(CM) 22/9/96

(271)

By CHARL DE VILLIERS

VICTIMS of one of Cape Town's earliest forced removals have laid claim to valuable state land which abuts the city's proposed Olympic village at Wingfield.

The Ndebeni claim, which can be traced back to an outbreak of bubonic plague in the city's dockland slums in 1901, would by no means impinge on the city's bid for the 2004 Olympic Games, land claims mediator and UCT social historian Mary Simons said yesterday.

And while the Olympic Bid Company yesterday referred all inquiries to Simons, it is reliably understood that the Ndebeni claimants have recently asked bid chairman Chris Ball for a bilateral agreement which confirms that there is not a conflict of interests between their land claim and Olympic proposals for Wingfield.

The claim was particularly significant, however, because it served as a reminder of how integrated Cape Town had once been and how badly Africans had been treated in the city by a so-called liberal city council and not just the National Party government, Simons said.

"It's a real problem; however, that the restitution process in urban areas seems to be enforcing segregated patterns of the past, instead of recognising earlier integration and producing a new community in Cape Town," she said.

The 10 ha site most preferred by the Ndebeni claimants has been described as "desirable but not essential" for Olympic purposes by a bid company memorandum in Cape Metro's possession.

Land Claims Commission member Elizabeth Davidson says the merits of the Ndebeni claim have been accepted, but the commission wants to know precisely how many people could qualify for compensation under the Restitution of Land Rights Act.

With this in mind, Western Cape Land Claims Commissioner Wallace Mgoqi, Simons and the Ndebeni land claims committee have invited all potential claimants to a meeting at the St Francis church complex in Langa at 2pm today.

The Public Works Department had also identified other potential sites for the claimants further from the city, Simons said.

"The claimants are looking at a piece of vacant land which the Bid Company is not planning to use and, if settled, would in no way intrude on the Olympic bid.

"But it will be a great plus to the city if the Bid Company actually finds ways of incorporating the poor in their plans instead of moving them," Simons said.

"And when we talk about restitution, we also have to look at upgrading Langa where conditions are totally unacceptable," she added.

The history of the claim can be retraced to 1901, when the city council moved African dockworkers to an emergency "location" at Ndebeni after bubonic plague swept through suburbs such as Moullie Point, Schotsche Kloof, Woodstock and District Six.

Pinelands residents can also retrace their suburb's origins to the council's segregationist response to dealing with the ravages of the killer disease, Simons said.

The community lived a settled existence next to the Black River until about 1927, when the city council started relocating Ndebeni's residents to Langa as part of a process of turning the area into an industrial township. The last Africans from Ndebeni had been moved to Langa by January 1936.

Farmers slate land 'freeze'

(271) ST 22/9/96

By CARMEL RICKARD

LAND restitution laws came under fire in the Constitutional Court this week with the Transvaal Agricultural Union saying that they infringed landowners' fundamental rights.

Under the restitution scheme, someone formerly dispossessed of land rights may contest land ownership to a specially appointed commissioner.

If the claim is found to have some basis, the commission ensures a special notice is published in the Government Gazette and a proper inquiry is then launched.

However, publication of the preliminary notice has a number of effects which the union says are prejudicial to farmers. For example, farmers cannot evict people

who have made a claim for the land, and may also not destroy or remove any "improvements".

Lawyers for the TAU, which represents 8 780 farmers, said its members objected both to these results and to the fact that farmers are not given a chance to have a say before the notice is issued.

The union came in for some tough questioning from the judges, who asked why the farmers had appealed directly to the Constitutional Court, rather than going through the Supreme Court.

They also asked why, if the farmers had approached the Constitutional Court directly because it was a matter of urgent public interest, they had waited nearly two years since the law was passed to take legal action. Legal counsel for the TAU, Jan

Coetzee SC, said the farmers had not realised until recently the impact which the new legislation would have on them.

During debate with the judges, it was suggested to him that the "freeze" on contested land was necessary as there were some farmers who might believe that if they could not have the land, no one else could, and who might destroy valuable assets on the land.

But Coetzee said his clients resented such a suggestion. It was discriminating against farmers to assume they would act in this way and shape a law accordingly.

He added that the "ban" on destroying improvements, imposed after a claim was officially published, could mean that harvesting could not go ahead, an interpretation about which the judges

expressed some scepticism.

After close debate with the judges, Coetzee conceded that he would have to abandon a number of his arguments against the law.

In his argument, counsel for the minister of land affairs, Wim Trengove SC, said officials had already received 10 031 claims, twice as many as expected. Notices had been issued in 648 of these claims.

It was impossible for everyone involved to be given a hearing before a notice was issued. However, this was done afterwards as part of an investigation into whether a claim should be upheld.

Trengove said if the farmers had taken 16 months to discover how the law would affect them, "the effect cannot be too bad". Judgment was reserved.

Agricultural Union contests Act in court

Susan Russell

BD 23/9/96

(27)

THE Transvaal Agricultural Union has gone to the Constitutional Court in a bid to overturn sections of the Restitution of Land Rights Act which it says infringes member's property rights.

The Act was challenged on a number of grounds including the allegation that it prevented the owners of disputed land from exercising their right to freedom of economic activity.

Among the provisions challenged by the union is a section which requires the Land Rights Commissioner to publish land claims in the Government Gazette and ensure these are also publicised in the area where the property is situated.

Once a land dispute has been publicised and gazetted the farmer or owner may not evict anyone from the property, nor remove, destroy or damage improvements.

The union contends that this is an infringement of its members' property rights and their constitutional right to freely engage in economic activity.

Opposing the union application, Land Affairs Minister Derek Hanekom disputed that the provisions infringed the constitution, but if the court found that they did then they were a "reasonable and justifiable" limitation as envisaged by section 33 (1) of the constitution.

The court has reserved judgment.

Banks call for land claim

transparency

(271)
Louise Cook

BD 23/9/96

THE major banks had called on government to inform them as soon as there was a land claim on a bonded property, as this could have a major effect on properties involved, the Council of Southern African Banks (Cosab) said at the weekend.

Cosab MD Stuart Grobler said up to now banks had had to rely on gazetted notices for information on land claims, despite having registered rights in some of the properties.

Cosab was awaiting a decision after requesting a meeting with the restitution commission.

Absa agricultural division director Andre Louw supported the view that government was obliged to notify banks of land claims. He said banks would watch developments closely as many properties with claims were bonded.

However, Grobler said neither the number of bonded properties or the total amount of the bonds involved in claims was known.

"About 8 000 claims had been lodged with the commission — of which about 400 have been gazetted. But bearing in mind that claims can still be submitted until 1998 and the whole negotiation process could take another 10 to 15 years, the amount in terms of land claims could be significant in the end."

Cosab told Parliament that financiers wanted the restitution process resolved as soon as possible, with maximum transparency. In a submission to the land affairs portfolio committee last week, Cosab said a claim had a very real effect on property.

Triomf's demise a triumph for Sophiatown's history

(271)

Views are split on renaming of former 'black spot', but one resident is happy he can still remember where he lives

By **KARIN SCHIMKE**
City Editor

In Triomf, a sense of order pervades the clean streets. Hedges are neat, sweet peas look strong and lawns are trimmed.

Yard walls are only waist high, gates swing open as if there has never been reason for them to be locked, and children play unsupervised on large stretches of green between council flats.

It does not feel like other suburbs, yet it epitomises recent South African history.

The name Triomf is Afrikaans for triumph, and the suburb was built on the ruins of Sophiatown, a "black spot" which was bulldozed to make room for a white suburb.

Sophiatown's residents were evicted 40 years ago, mostly to

Soweto.

Yesterday, the suburb's name reverted to Sophiatown, but not without complaint from its mostly white, middle-class residents.

Delene Roodt said: "I wasn't mad about the name Triomf. It sounded like a victory cry. But if the name had to be changed, why not something neutral?"

In the debate leading up to the name change, Waterval Ridge was suggested as an option: the name of a farm on which Sophiatown was built.

"Triomf is Triomf. This name change thing is just nonsense," was Lizelle Jacobs' contribution to the debate.

Gordon Cage was frank about his feelings: "As soon as the name is changed to Sophiatown, all the blacks will want to come back here. I don't want to go to Soweto

and cause problems, so why do they want to come here?"

For Eric Mkhize and Angelina Motebe, Sophiatown is the correct name: "Our forefathers who lived here will rejoice in their graves," said Mkhize.

For Peter Clayton, who has lived in Triomf for 22 years, "a rose by any other name would smell as sweet", but he did welcome the demise of "Triomf".

"Triumph over what, one must ask? It's rather a confrontational name. But I doubt the name change will have much of an effect on our lives," he said.

Mark Newbould said: "I don't mind the name Sophiatown. It's actually a nice name, you know. But I would mind if they changed the suburb's name to something completely unheard of and I couldn't remember where I lived."

4/27/96

Thousands to get compensation

(271) Sowetan 2/10/96

By Joshua Raboroko

THOUSANDS of people who lost their property when they were forcibly removed from Sophiatown in the 1950s can reclaim their land or apply for compensation through the Land Claims Court

Sophiatown, which until last week was renamed as Triomf, was handed over to whites amid protests from blacks who resisted being evicted.

Some of the homes in Sophiatown were comparable to those of whites

living in the neighbouring suburbs. But the township was falling apart because the Johannesburg Council did not want to clean it.

Northern Metropolitan Sub-structure (NMSS) spokesman Mr Pule Buthelezi said yesterday that the Greater Johannesburg Council resolved at its recent meeting to rename it Sophiatown.

The council has submitted its decision to Gauteng premier Mr Tokyo Sexwale for endorsement. The council is optimistic the resolution

will be adopted by the legislature.

Compensation for the removed communities is estimated at millions of rands. The council has reassured white residents staying there that their land and property rights will be considered.

It is understood that some blacks bought property in the area after the Group Areas Act was abolished.

Several white families have vowed to remain in the area in spite of the name change, while others are willing to sell their properties.



ON SOLID GROUND . . . !Xu leader Mario Mahongo with rock engravings made by his ancestors on land now called Platfontein

South Africa with the SADF. They were settled in a mass camp on army property in Schmidtsdrift in 1990, and became to all intents and purposes army property themselves.

Here they have been ever since, some 4 000 people living in hot, dusty limbo in about 800 tents, entirely dependent on the army for everything.

In 1993 a Batswana tribe, the Bathlapeng, insisted that the !Xu and Khwe were on land they themselves had been evicted from by the apartheid government, and agitated for their removal.

When their claim was approved the rush was on to find somewhere else for the !Xu and Khwe to settle.

Initially, according to !Xu leader Mario Mahongo, there was a strong feeling in the new government that the two San communities had no right to the SA citizenship the old government had granted them, and should return whence they came. After "hard negotiations" the government accepted their right to stay, but was still reluctant to finance land for them.

According to one of the

trustees representing the !Xu and Khwe, there was considerable unhappiness that the new government should have to buy them out of a situation the old defence force had got them into. Adding insult to injury, of course, was the fact that the !Xu and Khwe had fought so strenuously on the side of the apartheid government.

Minister of Land Affairs Derek Hanekom made a point of alluding to this on Monday. "I believe people were manipulated and abused by the previous government," he told community members and de-

fence force personnel who had gathered to hear him put the official seal on their ownership of the farm Platfontein.

"I believe people were recruited into the army to fight against democracy and change. They did that in desperation, not knowing what it was about. We are talking about people who for centuries have experienced a history of abuse and exploitation."

The acquisition of Platfontein signals the first time that any San community has had legal title to its own land. When the !Xu and Khwe finally settle

there next year, it will also signal the first time they have lived outside an army camp since 1974.

Mahongo and Robert Derenge, leader of the Khwe, both former soldiers-turned-church ministers, will not be shedding any tears.

"For 25 years we've been on SADF land, under SADF law. They've said what they liked and done what they liked. The SADF has controlled every aspect of our lives. The SADF has thought for us. We have been treated like children," they said last week.

District 6 victims could be left in cold ... again

Court poses threat to land claims

(271)

ARG 4/10/96

JOSEPH ARANES
STAFF REPORTER

Thousands of victims of the apartheid-era Group Areas Act could again be left out in the cold when a test case involving a District Six land claim comes before the Land Claims Court at the end of the month.

A Section 34 claim in terms of the Land Restitution Act for the holistic development of District Six has been submitted to the land commissioner by the Western Cape provincial government, the Cape Town municipality and the Cape Town Community Land Trust.

If this claim is successful, former residents of the area who were forcibly removed and who have submitted their own claims will not be able to get back their land.

The Section 34 claim, which will be heard from October 28 to November 8, could also set a precedent for other local authorities across the country to submit similar claims. Already the KwaZulu-Natal provincial authority has indicated it intends submitting a similar claim for land in the Cato Manor area, where thousands of people were also forcibly removed under the Group Areas Act.

But the District Six Land Restitution Fund, an umbrella organisation representing people forcibly removed from the area, is set to challenge the application and will hold a mass meeting in District Six on Sunday to discuss the pending hearing.

Spokesman for the group Anwar Nagia said they were calling on all the victims of the Group Areas Act to attend the meeting, as the court case could set a precedent for other land claims.

Mr Nagia said while they were not against the total development of District Six, it seemed that local authorities were abusing Section 34 of the act and that they were not genuine in their attempts to compensate people.

"Their plans for the development of District Six do not guarantee that the victims will get any land back or be in line for housing."

Mr Nagia said other state land that could be used to compensate people was being leased to businesses, sold off or being frozen and set aside for the Olympics. "It seems as if the State is not committed to land restitution in urban areas."

The meeting will be held on the open land behind the Oriental Plaza on Sunday at 2pm.

It will be addressed by several prominent community and religious leaders.



Fighting: Former land owners have formed the Land Restitution Front to raise funds to fight their cases

'Restitution a mockery' say ex-District Six people

GLYNNIS UNDERHILL
CHIEF REPORTER

A bitter row over prime land in District Six, one of the symbols of apartheid, is headed for an acrimonious showdown in the Land Claims Court.

Land claimants have "cried foul" that, at short notice, October 28 has been the date set for the District Six land restitution hearing, the first to be heard by the Land Claims Court in the Western Cape.

Individual claimants are up against an application by the central substructure of Cape Town and the provincial government to the Land Claims Court to have vacant land in District Six set aside for an integrated redevelopment project. If this application is successful, the government-owned vacant land will not be restored to individual claimants, who can ask for alternative land or other compensation.

"How do we, as the victims of forced removals, know what form of compensation we will be given. It could be a few bricks on Robben Island for all we know," said Abdul Gaffoor Ebrahim, chairman of the District Six Residents' and Traders' Action Committee.

If the application under Section 34 of the Restitution of Land Rights Act is granted by the Land Claims Court and vacant land handed to the Cape Town Community Land Trust, many claimants believe they will be "robbed" of their land a second time.

"How on earth can anybody justify Section 34 when it has not yet been established how exactly claimants will be compensat-

ed or accommodated in the redevelopment of District Six. Isn't this making a mockery of the restitution process?"

"Is this how the government intends to restore the dignity of the victims of forced removals, after they violated their human rights by stealing the land from the oppressed people of this country?" asked Mr Ebrahim.

There are 600 individual land claimants in District Six and many claim they have not been given the legal representation which is provided for in the Restitution of Land Rights Act.

"The central substructure and the provincial government of the Western Cape, together with the Cape Town Community Land Trust, are deliberately pushing ahead with their plans, totally disregarding the rights of claimants," said Mr Ebrahim. His family was 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. However, many of the impoverished land claimants have no funds to defend their cases at the hearing, he said.

"Victims of forced removals are dragged to court by the central sub-structure, provincial government and the Cape Town Community Land Trust at great expense. Land claimants appealed to the Land Claims Commission for legal aid assistance, but to no avail," he said. Former land owners, tenants and traders of District Six have now established a District Six Land Restitution Front to raise

Land claimants to stage a mass rally

From page 1

funds for people who wish to appear before the Land Claims Court. A mass rally is to be staged in District Six tomorrow to mobilise the people involved in land claims, said Mr Ebrahim.

Wallace Mgoqi, regional Land Claims Commissioner for the Western and Northern Cape, said he had written to the attorneys representing the Cape Town Community Land Trust to discuss requests to delay the District Six land claims hearing.

Mr Mgoqi said money for legal representation for the District Six land claimants who wanted to appear before the Land Claims Court had been requested from the government. Delays in processing the request and "red tape" were holding up the flow of funds, he admitted.

Many people did not understand the significance of Section 34 of the Restitution of Land Rights Act, which was a "special procedure" introduced into the act to enable local, provincial or national government to have land set aside to prevent it being restored to individual claimants, said Mr Mgoqi.

As a result of the misunderstanding of the Restitution of Land Rights Act, there was a certain "hostility" emerging, he said.

"It will be up to the Land Claims Court to decide on the just and equitable thing to be done in District Six," said Mr Mgoqi.

The Cape Town Community Land Trust was set up to recover prime land in the area from the government and the Cape Town City Council. Its objective is to oversee the redevelopment of District Six as "an affordable housing precinct". The trust claims this process will benefit the broadest grouping of ex-District Six residents, but Mr Ebrahim described it as a "bloody disgrace."

At the centre of the controversy is about 40ha of state and city council-owned land, of which the Cape Town Community Land Trust hopes to take transfer for the redevelopment of the area.

Anwar Nagia, chairman of the District Six Civic Association which has joined the Restitution Front, described Section 34 of the Restitution of Land Rights Act as "an amoral clause".

Many of the land claimants are disgusted with the Land Claims Commissioner for the lack of sympathy he has displayed towards them," he said.

‘For 25 years we’ve been on SADF land, under SADF law. They’ve said what they liked and done what they liked. The SADF has controlled every aspect of our lives. The SADF has thought for us. We have been treated like children’



FREED FROM SERVICE . . . Sergeant Mattheus Matoka, a veteran of the SA Defence Force's war in Namibia



BREAKING NEW GROUND . . . !Xu and Khwe children, who have been given a permanent home for the first time in their lives

Report:
CHRIS BARRON
Pictures:
SELWYN TAIT

IF ANYONE has a right to call South Africa home, then it's the !Xu and Khwe. Long before white or black people arrived on the scene to label them Bushmen and all but wipe them out, they knew this land more intimately than it has ever been known since.

And so it was somewhat ironic that last Monday their descendants should be found standing in the semi desert of a place called Schmidtsdrift, 100km west of Kimberley, thanking everybody from the SA National Defence Force to Jesus, for allowing them to settle on land to which they have more of a natural claim than most.

"Thank you for our place in the sun," read one poster in Afrikaans. It might have been inter-

preted as withering sarcasm if not for the fact that it and others like it had been written by white "minders" — missionaries, teachers and defence force staff — and did not necessarily reflect the true

feelings of their bearers.

Certainly, sarcasm would have been in order. For the 13 000ha farm 80km from Schmidtsdrift, which a government subsidy of R15 000 per family has enabled them to buy

for R7,5-million, boasts rock engravings done by their ancestors while they watched their cattle graze there between 1 000 and 2 000 years ago, according to archaeologists. Home sweet home, indeed. But it

has been a long haul. Having been chased north from these parts by whites and blacks intent on their extinction, they landed up in Angola, where, in the early 1960s, they were sucked into war with the Portuguese against black nationalists. When the Portuguese left Angola in 1974, their erstwhile allies, afraid of their prospects under the MPLA, fled south to Namibia, into the arms of the SADF.

They were persuaded that their best chance of survival was to join the army as trackers and soldiers. As members of 31 Battalion, they participated in some of the bloodiest fighting against Swapo guerrillas, many of them dying or badly wounded in the process. By the time the war ended, they had not exactly endeared themselves to the new Swapo government, and their future looked bleak.

Again they were led to believe that their survival depended on returning to

ST 6/10/96 (271)

The people forever on the run find home at last

ST 6/10/96

(271)

Anger at plans for District Six

By CHARL DE VILLIERS

FORMER residents of District Six have attacked government plans for the suburb, saying their chances for restitution are being threatened by a mass housing scheme.

But the Minister of Land Affairs, Derek Hanekom, says there is simply not enough space left to accommodate individual claims in the apartheid-era wasteland in central Cape Town.

Disaffected former residents have united to raise funds to oppose a Land Claims Court hearing on October 28. They believe it may dash their hopes of reclaiming the land from which they were removed under the Group Areas Act almost 30 years ago.

The row centres on long-standing efforts by the Cape Town Community Land Trust and local authorities to take transfer of state land so they can redevelop the suburb for as many former residents as possible.

But, according to the newly formed District Six Land Restitution Front, residents will be "robbed" of their land a second time if the court finds in favour of the redevelopment plan.

The front — apparently led by 23 former landowners — plans to hold a rally in District Six today.

However, Hanekom said yesterday that he planned an emergency meeting with the front to deal with its concerns and ward off further delays to the claim, which government has prioritised.

He said it was impractical to consider individual claims to land in District Six.

"Actual restoration of land to individuals is simply impossible. Only about one third, or 40ha, of the original land is still available, and that's why a group claim linked to an integrated development plan is the appropriate measure in District Six," Hanekom said.

The Land Claims Court is to hear the matter on October 28, but the Western Cape Land Claims Commissioner, Wallace Mgoqi, confirmed that he was trying to postpone the hearing to ensure that the objectors had legal representation.

"The commission is legally bound to ensure proper representation for objectors, but it's not true that are 600 of them," he said.

"We understand that there are about 150 people who have objections, but only 23 former landowners have objected formally."

"Once the court has decided, we will start prioritising claimants. Those who don't benefit directly can come into account for financial compensation, access to alternative state land or priority listing for state-funded housing schemes."

Mgoqi said the redevelopment approach was "more reasonable, more rational and more equitable". If land were restored only to previous owners, hundreds of potential beneficiaries would "be left out in the cold".

District 6 land claims 'hijacked'

say civics

ANDREW SMITH
Staff Reporter

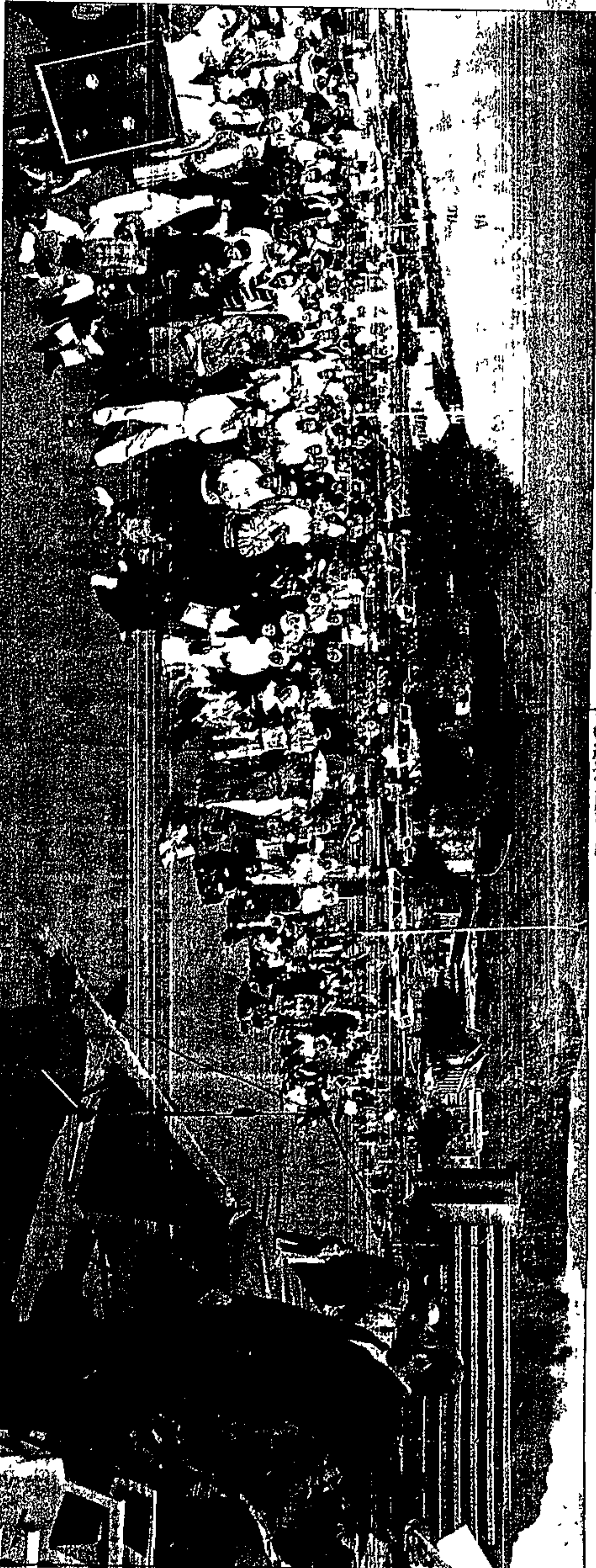
The National Party-controlled Western Cape provincial government has been accused of using the same Draconian methods to keep people from getting their land back in District Six as the apartheid government used to remove them in the first place.

By using the courts to challenge the rights of the former District Six residents to the restitution of their land, the provincial government was resorting to the same methods because they thought land values would deteriorate if the slums returned, said Anwar Nagia, chairman of the District Six Civic Association and the District Six Restitution Front at a meeting of former residents yesterday.

The front is demanding the withdrawal of a Cape Town municipality and Western Cape provincial government application to the Land Claims Court under section 34 of the Restitution of Land Rights Act which would have the effect of denying former District Six residents their rights.

Mr Nagia said people forcibly removed from their land had a right to it even if it was being used.

He said using the courts, to which the former District Six residents had no proper



Demanding a settlement Anwar Nagia addresses the crowd at the meeting called to discuss the difficulties former District Six residents are having in claiming the right to return to the area

access, to settle the issue was "the same Draconian method used by the same National Party to remove us originally."

"We demand that a negotiated settlement to the District Six question be achieved with all leaders present," he said.

He said the possibility of giving the people other land in place of land which was once owned by those forcibly removed, as proposed by Agriculture and Land Affairs

Minister Derek Hanekom, was "nonsense because the applicants (the Cape Town council and the provincial government) are leasing and selling state land, which leaves nothing for us."

Mr Nagia demanded a national moratorium on selling state land until all such land was linked to land restoration.

He said the reason for the provincial government trying to halt the District Six

restoration claim was that "they think we will build slums again, which would affect the value of the land which is presently being sold to developers who build houses like those at High Cape."

Mr Nagia said the government was involved in a "conspiracy of silence" in not properly explaining how people could reclaim their land.

"They tell us to simply fill in the forms

but then they add section 34, which involves lawyers and court battles which none of us can afford."

He said the demand for the withdrawal of the council and provincial government application in the District Six case would be used as a test case for a nationwide rejection of the government's use of the controversial section 34 "sunset clause".

"We received a letter from the people of

Cato Manor in Durban who are also faced with a section 34 application from the government and who want us to join hands in demanding an end to the use of the clause," he said.

Mr Nagia alleged that the government would use section 34 in all land claims to halt the process so that by the 1998 cut-off date for land claims none would have been settled, leaving claimants stranded.

Griquas suing De Beers and UK for R18-bn

(271)
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restoration of land lost through racial discrimination. Mr Willen said the 1913 cut-off date discriminated against the Griqua people, leaving them with no option but to seek legal redress.

He said his organisation had the support of Constitutional Development Affairs Minister Mohammed Valli Moosa.

Mpo Mosimane, spokesman for Mr Moosa, said last night that the minister had agreed to assist the Griquas "where he could, provided they supply all the necessary documents to back up their claims".

The British consul in Cape Town, George Brown, confirmed a letter from the Griqua People's Organisation stating their intention to sue had been delivered to Queen Elizabeth.

He said: "Buckingham Palace noted its contents."

Mr Willen said: "We hold the present British government responsible for damages from loss of life and property ... incurred during the seizing of our ancestral land in the Northern Cape and Orange Free State by the British. The British robbed our ancestors of thousands of hectares of land.

"The Griqua people demand compensation for damages and want the land, where possible, transferred back to the descendants of the communities," he said.

Piet Kakora, chairman of the Griqua Land Executive Council, said: "We want the return of the land to the descendants of Griqua leaders Adam Kok and Andries Waterboer, from whom it was robbed."

Mr Kakora said Mr Brown had told them they had no case as the British government had already given R116-million to the National Land Reform Pilot Project as compensation for the Griqua land claims.

Mr Brown confirmed that his government had donated R116-million for land reform.

Griquas sue De Beers, UK for R18-billion

(271) (271)
WILLIAM-MERVIN GOMEDE
STAFF REPORTER

The Griqua community is suing the British government and De Beers Consolidated Mines for more than R18-billion for losses allegedly incurred by being dispossessed of their land in the Northern Cape and Free State during the last century.

De Beers is being sued for R8,7-billion for royalties on the mineral rights of the company's Northern Cape and Free State diamond mines which the Griquas say were taken from their ancestors. They are suing the British government for nearly £1,4-billion (about R10-billion) for "robbing and driving our ancestors off their land and property" in the 19th century.

The land restitution claims represent the biggest in South Africa yet. The Griquas filed papers against De Beers in the Constitutional Court yesterday.

"We have a righteous and just claim to any property or land in possession of De Beers Consolidated Mines in the historically Griqua areas of the Northern Cape and Free State," said William Willen, spokesman of the Griqua People's Organisation, the representative authority.

The claims predate the June 19 1913 cut-off specified in the constitution to qualify for land restitution by compensation or

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Hundreds warned on land claims

(271) AAG 10/10/96

STAFF REPORTER

Hundreds of people who were forcibly removed under apartheid from their land in the Tygerberg area have registered claims for restitution – but they have been warned they are unlikely to get back their original land.

The 360 claims to the Land Claims Commission in the Bellville and Goodwood area is the largest number in the Western Cape after District Six.

Minister of Land Affairs Derek Hanekom told a meeting of claimants in Bellville that they were in a similar situation to claimants from District Six because much of their land was developed and other forms of restitution would have to be negotiated.

It would be up to the claimants to get together and approach the commission with ideas on what would be an appropriate form of restitution if their original land was not available.

**YOUR SILENCE
COULD SILENCE
THE LAMBS.**



The Termination of Pregnancy Bill is currently being pushed through Parliament and is due to become law by November this year. It is an open attack on the family and is in contradiction to biblical Christian principles.

- An unborn child may be aborted "on request" up to 3 months into the pregnancy (Clause 2.1.a)
- An unborn child may be aborted up to 5 months into the pregnancy if being born would "would severely affect the social circumstances" of the mother (Clause 2.ii.cc)
- A husband and father has no legal right to prevent the abortion of his unborn child (Clause 7.1)
- A girl of 13 can have a "legal" abortion without her parent's knowledge or consent (Clause 7.2)

Griquas launch bid for land justice

Group sues British government and De Beers for restitution

WILLIAM-MERVIN GUMEDDE
STAFF REPORTER

They were among the earliest inhabitants of South Africa, but persecution over the centuries by white and black invaders has left them with little land and dispersed across the whole country.

The Griquas were driven into the least hospitable areas by the whites who began arriving from

Europe in the 17th century. The Griquas claim direct descent from the Khoi, or Hottentots, and believe they are the last vestige of Khoi heritage and culture in South Africa. Now the country's remaining Griqua community is trying to persuade the South African government to give back their rights to a stretch of the Kalahari desert, where their ancestors lived in what are now the Northern Cape and Free State provinces.

The Griqua community is also taking the British government to court for taking their land by force when it colonised the country. "We, the Griqua people of South Africa, hold the present British government responsible for damages from loss of life and property, bodily harm and physical and verbal abuse

incurred during the seizing of our ancestral land in the Northern Cape and Orange Free State by the British," said William Willen, of Griqua People's Organisation - the authority representing the Griqua community.

"The British robbed our ancestors of thousands of hectares of land. The Griqua people demand compensation for damages and want the land, where possible, transferred back to the descendants of the communities."

The Griqua community is suing the British government for nearly £1.4 billion (nearly R10-billion) for "robbing and driving our ancestors off their land and property" in the 19th century.

The community is also taking on the might of De Beers Consolidated Mines in suing the company for R8.7-billion for royalties on the mineral rights of the company's Northern Cape and Free State diamond mines, which they say are situated on land which is historically theirs.

The Griquas filed papers against De Beers in the Constitutional Court on Monday. The land restitution claims represent the biggest yet in South Africa. "We have a righteous and just claim to any property or land in possession of De Beers in the

historically Griqua areas of the Northern Cape and Free State," said Mr Willen.

The claims predate the cut-off of June 19, 1913, specified in the constitution to qualify for land restitution.

Restitution is a main plank of the new government's land reform plan. But those who qualified were only those who were possessed of their land after June 19, 1913, under a racially discriminatory law, or who were not paid just and equitable compensation.

Mr Willen said the cut-off date discriminated against the Griquas, leaving them no option but to seek legal redress.

The Land Claims Commission set up by the Government to redress South Africa's racially skewed land ownership legacy has formally recognised the Griqua case as valid and has told the community to try to negotiate a deal.

Wallis Mgoqi, regional land claims commissioner for the Western and Northern Cape, said claims for restitution from before 1913 could be considered at the discretion of the Minister of Land Affairs, Derek Hanekom.

"The Restitution Act makes provision for claims that fall outside the cut-off date to be given appropriate relief," Mr Mgoqi said.

He said the difficulty with the Griqua claim was that most of the Griqua community was scattered around the

country. "Claimants are encouraged to form a united group and to jointly submit and negotiate their claims," he said.

Mr Mgoqi said restitution could take the form of restoration of land lost, provision of alternative land, payment of compensation, or a combination of all three, together with priority access to housing and land development programmes.

Mr Willen said the Griqua community had the support of Constitutional development minister Mohammed Valli Moosa. Mpo Mosimane, spokesman for Mr Moosa, confirmed the minister had agreed to assist the Griquas "where he could" in their claim against De Beers.

"The minister will help them provided they supply all (get) the necessary documents to back up their claims," said Mr Mosimane.

The British consul in Cape Town, George Brown, confirmed a letter from the Griqua People's Organisation stating their intention to sue had been delivered to Queen Elizabeth.

He said: "Buckingham Palace noted its contents."

Mr Brown said the British government had already given R116-million to the National Land Reform pilot project

as compensation for the Griqua people's land claims.

Piet Kakora, chairman of the Griqua-land executive council, said, "We want the return of the land to the descendants of Griqua leaders Adam Kok and Andries Waterboer, from whom it was robbed."

The plight of the Griqua community entered into international conscience last year in the campaign to bring back, from France the remains of the "Hottentot Venus", Saartjie Baartman, who died on January 1, 1870, after six years in British and French freak shows.

Members of the community marched to Parliament last year, saying they qualified for minority group status in terms of the United Nations Human Rights charter. The community demanded representation for traditional leadership at central, provincial and local government levels.

The community is taking heart from a successful land claim by a Maori tribe. The New Zealand government has agreed to redress the unfair confiscation of land 131 years ago. The Whakatohea Maori tribe won a settlement of about R125 million for wrongful seizure of lands dating back to 1865.

'We have a just claim to any land in possession of De Beers in Griqua areas'

THE Land Claims Court will hold its first sitting in the Western Cape on Tuesday when it convenes in Citrusdal to consider an historic pact to end 34 years of forced banishment for the Elandskloof community.

Court president Mr Justice Fikile Bam and judge Antonie Gildenhuys will be asked to endorse a mediated deal which clears the way for about 300 claimants to resettle on Elandskloof farm in southern Cederberg.

If successful, the court application will end a 34-year chapter of suffering and landlessness for 77 coloured families who were driven from their mission settlement after it was sold to a white farmer by the Dutch Reformed Church.

But hard work also lies ahead. Most of the former residents' stone and thatch cottages were demolished after their eviction in 1962.

Old-timers have also recounted how stock was burnt alive and fields set alight in a particularly brutal bid to break the spirit of a tight-knit and religious community.

The settlement's old school had allegedly been turned into a store, the manse into a farm shop and sheep were sheared in the church.

The Surplus People Project (SPP) and the Legal Resources Centre in Cape Town took up the cudgels for the dispersed community in 1991 when former Elandskloof residents were threatened with eviction from a neighbouring farm, Allendale.

The resettlement claim was also championed by Land Affairs Minister Derek Hanekom, who last year ordered a swift resolution to the community's drawn-out agony.

Explaining the purpose of Tuesday's hearing, Judge Gildenhuys said on Friday the court would be approached to assess and endorse all agreements relating to the restitution bid.

"In effect, we're being asked to rubber-stamp what has been agreed so far," he said.

In a breakthrough after five years of interrupted negotiations and legal action, Elandskloof owner Boetie Smit recently agreed to sell most of his farm to the state for R4-million.

With this agreement in place, the community must still register a Communal Property Association constitution before Tuesday's hearing to assure a water-tight case, a Land Claims Commission official told Cape Metro this week.

Fighting to beat the clock, Elandskloof representatives met in Citrusdal yesterday to finalise their CPA's constitution, SPP fieldworker David Mason said.

"The amended constitution will hopefully be registered before Tuesday."

Smit will be retaining about 51 ha of the farm.

Mason said resettlement would have to start soon because about 30 families at Allendale had been given until the end of January to vacate their homes.

The Department of Agriculture has been harnessed to help returning residents, who also qualified for a R15 000 resettlement subsidy.

BY CHARL DE VILLIERS

Victory in sight for

(271) ST(CM) 13/10/96

land exiles

Farm venture failure a blow to land policy

Louise Cook

GOVERNMENT's land redistribution programme has received a setback in the Free State where a group of prospective farmers lost their newly acquired land in a bad debt auction last week. They had taken transfer of the R350 000 farm in January.

A report by the Free State Rural Committee, a non-governmental organisation which was appointed to investigate the issue, said government had sunk R300 000 into the venture to redistribute land to eight previously disadvantaged families.

Sources said the state was likely to recover only R180 000 plus interest from the proceeds of the auction, without taking into account staff costs or paying the committee for their report.

In addition, the beneficiaries of the

land apparently never lived on the farm, even after transfer had taken place, but remained in the Freedom Square squatter camp in Mangaung near Bloemfontein.

The report said the last active farming took place in June this year, and no income had accrued to Mangaung Farmers cc, the company formed by the eight families to legalise the acquisition of the land.

The committee said Mangaung Farmers bought the land with a R180 000 loan from the Agricultural Credit Board, the agriculture department's lending arm, and R120 000 from land affairs in the form of settlement grants of R15 000 a family.

A second bond of R50 000 was registered on the property by the estate agent involved in the transaction, Chris van der Merwe. The report said

this was "apparently" to cover his commission and 18% interest a year.

Agricultural Credit Board chairman Kosie van Zyl said the board, as holder of the first bond, would recover all costs plus interest. However sources said land affairs would lose its R120 000. Van Zyl declined to disclose the price realised at the auction, but a source said it sold for R250 000.

The families would again be landless as the settlement grants were available only to first-time property owners.

The report said a lack of decision-making and management skills, mistrust and disagreement between the parties and among the farmers, a lack of capital for farming machinery and livestock, and a breakdown in communication were among the reasons for the venture's collapse.

planning of submissions to the Portfolio Committee on Communications; if so, (a) which interest groups and (b) what was the (i) nature and (ii) object of such aid and/or assistance;

(2) whether such aid and/or assistance was given with his knowledge and/or approval; if not, what is the position in this regard; if so, what are the relevant details;

(3) whether he will make a statement on the matter?

N2239E

THE MINISTER FOR POSTS, TELECOMMUNICATIONS AND BROADCASTING

(1) Telkom has not made any submissions to specific interest groups with a view to the preparation and/or planning of submissions by such groups to the Portfolio Committee on Communications. Telkom made its submissions directly and only to the Portfolio Committee on Communications

(2) and (3) In light of the response to section one, sections 2 and 3 fall away

Telkom: meeting on third cellphone licence

*34. Mr P I BIKITSHA asked the Minister for Posts, Telecommunications and Broadcasting:

(1) Whether a meeting at the Development Bank of Southern Africa in October 1996 at which internal/in-house information on a proposed third cellphone licence was furnished to specific interest groups was attended by key personnel of Telkom; if so, (a) what are the names of the persons and organisations that were present and (b) what was the (i) nature and (ii) object of this meeting;

(2) whether such aid and/or assistance was given with his knowledge and/or approval; if not, what is the position in this regard; if so, what are the relevant details;

(3) whether he will make a statement on the matter?

N2240E

THE MINISTER FOR POSTS, TELECOMMUNICATIONS AND BROADCASTING

(1) Telkom did not task any personnel to attend a meeting at the Development Bank

of Southern Africa to discuss internal/in-house information on a proposed third cellphone licence.

Telkom does not determine cellphone licences and would thus not be in a position to furnish such information.

(2) As no Telkom personnel were assigned to provide such aid and/or assistance, sections 2 and 3 fall away.

Training centres for the unemployed

*35. Dr K RAJOO asked the Minister of Labour:

Whether his Department has given consideration to the establishment of training centres for the unemployed with a view to providing such persons with the necessary skills to enable them to find work; if not, why not; if so, what are the relevant details?

N2241E

THE MINISTER OF LABOUR:

The Department of Labour has administered a Scheme for the training of Unemployed Persons since 1985. The Department itself does not conduct any training but rather utilises existing training centres in the market with whom it enters into contracts to conduct the training.

During 1995/96 the Department had agreements with 440 training contractors to conduct training at 590 training points throughout the country. A survey conducted in 1994/95 showed that these training contractors utilised on average only 46% of their full capacity.

During 1995/96, 103 159 unemployed persons were trained in more than 400 different courses at a total cost of R76 072 950. Since 1985 to March 1996 a total of 2 003 899 unemployed persons received training in basic vocational skills at a total cost of R846 million.

The Department is currently involved in developing policy proposals aimed at expanding the number of people successfully trained and placed or assisted to start their own business. The Minister plans to release a Green Paper on these proposals in the near future.

Matriculation examination scrapped

*36. Dr K RAJOO asked the Minister of Education:

(1) Whether he or his Department has given consideration to the scrapping of the matriculation examination in its present form; if not, what is the position in this regard; if so, what are the relevant details;

(2) whether continuous class testing has been considered as an option to maintain norms and standards; if not, what is the position in this regard; if so, what are the relevant details;

(3) whether his Department has given consideration to general entrance testing for entry into technikons, colleges, medical schools and universities; if not, what is the position in this regard; if so, what are the relevant details?

N2242E

THE MINISTER OF EDUCATION:

(1) No, the Department of Education has embarked on a complete renewal of the Pre-tertiary curriculum as well as the establishment of the South African Qualification Authority. It is the responsibility of the SAQA to establish the National Qualifications Framework which will have direct implications for restructuring Pre-tertiary education, including the current matriculation examination.

(2) Yes, it is already policy that continuous assessment forms 25% to a maximum of 50% overall assessment in schools as part of maintaining norms and standards. There is however, a need to monitor this process as part of the NQF development.

(3) No, the Department of Education's responsibility is to provide students with a Senior Leaving Certificate and its priority is to equip them with relevant skills for the world of work as well as for further studies.

*37. Mr T S YENGENI—Defence. [Withdrawn.]

*38. Mr R K SIZANI—Labour. [Question standing over.]

Land redistribution (271)

*39. Mr R K SIZANI asked the Minister for Agriculture and Land Affairs:

To what extent (a) are the proposed land reforms being carried out successfully, (b) is land redistribution taking place, with specific reference to the basis on which such redistribution is taking place, (c) are African tenant farmers who have worked on and occupied land for many years being allowed to purchase such land, (d) are forced removals under the apartheid regime being addressed and (e) is legal assistance available to those persons seeking redress in any of the matters referred to above?

N2245E

THE MINISTER FOR AGRICULTURE AND LAND AFFAIRS:

(a) The land redistribution programme began in the form of an RDP Presidential Lead Project known as the Land Reform Pilot Programme, in early 1995, in one district of each province. By late 1996, with the staffing of Department of Land Affairs' offices in each of the provinces, a total of 312 redistribution projects are underway throughout the country, affecting some 54 000 households and involving the transfer of some 1.8 million hectares of land. Land has already been transferred in 28 of these projects.

(b) The land redistribution programme operates by way of a government grant of R15 000, made available to each eligible household for the purchase of land and the provision of basic infrastructure. Planning grants and facilitation services are also made available to potential land reform beneficiaries to enable them to make appropriate choices as to the use of the R15 000 land acquisition/settlement grant.

(c) Labour tenants are a specific category that can benefit through the Land Reform Programme. The Land Reform (Labour Tenants), Act 3 of 1996, was adopted by Parliament in March 1996. It provides for the protection of the existing rights of labour tenants; and makes provision for the acquisition of land by existing labour tenants who will be able to access the land acquisition/settlement grant for this purpose. The Department is presently dealing

with more than 200 applications for acquisition of land in terms of this Act.

The MINISTER OF HEALTH:

- (d) Forced removals are being addressed in terms of the Restitution of Land Rights Act, 1994. Approximately 11 130 claims have so far been lodged with the Commission on the Restitution of Land Rights. Five of these cases have been referred to the Land Claims Court and the first claim has recently been approved by the Court—the Elandsloof community in the Western Cape. A large number of claims which had commenced before the implementation of the above-mentioned Act, have already been processed by the Department. Twenty-eight communities have been resettled on their land.

- (e) The Department provides a limited service for legal assistance to communities. The planning grant, made available in terms of the Land Reform Programme, provides land reform beneficiaries with resources to obtain legal assistance during land transactions and the formation of legal entities. Both the Restitution of Land Rights Act, 1994, and the Land Reform (Labour Tenants) Act, 1996, have been designed in such a way as to make it possible for all South Africans to submit and support their applications without, or with limited, legal representation. Where appropriate the Department will advise landless communities on how to access legal services, and actively promotes the assistance offered by the Legal Aid Board.

*Reply in substitution of reply to Question *26 on 30 October 1996*

Sale of arms to Rwanda

*26. Mr J A MARAIS asked the Minister of Defence:

- (1) Whether the Government is considering the sale of arms to Rwanda; if not, what is the position in this regard; if so, (a) what arms and (b) what will be the total cost involved in this transaction;
- (2) whether any of Rwanda's neighbouring countries have been consulted on this matter; if not, why not; if so, what countries;
- (3) whether he will make a statement on the matter?

N2095E

HIV/Aids: abortions free of charge

*40. Ms S C VOS asked the Minister of Health:

- (1) Whether pregnant women who have tested positive for HIV/Aids and request abortions are or are to be allowed to undergo abortions free of charge at all State facilities capable of performing abortions, if not, why not; if so,
- (2) whether she or her Department has instructed any such facilities to provide this service; if not, what is the position in this regard; if so, what are the relevant details;
- (3) whether she will make a statement on the matter?

N2117E

names of countries with which it has held discussions on sensitive matters.

- (3) Yes. I refer the hon member to a press release made by the Office of the Chairperson of the National Conventional Arms Control Committee on 26 September 1996 which reads:

"In the light of changed circumstances, the Cabinet Committee on Arms Transfers has decided to authorise the sale of certain defensive materials to the Rwandan Government.

The decision was taken in Pretoria today (26 September 1996) by the National Conventional Arms Control Committee chaired by Cabinet Minister Prof Kader Asmal, MP. It accords with a United Nations Security Council statement lifting the arms embargo against the Rwandan Government—but not against non-government forces—from 1 September.

Neighbouring Central African States were consulted and indicated that they supported the supply of arms to the Government of Rwanda to enable it to address the security threat to the legitimate government of the country."

For written reply.

Home Affairs: advisers employed

823. Mr W A HOFMEYER asked the Minister of Home Affairs:

- (1) In respect of all advisers employed by his Department since 1994, (a) what are their (i) names, (ii) rates of pay and (iii) job descriptions and (b) at which offices are they based;

- (2) whether he will furnish a schedule in respect of each adviser, (a) indicating for each business day whether or not such adviser was in his or her office where he or she was based and (b) indicating for each business day on which such adviser was not in his or her office, (i) where he or she was, (ii) the reasons for his or her absence, (iii) whether such adviser was on official business or not, (iv) whether he or she had permission to be absent, (v) the cost of his or her absence and (vi) the steps that were taken in cases of unauthorised absence to

(aa) discipline him or her and (bb) recover the appropriate amounts from his or her salary?

N1460E

The MINISTER OF HOME AFFAIRS.

- (1) (a) Dr M G R Orani-Ambrosini

(ii) R28 800 per month

(iii) Dr Orani-Ambrosini performs a specific advisory service in respect of the following

- (a) To follow legislative, constitutional and institutional activities and processes at national or provincial level and to report and/or advise on any matter which may be related to my functions, tasks and responsibilities.

(b) To participate in conventions, seminars and other forums where policy, legislative or constitutional issues are being discussed and report and/or advise on any matter related to my functions, tasks and responsibilities

(c) To organise a service of research, documentation and analysis on policy, legislative and constitutional issues in connection with any matters which may be taken into account by myself in the performance of my functions, tasks and responsibilities

(d) To liaise with domestic and foreign entities and individuals with respect to any matter falling within his responsibilities and tasks and to report and/or advise thereon

(e) To assist with any other matter or task which I may instruct him to perform from time to time

(b) For accounting purposes, Dr Orani-Ambrosini's headquarters is regarded

Land affairs department hit as reform project collapses

Louise Cook

(27/11)

7/11/96
80
THE land affairs department is seeking legal opinion on the collapse of the Mangaung land redistribution project in the Free State, which saw a newly acquired farm auctioned off within months of transfer.

Eight prospective farmers lost their land in Mangaung, near Bloemfontein, after an auction last week which also left the land affairs department R120 000 poorer. It had granted each family R15 000 to acquire the land. The farmers took legal transfer of the land in January, but never lived there.

Land affairs deputy director-general Sue Lund said yesterday the department was investigating how an unsustainable plan had been approved, as well as the role of agents "apparently" acting on behalf of the beneficiaries.

All land reform projects involved some risk and, in the case of agricultural enterprises, the risk was high. But the Mangaung situation was of "extreme concern" to government, she said.

The project, the responsibility of the Free State agriculture department, had been a "very early and rapid land transfer" in the first

year of land reform.

Its failure showed the importance of careful planning and the need to empower communities to make sound choices despite this being time-consuming, Lund said.

Mangaung is a land reform pilot project. There were 211 other such projects registered throughout the country at the end of October.

An estimated 40 459 households would benefit from these projects, involving land acquisition grants of R367,9m.

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Land reform
steps detailed

Wyndham Hartley

CAPE TOWN — Almost 2-million hectares of land had been redistributed under the land affairs department's programme in the first half of the ANC's term of office, Land Affairs Minister Derek Hanekom said yesterday.

In a report to President Nelson Mandela, he said that 312 redistribution projects involving 54 000 households had been completed by November 4 1996.

Land restitution claims totalled 11 130, and more than 200 applications had been received from farm labour tenants for the purchase of the land they had tilled on white farms in return for their labour.

Nine land reform laws had been enacted since May 10 1994, and another seven were under consideration by Parliament.

Police warned not to
miss amnesty deadline

Stephané Bothma

PRETORIA — Serving and past police officers — many of whom are implicated in some of the 500 "third force" dossiers under investigation by Transvaal attorney-general Jan D'Oliveira — were warned yesterday that like Eugene de Kock, they would face the "full force of the law" if they missed the deadline for amnesty applications.

In a strongly worded statement, safety and security secretary Azhar Cachalia issued a similar warning to members of the liberation movements guilty of human rights violations during the anti-apartheid struggle, that time was running out for them to seek amnesty.

The closing date for amnesty applications to the truth commission is December 14. To date, no freedom fighters have submitted applications and various ANC officials have indicated there is no need for them to do so.

However, truth commission chairman Archbishop Desmond Tutu will meet the ANC on Sunday to discuss the matter.

Perpetrators of human rights abus-

es on both sides could face prosecution unless granted amnesty.

Cachalia's statement, which lauded D'Oliveira's special investigating team for its successful prosecution of De Kock, was issued just days after 12 police dockets detailing alleged ANC attacks on soft targets were handed to D'Oliveira by national police commissioner George Fivaz.

The dockets implicate high-ranking ANC officials in incidents such as the Pretoria Church Street bombing, several land mine explosions in the Northern Transvaal which killed and maimed civilians, the Silverton bank siege and the Ellis Park bombing.

In addition to the 12 new dockets handed over for further investigation with a view to prosecution last Friday, about 500 dossiers relating to alleged third force activities are in various stages of investigation by D'Oliveira's special team.

Their three-year probe has uncovered evidence relating to the arming of the IFP by police, the attempted coup to topple Transkei military leader Bantu Holomisa and the murder of numerous activists.

Over 11 000 claims for return of land pending

(271A)
BY PATRICK BULGER

Parliamentary Correspondent

Star 8/11/96
Cape Town - The Commission on the Restitution of Land Rights is examining 11 130 claims for the return of land taken away from people during the apartheid era, Land Affairs and Agriculture Minister, Derek Hanekom, said in a report on his ministry's progress yesterday.

The report was submitted to President Nelson Mandela yesterday.

Hanekom said five of these had been referred to the Land Claims Court, and one had been approved by the court.

The one successful claim was the return of land to the Elandsloof community of the Western Cape.

Although land claims were proceeding slowly, the Government's land redistribution programme was busy with more than 300 redistribution projects affecting 54 000 households and the transfer of 1,8 million ha of land.

So far 28 transfers had been effected.

Hanekom will soon introduce measures to promote security of tenure for rural dwellers, including farm tenants.

Squabble over land sparks demonstration

Business Day Reporter

271A
BD 12/11/96
A SQUABBLE between the SANDF and various landless communities over land at the SA Army Battle School at Lohatlha near Kimberley, prompted a demonstration in Johannesburg yesterday against military exercises at the base later this month.

The Gatlhose, Maremane and Khosi communities lost their land to the army in 1977 when they were forced from the area. Efforts by the land restitution commission to bring about a settlement between the SANDF and the communities failed and the Land Claims Court would be asked to rule, restitution commission regional commissioner Wallace Mgoqi said yesterday.

Meanwhile, the National Land Committee, representing the communities, slammed Operation Southern Cross, the SANDF's largest annual joint training exercise taking place at Lohatlha this month. "The community is concerned that it will destroy fertile parts of the land ... continuing exercises will impede the communities' chances of getting their land back."

But SANDF spokesman Col John Rolt said the exercises would continue. "They are vital as refresher training for full-time and part-time members," he said.

□ Sapa reports that military police arrested about 100 people from the Maremane community at the weekend for trespassing on the battle school's property.

Repeated requests for the group to voluntarily leave the property were ignored and they were arrested. Some of those arrested were part of a group arrested last year for the same offence.— Sapa.

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About 20 people led by National Land Committee officials demonstrated outside Johannesburg's city hall yesterday, calling on government to stop an SANDF exercise at Lohatla in the Northern Cape and return the land to communities removed from it.

Picture: TVRONE ARTHUR

Conflict looming over 'Timbavati by the sea'

(271A) 601311196

Linda Ensor

CAPE TOWN — The Western Cape provincial government is heading for a collision with a number of white farmers whose land was expropriated for development of Atlantis as an industrial decentralisation point and residential area for coloured people.

The farmers have lodged claims with the Land Claims Court for the restitution of several thousand hectares of land, but the provincial cabinet has resolved to fight their claims so the land could be incorporated into a West Coast biosphere reserve stretching from Koeberg to Saldanha Bay.

A number of farms, namely Melkpost, Hans-melks-kraal, Bokkerivier, Buffelsrivier, Cruywagenskraal, Ganzekraal and Witzand were targeted in a 1981 guide for the extension of Atlantis to accommodate 460 000 people.

The farms were expropriated but have not yet been developed and it was considered unlikely given Atlantis's lack of success that they would be used for further expansion.

The disputed land represented about 40% of the proposed core area of about 10 000ha which would form the heart the reserve, environmental consultant Dennis Moss said yesterday after a presentation to the Cape Metropolitan Council's planning committee.

Moss said the most urgent step

needed was to secure the land for a core area of the reserve, which was a legally protected pristine natural area of high biological diversity.

It was also vital that public support be won for the project which could result in a "Timbavati by the sea", with the "big five" African wild animals introduced to the area. Black Rhino would be brought in within the next six months, Moss told the committee.

It was revealed for the first time yesterday that the provincial cabinet had agreed in September to contest the land restitution claims in a bid to keep the land in state hands.

The cabinet also resolved to share the legal costs of opposing the claims with the West Coast District Council and the Blouberg municipality.

The plan to create a biosphere reserve which was an area earmarked for both conservation and development has been spearheaded by the council. A number of central, provincial and local government departments participated in a technical working group to investigate its feasibility.

Biosphere reserves were recognised by Unesco, with 324 having been established in 82 countries between 1976 and March last year, Moss said. However, Unesco required these reserves to have one or more core areas protected by legislation and preferably owned by the state.

Land claims run into opposition

Plan for state-owned farms

ARLT 14/11/96

(271A)

ANDREA WEISS
METRO CORRESPONDENT

Land claims by a group of West Coast farmers are on a collision course with an international conservation project.

The Western Cape cabinet has decided to oppose the claims for the state-owned farms, which were expropriated for an extension to Atlantis which has not materialised.

This is because the undeveloped land has been earmarked as a core conservation area in a proposed biosphere reserve stretching from Koeberg to Saldanha.

A biosphere reserve is part of a programme by the United Nations Educational, Scientific and Cultural Organisation to promote sustainable development.

The reserve will protect terrestrial and coastal environments and link conservation and development. Core areas are areas

of high biological diversity and strictly protected, while compatible human activities, including agriculture, are allowed in buffer zones.

The envisaged West Coast Biosphere Reserve would be the first of its kind in South Africa. The proposal is that a cluster of state-owned farms to the west of Atlantis makes up a southern core zone, while the existing West Coast National Park forms the northern core zone.

The farmers, whose land was expropriated at market value, are claiming back about 40 percent of the land which is to make up the southern core conservation area of 10 000 hectares.

But Dennis Moss, planning consultant to the West Coast District Council, has suggested that the southern core zone could become a "Timbavati" of the south, where at least one of the Big Five – rhinos – could be accommodated.

Land claims must be in by end of month

(271A) ARG 18/11/96

JOSEPH ARANES
MUNICIPAL STAFF

People evicted from various parts of the Peninsula under the Group Areas Act have until the end of this month to lodge land claims.

Wallace Mgoqi, regional commissioner of the Commission on the Restitution of Land Rights, said families or direct descendants of evicted people as well as tenants living in these areas had a right to lodge a land claim.

"Hundreds of families across the Peninsula lost their homes because of racially discriminatory laws like the Group Areas Act and the Expropriation Act of the previous government," Mr Mgoqi said.

"Many were evicted without being being paid just and equitable compensation. If people suspect that their parents or themselves did not get just compensation, they need to submit material evidence of occupation for a minimum of 10 years prior to being forced to resettle elsewhere."

He said it was important that claimants met the deadline as this would enable the commission to investigate the individual claims for an area or a suburb as a group.

All claims should be lodged with the Commission on Land Restitution rights, 73 Strand Street, Matrix House Cape Town.

Union fails in bid to scrap land restitution laws

By ROBERT BRAND

The Transvaal Agricultural Union has failed in its bid to have land restitution legislation scrapped by the Constitutional Court.

In a unanimous judgment delivered by Mr Justice Arthur Chaskalson yesterday, the court dismissed the TAU's application for direct access to argue the matter. The TAU was also ordered to pay the costs of the application.

The union had applied for di-

rect access to the court to seek an order declaring sections of the Restitution of Land Rights Act, as well as the rules regarding the procedures of the Land Claims Commission, invalid.

Those sections allow the land claims commissioner to publish a notice in the Government Gazette informing the public that land is subject to a claim for restitution. After publication of the notice, the landowner is not allowed to evict tenants or remove or destroy any

improvements on the land without written permission from the commissioner.

This, the TAU argued, infringes on the right to free economic activity and the property rights of landowners.

In his judgment, Judge Chaskalson said direct access to the court was granted only when the matter was of such urgency or public importance that ordinary procedures – having the matter referred to the Constitutional

Court by another court – would prejudice the public interest or justice.

The TAU had not shown evidence of any pressing urgency, or pointed out any particular incident in which its members had been prejudiced by the application of the act.

The objection was raised 17 months after publication of the act and more than nine months after notices in terms of the act had first been published, the judge said.

(271A) / Star 19/11/96

Land-reform projects to go back to central govt

(2711)
Louise Cook

20.11.11/96

LAND Affairs Minister Derek Hanekom had decided not to renew agency agreements between his department and the provincial governments, in terms of which they were contracted to run land reform pilot projects until March next year, the department said yesterday.

However, land affairs spokesman Maurice Smithers denied that the decision was due to dissatisfaction with the provinces' handling of land redistribution. "The ending of the agreements is merely a logical outcome of the fact that when the pilot projects started in December 1994, the central land affairs department lacked the infrastructure and capacity to run the programme on its own. In terms of the constitution, land reform is a central government function...."

A total of 211 projects, involving 595 826ha of land, had been identified. The department said it was set to disburse about R362,5m in settlement and land-acquisition grants to 40 515 households.

Expenditure up to the end of October this year amounted to 3,01% of the budget, spent mainly on offices and planning. But this would increase sharply as each project was completed and land was purchased.

community living there, it is home and they would rather not entertain the idea of being moved.

The South African National Defence Force, which has occupied the land expropriated from the Gatlhose, Gamaremane and Khosis communities since 1976, faces a claim for its restitution through the Land Claims Court.

The SANDF, too, would rather not move.

Legal challenges by the community against the former South African Defence Force were lost and negotiations between the evicted communities and the SANDF are continuing.

The reclamation of parts of Lohatla highlights the vexed question of compensation for forced removals and the expectation that the present government will make amends to communities displaced by past apartheid governments.

At present there are at least seven claims, including that for Lohatla, for the restitution of land occupied by the SANDF.

These include Simon's Town and Ysterplaat in the Western Cape, Schmidtsdrif in the Northern Cape, the Pafuri area in Northern Province, Mosita near Vryburg in North West and Boshoeck in KwaZulu-Natal.

The National Land Committee lists an additional five areas at Wallmannstal, Murrayhill, Boekenhoutkloof, Madimbo and Zeerust.

While the Restitution Act of 1994 led to the establishment of the Land Claims Court as the mechanism for victims of removals to reclaim their land, several factors can make resolution of a claim drawn-out and difficult.

With Lohatla it is not simply a case of the land being restored to the communities that have ancestral claim to the territory. The situation is far more complex.

Initially about 2 000 Gamaremane and Gatlhose were moved from the area and resettled in five villages around Kuruman and the former Bophuthatswana. They have ancestral claim to the land.

The Khosis, who were then classified coloured, remained in Lohatla until 1992 when some moved to a township called Jenn Haven, built especially for them.

Forty five Khosis families remain

for the community, said although people were split up when they were originally evicted, descendants of those forcibly removed all want to return to Lohatla.

"We have been negotiating with the army for years but they are taking

ministry of Defence special adviser Advocate Fana Hlongwane emphasised that the ministry's intention was to find an amicable and "win-win solution" but admitted this was not easy.

A major consideration was the

extent of the contamination of the area by military armour such as unexploded mortars and missiles.

Hlongwane said two tests, one by a British company, found that large parts of Lohatla were uninhabitable. This includes sections of the Gamaremane and Gatlhose ancestral land.

The costs of decontaminating the area were likely to prove prohibitive, he said, and even if that was done and people resettled there, the SANDF could always invoke a disclaimer against future

claims if people were injured or killed by remaining ammunition.

"We have to look at the total picture and see what is the best option. There is much to be considered."

Lohatla, one of only three such training facilities in the world, cost R200 million to set up and money is spent on the school all the time.

Hlongwane maintained that whatever was decided about restitution, the costs must be weighed carefully.

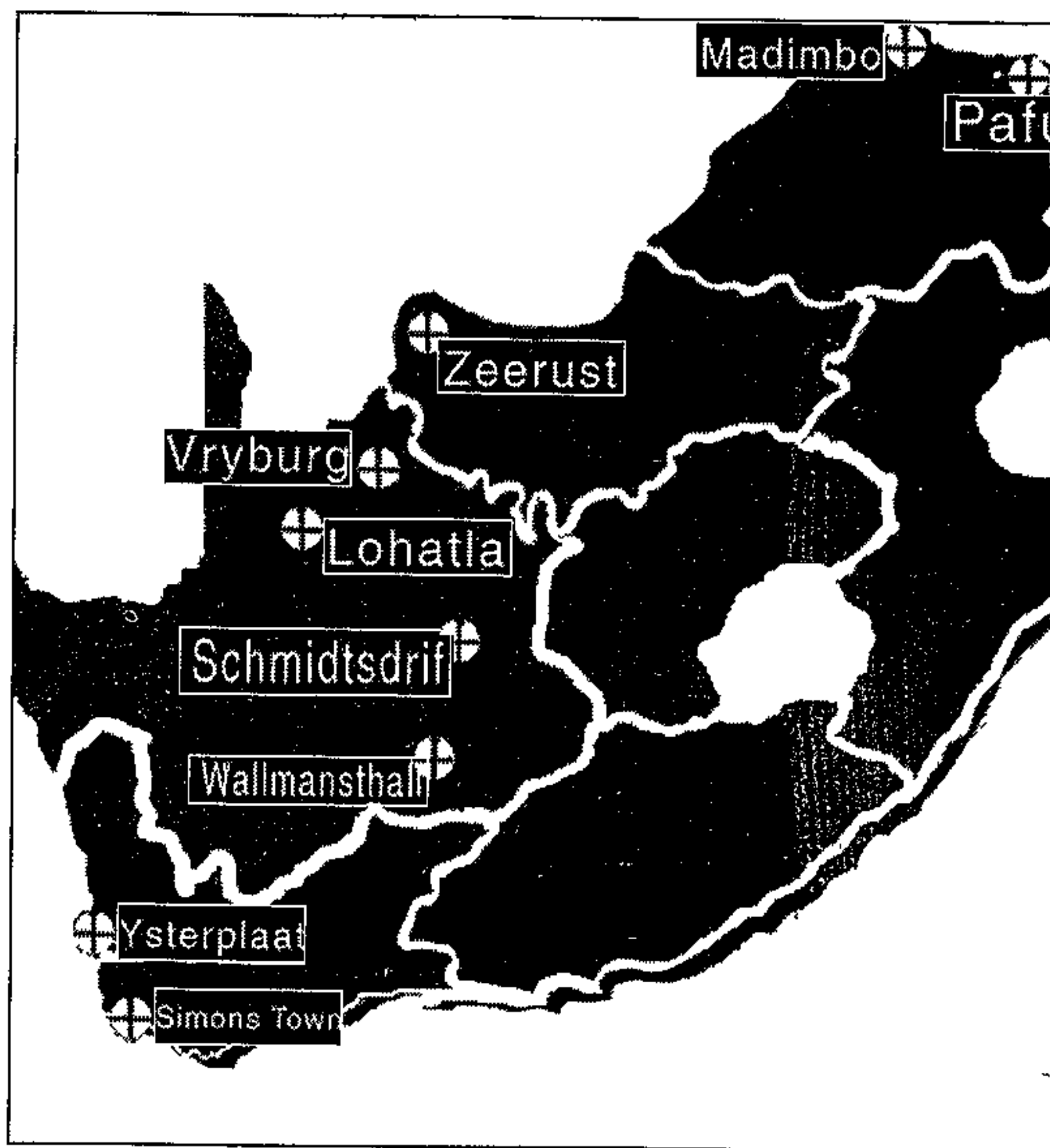
The most viable option would be to find alternative land bordering Lohatla - but, he said, "all the land belongs to someone", mainly neighbouring farmers or mining companies, which complicates the issue.

He said the Cabinet should be asked to rule on whether or not Lohatla should be maintained as a national asset and, if so, the level of compensation to the displaced communities should be measured against that.

"This cannot be solved by Modise or Hanekom ... the best is for the Cabinet to decide, otherwise we might go on forever."

Advocate Jabu Dada of the NLC, which represents the communities, said the most realistic solution was to share the land.

For the Gamaremane, Gatlhose and Khosis communities, once a united group living in an oasis, the claim to their birthright continues to be obstructed by the complications of the politics of the past.



A map showing some of the areas where land is being reclaimed by resettled communities.

so long to sort this out we are becoming frustrated," he said.

Gasehete, who was 28 when the removals happened, said his community's history in the area can be traced back to 1850. Most were subsistence and livestock farmers who were self-sufficient.

Since the removals of 1976, however, they have been scattered in villages with no land to tend. Unemployment is high and many are forced to travel long distances for work.

Prolonged negotiations

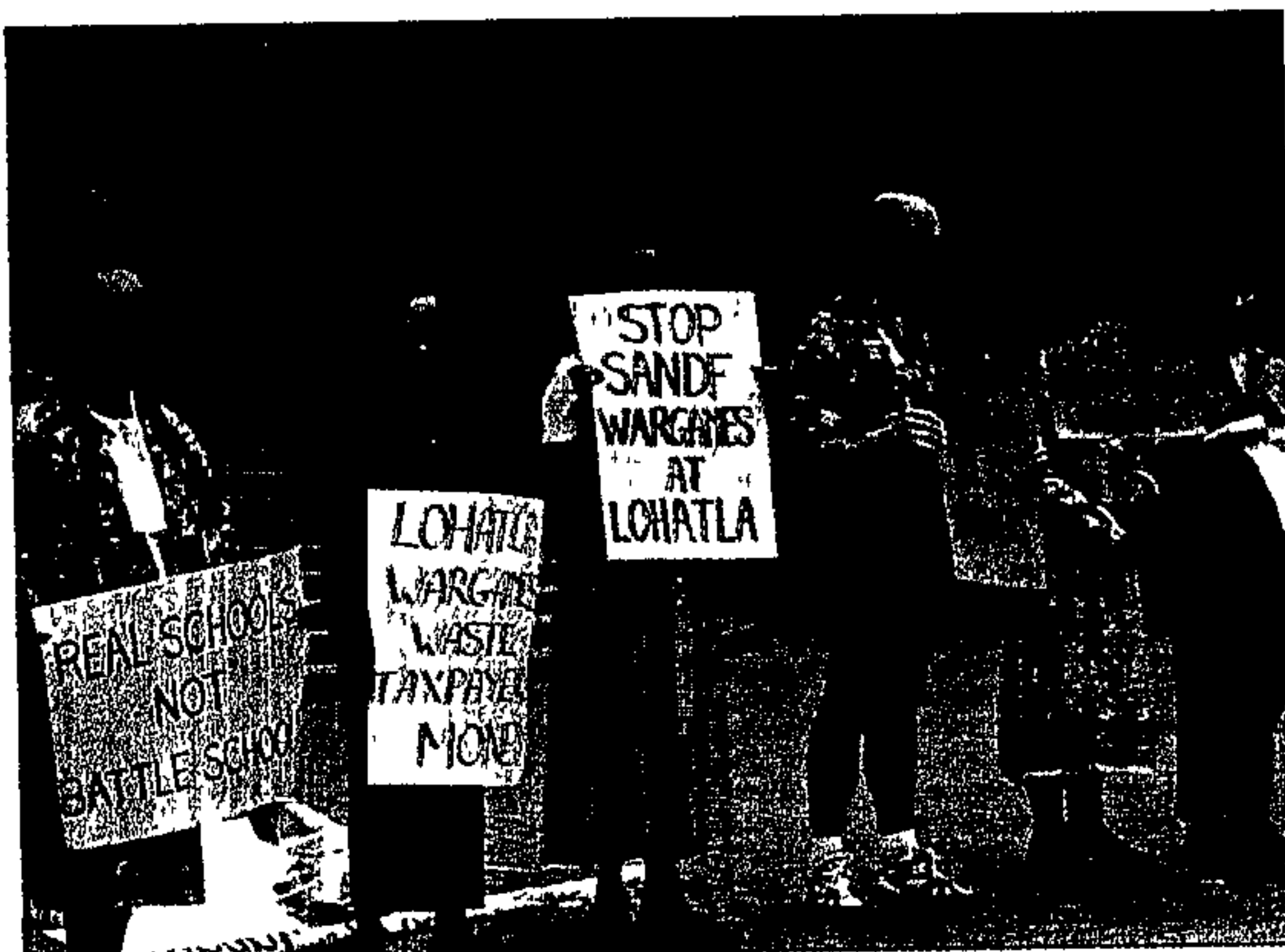
At 48 he now wants to re-establish himself on the fertile land of his forefathers as he is tired of living in the "dry and sandy" Kalahari village.

Last year the community met with Defence Minister Joe Modise, his deputy Ronnie Kasrils and Land Affairs Minister Derek Hanekom, which led to the belief that their claim would be settled speedily as they got sympathetic hearings.

That has not been the case, said Gasehete, and the negotiations have been prolonged. Recent military exercises by the army, dubbed Operation Southern Cross, has also angered the community, he added.

When about 100 members of the community demonstrated against the military manoeuvres, they were arrested, adding to the tension.

Besides the promise of arable land and good grazing for their livestock, there is also speculation that



Voice of the people: Angry NGO members protest against the mock battles taking place at Lohatla
PHOTOGRAPH COURTESY OF NATIONAL LAND COMMITTEE

Fighting the army for land

m+cr (pam) 22-28/11/96

(271A)

Lohatla communities are up in arms over the war games taking place on the land to which they lay claim, writes
Colleen Lowe Morna

AS the South African National Defence Force (SANDF) persisted with its premier annual war games in Lohatla this week, angry communities laying claim to the land made a last-ditch effort to make their voices heard.

Waylaying President Nelson Mandela during a visit to Kimberley at the weekend, representatives of the Maremane and Gatlhose people — who were forcibly removed from the area 20 years ago to make way for the Lohatla battle school — urged the president to intervene in the case which has dragged on for over two years.

Mandela, who promised the communities in 1994 that their grievances would be attended to, immediately contacted Minister of Land and Agriculture Derek Hanekom, who was attending the World Food Summit in Rome, and Defence Minister Joe Modise, to whom he had entrusted the case. He asked the community to give him a week to look into what had happened.

Community representative Josiah Gasehete said the president's response had "given the community hope that something solid will finally happen". But he warned that if nothing came of the initiative the land claimants would resume their protests and land invasions at the battle school.

Forty-two community representatives were detained and later released last week after they moved on to the land to try and halt Operation Southern Cross from going ahead.

The military exercises, which began on November 9 and end on November 24, and involve foreign (French) troops for the first time,

include a mock battle between two armies designated "red" and "blue".

Foreign observers, including military advisers and attachés in Pretoria, were invited to witness a live "fire-power demonstration" at the weekend, so as to "afford selected members of the community the opportunity to experience first hand the cutting edge of the SANDF and the technical know-how of the South African defence industry".

Gasehete, who was among the detainees, said the arrests constituted a gross violation of the community's rights. "I was not occupying anyone's land. That is my land," he said.

Zakes Hlatshwayo of the Association for Northern Cape Rural Advancement (Ancra) said the military exercises were a breach of the Restitution Act, which states that land should not be tampered with after a case is gazetted by the Land Claims Commission (LCC).

'If the government is not prepared to settle its restitution cases, then who will?'

Penny McKenzie of the Group for Environmental Monitoring says it is "deeply ironic" that the SANDF "should engage in exercises that will further contaminate" the already heavily polluted land while negotiations are taking place. The impression, she said, "is that the SANDF is deliberately contaminating the land to keep communities off".

Fana Hlongwane, special adviser to Modise, said Operation Southern Cross is one of many exercises that take place at the battle school — one of only three in the world, involving an investment of some R200-million.

"The Constitution enshrines the principle of restoration, and we are bound by it," he said. "But it also makes provision for the declaration of certain land within national boundaries as a national asset."

"We accept that the school is a

national asset," retorts Gasehete. "But so are people."

The 3 000-strong community, which has been living on the fringes of the Kalahari desert in conditions of extreme poverty, is claiming 62 000ha of the 135 000ha battle school.

A small group of Khosi people, who were deemed to be "coloured" and therefore not removed, still occupy 14 000ha of land inside the battle school, where they have difficulty moving in and out, and have no access to amenities.

A working group consisting of the communities, the SANDF, regional land claims commissioner Wallace Mgoqi, the Northern Cape premier's office, the Department of Land Affairs and Ancra, agreed to the principle of shared occupation.

But a survey commissioned by the SANDF, and carried out by Mechem, a division of Denel, estimated that it would cost R42-million to clear just the surface of the land of spent shells and unexploded ordnance.

Hlongwane, says it would be "irresponsible" to move people on to the land in such conditions. While the "option of shared land would be preferable", that of "alternative land should also be considered", he said.

Apart from the ancestral attachment of claimants to the land, it is close to Kimberley and — by the standards of this arid province — fertile and well-watered.

McKenzie says following "the polluter pays principle", the answer is for the SANDF to clear the land and share it with the land claimants.

In a wide-ranging study of environmental damage caused by the defence force, called *Reclaiming the Land: From Defence to Development*, McKenzie quotes a prominent lawyer who says of this case "It is a shocking disgrace. If the government is not prepared to settle its restitution cases, then who will?"

"The government, by not resolving this case, is setting a precedent which others may follow."

The end of an era

After years of surviving in the Marconi Beam squatter camp, residents are finally making the move to proper homes.

Colleen Lowe Morna reports from Cape Town

IT could have been a moment of wild jubilation. Instead, as she dotted the i's and crossed the t's of her housing subsidy application, Nancy Tshayiviti paused to reflect on years of unrelenting harassment, squalor and misery.

Originally from Transkei, Tshayiviti came to the well-to-do white suburb of Milnerton to join her husband who worked as a stable hand at the Milnerton Turf Club, which provided only single sex hostel accommodation for its employees.

Like thousands of others in the same plight, Tshayiviti and her husband built a shack in what was then thick adjoining bushland. She can't begin to count how many times police arrested the Marconi Beam "squatters", burned their homes down, jailed them and released them on bail — only for the shanty town to rise again.

Town eventually caught up with the shack settlement: the locality is today the fastest growing industrial area in Cape Town. Because of its proximity to jobs and services, the Marconi Beam settlement has mushroomed to include nearly 1 000 families.

At least one person is stabbed daily in this tightly packed settlement of makeshift homes. Tshayiviti has suffered the agony of a 15-year-old daughter being raped. She has weathered every one of the elements: wind, floods and the constant, devastating fires that ravage the settlement when the flames of primus stoves devour the cardboard insulation, jumping from home to home like there is no tomorrow.

Now, from the ashes of apartheid, and thanks to a complex land deal which the Cape Town-based Development Action Group (Dag) has been pivotal in negotiating, Tshayiviti and her neighbours will be moving



Happy times: Marconi Beam shack dwellers celebrate the move to their new homes

PHOTOGRAPH PAUL GENDON

ing to proper homes in Joe Slovo Park — across the road from the leafy, white suburb of Milnerton.

"I am very happy," Tshayiviti says, a smile washing away the pain of her memories. "I am very happy to be going far away from these fires."

Elda Mahlentle, one of the 13 Marconi Beam trustees, points out that former housing minister Joe Slovo made no direct contribution to this transformation. But because it was his motto that "no South African should ever live in a shack again", the new settlement has been named after him.

Chairman of the trust, Welcome Mbange, who works as head of laundry services in the spotless Milnerton Clinic that makes his own home seem like it is on another planet, says he knows Slovo would have approved of the breaking down of racial and class barriers which the scheme represents.

Hailing the development as a "victory for democracy", Peter Gerber, chief executive officer of the munic-

ipality under which Milnerton and Joe Slovo Park fall, and one of five non-resident members of the Marconi Beam Trust, said the negotiations were "a blueprint for the rest of South Africa ... an example of what can be achieved if we are prepared to apply our minds objectively and rid ourselves of the shackles of tunnel vision."

In the early days of the negotiations, which have gone on for nearly four years, Gerber was subjected to frequent death threats by white ratepayers blinded by what he calls the Nimby (Not-in-my-backyard) syndrome. In time, it became apparent to them "that this was a problem that would not go away. The best course was to deal with it."

Originally, local authorities tried to move residents of Marconi Beam to Du Noon, an area 5km away and earmarked as the "second Khayelitsha" of Cape Town. They refused to move. The "first phase of the strug-

gle" — as Dag puts it — was won in 1990 with a declaration of a temporary transit area.

Residents squatting on surrounding land agreed to move provided basic services were installed, and a permanent settlement sought.

This, and the surrounding 256ha of land, belonged to Telkom. After the shift to satellite technology, Telkom was keen to sell the land. The parastatal realised that the value of the land would be greatly diminished by the presence of "squatters". With the help of Dag, a deal was brokered in which Telkom agreed to donate 20ha of residential land and sell 5ha of commercial land at a discount to the community.

Telkom then negotiated a land sale for most of the remaining land with a developer, Rabie/Cavcor, who were prepared to accept the deal with Marconi Beam as a condition for the transaction. A complex land release and relocation process, involving the Marconi Beam residents moving to Joe Slovo Park in

four stages, was worked out and formalised between Sanco, Dag, the Milnerton Municipality and Rabie/Cavcor.

The Marconi Beam Trust, aided by Dag, is developer of the Joe Slovo housing scheme, which means it has to negotiate with banks for bridging finance. Condev has been retained as project manager.

Most of the shack dwellers are eligible for the R15 000 government subsidy available to those earning less than R800 a month. Because of an allowance for soil conditions, this is upped to R17 500

For those who are only eligible for smaller amounts, but can't get bank loans, the trust has sold half the 5ha commercial plot to create a revolving R2-million loan top-up fund so that all residents have access to at least R17 500

Installation of services such as lights and water costs about R10 000. With the remainder, the residents can build a small, but neat cottage designed by a company called "New Way", for which the Marconi Beam Trust is a franchisee.

Dag director Jacqui Bull emphasises that the only reason why this social housing scheme has been possible in a well-located neighbourhood using the government subsidy is because the land is free. "We have said repeatedly that if land for housing schemes has to be obtained at market price, we will never be able to challenge apartheid planning."

Privately, Dag staff agonise over whether the new residents of Joe Slovo Park will be able to afford and keep up payments for rates and services, estimated at R150 per family per month.

Residents point proudly to the fact that President Nelson Mandela launched the Masakhane campaign in Marconi Beam. There is a resilience about the community that leads one to believe that they will not allow this venture to fail. The corner stores amid the shack dwellings, a passport ID photo shop, hairdressers, a makeshift clinic.

"We have survived," says trustee Mahlentle, who single-handedly founded a school, consisting of containers and wendy-houses, which she obtained by forcing the captains of industry in the area to listen to her harrowing stories of children roaming the streets. "We will survive," she adds, "but this time much better."

Government 'pit latrine' policy under fire

Colleen Lowe Morna

THE government's policy of providing the poor with only the most basic services is a betrayal of electoral promises and carries huge health and environmental costs, according to a team of independent researchers.

In a confidential report, the team argues that a far higher level of service can be made available to all South Africans by charging big business, which gets services at much lower rates than individuals, just a little more.

The report was presented by the team of "independent academics and non-profit research institute staff" to officials of the Department of Constitutional Affairs as *Reconstruct* went to press this week.

In an interview shortly before he received the report, the chief director in the department responsible for municipal infrastructure, Chipie Oliver, said he welcomed the criticism of government policy, which has been driven by what he called the "left wing" National Insti-

tute for Economic Policy.

But, Oliver said: "My nose is at the coal face." While academics might delight in calling him a "a mean neo-liberal bastard", his major concern was to fight for existing subsidies to local government — to ensure that all South Africans at least have basic levels of service.

This latest heated exchange follows a stormy meeting last week between the department and the National Economic Labour and Development Council (Nedlac) over the proposed Municipal Infrastructure Investment Framework (MIIF) which ended in deadlock.

The department's policy of providing those earning less than R800 a month with communal water taps, pit latrines and streetlights (with no indoor lights) is also the source of mounting tension with provincial authorities who have to bear the brunt of breaking the news to communities.

A major showdown on the issue is expected at the meeting between national and provincial ministers on November 28.

The Reconstruction and Develop-

ment Programme (RDP) says that a house "must include sanitary facilities, storm water drainage, a household energy supply and convenient access to clean water".

The Urban Development Strategy, on which the MIIF is based, and which the World Bank had a hand in crafting, envisages a 55:25:20 national average distribution between full, intermediate and basic levels of services in municipal areas over the next 10 years.

Intermediary services include having taps on site; simple water-borne sanitation and indoor electricity with pre-paid meters.

The strategy is based both on the government's calculations of the cost of putting these services in (estimated at R61-billion and to be shared between the government and the private sector), and the ability of poor people to pay for services once they are installed.

What has been ignored, according to researchers, are the negative effects of not providing all South Africans with water-borne sewerage

and electricity at home.

They calculate these costs as:

■ almost R1-billion over 10 years in health costs, arising from diarrhoeal diseases; burn fatalities related to the use of paraffin instead of electricity; and paraffin poisoning (1 600 children are hospitalised for paraffin poisoning each year);

■ environmental savings of up to R800-million a year by 2005 if electrification is provided at intermediate levels. These savings would result from a reduction in air pollution and diminished fuel-wood collection;

■ huge benefits with regard to literacy levels; labour productivity and time savings for women who spend long hours collecting firewood and water.

Pointing out that only 12% of water is used by individuals, with the rest consumed by agriculture, forestry and industry, the researchers argue that a minimal surcharge on these users — for whom water is small change — would help provide upgraded facilities for the poor.

Low-income users of electricity, the report adds, pay four times more per unit for electricity than big business. It singles out two of the largest manufacturers in South Africa — Alusaf (aluminium) and Columbus (stainless steel) — as massive users of cheap electricity who have also benefited from a 30% windfall in export earnings as a result of the devaluation of the rand this year.

Quoting the RDP, which makes provision for cross subsidies, the researchers say at a small cost to these companies, all South Africans could be provided with lights in their homes.

However, Oliver argues: "If we increase the price of electricity to users like Alusaf, their products will become uncompetitive and that will affect our balance of payments."

"I'm a socialist," he continued, "but we can't withdraw from the world economy. It's a fact that international capital holds sway as we come to the end of the 20th century. And it's not like South Africa is the darling of the world. For investors, this is a fairly unattractive investment opportunity."



Voice of the people: Angry NGO members protest against the mock battles taking place at Lohatla

PHOTOGRAPH COURTESY OF NATIONAL LAND COMMITTEE

Fighting the army for land

MTG (BOM) 22-28/11/96

Lohatla communities are up in arms over the war games taking place on the land to which they lay claim, writes

Colleen Lowe Morna

AS the South African National Defence Force (SANDF) persisted with its premier annual war games in Lohatla this week, angry communities laying claim to the land made a last-ditch effort to make their voices heard.

Waylaying President Nelson Mandela during a visit to Kimberley at the weekend, representatives of the Maremane and Gatlhose people — who were forcibly removed from the area 20 years ago to make way for the Lohatla battle school — urged the president to intervene in the case which has dragged on for over two years.

Mandela, who promised the communities in 1994 that their grievances would be attended to, immediately contacted Minister of Land and Agriculture Derek Hanekom, who was attending the World Food Summit in Rome, and Defence Minister Joe Modise, to whom he had entrusted the case. He asked the community to give him a week to look into what had happened.

Community representative Josiah Gasehete said the president's response had "given the community hope that something solid will finally happen". But he warned that if nothing came of the initiative the land claimants would resume their protests and land invasions at the battle school.

Forty-two community representatives were detained and later released last week after they moved on to the land to try and halt Operation Southern Cross from going ahead.

The military exercises, which began on November 9 and end on November 24, and involve foreign (French) troops for the first time,

include a mock battle between two armies designated "red" and "blue".

Foreign observers, including military advisers and attachés in Pretoria, were invited to witness a live "fire-power demonstration" at the weekend, so as to "afford selected members of the community the opportunity to experience first hand the cutting edge of the SANDF and the technical know-how of the South African defence industry".

Gasehete, who was among the detainees, said the arrests constituted a gross violation of the community's rights. "I was not occupying anyone's land. That is my land," he said.

Zakes Hlatshwayo of the Association for Northern Cape Rural Advancement (Ancra) said the military exercises were a breach of the Restitution Act, which states that land should not be tampered with after a case is gazetted by the Land Claims Commission (LCC).

'If the government is not prepared to settle its restitution cases, then who will?'

Penny McKenzie of the Group for Environmental Monitoring says it is "deeply ironic" that the SANDF "should engage in exercises that will further contaminate" the already heavily polluted land while negotiations are taking place. The impression, she said, "is that the SANDF is deliberately contaminating the land to keep communities off".

Fana Hlongwane, special adviser to Modise, said Operation Southern Cross is one of many exercises that take place at the battle school — one of only three in the world, involving an investment of some R200-million.

"The Constitution enshrines the principle of restoration, and we are bound by it," he said. "But it also makes provision for the declaration of certain land within national boundaries as a national asset."

"We accept that the school is a

national asset," retorts Gasehete. "But so are people."

The 3 000-strong community, which has been living on the fringes of the Kalahari desert in conditions of extreme poverty, is claiming 62 000ha of the 135 000ha battle school.

A small group of Khosi people, who were deemed to be "coloured" and therefore not removed, still occupy 14 000ha of land inside the battle school, where they have difficulty moving in and out, and have no access to amenities.

A working group consisting of the communities, the SANDF, regional land claims commissioner Wallace Mgoqi, the Northern Cape premier's office, the Department of Land Affairs and Ancra, agreed to the principle of shared occupation.

But a survey commissioned by the SANDF, and carried out by Mechem, a division of Denel, estimated that it would cost R42-million to clear just the surface of the land of spent shells and unexploded ordnance.

Hlongwane, says it would be "irresponsible" to move people on to the land in such conditions. While the "option of shared land would be preferable", that of "alternative land should also be considered", he said.

Apart from the ancestral attachment of claimants to the land, it is close to Kimberley and — by the standards of this arid province — fertile and well-watered.

McKenzie says following "the polluter pays principle", the answer is for the SANDF to clear the land and share it with the land claimants.

In a wide-ranging study of environmental damage caused by the defence force, called *Reclaiming the Land: From Defence to Development*, McKenzie quotes a prominent lawyer who says of this case: "It is a shocking disgrace. If the government is not prepared to settle its restitution cases, then who will?"

"The government, by not resolving this case, is setting a precedent which others may follow."

Truth commission tacks on education

MTG (BOM) 22-28/11/96

Colleen Lowe Morna

A MID a storm of protest by right-wing parties, the Truth and Reconciliation Commission (TRC) will hold its first hearings on socio-economic rights violations under apartheid next week.

Praising the decision by the TRC sub-committee on human rights to hold hearings on the past denial of universal education on November 25, former National Literacy Co-operation (NLC) director Kumi Naidoo said this would mark the first investigation by the TRC into systematic, as opposed to individual, human rights abuses.

In its letter to TRC chair Desmond Tutu requesting the hearings, the NLC stated that "justifiably, up to now, the TRC needed to focus on the physical abuses and atrocities of the past. We now write to you to make an appeal for the TRC to examine the systematic under-development of the human potential of our nation".

In a sharp response to a letter sent out to all political parties, ministers and provincial premiers by the NLC, the National Party's education representative, Renier Schoeman, accused the NLC of "playing political games".

Freedom Front leader General Conrad Viljoen said he was "astonished" that the NLC "put so much hatred into one letter supposed to canvass support for this national goal".

He questioned if, in the presentation before the TRC, the NLC would also "ask the truth about misuse of education for revolutionary purposes? Do you remember the cry 'revolution before education'?"

In a 19-page response to the NLC's letter, the Herstigte Nasionale Party said it "denied that under the Verwoerd government there was a gross and planned violation of educational rights".

But in a strongly worded letter of support for the initiative, Minister of Public Works Jeff Radebe said his "personal history of the Bantu education system in Kwa Mashu all those years back indicated very clearly how state policy was indeed designed to produce limited literacy in the context of voluntary education".

According to Naidoo, who is now executive director of the National NGO Coalition, 15-million South Africans are illiterate to varying degrees. One of the most heart-wrenching projects the NLC had carried out, he said, was a book called *Dear President* in which newly literate South Africans described to President Nelson Mandela the agony of illiteracy.

By having illiteracy declared "a gross violation of human rights", the NLC hopes to raise support for its work. At present, only 2% of the education budget goes towards Adult Basic Education.

Imssa under fire

MTG (BOM) 22-28/11/96

Colleen Lowe Morna

THE Independent Mediation Services of South Africa (Imssa) has come under fire for the way it was chosen to prepare a report on government/non-governmental organisation (NGO) relations, and its whirlwind approach to these consultations.

In an ironic twist, the government abandoned a tender it put out in July — to which a number of NGOs had responded — calling for a facilitator to conduct discussions on the proposed National Development Agency (NDA) because of the lengthy procedures involved. It turned to a donor who chose Imssa to carry out the task.

NGO liaison officer in the deputy president's office, Bongki Mkhabela, said that while she has "the ear of Cabinet on NGO concerns", she had to choose the fastest route to get the job done. The NDA advisory committee to Deputy President Thabo Mbeki is to submit its report in mid-December, so that a Bill can be tabled before Parliament early next year.

But, describing the consultations as "a mess", Lennox Garane, programme officer for the Development Resource Centre (DRC), said the lack

of transparency in Imssa's appointment is a "serious concern".

Imssa, which has been given until November 24 to complete its report, made whistle-stop visits to all the provinces earlier this month. Owing to short notice, attendance ranged from 10 individuals in one province to 80 in Gauteng. There are a estimated 30 000 NGOs.

Imssa regional director Carol Koffman, who is in charge of the exercise, said whether consultations had taken a month or four years, "my sense is this is as good as you would get". She noted that some NGOs — particularly the bigger ones — had also made written submissions. Mkhabela said NGOs had to start "thinking strategically, rather than get caught up in procedural issues".

Mareka Monyoholo of the Centre for Education Policy Development, and a participant at the Gauteng workshop, retorts that "there will always be a tension between process and product. But there is a difference between balancing the two, and being haphazard."

He said the product which Imssa will present next week — on which participants will not have the chance to comment — will be "a cold report" which cannot be said to represent all NGOs.



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Land reform in South Africa has been slower than the Department of Land Affairs initially aimed

'Freedom' is hard to find

M+G (PM) 22-28/11/96

Colleen Lowe Morna
in Barberton

WHEN a group of people in the former Ka Ngwane joined hands to buy a farm under the redistribution programme, there were really only two names to choose from: "Inkululeko", meaning freedom, or Canaan — the promised land.

"We chose Inkululeko," explains Zodwa Ngwamba, a member of the farm trust, "because it is our language, and because this was our first taste of freedom."

A year later, this farm on the outskirts of Barberton in south-east Mpumalanga, is a source of hope, and concern for Ngwamba, a single mother with five children.

After putting together their R15 000 subsidies from the government, the 95 owners of the farm were still only able to purchase a 258ha farm. They have not been able to move to the farm, as this would have meant it would be "full of houses, and no farming".

The owners, who are in effect shareholders, hired a manager and farmhands to run the farm. But they have struggled to raise the cash they need to make a go of it.

Banks have cold-shouldered the group. Thanks to the untiring efforts of the Department of Land Affairs deputy director in the area, David Mabunda, the trust has received a R150 000 loan from the Independent Development Trust (IDT). But this has still not been sufficient to turn the land to its most productive use: growing exotic vegetables like baby corn and marrow, which require a heavy investment.

At present, only 5ha of the land is under cultivation.

Most of this is taken up with easy-

to-grow cabbages, for which there is no ready market. The cabbages are sold at 50 cents a head at the farmhouse. There's hardly enough to pay the farmworkers, let alone pay dividends to the shareholders.

The trust has many innovative ideas, like growing spices and turning the immaculate farmhouse into a guesthouse. But capacity and expertise are limited. Mabunda covers projects in a third of the province. No other government department — not even agriculture — has been available to offer a hand. Ngwamba yearns for the day when the farm will turn a profit, so that she can buy her own piece of land. Until that happens, she says, "I cannot really say I am free."

Critics say that the handful of redistribution projects that have taken place so far point to a number of pitfalls in land reform. These include:

■ **Market value:** the core problem with land reform in South Africa, according to the National Land Committee's (NLC) Brendan Pearce, is the insistence that all land be bought at market value, with the result that insufficient land is obtained.

The NLC argues that in many countries governments fix ceilings on the amount of land that an individual can own; have land taxes to guard against speculation and force underutilised land on to the market, or legislate against absenteeism.

The government, Pearce says, "has not been prepared to take any such measures, for fear of upsetting white commercial agriculture".

Minister of Land and Agriculture Derek Hanekom argues that once you start tampering with the market,

the value of land becomes distorted, with negative effects for both big and small-scale farmers.

■ **Subsidies:** Nowhere, says the NLC (see also accompanying story on KwaZulu-Natal), have subsidies proved adequate to give settlers the basis for making a living, either through cropping or keeping cattle.

Hanekom says that while it may be necessary to revise the R15 000 basic subsidy upwards for inflation, it is still the "best and most egalitarian formula we can come up with". The choice, he says, is between "a larger amount for fewer people, or a smaller amount for more people. We have opted for the latter."

"It's a Catch 22," retorts Pearce. "You can't put up the subsidy, but if you don't put up the subsidy, redistribution will fail." The NLC points out that at present, land reform takes up a mere 0.33% of the government's budget, a pittance compared to the size of the problem, and its importance in reversing the legacies of apartheid.

■ **Rural finance:** A cornerstone of the land reform programme is that recipients of the subsidy can use this to leverage finance from private banks. As illustrated in the case of

Inkululeko, that is still a pipe dream. The rural finance commission led by Conrad Strauss has recommended a lead role for the Land Bank in providing government credit to rural areas. That is still a long way from happening.

■ **Equity schemes:** The Land and Agriculture Policy Centre (LAPC), a key non-governmental organisation adviser to the government, believes that one of the most effective forms of redistribution is

through share equity schemes.

These involve farmworkers using the R 15 000 subsidy to buy a stake in the farm on which they work. The advantages, says the LAPC's David Cooper, are that the farmer can use this to raise capital; the farmworker gets a stake in the venture for which he or she works, and it is "a tool for bringing about reconciliation".

So far, however, very few such schemes have taken off. The best known of these — Inala farm in Mpumalanga — came about because the farm was going broke.

■ **"After-care services":** As witnessed at Inkululeko, where a lone Department of Land Affairs official is trying to help the community solve a litany of problems, the absence of support services for newly resettled farmers is perhaps the weakest link in the land reform programme.

"It's a real concern, but it's not a uniform picture," says Hanekom. In theory, he says, provincial departments of agriculture, housing, education, health, and local government, should all swing into action once land transfer has taken place. There is as yet no agreed formula for making sure that happens.

Hanekom's newly acquired agriculture portfolio, which should play a lead role, is partly to blame. The minister admits that the department, traditionally seen as the ally of commercial farmers, has yet to come up with a vision for small-scale agriculture in South Africa.

It's a matter he plans to give priority to. In the meanwhile, he insists, land reform must continue. "Try telling land-hungry communities that they can't move until the government has all its ducks in a row. It's a myth that you can plan everything down to the last letter. It's a recipe for inaction."

'It's a myth that you can plan everything down to the last letter' — Derek Hanekom

Waiting to own land

Craig Bishop in
Grahamstown

TWENTY years after being forcibly resettled from Colchester and Klipfontein, the residents of Glenmore community, an hour's drive from Grahamstown into the rural countryside of what was Ciskei, still do not own the land that they live on.

The community, which ekes out a living off the badly eroded soil, and lives off government pension grants paid to the elderly, has finally overcome internal conflicts to rally together and demand tenure rights to the land it now occupies.

Despite their unforgiving environment, the members of the community refuse to be moved again. Instead they are calling for the state to give them full title to the land, and serviced homes.

It's here that Glenmore is caught in the Catch 22 of South African land reform. Without secure tenure the Glenmore community cannot apply for the R15 000 per household government subsidy. Yet obtaining title to the land is taking forever.

National Department of Land Affairs deputy director Vuyo Mbeani says the issue is receiving urgent attention: "Glenmore will be a test case for the rest of the province."

The community pins its hopes on the 1995 Development Facilitation

Act which sets out "a clear, single, national process for approving development".

But the mechanisms for making this happen, including the establishment of tribunals in each province, are still not in place.

Deputy director of the Department of Land Affairs in the Eastern Cape, Mike Kenyon, said that when positions for the provincial tribunal were advertised, 90% of the applicants were white, middle-class businessmen who "were simply not representative enough".

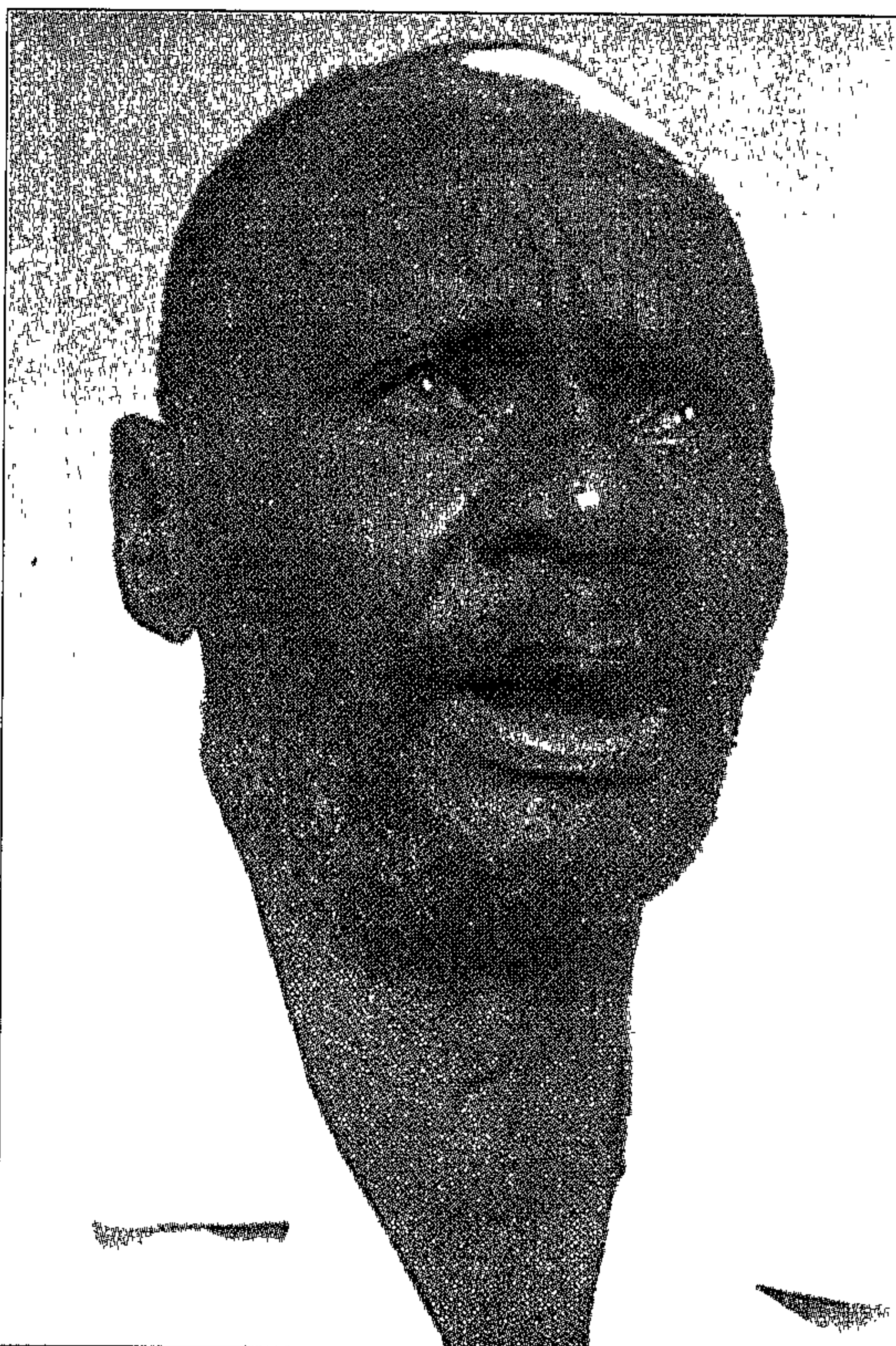
"These are the sort of headaches we are dealing with. The very process of speeding up development is being slowed down. Where on earth do we find the people to do the job properly?" he asked.

While waiting for the department to sort through the red tape, the community is trying to plan for its future.

But Glenmore Advice Office director Wilhe Botlani says it's a tall order. "There are no jobs, no money." Violence and rape are rampant. "The youth are raping our grandmothers as they have nothing else to do," he says.

Many parents cannot afford R4 a term to send their children to school. Yet children without uniforms are being sent home.

Time, Botlani stresses, is not on the side of this desperate community.



Hosha Tolly Biya: Wants his family back with him

PHOTO: NAASHON ZALK

Loopholes

Colleen Lowe Morna
in Nelspruit and
Deborah Ewing in Weenen

HOSHA TOLLY BIYA winces with pain when you shake his hand. The labour tenant from a farm 15km outside Nelspruit — which he declined to name for fear of reprisals — injured while driving the tractor on the land where he has lived and worked since boyhood. A kitchen screw rammed into his elbow to hold the joint together is the only evidence of any kind of "treatment".

Now, this gentle-faced man, whose eyes water uncontrollably as he speaks, faces an even more devastating upheaval.

A few days after census officials visited the farm and revealed to his landlord how many of his children and grandchildren were living with him, the farmer ordered that they all leave — or have his house burnt down.

The elderly widower has been alone. He is afraid that he will be next to be evicted. "I do not want to fight. I do not want to cause trouble," he insists to lawyer Chali Mnisi, who, along with his business partner, Chabeni Ntuli, have been inundated with labour tenant cases. "I just want advice about what I should do."

Mnisi is caught in a dilemma. On the face of it, it is a straightforward case. Under the Labour Tenants' Act passed earlier this year, Biya is entitled to security of tenure, and to

d for, but there have been some success stories so far

Stepping stones to dreams: Workers at Inkululeko farm crops which are not particularly needed in South Africa, but are easy to grow. In the long term, Inkululeko's owners aim at money-spinning innovations, like growing spices

PHOTOGRAPH
NAASHON ZALK

Land reform at a glance

UNDER apartheid, 86% of South Africa's farmland was reserved for whites, who comprise about one eighth of the country's population.

Since the beginning of the land reform programme, two million hectares, or 1,68% of farmland, has been approved, designated or transferred. A total of 376 331ha, or 0,4% of farmland, has actually changed hands.

The government has changed the original Reconstruction and Development Programme (RDP) target of 30% farmland being redistributed to the previously disadvantaged by 2000 to 18,5% changing hands by 2007. This, it says, will still only satisfy 56% of land hunger.

The Land and Agriculture Policy Centre's David Cooper says five years was unrealistic: "Nowhere has land reform taken less than 20 years."

The National Land Committee's

Brendan Pearce says: "We understand the complexities of land reform, but in a number of areas, it could have moved faster. We don't have the luxury of time."

Minister of Lands and Agriculture Derek Hanekom responds: "We will be judged more harshly on outcomes, than on how much land we have bought."

There are three facets to the land reform programme:

■ **Restitution:** This involves returning land to, or compensating victims of forced removals which took place after the 1913 Land Act.

Claimants have until 1998 to lodge their claims with the Land Claims Commission (LCC), which has a five-year life span. The LCC sorts through the claims, and attempts to reach negotiated solutions before referring the claims to the Land Claims Court for endorsement, or arbitration, as the case may be. So far, the LCC, which was

established in 1995, has received 10 612 claims, and gazetted 648 of these. Only one claim — that lodged by the Elandskloof community in the Western Cape — has yet been validated by the Land Claims Court. Resolving land claims has proved to be a long and tedious process.

■ **Redistribution:** This makes it possible for poor and disadvantaged people to buy land with the help of the R15 000 settlement grant from the government available to all those earning less than R1 500 per month. So far, 397 redistribution cases have been approved. The bulk of land transfer is expected to take place in this category.

■ **Tenure reform:** This is the newest and most complex area of land reform. It involves a variety of legislation to secure the tenure rights of various categories of rural dwellers, such as those living in the former homelands; labour tenants and farmworkers.

The joy of going home

M+G (M) 22-28/11/96
Deborah Ewing in Weenen

OFFICIALLY, the first land transfer to take place in KwaZulu-Natal under the land reform pilot programme was the sale in July of Rocky Drift farm in Weenen to 232 families. Unofficially, Induna Nkanyakhe Dladla, of the Nomoya community, bears the proud distinction of being the first beneficiary of land reform in the province.

He and his community were evicted at gunpoint in 1969, condemned to be landless labourers after labour tenancy was banned in Natal. Last December, he moved back to the same hillside he was chased from, as a sort of caretaker of the Kranskop and Retreat farms that the 54 families of the Nomoya community have bought from Weenen farmer Louis Van Rooyen.

The community can only legally resettle after site boundaries have been defined and services provided, but Dladla quietly constructed two mud-and-wattle houses, snuggled amid the hillside scrub, and barely visible from the dirt road below — partly to make sure that no other land-seekers settled on the land.

The dignified Dladla recalls with delight his return after 27 years: "The first night I spent there was amazing. I was enjoying the idea of sleeping there so much that the dawn came almost straight away!"

"I returned at the end of a very bad year but when I came back, the rain came too, so this year has been good." An abundance of new-born goats and lively fowls and several small, smiling children on the Dladla homestead testify to that.

"The general state of the land is very good. I think we will be able to improve it because this government is offering us a chance for development. In the old days, we had grain stores full of grain and kept our cattle and sheep and didn't lack anything. Now there are planners and advisers to give us information so there is an even better chance of farming."

Dladla plans to make a living by



Louis van Rooyen (left): 'You have to change to survive' PHOTO DEBORAH EWING

keeping goats and through irrigated gardening. "I will plant every type of vegetable that you can eat. We have lost a lot of years but the process of getting our land back makes us feel uplifted. We are overcoming."

Like the Nomoya people, 15 families of the Ncunjana community have also negotiated to buy land in the area from a farmer under the KwaZulu-Natal pilot programme.

The 312ha of land that will soon belong to them don't look much like a farm yet. On the horizon, a strip of thorn trees has been cleared for the boundary fence but the "farmland" is still a maze of bush and boulders.

But even before people move on to the farm, there are concerns. For example, the Department of Agriculture estimates the stock-carrying capacity of the farm at 40; compared to the 250 which the new settlers own. They had to fork out a fortune for surveying; and they're worried about where they will get credit from to make a go of the farm.

Our area is very small", says community member Mzwabantu Majazi. "But our proposal for developing it came from our heart of hearts. We want to farm this place partly as a ranch and partly to grow green produce and we are sure we can succeed."

The KwaZulu-Natal land reform project has largely been driven by former labour tenants at Weenen who were evicted in the late Sixties. They held on to their dream of returning to their land. Through the Weenen Peace and Development Committee, with the support of a community-based organisation called Mdukatshani CBO, they per-

suaded Derek Hanekom to consider the area as the focus of the pilot project.

There are pilot projects in each of the nine provinces. These are intended as testing grounds for policy and good practice. By November this year, there were more than 211 pilot projects ranging from 78 in the design phase to 13 in the detailed design phase for settlement.

The Kwa Zulu-Natal project covers the Weenen-Muden-Estcourt-Colenso area. It consists of 22 projects covering 2 154 households and nearly 22 000ha of land. These mainly involve redistribution through assisted land purchase.

Most of the projects are still in their infancy. At Muden, frustration with the pace of negotiations has resulted in hundreds of people invading land.

But Department of Land Affairs deputy director general Angela Bester says the KwaZulu-Natal pilot projects still rank among the best. She attributes this to the high motivation of potential beneficiaries, organisational support offered by non-governmental organisations, and better administrative capacity in the province than in many others.

Minister of Land and Agriculture Derek Hanekom cites the co-operation shown by white farmers in the area as an important factor — and one that illustrates that not all white farmers are hostile to land reform.

An example is Van Rooyen, who happily sold his farm to the former labour tenants. "You have to change to survive here," he says. "Soon we'll be neighbours, they'll have the same problems as me and we'll depend on each other."

hurt labour tenants



Obad Ntuli: Lost all faith in the law PHOTOGRAPH NAASHON ZALK

his family living with him. He's also entitled to apply to purchase the land within the next four years, using his R 15 000 subsidy. There's a catch. He has to prove he's a labour tenant: not a farmworker. If he loses, Biya may be worse off than where he started.

Ntuli, who says he has "lost all faith in the law", is bitterly critical of the Act for putting the onus of proof that they are not farmworkers on labour tenants, rather than on farmers.

To be classified a labour tenant, claimants have to prove that they benefit more from working the piece of land they occupy, than from wages. "Economic value", as understood by the courts, makes this well nigh impossible, according to Ntuli.

Take the case of Biya, who earns R150 per month. How does one balance that against the "value" of his

mud hut and the tiny piece of land on which he grows a few vegetables to eat? To the courts, the latter are worthless. To Biya, they are his whole life.

Ntuli recounts the case of a client who lost his case because he had "signed" a contract, written in Afrikaans, using a thumb print, to say that he was an employee. The client was ignorant of what he had signed, but the court deemed it legal.

Makhonya Alcock of the Mdukatshani community-based organisation in northern KwaZulu-Natal, says there have been several cases of farmers starting to pay labour tenants wages to disqualify them from making claims under the Act.

Among the flaws in the legislation, Alcock cites the fact that if claimants take a case to the Land Claims Court and lose, they risk being evicted and having to pay both sides' legal fees out of the R15 000 subsidy they could otherwise use to purchase land.

Mdukatshani is advising labour tenants to negotiate with farmers rather than go to court. Ntuli says he's no longer going to wait for cases of eviction: "we're going to get proactive, and advise our clients to put in their claims to purchase the land."

It may be a long shot for Biya. But while his claim is pending he cannot be evicted. And his lawyers say he deserves nothing less than to have his family back with him; and, when the day comes, to rest in peace on the only land he has ever known.

Delays light fuse in Lohatla row

(27)P

ST (CM) 24/11/96

By CHARL DE VILLIERS

LAND claims linked to the army's giant battle school at Lohatla in the Northern Cape are turning into a doubly explosive issue — over alleged political foot-dragging and live ammunition littering the vast range.

This week, the Association for Northern Cape Rural Advancement warned that repeated "empty promises" about restitution were exacerbating the tensions between 20 000 former Lohatla residents, the government and the SA National Defence Force.

According to Ancra spokesman Peter Mokomele, the latest blow came when a promised meeting between President Nelson Mandela and the defence and land affairs ministers did not take place this week.

"This is just another disappointment, just another empty promise," Mokomele said.

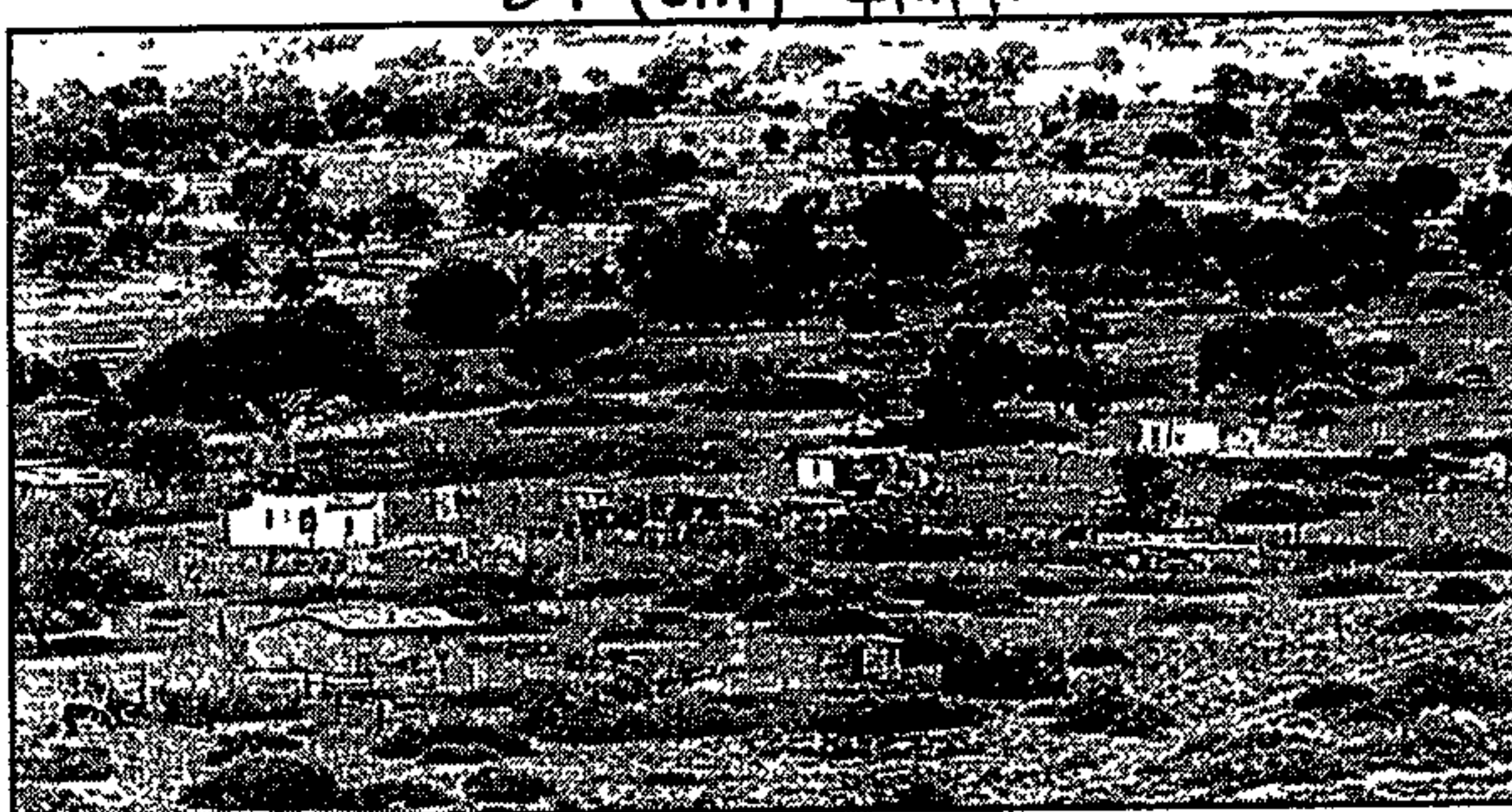
Presidential spokesman Parks Mankahlana confirmed the postponement, but said the meeting had been rescheduled to Tuesday or Wednesday.

"There has to be a way to resolve this dispute," he added.

It was reliably learnt this week, however, that Land Affairs Minister Derek Hanekom was waiting for an independent report on the live ordnance at Lohatla before signing a certificate that would endorse the feasibility of land restoration at the training ground.

Mechem, a division of arms manufacturer Denel, has estimated that it would cost more than R25-million to clear 10 000ha of live aircraft munitions, heavy and light artillery and infantry support munitions.

Lohatla — one of the three biggest military training grounds in the



EMBATTLED LAND . . . This Khosi settlement at Lohatla is at the heart of a major land claim for part of one of the biggest military training grounds in the world. Picture: AMBROSE PETERS

world — is large enough for combined air and ground manoeuvres and G5 155mm guns can be fired close to their maximum range on the area's 50km north-south axis.

SANDF spokesman Colonel John Rolt declined this week to confirm rumours that Lohatla had been identified as a potential training ground for a combined African peacekeeping force. It was, however, the only facility of its kind on the continent and would be an "obvious" choice for multi-national exercises.

Ancra, which staged protests against this week's "Southern Cross" exercise involving about 10 000 troops, had rejected explosives' surveys by Mechem and British army engineers in favour of a study by a non-governmental organisation with experience in clearing mines in Angola, Mokomele said.

Explosions have claimed the lives of two Khosis and livestock have died after allegedly eating ordnance, according to the Group for Environmental Monitoring.

The group, which carried out an in-depth study last year into alternative use of military land, said much of this property had been procured through

apartheid-style dispossession and exclusion of communities.

"This was often done under a veil of secrecy and in the guise of narrowly-defined notions of security," researcher Penny McKenzie said.

"The process of regaining access to land has been difficult and protracted for the communities involved and military activities have had negative environmental impacts."

Three communities — the Maremane, Gatlhose and Khosis — are claiming 74 000ha of the 1580km² battle school about 2½ hours drive north-west of Kimberley.

The SANDF — allegedly supported by Minister of Defence Joe Modise — has "recoiled" from any land-sharing agreement, although sources say the communities could be prepared to lease their former land to the state.

The Lohatla claim has been submitted to the Commission for Land Restitution, but is "light years" from resolution, a lawyer has said.

The SANDF insists that it has a constitutional duty to test and refine its conventional battle prowess in defence of SA sovereignty.

Land reform stocktaking

Louise Cook

(271A)

BO 27/11/96

LAND reform in KwaZulu-Natal was relatively efficient considering the conditions, but was hampered by administrative bottlenecks, a land affairs department report said yesterday.

The report represented a stocktaking of 12 land reform projects at Estcourt, Weenen, Muden and Colenso. It found some of the main problems impeding land reform in the province were overreliance on the land market, limited state intervention, the gap between policy and reality, and a lack of access to loan financing.

Despite the green paper on land policy stating that land reform should be sustainable and benefit the poorest groups, these people often had to sell livestock, which were their source of income, to raise the finance necessary for land acquisition, the report said.

Regarding overreliance on the market, the report found that there were sharp contradictions and ambiguities. Despite a strong demand for land among farmworkers and tenants, they struggled to acquire land. This was because land reform was supply-driven instead of demand-driven. The report proposed that a land tax on underutilised or unused land was used to solve the problem.

Dispute over Cato Manor goes to court

Louise Cook

THE fate of the R1,4bn Cato Manor urban-renewal development, stalled by land claims earlier this year, would be decided by the Land Claims Court in Durban this week, the restitution commission said last week.

The project — one of the largest in the Reconstruction and Development Programme — has been jeopardised by 2 500 restitution claims.

The Cato Manor Development Corporation, backed by the Durban municipality has applied to the court for a

special ruling to prevent people returning to the land. The court was asked that restitution be made by offering alternative land or financial compensation to victims of forced removals, the corporation said.

But commission spokesman Thys Human said 280 claimants, forcibly removed 40 years ago, would oppose the application although the commission said only a "few" people felt strongly about moving back.

Part of the land claimed includes a slate quarry operated by Murray and Roberts subsidiary Ready Mixed Ma-

terials, which leases the land from the council. Monthly royalties paid to the council on mining activities reportedly amounts to R44 000.

Claimant Abraham Karan said his family was refused permission to mine the quarry and instead was offered "meagre" compensation for their land.

The council's plans to rehabilitate the area include 30 000 new houses, clinics, schools and an industrial node — all of which would be developed over the next five to eight years.

Meanwhile, another land dispute over the Lubatla Army Battle School

in Kimberley could be solved soon after President Nelson Mandela personally intervened last week.

The long-unresolved dispute between the claiming communities and the military, which owns the land, took a step forward when Mandela called a meeting with Agriculture and Land Affairs Minister Derek Hanekom and Defence Minister Joe Modise last week.

The parties refused to comment on the outcome but sources close to Hanekom said it would be suggested to the communities that they share the land with the military.

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ONE OUT OF 11 000 CASES SETTLED SO FAR

Moves to speed up land claims process

SEVERAL steps are to be taken to speed up the processing of land claims, including amending the Restitution of Land Rights Act to allow the Land Claims Court to handle more cases directly. Political Writer **HENRY JUDSKI** reports.

THE Land Restitution Commission has taken a range of steps to "fast-track" the settlement of the thousands of land claims which it has received nationally.

In the two years since the process to compensate people dispossessed of their land under apartheid began, only one of the 11 000 claims lodged with the commission has been settled.

The landmark Elandsloof settlement will be celebrated on December 15 when hundreds of families finally return to the land near Citrusdal which they lost 35 years ago.

The measures include the amendment of the Restitution of Land Rights Act to allow more straightforward cases to go directly to the Land Claims Court instead of first having to be processed by the

commission.

The amendment, which was debated by the parliamentary portfolio committee last week, is expected to be rushed through Parliament early in the new year.

Other steps include the appointment of an additional commissioner, a more even spread of the case load among the various commission offices, the streamlining of claimants' applications and the more active involvement of the Land Claims Court, which to date has handled only a handful of claims.

"Things will definitely begin to move much faster from now on," said

CT 2/12/96

Western Cape Land Commissioner Mr Wallace Mgoqi, whose Cape Town office is processing about 3 000 of the 11 000 claims which have been received nationally.

"Besides Elandsloof, I hope to have some more good news in time for Christmas," said Mgoqi, who is confident of further claim breakthroughs before the end of the year. A number of cases from the Northern Cape were referred to the court last week for a final decision, he continued.

The commission and Land Affairs Minister Mr Derek Hanekom have been heavily criticised by non-gov-

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ernmental organisations (NGOs) for the long settlement delays and for the host of infrastructural problems, which have raised doubts about the commission's ability to cope the flood of claims.

Hanekom has acknowledged that the "restitution of land rights has indeed been slower than anticipated" and undertaken to "address the issue as a matter of urgency".

"I am as eager as all other parties to see restitution delivered timeously," he added.

However, it had to be acknowledged that "restitution is a legal process which is far from the simple

step" that many people believed.

Hanekom said that for the NGOs to suggest that the department should set up a system of restitution "that mirrors the speed and arbitrary nature of forced removals" was hardly appropriate.

"I am not dissatisfied with the overall progress that has been made and anticipate that delivery will start to escalate from here on," he said.

The claims process has until 1998 to run its course, but it is expected that the settlement of the claims — many of them extremely complex and involving millions of rand — could take several years to complete.

R16-m fund for land reform established

(271) Star 4/12/96
By MONDLI MAKHANYA
Political Reporter

The Land Affairs Department has established a R16-million fund to finance the activities of the Commission for the Restitution of Land Rights over the next three years.

The department said in a statement yesterday that the Land Restitution Trust Fund would help to "increase the commission's capacity to deliver on land

restitution" It said the commission's current budget covered only a little more than the body's administrative requirements.

"Funds to implement other functions critical to the restitution process are insufficient. The commission does not have arms and legs to perform its required range of tasks.

"It needs to implement the means to build and support the momentum required for the restitution process urgently," said the

department.

The Netherlands embassy will contribute some of the money for the fund "as part of its commitment to supporting the land reform process" in South Africa.

The statement said 11 000 land claims were pending and more were expected over the remaining 16 months of the commission's life.

Land Affairs Director-General Geoff Budlender will head the fund.

Survey finds drivers collude in truck theft

Jackie Pile 4/12/96

A SURVEY of more than 27 000 trucks across SA has found a high degree of collusion by drivers in the theft of vehicles and freight in the trucking industry.

The survey, carried out by a motor vehicle research organisation, The Marketing Shop, highlights the increased risk of theft at unforeseen stops in townships and fast food outlets, as well as in lay-bys where drivers sleep.

An insurance industry source quoted in the survey said that in the assessment of insurable risk in the transport sector, drivers accounted for 60% while the remaining percentage rested with the condition and maintenance of the vehicle. Among other factors raising the insurance risk were the low levels of education, literacy, skill and road awareness of many truck drivers. It noted that many drivers were in charge of vehicles costing up to R500 000 and freight with a value of between R250 000 and R500 000.

As countermeasures, the insurance industry suggested careful driver training and a move towards better record keeping. Accurate pre-employment checks were essential on all potential drivers and the use of polygraphs was also recommended.

The survey found that 15% of stolen vehicles were hijacked. There was also strong evidence that the rate of vehicle hijackings and theft were increasing.

'Irregularities' uncovered in security board probe

Kevin O'Grady 4/12/96

LEGAL action, possibly including criminal charges, could flow from the results of a forensic audit of the affairs of the Security Officers' Board which are to be released soon, an auditor said yesterday.

Patrick Ronan of Ronan, Smith & Associates, which has been involved in the investigation and in managing the board's affairs, would not give details of the findings. However, he said the investigation had "uncovered gross irregularities with regard to the administration" of the board.

Board member Don Masterson said the findings were "of such a serious nature they have led to the suspension of two senior board executives", referring to last week's suspension of registrar Frans Lubbe and assistant finance registrar Thuis Redelinghuys. Ronan also disputed allegations

by Lubbe that his suspension followed an appeal to the safety and security ministry to set up an independent commission of inquiry into unaccountable expenditure by board members.

He also denied "grave" allegations levelled at board members, including three Transport and General Workers' Union shop stewards appointed to the board.

Ronan said that the investigation into Lubbe and the board's secretariat had preceded Lubbe's submission to the safety and security ministry.

He said he had seen evidence that productivity was at a high level since he started performing secretarial and administrative functions for the board in April. He agreed with board vice-chairman Joe Matshepa's comments that Lubbe's allegations against the three union members on the board were racially motivated.

R15,7m trust set up for land commission

BD 4/12/96

PRETORIA — A land restitution trust fund worth R15,7m over three years had been set up to bolster the budget for the activities of the Restitution of Land Rights Commission, it was announced in Pretoria yesterday.

Trustees of the fund said: "The commission is now 18 months old and it has become clear its consti-

tutions by Lubbe that his suspension followed an appeal to the safety and security ministry to set up an independent commission of inquiry into unaccountable expenditure by board members.

They said more than 11 000 land claims were pending and more were expected in the next 16 months. The trustees said they required more funds to put core functions in place. — Sapa.

Cut graft for Beira to succeed, says banker

Harold — Southern African governments need to cut bribery and corruption to create an attractive environment for investment in their projects, regional Beira Development Corridor leading banker said yesterday.

James de la Fargue, a corporate finance manager with the Merchant Bank of Central Africa, told a two-day conference that security and exchange control concerns were also key constraints to attracting capital to turn Mozambique's Beira sea route into a regional development corridor.

"Control of corruption is a major concern. Key financial constraints are security, functionality and exchange control understanding," he said.

The way forward lies with central governments getting together and creating the right kind of environment," De la Fargue said.

Officials of the Beira Corridor Group, which organised the conference, said they had no estimate yet of the initial capital needed to expand the corridor's road, port and rail network.

But the group's managing director, David Zausmer, and other speakers stressed the region's private sector was crucial to securing the capital as southern African governments faced mounting budgetary constraints and dwindling donor aid.

He said investment security constraints could be overcome through clarification of rules governing the corridor and support from central banks through clear exchange controls on investments. De la Fargue said the timing of the corridor was right, with the region now enjoying peace.

Beira would also offer a cheaper route than SA for most regional companies. — Reuters.

BD 4/12/96

Cabinet approval of new bill a boost for land restitution

By JOURNAL RANTAO
Political Correspondent

Land restitution received a major boost yesterday when the Cabinet approved the Restitution of Land Rights Amendment Bill, which will expedite the process to restore vast tracts of land across South Africa to the rightful owners.

The bill will be go before Parliament next month.

Land Affairs spokesman Hellmuth Schlenker said the approval of the bill by the Cabinet meant that people with clear-cut restitution cases could directly approach the Land Claims Court, instead of going to the Land Claims Commission and waiting for it to

investigate and then submit the case to the court.

Also approved by the Cabinet were recommendations from Trade and Industry Minister Alec Erwin to offer tax-holiday schemes for new investments, and the Close Corporations Amendment Bill.

The Cabinet also okayed an agreement that the Government

take over Namibia's pre-independence debt, which was guaranteed by the then SA government.

A report on the long-standing arrangement of the Department of Environmental Affairs and Tourism to grant Japanese and Japanese vessels annual permits to catch migratory tuna in local waters was received and the Cab-

net agreed that this continue under conditions determined by Minister Pallo Jordan.

The Cabinet approved the appointment of a director and alternate director to the board of the Industrial Development Corporation, the board of Alexkor, the Electricity Council and the National Advisory Council on Correctional Services.

(2715) / Mar 5/12/96

Farm valuations to be challenged in court

Louise Cook

FARMER organisations are preparing to go to the Land Claims Court to challenge values put on farms earmarked for redistribution, claiming the proposed price calculation method is seriously flawed.

Northern Cape Agricultural Union land committee chairman Ampie Steenkamp said that using the "Gildenhuys formula" devised last year by land value committee chairman Antonie Gildenhuys — since appointed a judge of the Land Claims Court — one Northern Cape farmer would have to pay the state to expropriate his farm.

The formula has been adopted by government to value land acquired during the apartheid era and ear-

marked for redistribution. Under the previous government farmers bought land from the state through the Agricultural Credit Board, paying 8% interest on loans and enjoying government subsidies to tide them over periods of adverse climatic conditions.

The Gildenhuys formula entails dividing the market value of the land at the time of purchase from the previous government by the purchase price, and multiplying the quotient by the current market value. Current market value is based on original improvements plus the value of subsequent improvements, less the estimated value of state aid.

SA Agricultural Union spokesman Analize Crosby said the formula was impractical in some cases. The union

was considering financial aid to farmers involved in a claim at Warrenton.

Steenkamp said problems were arising where farmers had bought state land on favourable terms and kept it, while others in the same area had sold to private buyers at a profit.

"An untenable situation would arise if one farmer received full market value for his farm but his neighbour got half simply because (he) failed to get rid of the farm in the interim."

The first land value dispute to go before the court would probably be the claim of the Majeng community in Northern Cape, who were forcibly removed from their land at Warrenton before the previous government divid-

Continued on Page 2

Valuations

Continued from Page 1

ed the area into state farms and sold them by public tender.

Sapa reports the Transvaal Agricultural Union (TAU) has warned that the land restitution laws had plunged farmers into a state of siege which could turn into a state of war.

TAU deputy president Willie Lewies told reporters in Pretoria farmers might have no choice but to resort to strong action against the redistribution of land.

"We are in a state of siege which could turn into a state of war," he said.

Lewies said protest action might include a trade war during which farmers would withhold their products from

the market. "I must emphasise that we are considering all options."

Lewies said this attitude had been prompted by the Constitutional Court's refusal last month of a TAU application that the Restitution of Lands Act be declared unconstitutional.

The TAU contended that the act was inconsistent with property laws, and that it militated against several fundamental rights in the constitution.

"The act nullifies the law of properties to such an extent that the property owner is subjected to the unfettered discretion of the commissioner on restitution of land rights," it said.

TAU legal adviser Piet Kotze said the union was considering approaching an international court on the issue. "We think we can be successful if we take our case to the United Nations body dealing with human rights."

Farm valuations to be challenged in court

BD 5/12/96 (2718)

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CLAIMANTS 'INCREASINGLY FRUSTRATED'

Delays beset land restitution process

AS 200 FAMILIES prepare to celebrate the return of their ancestral land at Elandskloof, urban claimants seem to be in for a long wait. Political Writer **HENRY LUDSKI** reports.

A CLAIM for compensation arising from the forced removal of a coloured family from Claremont to make way for upmarket Cavendish Square has highlighted a land restitution crisis over continued delays in the settling of thousands of urban claimants.

"I'm fed up about the length of time it is taking to settle our claim," said 67-year-old Mrs Stella Nelson. Thirty years ago her family was forced to give up two cottages and a stretch of land which had been home to them for decades.

Now their claim — and those of at least 25 other Western Cape families which have already been researched and processed — are being held up as the Department of Land Affairs struggles to come up with a "just and equitable" formula to compensate urban claimants.

The Nelson family's claim — when it is settled eventually — is likely to be the country's first urban land restitution settlement. More significantly, however, is

the method the Department of Land Affairs will use to arrive at the final settlement figure.

The department's director of restitution, Mr Glen Thomas, said the department was being careful in determining the formula in the Nelson claim because of the precedent it would set for the settlement of the thousands of other cases.

As the department was only at the "beginning stages" of determining the formula, he said, this task could become the responsibility of a special task group.

Thus comes at a time when the Land Restitution Commission is preparing to celebrate its most important milestone — the occupation by 200 families of their ancestral land at Elandskloof near Citrusdal from which they were evicted 34 years ago.

The calculation for the compensation of rural claims is a complex formula which takes into account the price at the time of acquisition, the market value at the

time, and at present, improvements made to the property set against the value of any special benefits which the owner received from the state.

Although Thomas said the department was looking into whether the rural formula could be applied to urban claims, it is unlikely to be feasible because of the varied nature and complexity of urban cases.

Elandsloof is only the first of 2 000 claims which the commission has been able to successfully negotiate thus far.

In the meantime, it has faced increasing criticism from a number of quarters, particularly from land sector non-governmental organisations, and growing frustration and anger from claimants over the slowness of the process.

Since the process to compensate people began more than 18 months ago, it has been beset with administrative and logistical problems that are only now being sorted out.

A provision in the Restitution of Land Rights Act stipulates that the commission must explain to Agriculture and Land Affairs Minister Mr Derek Hanekom reasons for

the delay if the case stretches beyond a year, as is true of a number of claims in the province.

Mr Pieter Joubert, deputy director of land restitution in the Western Cape, said the commission had made repeated requests to Land Affairs for its final proposal to compensate the Nelsons.

"Claimants are becoming increasingly frustrated, but unfortunately there is nothing we can do because it is up to the department to come up with a final offer."

Said Nelson: "When I called them in October, they (officials) said I must call them in November. In November they said I must call in December... and so it goes on."

Her family was removed from Claremont under the Group Areas Act in 1956 after receiving about R12 000 in compensation.

Land Affairs director of policy Mr Jean du Plessis said the underlying principle of "just and equitable" compensation was that while the owners should be fairly compensated for what they paid for or invested in the land, they should not make a profit at the expense of the taxpayer.

Outlining the complexities

involved in determining an accurate value for "just and equitable", Du Plessis said the Land Claims Court had the final word on the question of compensation.

"This is why the negotiations phase is so important. If the state and the current land owner can agree on an acceptable price for the land out of court, then the court will be obliged to accept that figure, unless serious objections arise."

Hanekom has responded to the criticism about the administration of the land restitution process by acknowledging that it has been going "slower than expected" but added that he was "not dissatisfied with the overall progress that has been made".

Although Hanekom has announced a number of measures to improve the situation, it has not been enough to reassure many people in the land sector that the situation will improve.

The steps include amending the Restitution of Land Rights Act to allow for less complex cases to bypass the commission and to be referred directly to the Land Claims Court, and the appointment of extra staff.



STILL WAITING: Mrs Stella Nelson, 67, and her husband, Douglas, 70, in the Claremont street from which the family was evicted and where Cavendish Square now stands.

PICTURE: THEMBINKOSI DWAYISA

Land claimants weigh an SANDF leaseback

Louise Cook

BD 12/12/96

THE SA National Defence Force was under pressure to hand back five military sites to communities claiming land restitution, a report in the latest SANDF communication bulletin said.

In one case, communities claiming 70 000ha of land at the Luhathla military base in Kimberley were considering a proposal by government that they be given their land back but continue leasing it to the SANDF to run the battle school.

This would eliminate moving the base and army and civilians having to share the land. Northern Cape land reform co-ordinator Dean Snyders said the cost to the SANDF would be between R30 000 and R70 000 a month. The claimants had until Friday to decide on the deal. The report said other sites leased by the military were shooting ranges used by part-time defence force members and the police.

However, the proposed solution to the Luhathla dispute — leasing about half of the battle school to the SANDF — was one that "could be tried" in other claims against state-owned property, sources said.

Restitution claims have also been lodged against SANDF land in Simon's Town, part of the Ysterplaat airforce base and military training areas at Schidtsdrif in the northern Cape, Boschhoek in KwaZulu-Natal, Mosita in the North West province and Madimbo in the Northern province.

Alexandra land claims could hold up new housing

(27/12) (27/12) Star 13/12/96

Conflict drove people away and others occupied their homes

By ANNA COX
Sandton Bureau

Land restitution claims in the Beirut area of Alexandra could delay plans for the redevelopment of the area.

Planning of the area, now known as the reconstruction area, is to start next month by consultants appointed by the Eastern Metro Council.

However, if land restitution claims by people displaced from the area due to violence in 1992 are not settled, construction work will not be able to start, said urban planning and development manager Eric Saunders.

The area formed a buffer zone between the IFP-aligned hostels and greater Alexandra during violence. ANC supporters living in the area were forced to flee their homes which were then taken

over by others. Of the 661 displaced families about 22 have already lodged claims for the return of their properties.

There have also been claims on the land on which the hostels are built.

Many of these displaced families have been living in overcrowded and appalling conditions in recreation and church halls, and municipal buildings.

Most will be relocated to land in Lombardy East in terms of the rapid land development programme – a local authority project to house people living in desperate conditions.

Saunders said that if the claims of the displaced in the RCA were validated, no development could take place on that land. The council, however, had formed the RCA Consultative Forum and would be looking at offering claimants

compensation or alternative land.

Consultants will start the special planning for the RCA next month and it is expected to be complete by the end of February.

Although definite development plans had not been made for the RCA, medium-density developments with light industry and commercial developments were being looked at. The two hostels for men would be integrated into the long-term planning.

"Although people are fully entitled to the restitution of their land, the claims could block development from which the entire community would benefit.

"We are looking at finding a way around the restitution also because of practical problems in restituting properties which have been divided up and dwellings having been built across site boundaries," he said.

Premier's powers increased by adoption of new land bill

Star 13/12/96 (271E)
By XOLISA VAPI

The Land Administration Bill which gives the premier power to acquire or dispose of provincial land was adopted by the Gauteng legislature yesterday, on the eve of its last sitting for the year.

The bill, which was recommended by the housing and land affairs committee, stipulates that the premier notify the affected land owner of his intention to acquire the property within 45 days.

The price of the land to be acquired will be determined by an agreement between the Government and the other party.

Encapsulated in the bill is the Gauteng Land Fund, into which all money payable to the Government upon the disposal of land will be deposited.

The legislature adopted "The Case for City Policing in Gauteng", a report tabled by the standing

committee on safety and security.

The report proposed that city police officers – to be comprised of the existing traffic, security and civic defence structures – should be equipped with "peace-officer" status and operate under the auspices of public safety at metropolitan council level.

City police services will not have investigative powers, except in the case of traffic offences.

It said funding for the city police core would be generated by charging property owners in the area a levy, similar to the way the Midrand-Ivory Park substructure funds its crisis services.

The DP also submitted its crime-policy strategy called "Winning the War Against Crime" to the legislature yesterday.

The party said crime was localised and national solutions did not adequately address crime problems in specific areas.

'Farmers of our own land'

(271A) CP 15/12/96
opment Corporation.

TWENTY-FIVE years ago, John Ndluli was kicked off the lush farm where he was born and trucked across the nearby Lomati River into the dusty and overcrowded Kangwane homeland.

On Thursday Ndluli proudly told Land Affairs Minister Derek Hanekom that, thanks to government grants, he is now the co-owner of the R16-million farm he was born on – the richest agricultural land in Mpumalanga's 'bread basket' region.

John and the 571 other Mpumalanga farm worker tenants who live and work on the newly christened Inala Estate represent South Africa's biggest restitution project to date.

John and his 'boer' farm man-

aging director, Piet de Wet, say that there co-operative efforts are slowly showing South Africa that black farmers can compete with their more experienced white counterparts.

Creches, a school and adult education programmes are being launched. Selected tenants are also receiving on the job training as farm managers, administrators and other technical staff to eventually fill the positions of the contracted white managers.

In mid-1994, the three farms currently making up Inala were joined for the first time into a commercial sub-tropical fruit and vegetable enterprise by a group of private investors from Gauteng and the KaNgwane Economic Devel-

The new owners called the new venture KOBAC and declared that they would run the farms according to RDP guidelines.

But KOBAC ran into financial problems.

The new owners almost immediately gave the 572 workers and their families 30-day eviction orders and retrenchment notices.

"The employees sent a delegation to Derek Hanekom to request help in buying the farm themselves. After an investigation into the idea's viability, Hanekom halted the evictions and Land Affairs put in an offer to buy all three farms for R16-million," explained land Affairs spokesman, Conrad Spamer. – African Eye News

ING-OVER CEREMONY TODAY

Elandskloof's people return to their land

(2715) CT 16/12/96

CITRUSDAL: Thirty-four years after being forced off their ancestral land, the people of Elandskloof are set to celebrate the return of their farm. **ROGER FRIEDMAN** reports.

THE people of Elandskloof will today become the first community in the country to occupy land from which they were evicted by the apartheid regime because they were the "wrong" colour.

Thirty-four years after being harassed off their ancestral property by a combination of racist church, racist white farming community and racist government, the Elandskloofers will march onto their valley farm at 8am today and head for the graveyard, where the sole living member of the 1960s Elandskloof "Waaksaarheids-komitee" — Mr Daniel "Oom Dantjie" Dirks — will recall those who died during their struggle.

Today is the Day of Reconciliation. From the graveyard, the marchers will head across their 3 138 hectare farm to the "festival area" — for a long day of speeches, a memorial service, a handing-over ceremony, sight-seeing tours, music, sports and a dance.

A senior member of the Dutch Reformed Church is expected to offer an apology to the Elandskloof community.

But Mr Johannes Smit, who agreed to sell the picturesque fruit

farm to the government for R4 million — and lives on the adjoining Klompewaboom farm — said yesterday he did not plan to attend today's festivities, or speak to the press.

His father and an uncle paid R34 000 to the Dutch Reformed Church for Elandskloof in 1961. The church had held the land in trust for the community since 1861.

The brothers initially offered R50 000, but were asked to rethink their bid on the basis that the deal would include taking responsibility for the Elandskloof coloured community.

The brothers Smit proceeded to take responsibility: charging community leaders under the Illegal Squatting Act, locking the community out of its church and school, confiscating livestock, burning pigsheds, poisoning dogs and seeking eviction orders.

Dr Hendrik Verwoerd was prime minister at the time. His then minister of coloured affairs Mr PW Botha accused community leaders of being misled by political agitators. Elandskloof was considered to be a "swartkol" (black spot), out of place in the heart of a white

farming community which was short of labour.

In September 1962 the community finally left the land, and over the years its members became scattered across the Western Cape, and beyond. But although only a few members remained in the area — notably those who have squatted in squalor on a nearby farm — the community always retained a sense of togetherness, inspired by their common desire to return to the land.

More than 300 families — about 1200 people — plan to return to the orange, peach and pear farm. It will take some time for them to do so, however, as plots must be allocated and houses built. Most of the original houses have fallen into total disrepair, as has the old Pastorie, school and church. The Smits used the church as a sheep-shearing and dipping shed. The state will be assisting the community to build houses, by way of a settlement grant.

In the meantime, about 15 community representatives will move onto the land from today, essentially to act as caretakers. The rest of the community will move back in drips and drabs. There are big decisions to be taken by those presently living and working outside the area about whether they should give up their jobs and change their lifestyle.



HOME TO STAY: "We never accepted the £100 (offered to evicted Elandskloofers by the Dutch Reformed Church) because they were trying to buy our rights," said Mr Daniel "Oom Dantjie" Dirks yesterday, in the Elandskloof community's orange orchard.

While the treasurer of the new Elandskloof committee Mr Cornelius van der Merwe has already given his state employer notice, and plans to move from Ravensmead on the Cape Flats to build a house on Elandskloof, fellow-committee member Mr Alex Smit plans to move to Elandskloof but retain his job at the Citrusdal Hospital.

Many elderly Elandskloofers simply want to live out their days on the land. Van der Merwe was 18 when he left Elandskloof. Smit,

who was one in 1962, said yesterday he did not believe he was related to the Smit brothers who bought Elandskloof.

With the peach and pear trees presently laden with this season's crop — which is delayed because of summer's late arrival — one of the most urgent management decisions the newly constituted Elandskloof committee must make concerns the harvest.

The community lacks machinery and other equipment, so the

committee is investigating a deal with a nearby farmer to take full responsibility for the crop — for a percentage of the profit. The deal they are seeking to conclude would incorporate making use of community members for labour, and training members to use the necessary equipment.

The committee is also considering what the community has to offer visitors in cultural and eco-tourism.

Yesterday, committee mem-

bers, Department of Land Affairs officials, and Surplus People's Project fieldworkers scurried around in the searing heat preparing for the big day today.

Among other things occupying their time was getting hold of 25 sheep and about a kilometre of boerewors for lunch Braams started last night.

They were also trying to get hold of the old church bell from Smit's house, which they would like to ring today.

PICTURE: BENNY GOOL

It's home free at last

Elandskloof returned to community

ARG 17/12/96 (271番)

NORMAN JOSEPH
STAFF REPORTER

It was a moment of intense emotion for Elandskloof's two oldest residents, Daniel Dirks and Jenetta Sass, when Land Affairs Minister Derek Hanekom ceremoniously restored their full ownership of land apartheid took away 34 years ago.

At a special ceremony on Reconciliation Day yesterday, Mr Hanekom presented the title deed to the 3,138ha fruit farm, seized under the Group Areas Act, which scattered the 1 200-strong Elandskloof community.

Now the Commission on Restitution of Land Rights has approved an application by the community to regain the land.

Yesterday, "Oom Daantjie" Dirks, 77, and Mrs Sass, 79, who lived on the farm near Citrusdal for more than 40 years, said their heartaches had turned to joy at the restoration of their land, and that they would be fully involved in plans to resettle families on the peach and pear farm.

Prolonged loud applause from the several thousand people at the all-day celebration greeted Mr Hanekom's handing over of the title deeds.

The emotions continued to run high as Mr Hanekom handed over a R50 000 cheque to Elandskloof committee members Aletta Titus and Sampie Carolus, and solemnly promised that he would return to Elandskloof.

He said he would monitor progress on the land and that he would return on December 16 next year, when he would donate a tractor to help with further cultivation of the land.

Land affairs spokeswoman Lauren Waring said that the Elandskloof community had been the first to put its case to the Land Claims Court.

It was the first restitution case to be settled and the first property to be promulgated in terms of the Restitution of Land Rights Act.

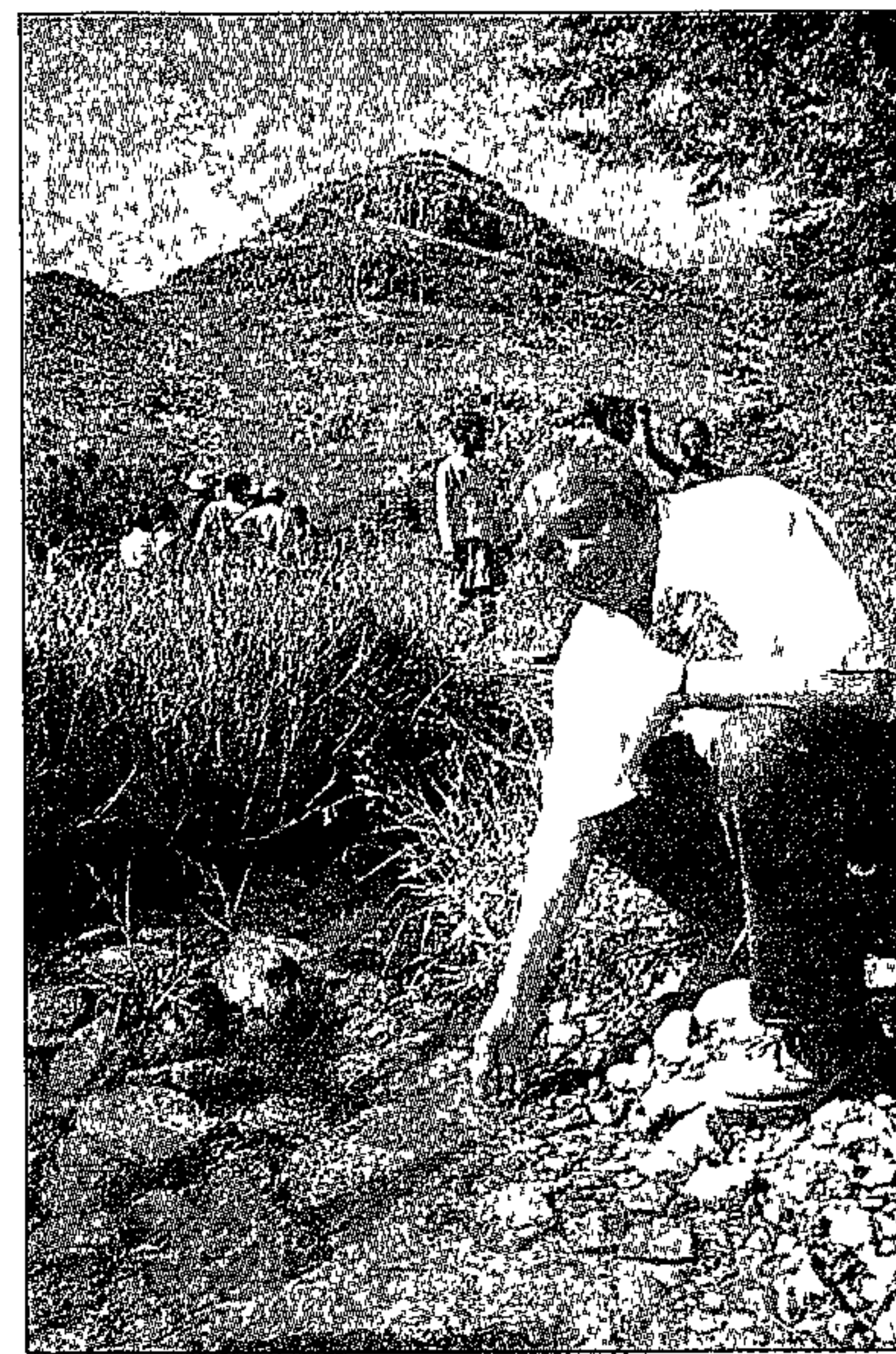
Khoisan community leader Dawid Kruiper, who lives in Kagga Kamma in the Koue Bokkeveld, caused a stir when he made a notable appearance in customary attire: a loncloth.

He said his people's application to the commission to restore their land, in the Kalahari, was at an advanced stage.

The crowd cheered when Mr Hanekom promised that the dispossessed San community would benefit from the land restitution process.



Car talk: a painted vehicle indicates the feelings of the people of Elandskloof



New beginnings: Elandskloof's oldest man, Daniel Dirks, 77



Joyous times: an Elandskloof resident happily embraces Khoi-San leader Dawid Kruiper after the restoration of land that was taken away 34 years ago

JACK LESTRADE

Land claim deadline extended

Eviction probe

JOSEPH ARANES
STAFF REPORTER

ARG 17/12/96

The Commission on Land Restitution has extended the deadline for claims from people who were evicted from Peninsula suburbs and the towns of Paarl and Somerset West.

Earlier, the commission set the cut-off date for the end of November, but because of the influx of claims, extended it to the end of March next year.

Regional commissioner Wallace Mgoqi said a record 657 claims were lodged with the commission during November from people who were evicted, mainly from the southern suburbs.

"But our research indicates that many more people lost property or a right to land because of apartheid's Group Areas Act and the Expropriation Act of the previous government," Mr Mgoqi said.

He said that if as many people as possible lodged a legitimate claim on a certain area, it would strengthen the case of existing claims and those already lodged in that specific area.

People should lodge their claims with the Commission on Restitution of Land Rights, 73 Strand Street, Matrix House, Cape Town.

The commission can be contacted on 262 930.

NEWS

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(2718)

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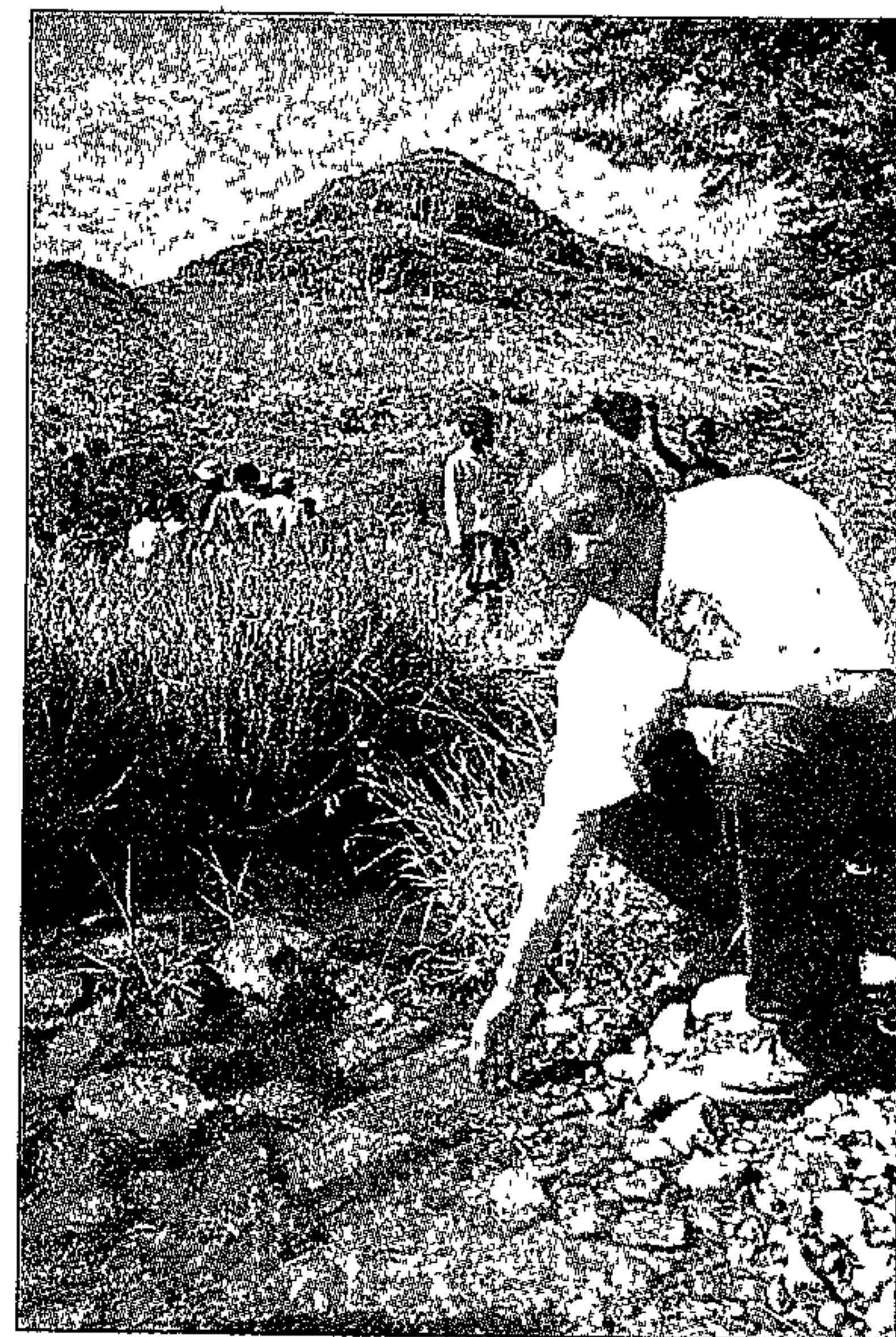
Khoisan community leader Dawid Kruiper, who lives in Kaggasamma in the Koue Bokkeveld, caused a stir when he made a notable appearance in customary attire: a loincloth.

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Car talk: a painted vehicle indicates the feelings of the people of Elandskloof



New beginnings: Elandskloof's oldest man, Daniel Dirks, 77



Joyous times: an Elandskloof resident happily embraces Khoi-San leader Dawid Kruiper after the restoration of land that was taken away 34 years ago

JACK LESTRADE

People of Laxey, a community dispossessed

AS WE TURN our attention to Christmas celebrations, **WALLACE MGOQI** urges us to spare a thought for citizens who continue to suffer in the new SA.

LAXEY is a village about 120km north-west of Kuruman and 140km from the Botswana border in the Northern Cape Province.

As a regional land claims commissioner responsible for the Northern Cape and Western Cape, I had to visit three communities, Gathlose, Maremane and Khoasis. The first two were forcibly removed from what was known then as the Gathlose and Maremane native reserves. In the case of the Khoasis, some people were forcibly removed, but about 30 families resisted and continue to live there.

The visit was necessitated by a process of negotiations that have been going on for 15 months. Things came to a head recently when the South African National Defence Force staged a military exercise, Operation Southern Cross, which angered the local communities because it was on their ancestral land at the Lohathla Military Battle School.

They staged protests and, as a result, some of them were arrested. President Mandela visited the area at this time and held a meeting with the representatives of these communities. He was incensed at the injustice of the arrest of people who had committed no crime other than demanding the return of the land from which they had been forcibly removed in 1977.

A dirt road runs from Kuruman to Laxey. The landscape is of hardy types of trees and most of the land is uninhabited and clearly hostile to human habitation. Laxey itself has sandy soil that marks the beginning of the Kalahari desert.

It is, true to say, a God-forsaken place and this is where the apartheid government dumped the victims of forced removals, 300km from Lohathla. The intention was clearly that they should be dropped so far away that they would be discouraged from returning.

However, about 20 years after their dispossession, these people are as determined as ever to return to their ancestral land or to be compensated appropriately.

So much is known about the Lohathla Army Battle School, but so little is known about Laxey where these victims were dumped. I had first-hand experience of the conditions under which these people live and was shocked to the marrow by the abject poverty that prevails in this area. No fruit or vegetables can be grown on the land; the area is characterised by extreme climatic conditions.

The day of our visit was very hot. The meeting was to take place at a school. Between a row of classrooms there are a few water taps. The water is not only impure but undrinkable and hot. Yet, young children are expected to drink this water. The misery

It is a God-forsaken place and this is where the apartheid government dumped the victims of forced removals. The intention was that they were so far away that they would be discouraged from returning.

of living in a place like this was written on the faces of the people, young and old, who had come to this meeting. There were images of what Father Cosmos Desmond wrote about on the conditions of the people in Dimbaza in his book *The Discarded People*.

As they alighted from a bus that had been hired by the Commission on Restitution of Land Rights (in collaboration with the Association for the Northern Cape Rural Advancement, an affiliate of the National Land Committee), these people formed into a group and started singing freedom songs. They sang and toyi-toyed and later settled down for the meeting to start.

I managed to utter only a few words about my coming there before being overwhelmed by emotion, wondering how human beings could treat other human beings so callously, by taking their land, taking them in trucks and dumping them as far away as possible on land that is clearly hostile to human settlement, leaving them to exist on nothingness and to continue themselves living as if everything is all right.

When I thought about what I had been told about children having to drink hot water and about other areas around Laxey where there is no water at all, I broke down and wept bitterly. It hurt so much

to see people who had suffered so much, and continued to suffer in the new, democratic SA.

Dean Snyders, who had travelled with me, took over and said what I had intended to say, concerning a proposal endorsed by President Mandela.

I continue to hurt when I think of what these people have had to endure. I will not be able to experience the joy of Christmas when I think of what these people have to go through every day of their lives.

The words in a Christmas message from the MFC, O P Dikgetsi, are apt: "As we get into gear and get engulfed by the wave of festivity, let us be mindful of and empathise with the millions of people who are homeless. Let us join hands in the noble resolve to help the nation house itself."

To that I add: Let us not only refrain from doing things that hurt others but let us do things that are restorative of the inherent dignity in each one of us. I consoled myself by saying "hurt no more", and now I say to the nation "hurt no more". We must never use power to hurt others. Instead, we must use power to achieve justice for all.

As I left Laxey, I was hurting so much and continued to do so even as I was entertained that evening by friends in Kimberley. I spent a sleepless night. I was still hurting. I said to myself, I should write this down to get it off my chest, and I began writing this article. I prayed to God that this hurt I'm exposed to should not make us hurt so deeply that it incapacitates us. Rather, this hurt should be a source of inspiration for us to be energised to do good things for ourselves and our fellow man.

In the words of President Mandela, we should make a vow: "Never, never and never again shall it be that this beautiful land will experience the oppression of one by another and suffer the indignity of being the skunk of the world."

It is conditions like those that I saw at Laxey that make one feel ashamed of oneself. We cannot pride ourselves on the virtues of liberty while some of our people are lingering under such conditions. Later, when I had regained my composure, I

CT 24/12/96

(2718)

explained the details of the proposal agreed to by Minister of Defence Joe Modise and Minister of Land Affairs and Agriculture Derek Hanekom at a meeting called by President Mandela. The proposal aimed to break the logjam in the negotiations involves:

- Restoration of the title of the land that was taken from the communities, making them the owners again.

- Leasing of the land now occupied and used by the South African National Defence Force. This will generate a monthly income, which could be used for the development needs of the communities.

- Finding alternative land for the communities at state expense. In order to avoid double compensation, a R15 000 housing subsidy should be used to buy the alternative land, so that communities can use their rental income to leverage more funds for housing and other needs.

- Guaranteed access to ancestral graves and other symbolic places on the Lohathla land.

- Restoration of the southeastern part of Lohathla to the communities.

The problems concerning restoration are that:

- Lohathla has become a national asset of strategic military importance

- There is costly infrastructure at the Army base, valued at R200-million, which cannot be written off.

- Clearing the contaminated land would be a costly business, but where it is feasible it should be done.

- There can be no guarantee that where cleaning has taken place, people will not be exposed to danger. The search for a solution is continuing and it is hoped that it will be found soon. If negotiations do not result in a settlement, the law prescribes that it should be referred to the Land Claims Court.

May the process of restitution move fast to ensure that these people are relieved of their suffering as soon as possible and enabled to live normal lives like all God's people and that "we hurt no more".

□ *Advocate Wallace Mgoqi is the deputy chief land claims commissioner of the Western and Northern Cape.*

Moves to end land claims bottleneck

BD 27/12/96

(27/12)

Drew Forrest

ABOUT 11 000 claims for land restitution by victims of apartheid dispossession are outstanding, prompting government moves to accelerate the restitution process through legislation and other measures.

Land affairs director-general Geoff Budlender said only one claim — to land at Elandskloof in Western Cape — had been through the restitution mill. This was "unsatisfactory", he said, saying that some claimants were becoming restless and that there had been threats to invade land.

However, he stressed that land reform throughout the world had proved a lengthy business, especially where rights to land were disputed.

In addition, the figure of 11 000 included communal claims in areas such as District Six in Cape Town and Cato Manor in Durban.

Budlender said a major constraint was a shortage of staff. The Commission on the Restitution of Land Rights had four regional commissioners who handled claims, while only 400 of the

land affairs department's 2 800 posts were devoted to land reform.

Land Affairs Minister Derek Hanekom would soon appoint another commissioner, raising capacity 25%. Twenty new posts had also been created in the commissioners' offices.

Budlender said a R15,7m grant over three years from the Dutch government would help the commission hire services, including those of researchers and field workers.

However, the major bottleneck was the stipulation in the interim constitution that all land claims had to pass through the commission before going to court. "This applies even when the claimant and the owner have reached an agreement," Budlender said.

The new constitution did not require the commission's intervention in all cases. As a bridging measure, the department would table legislation in the next session of Parliament giving parties a "fast track route" to court.

This would have the dual effect of settling some cases quickly and of freeing the commission to handle long negotiations, its primary task.

Largest land transfer to return former homelands to rightful occupants

Wyndham Hartley

CAPE TOWN — Government is planning to return the land of the former homelands to the people who have the right to occupy it, in what will be SA's largest land transfer, involving almost 13% of the country's land mass.

Rural dwellers in the former homelands do not enjoy freehold title to land which they have occupied for years as the land which was in the former homelands and the SA Development Trust is owned by the state.

These latest land reform measures from the land affairs department and Minister Derek Hanekom will almost certainly bring it into conflict with some traditional leaders who enjoyed almost unfettered control over the land during the apartheid era.

Land affairs director-general Geoff Budlender said that most of the land which was supposedly in black ownership was more accurately defined as being occupied by blacks. It was administered through a system of permits and trusts which, on top of being

in a state of collapse, was unconstitutional and should be abolished.

"The decision has been taken and work has begun on what will be a huge transfer of land," Budlender said.

He said that one of the problems being encountered was the poor state of records of occupation of the land. In some cases it was not easy to identify the people to whom the land should be transferred.

The department, Budlender said, would not risk transferring land to the wrong people by rushing the process,

and would insist that a set of democratic principles guided the transfer.

Discussions have been held with some traditional leaders in tribal areas, he said. Even chiefs who were against the idea had difficulty countering the argument that the intention was to ensure that the tribal ethic under which land was held in trust for the people was enshrined in law.

Government's intention is to strengthen the land rights of individuals and communities, which will effectively weaken the grip of chiefs over

Land

Continued from Page 1

title to the land subject to democratic control by members, but it would not simply be transferred into the ownership of the chief.

"This will ensure that individuals cannot be evicted and rendered homeless when their years of occupation should give them ownership," he said. Freehold title to individuals or groups would also give them access to state housing and agricultural subsidies.

The work of the department's tenure reform core group is being supported by representatives of various

deeds offices and the office of the surveyor-general, who are investigating ways of simplifying the registration of title deeds and property surveys.

Budlender said the guiding principle of the tenure reform initiative was that the "state is under a constitutional duty to ensure that the new forms of ownership are consistent with the basic human rights agreed in the constitution. The transfer of ownership to those who beneficially occupy the land cannot be implemented overnight.

"Procedures will have to be designed to validate the ownership of the land and the rights of people occupying the land. In some instances there will be a need to adjudicate conflicting rights and claims," he said.

the land. It will no longer be possible for unscrupulous traditional leaders to sell land to developers without referring to the people who live on it and have first claim on it, as recently occurred in Transkei.

"Individualisation in terms of ownership of the land will not be forced on the people, particularly those in tribal areas who want to maintain the security of group occupation of the land," Budlender said. A tribe could be given

Continued on Page 2

Land rights soon to be transferred to residents of homelands

Pretoria - Land rights of the former homelands will soon be transferred to the millions who have lived there for decades, says the Department of Land Affairs.

Director-general Geoff Budlender said yesterday it would affect nearly 13 percent of the country's land and might take years to implement.

"We have formulated a basic policy and are working out the mechanisms," he said.

"It will necessitate a change of law and we hope to start the process next year."

Mr Budlender said the former homelands were owned by the state, adding this was a remnant of apartheid.

"Giving the people ownership will promote development as they will be able to use

the land as they wish. It will also give them security," he said.

The move would not involve any removals of people.

Although parts of the former homelands were currently run by individuals or tribes, their ownership was curtailed by permits and conditions.

Mr Budlender said this cast doubts over

occupants' rights to sell the land and whether it could be inherited by their children.

Fears had been expressed that traditional leaders, who had much land control during the apartheid era, would not be pleased by the transfer of rights, but Mr Budlender said he did not foresee major problems.

Talks to this end had been held with some traditional leaders. - Sapa

Wanted: A house

with proper walls...

DIANE CASSERE

THE women would grow flowers alongside the vegetables and the men would create job opportunities in their new communities, but what they have in common is that they want houses and land, which they can farm, albeit in a small way.

The people are growing impatient because they are longing for *gewone* houses instead of shacks, the right to services such as water and electricity and plots of land on which to grow produce.

At Brandwacht, near George, 230 families will get low-cost housing and market gardens in the form of food lots as soon as the purchase of the land earmarked for the project has been finalised.

In terms of the Department of Land Affairs' Land Reform Pilot Programme, each family will receive a grant of R15 000 to achieve this. All of them are impoverished people, living in the community.

According to Mr Michael "Gene" Pillies, chairman of the Civic Association of Brandwacht, residents will be "proud" to pay for services such as water and electricity: "We won't be like those people you see on TV who won't pay for services. We will be proud to have them and we will pay."

Mrs Gertrina Witbooi, a mother of two schoolchildren, lives at the

Brandwacht squatter camp called Mandela Square. She says her wish is to live in a proper house with "a kitchen and a bit of ground".

What would she grow? "Vegetables and flowers. I would like to have some flowers as well," she answers.

Witbooi, 32, has been moved from farm to farm as a tenant and moved into the squatter camp after being evicted eight times.

"Tannie" Nellie Mislund said: "It's like living in jail here. It's a terrible situation and the project gives us hope of a better life."

Her mother-in-law, Mrs Rosina Mislund, 67, said she had been evicted from three farms and wanted the security of knowing that she was entitled to stay in her house.

At "Power Town", community leader Mr Steven Loxton said that the community would farm land as a group and make a living from it. They have already negotiated with the Mossel Bay municipality to form the squatter camp together at the old power station and wanted to operate it as a commune.

A member of the commune, Mrs Madelienne Skeepers, already "farms" a small piece of land next to her shack where she grows beans, potatoes and pumpkins — and flowers.

"I would like to have a house with proper walls, with bedrooms and a sitting room and perhaps one day, a bathroom," she said.

R35M ALLOCATED TO EACH PROVINCE

Thousands to receive land grants soon

THE GOVERNMENT has earmarked R362,5 million nationally for the Department of Land Affairs to disburse in settlement and land acquisition grants. **DIANE CASSERE** visited two affected communities near Mossel Bay.

ABOUT 40 515 households will soon receive millions of rands in settlement and land acquisition grants as the government implements its Land Reform Pilot Programme.

Land reform strikes at the heart of the reconciliation process in South Africa, says Mr Barry Levinrad, who has been driving the Land Reform Pilot Programme in the southern Cape area for the past two years.

Levinrad has led the process of establishing planning committees, identifying beneficiaries (by the planning committees and beneficiaries themselves), finding the land and consulting all parties involved.

The Cape Times visited two communities that will soon benefit from the land reform programme, at Brandwacht and Klein Brak River, both near Mossel Bay. Both projects are nearing completion and are waiting only for the land purchase to be completed.

Land reform was identified by the Reconstruction and Development Programme as the driving force of a rural development programme. Over the past two years, Land Affairs officials, participating with community leaders, have been identifying communities that qualify and asking for applications from families for the grants of R15 000 that will enable them to settle on land bought from farmers, or in some cases state land bought by the department.

The Department of Land Affairs will disburse about R362,5m in settlement and land acquisition grants to 40 515 households nationally as part of the land reform pilot programme. Each province will receive R35m from the government for the programme, R30m of which will go to settlement grants.

A booklet outlining the government's land policy and explaining the programme says "From the time that white settlers arrived in South Africa, black people faced increasing landlessness, poverty and insecurity on the land, due to racial laws. Apartheid was the final chapter in this history of land dispossession."

"Now land reform is essential to remedy past injustice and bring about reconstruction and development. It will promote sustainable growth and development in South Africa by giving people security and a base for economic activities."

The land reform policy emphasises the importance of four factors in making land reform programmes a success:

- Local participation in decision making.
- Gender equity.



THE LONG WAIT FOR REFORM: A group of people who will be settled on land at Brandwacht near Mossel Bay listen to community leaders speak in Brandwacht's school hall this week. They are one of the communities who will receive grants from the Department of Land Affairs' Land Reform Pilot Programme. On the far left is Ms "Aunty" Nellie Mislund and third from the left is Ms Gertrina Witbooi.

- Economic viability.
- Environmental sustainability.

Says Levinrad "There is no blueprint for this process. The method of selection is different in every case and everything is done in a participatory way."

"To acquire the land to settle people on, we buy from willing sellers. Some of it is state land, which we buy at the going price. Each project is different. Primarily the land will be used for settlement but we hope to create food lots as well. More than half the land we acquire will be used for small-scale farming."

There are 27 southern Cape projects, each different in its needs. At Brandwacht, the beneficiaries are impoverished people living in shacks, most of them without employment, and many of whom pay some form of rent to the farmer on whose land they live. Many of these people have been evicted many times.

At Klein Brak River, the community is situated at an old power station, named Power Town by them. The community consists of younger people who want to farm land as a group.

In another project, at Bathelsfontein, a group of farm workers propose to use their settlement grant to buy the section of the farm where their housing is located, with a possibility of subdivision for individual ownership.

This would be done with the co-operation of the farmer, and unlike many other projects, housing is serviced and in relatively good condition.

Levinrad said that in some cases people from outside the area had bought land they knew to be a possible target for the pilot programme and were holding out for prices that were in some cases 25% higher than the current market value.

"This means the people on the ground (the beneficiaries) will pay that much more out of their land grants. Nobody wants to expropriate the land, but if people want to speculate on the land reform programme, they face expropriation and they will get a lot less than they might have done."

Levinrad added that the role he and his assistant manager, Ms Nomajuda Bityi, played was one of facilitation. "It is not us planning for them (the communities). We both have experiences in non-government organisations (NGOs) and in facilitation. We create the space for people to plan for themselves. These are social experiments and that takes time."

He estimates that implementing all the projects will take about three years, with those closer to completion being finalised in the next six months.



COMMUNITY FARMER: Ms Madelienne Skeepers of the Power Town community at Klein Brak River. The group plan to farm as a commune.

Land claim may derail Dolphin's parks deal

JONATHAN ROSENTHAL

CT (MR) 16/11/97
Johannesburg — A multimillion-rand deal between the Mpumalanga Parks Board and the Dubai-based Dolphin investment group could be scuppered if communities with pending land claims in the Blyde River Canyon apply for an interdict to halt any further development of the land.

A secret agreement signed late last year between the parks board and Dolphin, which has offices in Dubai and is registered in the Bahamas, grants exclusive commercial development rights of the Blyde River Canyon, Loskop Dam and several other flagship resorts to the Dolphin group for the next 50 years.

But the deal has overlooked communities around Blyde River, Manyeleti game reserve and Loskop Dam who submitted land claims in 1995 against sections of the parks. A lawyer representing some of the affected communities said yesterday that land owners could not undertake any acts, such as development and entering into long-term leases, which could negate a pending land claim.

Martin Dimba, the provincial chairman of the Environmental Justice Network Forum, said affected communities, including those who had lodged land claims over areas covered by the deal, had learned of Dolphin's 50-year lease through the media.

"We haven't heard of any consultation taking place," said Dimba, whose network represents more than 40 community-based organisations in the region. Dimba said that the forum was sending its own fieldworkers to communities with pending land claims to inform them of the deal.

It was unclear yesterday whether affected communities intend applying for an interdict, that would argue that their constitutional right to land restitution had been violated.

Representatives of the Commission on Restitution of Land Rights will be attending a meeting with the Mpumalanga Parks Board today, as will the legal representatives of some of the affected communities.

Also attending the meeting will be members of the provincial environmental council to raise environmental concerns about the proposed development, which could include helicopter safaris through the Blyde River Canyon, a wilderness area.

Dimba has also attacked the parks board's failure to consult with communities, saying it was following "a similar approach to the old government".

Dolphin has promised to invest R300 to R400 million in tourist facilities and to underwrite the parks board budget deficit for the next 50 years. The deficit is expected to reach R377,2 million over the next 10 years.

Huge Kruger Park land claim set for drawn-out negotiations

Star 17/11/97

(271A)

Punda Maria, Kruger National Park - The stage is set for drawn-out negotiations between parties affected by a land claim involving more than 20 000ha of the Kruger National Park.

The claim, instituted by the Makuleke community, who live near the north-western boundary of the park in Northern Province, was gazetted in August 1996.

In terms of the claim, headmen Lamson Makuleke and Livingstone Makuleke are applying for the restitution of land rights for an area between the Luvuvhu and Limpopo rivers. This includes 23 000ha inside the park as well as the Madimbo Corridor, which was involved in a controversy about diamond mining rights last year. The corridor is presently occupied by the SA National Defence Force.

National Parks Board spokesman Dr Bertus de Villiers confirmed that an exploratory meeting was held at Bateleur Camp in the Kruger Park in November. The meeting, held to hear the views of parties concerned and to investigate the possibility of a settlement, was attended by representatives of the claimants, neighbouring chief Mhinga who questions the Makuleke claim, the SANDF and the Parks Board.

Subsequent informal bilateral talks were held last week. De Villiers said the talks, convened by a neutral facilitator, were cordial.

He was optimistic that an amicable settlement was possible. However, in the event of a deadlock, the various parties would have to face one another in the Land Claims Court.

A spokesman for Chief Mhinga said there was some doubt about the competence of the Makuleke claim, as the headmen were part of the Mhinga community.

The chief insists he is the person

Tribe wants redress for its eviction in 1969

who should be lodging the claim.

The two groups have promised the other parties involved that they will clear up this uncertainty as soon as possible.

The Makuleke land claim applica-

tion documents the fact that members of the community were evicted from the area in question by the then South African government in 1969 and were promised compensation. They allege they never received all the alternate land promised.

According to the Parks Board, the issue was complicated by the fact that many of the Makuleke fled to Zimbabwe and Mozambique at the time, making the promised large transfer of land unnecessary.

"From our point of view, the crucial questions are, firstly, whether the land claim is legally valid and, secondly, whether any alternate use of the land would be viable," said De Villiers.

The Wildlife and Environmental Society of South Africa has strong views on the matter, saying because

the land in question is part of a proclaimed national park it is worthy of national concern.

"If the Makuleke claim is upheld in respect of land inside the park, all conservation areas will be under threat. Conservation status will not be worth the paper it is written on," society president David Hatton said in Wildlife magazine.

The land also carries a wide range of species at the southernmost extremities of their distribution ranges, while the floodplains of the Luvuvhu and the Limpopo, together with the surrounding areas, represent a unique landscape, the society adds.

Furthermore, various archaeological finds have firmly established the importance of this region as a conservation area. -Sapa.

Sharp increase in land claims likely

(271A)
BARRY STREEK

POLITICAL WRITER

CT 23/1/97

AN agreement by the government to restore land near Atlantis that was expropriated from two elderly sisters for coloured housing is one of four new land claims to be submitted to the Land Claims Court for finalisation.

This was disclosed yesterday by the chairperson of the Commission on Restitution of Land Rights, Mr Joe Seremane.

Another of the claims to be referred to the court is the controversial Schmidtsdrif area in the Northern Cape, where Tswana-speaking people were evicted to make way for a settlement of San (Bushman) soldiers who were recruited by the old SA Defence Force in Namibia.

The other two claims to be referred to the court are from Kono in the Northern Cape and Cremin in KwaZulu-Natal.

Seremane said in a statement it was expected that close to 60 claims would be referred to the Land Claims Court within the next eight to 10 weeks.

He also said 13 171 claims had been registered with the commission — comprising 10 511 urban and 2 660 rural claims.

The expected sharp increase in claims being finalised would hopefully lead to greater understanding of the problems and difficulties encountered by the commission in finalising claims, he said.

"The Cremin case now submitted to the Land Claims Court is a good example of the intricacies involved in finalising some of the claims," said Seremane.

"Through the negotiations conducted by the regional land claims commissioner for KwaZulu-Natal an agreement between all parties concerned was already reached in May 1996, but even now there has been no final agreement between the landowner and the state on the purchase price to be paid.

"The regional land claims commissioner also had to obtain full details such as certified photocopies of ID documents from more than a hundred people involved in the claim, and the file submitted to the court on this claim alone is five centimetres thick.

"The long time it has taken to get the restitution process up and running — with a steady flow of cases to go to the court — was also unacceptable to the commission.

"It is therefore understandable that there are attempts to look at the possibility of speeding up the process, such as the proposed 'fast-track' procedure.

"Unfortunately some of these ideas show a regrettable lack of knowledge and insight into the difficulties and intricacies involved in finalising a claim," he said.

The farm Groote Springfontein No 1, situated close to Atlantis in the Western Cape, was expropriated by the state in 1976 to form part of the Atlantis development area for coloured people.

"Compensation of R735 000 was paid to owners, Ms Lochline Bekker and Ms Luceel Beukes," said Seremane.



Flashback... people from the Mogopa community back on the land from which they were removed by the National Party government during apartheid.

Land claims to keep commission busy

The families are seeking to retain the farms from which most of them were removed in 1959 in terms of the Black Spot Removal Act

A LAND claim for the restitution of Schmidtsdrif near Kimberley by some communities evicted from it is one of four new claims to the Land Claims Court, the Commission on Restitution of Land Rights announced on Wednesday.

Chief land claims commissioner Joe Seremane said the Schmidtsdrif Community Trust wanted to regain 31 000ha, 70km west of Kimberley in Northern Cape, from which people were moved to the Kuruman area in 1968.

The land has been used by the army since 1978.

The San community of 4 000 (the XU and the KHWE groups), who were employed by the South African Defence Force in Caprivi, Namibia, and southern Angola, were brought to South Africa and settled at Schmidtsdrif after Namibian independence in 1990.

According to a report submitted to the court, an agreement in principle has been reached between the new South African National Defence Force and the claimants for the land to be handed back to the claimants.

Seremane said the commission expects that close to 60 claims will be referred to the court within the next eight to 10 weeks.

In a statement Seremane also

announced that 13 171 claims had so far been registered with the commission: 10 511 urban and 2 660 rural.

The other three claims submitted to the court are the Kono claims in the Northern Cape, Groote Springfontein in the Western Cape and the Cremin claim in KwaZulu-Natal.

The 137 families of the Kono Community Trust are seeking to reclaim 12 farms in the Kuruman district from which most of them were removed in 1959 in terms of the so-called Black Spot Removal Act, Seremane said.

The land was let to white farmers

and later subdivided into 12 farms, of which nine were sold to farmers. Only one farmer is willing to negotiate the sale of the land to the state, Seremane said.

In 1976 the state expropriated the farm Groote Springfontein No 1, near Atlantis, Western Cape, for part of the Atlantis development area for coloured people.

Owners Lochlune Bekker and Luceel Beukes were paid R735 000 and are seeking to regain the land as they say development never took place.

The Cremin claim arose from the forced removal of 114 landowners from the farm Trekboer, commonly known as Cremin, in the Klip River District, close to Ladysmith.

The commission traced 103 of the original owners or their descendants, but steps are being taken to secure the rights of the missing owners should they be traced later.

Claims being finalised for referral to the Land Claims Court include controversial areas such as Mayeng and Lohatla in the Northern Cape, Putfontein and Ratsegai in North West Province, the Makuleke claim on a portion of the Kruger National Park, and the St Lucia (Eastern Shores) and Sabokwe, Richards Bay, claims in KwaZulu-Natal. — Sapa.

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Secrecy around farm land subdivision to go

Wyndham Hartley

CAPE TOWN — The secrecy surrounding the subdivision of agricultural land is set to go this year when the governing legislation is scrapped and replaced with a new law which will give reasons for any ruling by the agriculture department.

Sources in the department's legal section said yesterday that the intention was to produce a new Conservation of Agricultural Resources Act which would make it easier to subdivide farmland and to remove the present absolute discretion of the minister.

In the past the agriculture minister ruled on applications to subdivide agricultural land and was not required to provide reasons. The intention was to now provide guidelines and a "transparent" process in new legislation. The requirements for subdivision would be less restrictive, the source said.

It was stressed that the new act would insist that agricultural land would continue to be used for agricultural purposes. Any attempt to use the subdivision to provide for settlements or industrial activity would be precluded by the new law.

The idea was that in a country with limited productive arable land it should not be cut up into pieces "all over the place".

The present highly restrictive Subdivision of Agricultural Land Act was also seen to be an obstacle to successful land reform and redistribution programmes. The new legislation, at present being drafted, is expected to go to the cabinet in May and to reach Parliament in the middle of the year.

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CORP GRAPHICS 2578

Commission recommends expropriation

BD 28/1/97 (271A)

Louise Cook

THE Land Restitution Commission, set up to investigate land claims and report to the Land Claims Court, has for the first time recommended the expropriation of privately owned land as part of the restitution process.

This follows the refusal of the owners of eight farms in the Kuruman district of Northern Cape to acknowledge the restitution process or enter negotiations with the commission.

The commission's Cape Town office proposed in a report to the court that the farms be expropriated and the land be given back to the claimant community. It also said that a farm at Ladysmith in KwaZulu-Natal should be expropriated "if necessary".

One of the Kuruman farms is owned by former Conservative Party MP Jan Hoon, while another is believed to be owned by a prosperous black farmer, Joseph Padisho, although this could not be confirmed yesterday.

The commission said the farmers, represented by Hoon, had indicated that they would contest the validity of the Restitution Act.

Hoon could not be contacted for comment yesterday.

The report said the regional commissioner was "satisfied that it will be just and equitable to order that the state purchase or expropriate the land from the private owners and the claimant community be restored in the possession of their rights".

Various other options, including the

provision of alternative state-owned land, financial compensation or other forms of relief, would not be appropriate, it said.

Northern Cape Agricultural Union manager Johan van Rensburg said union policy was to abide by members' decisions on whether or not to contest claims on their property.

"We are not in a position to tell members what to do, we merely render support. If they contest the claim we assist with information, and if they decide to negotiate we help them secure a fair price."

Van Rensburg said the union was dealing with three groups of claims in the province. In each case the farmers had decided differently — some had started negotiations with the claimants, but were unhappy with the prices offered by the state.

At Ladysmith, where 114 landowners were ejected from their land under the previous government, the commission's recommendation that the farm should be expropriated "if necessary" resulted from a deadlock in negotiations between claimants and the estate's executor.

Restitution commission spokesman Thys Human said that the Ladysmith parties had agreed to negotiate, but a subsequent dispute was delaying progress.

The commission had proposed expropriation and asked the court to order that the property be subdivided and restored to the original owners, Human said.

Buthelezi insists on controversial Ulundi offices

Farouk Chothia

DURBAN — Inkatha Freedom Party (IFP) leader Mangosuthu Buthelezi has ordered the Kwa-Zulu-Natal government to press ahead with controversial plans to build a multimillion-rand office complex in Ulundi.

Party sources said the instruction was handed down at the IFP national council meeting at the weekend. It came against the background of provincial premier Frank Mdlalose's resignation, which sources said was prompted partly by Buthelezi's interference in the provincial government. Sources said yesterday Buthe-

lezi had read the "riot act" to certain KwaZulu-Natal MPs at a national council meeting on Saturday for opposing plans to build the office complex, including a chamber for the house of traditional leaders, at a cost of R78m.

Outgoing premier Frank Mdlalose decided last year that the office complex should be built, but he faced unexpected resistance from IFP MPs in the legislature who felt the money could be better spent on providing services such as roads and schools.

The legislature's executive board, which included IFP chief whip Mike Tarr and MP Walter Felgate, decided to hold talks with

public works MEC Celani Mletwa over the project. They wanted the project put on hold pending further discussions.

African National Congress KwaZulu-Natal MP Mike Sutcliffe said the ANC hoped incoming premier Ben Ngubane would demonstrate "independent thinking" in line with his commitment to running a cost-effective administration and would not implement "silly political decisions" taken by Buthelezi.

But Ngubane said the office complex would proceed. He believed it should be done in partnership with the private sector, which could build the complex and

let offices to the government.

Ngubane said the complex was necessary in order that the government be "visually" present in rural parts of the province to bring about development.

Sources said that Buthelezi was also angry with Felgate for backing moves to establish offices for the national council of provinces in Maritzburg, rather than in Ulundi and had ordered that the decision be reversed.

This was despite the fact that a lease for office space in Maritzburg had already been negotiated, and MPs felt Maritzburg was better suited than Ulundi to effective participation in the council.

Land committee wants evictions stopped pending new law

Wyndham Hartley

CAPE TOWN — Eviction of farm workers should be made illegal and stopped while legislation to secure their land tenure rights was being negotiated, National Land Committee spokesman Brendan Pearce said yesterday.

He was speaking after the final consultative summit meeting organised by Land Affairs Minister Derek Hanekom, designed to involve all agriculture stakeholders in the design of legislation to protect farm workers from unfair eviction.

Pearce noted that the committee's main objective — to achieve

permanent rights for farm workers to the land on which they lived — was not included in draft legislation tabled at the meeting yesterday. He said the committee would take the battle to Parliament. The committee wanted to achieve ownership of land for farm workers, similar to that enjoyed by former labour tenants.

Pearce said evictions across the country, particularly in Gauteng, were "skyrocketing" and had to be stopped. He suggested retrospective measures as a means to bar farmers from evicting workers.

Land affairs director-general Geoff Buddender said yesterday's talks were "very constructive", al-

though "some interest groups obviously have some reservations". He said the new legislation would make the criteria for evictions "fairer and more balanced".

It is understood that the new legislation will apply to all land except in proclaimed townships and cities. Agricultural land that was proclaimed townships would also be subject to the new act.

At present farmers have to obtain court orders before they can evict farm workers.

The new legislation is expected to entrench that principle by providing clearer criteria for granting eviction orders.

Much of the debate surround-

ing the proposed legislation has centred on the nature of the permission to occupy granted to the farm worker by the owner. For example, if the occupation is tied to employment which is legally terminated it will be possible for access to the land to be withdrawn.

It is understood the legislation will establish that farm workers guilty of destructive behaviour and intentional damage to property may be evicted. The right to family life, entertaining visitors and visiting traditional burial sites will be included in the law.

It is hoped that a final draft of the legislation will be placed before cabinet in mid-March.

Farmers ask state to pay for defence of their land

(271A) CT 30/11/97

Louise Cook

EIGHT Kuruman farmers facing expropriation of their land after refusing to discuss community claims to the properties have asked the state to pay their legal costs when the case goes to the Land Claims Court.

Spokesman Jan Hoon, a former Conservative Party MP, confirmed that the farmers had refused to negotiate, but said they would contest the claim. The request for state assistance had been communicated via the northern Cape Agricultural Union, Hoon said.

The farms have been targeted for the resettlement of 137 families who were ejected from the land during the 1950s.

The Land Restitution Commission's Cape Town office said in a report that the claimants were dispossessed of their right to land and recommended the farms' expropriation as the farmers had refused to negotiate.

Hoon said the claimants had received "most adequate" compensation from the previous government and the farmers he represented would defend the claim on this basis, as well as the relocation costs that would be associated with moving the families back to the farms.

"We will argue that government should redirect the money allocated to restitution to improve conditions where people are currently living," he said.

According to a statement is-

sued by the commission, most of the families were shifted to land 30km away in 1959.

The Association for Northern Cape Rural Advancement, a non-governmental organisation representing the claimants, dismissed Hoon's claims that compensation had been adequate.

Spokesman Peter Mokomela said the families did not own the previous government's compensatory land and their position had been compromised by problems relating to a lack of agricultural resources.

The commission's report said the community received "compensatory land and token monetary compensation".

No Land Claims Court date has been set yet.

Land commission, local authorities lock horns

(271)

'Councils ignoring restitution act'

ARL 7/2/97

JOSEPH ARANES
STAFF REPORTER

The Restitution of Land Rights Commission has slammed local authorities for continuing with plans to develop land that is the subject of restitution claims.

The Commission says local authorities nation-wide are disregarding the provisions of the Land Restitution Act.

Chief land claims commissioner Joe Seremane said several instances had been noted where the provisions of the act were not being adhered to by local authorities, developers and even some provincial government departments.

He said while a lack of knowledge of the provisions seemed to be the main reason for the transgressions, there were indica-

tions that some actions taken by these authorities were deliberate.

Cases had come to the attention of the commission where local authorities had been informed that land under their jurisdiction could well be earmarked as alternative land for restitution, but the authorities simply went along with development plans regardless.

Mr Seremane refused to divulge the names of the local authorities, but warned that the commission would resort to interdict proceedings to curb this conduct.

"Land restitution is a high priority for the Government and is seen as an important component of the process of reconciliation and healing of the nation," he said.

The Restitution Act, passed in 1994 to give practical effect to the Government's policy, stipulates explicitly that land on

which an accepted restitution claim has been lodged may not be alienated or the improvements thereon be impaired without the knowledge and approval of the regional land claims commissioner.

Once a claim has been accepted by the regional commissioner, the commissioner will notify all parties affected that a claim is being investigated.

Mr Seremane said the commission's request was that all institutions respect the spirit of the act and not take any action which would prejudice a land claim.

"We would even go so far as to ask them to make an official inquiry with the relevant regional commissioner, whether any claim has been received on land they are contemplating developing before planning for such developments gets under way," said Mr Seremane.

APR 10/2/95
(271)

More than 12 000 land claims lodged

The land redistribution programme was proceeding very well, Land Affairs and Agriculture Minister Derek Hanekom said in Cape Town today.

More than 12 000 land claims had been received and more were still expected before the cut-off date of April next year, he said at a media briefing.

The Government would stick to the deadline to ensure that it knew what it had to deal with.

Mr Hanekom said his ministry wanted to secure good deals for the country's producers through the European Union-South Africa trade talks, but also wanted to strengthen relations with Africa and other countries.

The restructuring of various control boards was making sufficient progress in spite of a few technical problems.

The KWV dispute would be resolved amicably, and out of court. His ministry considered appropriate measures were necessary for the wine industry, Mr Hanekom said. — Sapa

Land Bank in 'urgent need' of new directors

Louise Cook

LAND Bank acting GM Freddie van Staden has called for an urgent meeting with Land and Agricultural Minister Derek Hanekom to thrash out the next step towards the appointment of the bank's new board of directors, sources said yesterday.

A new board of directors due to start on April 1 is part of a major restructuring drive by the Land Bank after the rural financial services commission's recommendations last year. One of the commission's main recom-

mendations was that the bank was in urgent need of a new board of directors and chief executive officer.

Hanekom has since confirmed the board restructuring would go ahead. But yesterday sources in agricultural financing said time was running out and the matter was approaching "critical proportions", as government had not yet called for nominations.

A Land Bank spokesman said six of the eight board members were due to retire at the end of next month. This left only two people — Independent Development Trust director

Bonle Jack and Strauss commission vice chairman Daphni Motsepe — on the board. A maximum of ten members could be appointed but this could change under new legislation being drafted, the spokesman said.

Meanwhile, personnel agencies dealing with applications for the position of CEO said they were happy with the "quality of the applicants", but that not many had applied. A spokesman for Equal Access Consulting, one of the companies dealing with the appointment, refused to confirm if special advisor to the agriculture minister and widow of late

housing minister Joe Slovo — Helena Dolny — was one of the applicants. Industry sources speculated yesterday that she was a likely candidate for the position but it could not be established whether she had made herself available.

In a recent statement, the bank said that despite positioning itself to take on wholesale financing of emerging farmers as part of its new function, it would retain its service to commercial farmers. The bank financed its debtor portfolio with money raised on money and capital markets, it said.

SA land reform happening slowly

(271) KwaZulu 18/2/97

By Patrik Germann

SOUTH Africa is trying to right one of the biggest wrongs of the past: the unjust distribution of land. Under apartheid, 3.5 million people were evicted from their land since 1913.

Eighty percent of land is still owned by whites, who make up only 13 percent of the country's population.

When President Nelson Mandela's Government came to power in 1994, he promised major land reform as part of the Reconstruction and Development Programme, which aimed to compensate the victims of eviction and expropriation.

By 2000, about 30 percent of farmland will be redistributed, officials say. But so far, only 1.6 percent of land has changed hands.

"We are trying our utmost, but we are handicapped by limited money and a limited work force," says Mr Thys Human, spokesman of the Commission on Restitution of Land Rights.

"It could take up to 10 to 15 years before we finish our work," he adds.

More than 13 000 claims of restitution affecting one million people are piling up in the com-

munion's offices.

One of the most controversial claims affects the renowned Kruger National Park, which is visited by 750 000 tourists every year.

The Makulele tribe was evicted from there in 1969 and now lays claim to about 20 000 hectares of the heartland of the park.

"Since this is a national park, it could be a precedent for other parks," says Ms Lyn Brown of the Wildlife and Environmental Society of South Africa.

Brown fears the tribe might exploit the coal resources of the disputed land.

The Kruger Park Board is currently negotiating with the Makulele over the issue.

Anybody who has been evicted or had land expropriated since 1913 because of racist laws can place a claim for restitution.

In 1913, the South African government enacted the Land Act, which banned blacks from possessing land outside the homelands.

So far, the Government has spent R44 million for the poor and disadvantaged, who can get R15 000 per household to buy land.

Some communities decided to pool their money and then ask the Department of Land



The Mogopa people returned to their land in 1994. They were among the 3.5 million people who were evicted from their land under apartheid.

Affairs for advice on how to spend it.

"Some communities have been able to buy land for R6 million from farmers on a willing seller willing buyer basis," says Mr Deon van Tonder, the department's spokesman.

However, not all farmers are willing to cooperate. Recently some landowners in Northern Province refused to sell their property. The commission recommended it be expropriated.

"If the claim is feasible, the expropriation law can be applied," says Human.

During apartheid, this law was used to evict blacks from their land. "But nobody has been evicted so far because of the land reform," says Human.

The South African Government is expecting more land claims before the cut-off date in April next year. — Sapa-DPA.

Policemen linked to chemical weapons

Stephané Bothma

BD 19/12/1977

PRETORIA — The involvement of former deputy police commissioner Gen Basie Smit and SA Police forensics chief Gen Lothar Neethling in the supply of the base compounds of mandrax and LSD to military front companies was just one of the issues cardiologist Wouter Basson testified about behind closed doors recently.

Although a portion of Basson's testimony — delivered during a bail application — was not available for publication, two typed pages of evidence delivered by the One Military Hospital heart specialist at an earlier unspecified occasion stated that the military co-operated closely with Smit and Neethling in the manufacture of "chemical weapons".

The two pages formed part of doc-

uments in a Pretoria High Court application instituted by Business Day and its sister paper The Sunday Times yesterday in which the newspapers sought access to evidence delivered by Basson in camera during his bail application two weeks ago.

The newspapers believed it was in the public interest that the cardiologist's evidence be published.

Basson, who developed SA's chemical and biological warfare programme in the 1980s, was arrested by the narcotics squad last month on charges of dealing in the drug Ecstasy. Although intervention by the two newspapers enabled a part of Basson's subsequent bail application to be heard in an open court, regional magistrate Rhyndhardt de Vos ruled that the doctor's testimony should remain secret "in the interest of state security".

The application challenging De Vos's ruling was postponed in the Pretoria High Court yesterday after Judge Brian Southwood questioned the urgency of the matter. However, Judge President Frik Eloff decided it was of enough importance to be placed on the opposed motion role for March 4.

Deputy Transvaal attorney-general Torie Pretorius, who opposed the newspapers' application, yesterday would not disclose the origin of the two pages of Basson's testimony. "The two pages were handed in at the bail application and were used in the cross-examination of Basson. It therefore formed part of the bail proceedings and therefore were included in the High Court application documents," was all Pretorius was prepared to say.

Continued on Page 2

Claims against affluent Pretoria suburb

BD 19/12/1977

(271)

Louise Cook

THE Gauteng office of the restitution commission has received 78 claims against land which now forms part of Garstfontein, an upmarket suburb east of Pretoria which is home to many senior white public servants.

The previous government removed hundreds of black families from the area known as Eastwood in the 1950s and 1960s. White settlement was encouraged by guaranteeing the housing loans of white state employees after the Pretoria city council had repurchased the suburb a white group area.

Most urban land claims country-wide have so far involved government or parastatal-owned land, with farmers bearing the brunt of claims against

privately owned properties. Gauteng regional restitution commissioner Emma Mashinini said more claims were expected before the extended deadline at the end of next month.

Eastwood Land Claims Committee chairman Kenneth Sibuya said the claimants had suffered severe emotional and material losses due to the forced removal and would refuse all compensation other than the return of the original land. "This is where we were born, lived and went to school. I returned from work one day to find my family and all my belongings missing. I had to search for days in Mamelodi to find my family." He said many potential claimants had hesitated in coming forward because the area had been developed. "Others have moved far away

and are difficult to locate." The committee expected up to 600 claims.

The area in dispute includes more than 100 upper middle class houses, the Garstfontein Laerskool, a Catholic seminary, a Pick 'n Pay Hypermarket, a post office, a police station and a municipal recreation area.

Homeowners in the area knew nothing of claims against their properties when approached this week. Most said they would discuss the issue as long as there was no question of anything less than market price being offered. Engineer Ben Naude said he would be prepared to sell if he got "the right price", while a medical doctor who did not want to be named said claimants deserved compensation for past injustices if the claims had substance.

Guguletu woman takes to fields for land rights

'Few blacks aware they can claim'

JOSEPH ARANES
STAFF REPORTER

Guguletu resident Jane Mzonqwana has spearheaded an awareness campaign to tell residents of Cape Town's black townships of their rights in terms of the Restitution of Land Rights Act.

The act allows thousands of people who were victimised and evicted from their homes under the Group Areas Act to lodge a claim for land or restitution.

Mrs Mzonqwana said that while many victims of forced removals had begun the process of submitting claims, most were coloured, Indian or white.

"Not many black victims are aware that they, too, can lodge claims for being evicted from areas like Elsies River, Kensington,

Goodwood, and therefore very few have come forward to submit claims."

She said people needed to discuss the process now as the regional land commissioner's office had indicated affected people should submit their claims before the end of next month.

This was so the commission's resources could be used effectively to help investigate all the individual claims for an area, or group claims.

"I have started a series of public meetings, held on fields in the townships, to tell people about their rights. I have also engaged the commission in talks about running workshops and getting their people involved in telling the residents how they should go about submitting claims," Mrs Mzonqwana said.

One of the few claims submitted by

black communities is the much publicised Ndabeni claim in which residents are asking the commission to set aside land at Wingfield for them.

This is part of the land the Olympic Bid Company has identified as a possible site for the main Olympic stadium.

Wallace Mgoqi, regional commissioner of the Commission on the Restitution of Land Rights, said families or direct descendants of evicted people, as well as tenants living in these areas had a right to claim.

"Hundreds of families across the Peninsula lost their homes because of racially discriminatory laws.

"Many were evicted without being being compensated. If people suspect that they or their parents did not get just compensation they need to submit material evidence," Mr Mgoqi said.

(271) ARL 20/2/97

CAPE TOWN — Socio-economic development in rural parts of SA was crucial and the use of land in achieving that goal was critical, Land Affairs Minister Derek Hanekom said yesterday, tabling the second reading of the KwaZulu-Natal Ingonyama Trust Amendment Bill.

The amendment was designed to remove the obstacles the previous act put in the way of housing and development opportunities in af-

Natal land bill read again

BD 21/2/97 (271)

ected areas.

It would ensure the act fulfilled the original goals of protecting the interests of people on tribal land, he said.

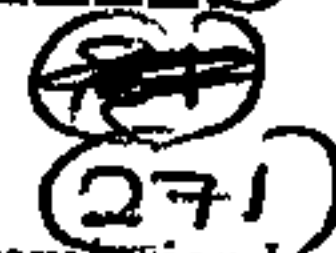
Andries Beyers (National Party) said his party was unhappy with the composition of the board of trustees to administer trust land. There was not sufficient consensus and so the NP would withhold its vote.

The Pan Africanist Congress's Clarence Makwetu warned against commercialisation of communal land. He was disturbed that the king was sole trustee.

Chiefs Patekile Holomisa and Aubrey Mokoena (both ANC) said the bill would go a long way in asserting the role of traditional leaders in administration of rural land. — Sapa.

Facilitators for District 6 claims

ST(CM) 23/2/99
By CHARL DE VILLIERS



THE Western and Northern Cape Land Commission has announced the names of two prominent Capetonians who will act as facilitators in the troubled District Six restitution process.

Dr Neville Alexander and Dr Elaine Clarke will gather information, consult all stakeholders and find out if all potential claimants are aware of their rights.

Alexander is a former Robben Island prisoner, historian and educationist who heads the Project for Alternative Education in South Africa at UCT. Clarke, a doctor, has lived and worked in the Walmer Estate and District Six area for 22 years.

Asked yesterday about the challenges facing her appointment, Clarke said it was essential that all potential land claim beneficiaries be identified.

"One of our biggest challenges will be devising guidelines which can be applied to other urban claims arising from Group Areas Act removals. We'll also be looking at the rights of former tenants," she said, adding that many potential claimants were illiterate and had been left out of the District Six restitution process. Radio would be used to reach them.

Their appointment this week follows an urgent appeal to the Land Claims Court in October by former District Six residents who claimed that a state-sanctioned redevelopment plan in the bull-dozed suburb would strip potential claimants of their rights.

The court agreed to postpone its decision on whether to return land to individual claimants, or to exempt individuals' claims in favour of a group claim linked to the redevelopment scheme.

Instead, it instructed the facilitators to "engage in a process aimed at finding the most amicable way of resolving the District Six restitution claims and the section 34 (group claim) application. . .".

The two facilitators have been given till March 14 to report the outcome of their negotiations.

● Telephonic inquiries about District Six claims can be made to the Cape Town offices of the Commission on Restitution of Land Rights at (021) 262-930, or fax 245-146.

20 years later, original 'Fietas' residents hope to regain land

(271) Mon 27/2/97

More than 200 former Pageview families have submitted applications

By Cecilia Rossini

Battle-scarred Pageview, west of Johannesburg's city centre, bears the bruises of a forced removal 20 years ago. In places, skeletons of houses look as though the bulldozers left yesterday.

But there is some evidence of piecemeal development in the area. The occasional new house and a small low-cost housing project have sprung up. Still, former residents removed during the apartheid era from "Fietas" (as the suburb was then known) remember with nostalgia the vibrant atmosphere they once knew there.

"A popular misconception," says Farouk Varadua, chairman of the Save Pageview Association, "was that the area was predomi-

nantly Asian or Indian. In the early '70s coloured families were removed from the area and there were many black tenants in the area also affected by the removals. It was a highly integrated, multi-cultural society."

The Save Pageview Association comprises residents who refused to move during the forced removals.

The Commission for the Restitution of Land Rights has given many of the families who did move hope that they might return to the area. The commission was set up to look at compensating those driven from their homes due to racially biased laws.

Some of these former residents have formed another group, The Dispossessed People of Pageview, with the specific aim of making

land restitution claims to the commission. More than 200 former Pageview families have come forward, says chairman Farouk Bhambhani. The organisation has already processed and submitted about 120 of those applications.

But these do not include the personal claims lodged by individuals. Applicants have until April of this year to lodge their claims.

Many people who were removed from the area after it was declared a "white" group area during the apartheid era would like to return, says Bhambhani. "There is a strong feeling about the area. The former residents would like to rekindle some of the atmosphere of the old Fietas."

However, this may not be possible. Urban claims are complicated by the fact that once the dispossessed community was relocated, the area was redeveloped.

A spokesman for the land rights commission, Thuyis Fihlan, says: "In a move not to repeat the mistakes of the past, we are adamant about finding solutions which would not result in the uprooting or forcible removal of new residents in the affected areas." The commission will make recommendations based on consultation with all interested and affected parties.

In Pageview this would take into account not only Indian families, but the black and coloured families who also lived in the area, the present residents and the landowners who bought property after the Group Areas Act was scrapped.



Homeward bound -- pending the outcome of the Commission for the Restitution of Land Rights, former residents of Pageview hope to be able to return to the suburb soon and resume the lives they left behind when they were removed forcibly.

Madikwe land can still be claimed

By DAN DHLAMINI

CP 16/3/97 now living. (271)

ALL CLAIMS for land rights lost under racially discriminatory laws passed by the previous regime in the North West's Madikwe Game Reserve must be lodged by May 30.

This was announced last Friday by the Regional Land Claims Commissioner, Emma Mashinini.

The announcement follows shortly after the Barolong bo ra Modiboa of Machaviestad claimed that they were not party to the agreement between the ANC-led Potchefstroom City Council and the National Parks Board which involved their land.

The National Parks Board was granted about 5 400 hectares of land by the Potchefstroom Town Council at a glittering occasion two weeks ago.

The Barolong claim they had been given only about 3 000 hectares of their own land – a small fraction of their ancestral land, which included about 180 000 hectares. After fighting for their ancestral land for 23 years, they were given the land on which they are

The Barolong said they were not happy with the settlement and they have since taken the matter to the Land Claims Court, but were surprised to learn that the deal had been sealed between the Parks Board and the the City Council.

Mashinini invites individuals, groups or communities who lost land rights in the area known as the Madikwe Game Reserve in the North West Province to come forward and lodge their claims.

She said all land claims in the Madikwe Game reserve will be handled as a group claim in terms of Section 12 (4) of the Restitution of Land Rights Act of 1994.

Mashinini said all claims submitted will be investigated at the same time and any orders made by the Land Claims Court regarding this matter will apply equally to individual claims.

She said the announcement applied only to people who have not yet lodged their claims.

Enquiries should be forwarded with to ET Mashinini, Regional Land Claims Commissioner, 9 Bailey Street, Arcadia Pretoria or phone her at (012) 328-6904.

QUESTIONS

†Indicates translated version.

For written reply:

MMF: investments

2. Mr J SELLE asked the Minister of Transport:

- (1) (a) What total amount received into the Multilateral Motor Vehicle Accidents Fund was placed in investments by the MMF, and (b) what was the annual return on these investments, in each of the latest specified five financial years for which information is available;

- (2) whether he will furnish a breakdown of (a) each investment made by the MMF, and (b) the average annual return on each such investment, in each such year? C2E

The MINISTER OF TRANSPORT

(1) The vast bulk of the MMF's investments are handled by five external investment portfolio managers. The MMF itself maintains an investment of some R100 million in the money market for liquidity purposes. The table below reflects the moneys transferred to the investment managers, the yields they achieved, and the yields on the MMF's money market investments.

Year	Moneys Transferred (Rm)	Yield Portfolio Investments	Yields on Money Market Investment
1991/2	0	14,03%	16,47%
1992/3	0	14,24%	12,79%
1993/4	202	27,11%	10,09%
1994/5	128	3,96%	11,36%
1995/6	130	24,35%	13,96%

In addition the portfolio-investments reflected unrealised capital gains of R123m as at 30 April 1996.

- (2) The investments handled by the portfolio managers are not static and keep changing all the time as these managers take different views

from time to time and as opportunities present themselves. They invest largely in ordinary shares and Government stock, comprising a wide variety of individual counters or items of scrip; but since individual items of scrip (and tranches thereof) are continuously bought and sold at different prices, no meaningful analysis can be made of any particular counter.

Commission on the Restitution of Land Rights

5. Mr E K MOORCROFT asked the Minister for Agriculture and Land Affairs:

Whether the Commission on the Restitution of Land Rights has offered any compensation to any persons and/or communities in the Western Cape in lieu of land claimed by such persons and/or communities, if so, in each case, (a) which persons and/or communities claimed such land, (b) where was the land located, (c) why was the decision taken to award compensation rather than return the land and (d) what compensation was paid? C5E

The MINISTER FOR AGRICULTURE AND LAND AFFAIRS:

The Regional Land Claims Commissioner for the Western and Northern Cape has prioritised 12 (twelve) cases for monetary compensation in lieu of land claimed by persons and/or communities

- (a) and (b) Please refer to the attached Schedule

- (c) The Commission is considering monetary compensation in lieu of land as this appears to be the preferred form of compensation by the claimants, subject to negotiations with the State and other parties and the final decision of the Land Claims Court.

- (d) The Commission has not yet made recommendations about what amount of monetary compensation ought to be awarded by the Land Claims Court. Also refer to the fourth column of the attached Schedule

Status Report as at Tuesday 11 February 1997 Land Restitution cases ready for referral to the Land Claims Court			
(a)	(b)	(c)	(d)
Name of Claimant	Person/Community	Location	Compensation
B C Pool	Person	Even, 109 & 110	Alternative land in the same area of monetary compensation
C C Bolla	Person	Erf 3449 Goodwood, CT	Monetary compensation
K Kumar	Person	Erf 81980 Retreval, CT	Monetary compensation
C M Wyngaardt	On behalf of his brothers as heirs	Erf 2461 Steliebosch	Monetary compensation or compensation in the form of alternative land in the same area
A Attende	Person	Erf 2943 Grassy Park, CT	Monetary compensation
E S Frost	Person	Erf 732 Somerset West, CT	Restitution of land or monetary compensation
E J Blake	Family representative	Erf 44528 Rondebosch, CT	Monetary compensation
P J Blaauw	Person	Erf 46 Langebaan	Restitution of original property or monetary compensation
E Zoutendijk	Person	Erf 48789 Newlands, CT	Restitution of original land or monetary compensation
J C Meier	Person	Even 2501 2510, 2511	Monetary compensation
C M Rijkv	Person	Even 8829 18823	Monetary compensation
M C Lemans	Person	Former Erf 951 Simon's Town	Monetary compensation

Free State: motor vehicle accidents

31. Mr R J MOKOTJO asked the Minister of Transport †

- (a) How many motor vehicle accidents occurred in the free State in 1996, (b) how many (i) occupants of motor vehicles and (ii) pedestrians (aa) died and (bb) were seriously injured in these accidents and (c) how many such accidents were caused by (i) the abuse of alcohol and (ii) speed limit being exceeded? C37E

The MINISTER OF TRANSPORT

Information for 1996 as requested has not been made available by the Central Statistical Service as yet. Please see the following information on 1995

- statistics according to the Central Statistical Service
- (a) During 1995 27 044 vehicle accidents occurred in the Free State
- (b) (i) 332 occupants of motor vehicles and (ii) 281 pedestrians
- (aa) died and
- (bb) 965 occupants of motor vehicles and 646 pedestrians were seriously injured
- (c) Information regarding the causes of road accidents can not be made available as no provision is being made on the SAP 352 report forms to supply this information

District Six compensation plan due in July

Linda Ensor

CAPE TOWN — A method to compensate former residents of District Six who were dispossessed of their homes and businesses when the government expropriated the land would be complete by mid-July, facilitator Neville Alexander said yesterday.

The parties had agreed to apply to the Cape High Court for a further postponement of the application brought last October by the provincial administration, the Cape Town city council and the Community Land Trust. They applied for the individual rights to land in District Six to be set aside in favour of an integrated development of the area.

Alexander said the claimants, who were initially strongly opposed to any such a

waiver of their rights for the return of their original land, had since relinquished them. This had opened the way for an integrated development of the area. A process was now under way to formulate a method for compensating these people in other ways.

The High Court would be asked to order the regional land claims commissioner to submit a final report on the agreements reached on compensation by July 14 and for these to be made an order of court on August 1. Alternative forms of compensation available in terms of legislation were granting of other land of equal value in District Six; financial compensation; and being given preference for state houses elsewhere.

Alexander, who with Elaine Clarke was appointed as a facilitator by the court, said claimants would be categorised in terms of

how long they lived in District Six before being uprooted, after which a blanket formula for compensation would be applied.

An additional factor might have to be built in to cover the pain and suffering experienced and, in the case of traders who lost their businesses, the loss of income.

The next major political battle would be over the total sum allocated by the state for compensation payments. An amount mooted was R15 000 an individual.

While only 1 000 claims had so far been submitted, Alexander estimated that about 100 000 people were involved in the expropriations and relocations from District Six, and the cost of compensation could therefore be astronomical. However, the redevelopment of the site would proceed while this matter was being resolved.

NEWS

District Six dispute continues

Mediators want delay in redevelopment hearing

ANDREA WESS
METRO CORRESPONDENT

The Land Claims Court is to be asked to postpone a hearing on the redevelopment of District Six for another four months to allow facilitators to resolve a dispute which blew up last year.

Land Affairs Minister Derek Hanekom had to step in at the last minute when former residents of District Six objected in October to an application to have the land exempted from individual claims.

The provincial government, the Cape Town municipality and the Cape Town Community Land Trust applied for the exemption on the grounds that they wanted an integrated development of the land, which would be hindered by piecemeal claims.

Last month, facilitators Neville Alexander and Elaine Clarke were appointed by the Land Claims Court to resolve the dispute.

Dr Alexander and Dr Clarke told a press conference yesterday they had established the central principles which would be put to the Land Claims Court in August. They will hold six public meetings to garner further opinions

from former residents in Gugulethu, Mitchell's Plain, Khayelitsha, Athlone, Langa and Cape Town-Salt River during April and May.

This will require a postponement of the April 1 return date set last year when the dispute erupted. Progress has been made in that all parties have now agreed that an integrated redevelopment of the land should take place but the rights of individual claimants are to be addressed more thoroughly.

Dr Alexander said all parties had discarded the idea of returning the original pieces of land to individual owners but they were working on several other possibilities.

These could include giving a similar piece of land of the same value within the new development to an owner, or alternatively providing compensation based on a predetermined formula.

A compensation formula for former tenants resident for 10 or more years continuously, who also had the right to make a land claim, also was being looked at. Former tenants might be given first preference in the new development, although for many this was not an economically viable option, or a preferential list could be drawn up for new housing

developments on state land elsewhere.

Dr Alexander said there were several political issues which needed to be addressed, among them the market value of the land which was taken from people at bargain basement prices and how to compensate people for the emotional and economic trauma of forced removal. Former residents also wanted to be involved in the planning of the redevelopment.

He said while the debate was "all very friendly" at this stage, there was still a lot of anger over the forced removals from District Six.

"People feel very strongly about District Six. People call it salted earth ... whatever is born out of District Six must come from the people, especially the people who were forcibly removed," he said.

Dr Clarke said former traders, for instance, complained that they had not only lost their homes but their livelihood when they were moved. They were calling for trading rights within the redevelopment.

Also, there was a lot of confusion over the rights of former residents with many tenants unaware that they were able to claim. Part of their job was to inform people of their rights.



Role model Sol T Plaatje, subject of an exhibition at the District Six Museum

Museum honours a leader of the struggle

INMA BHEZIMISI
STAFF REPORTER

Sol T Plaatje, one of South Africa's most talented African leaders, writers and editors who devoted his life to fighting apartheid oppression, is being honoured at the District Six Museum.

An exhibition, *Sol Plaatje Writer and Politician*, presented by the National English Literary Museum in collaboration with the District Six Museum in Buitenkant Street, opens tomorrow to commemorate Human Rights Day and runs until mid-April. Plaatje was born in 1876 in Griqualand West and died in 1932.

In celebration of his 50th birthday his many admirers, including Indians and coloured people, bought him a home in Kimberley as a token of their appreciation for his lifelong dedication to the struggle.

The house is now a national monument.

His achievements include the translation of five of Shakespeare's works into Setswana, his native language, and his novel *Mhudi*, one of the earliest novels with an African theme in English.

Other works of his include *Native Life in South Africa* and his *Boer War Diary*.

Plaatje was also a founding member and first general secretary of the South African Native Congress, which later became the African National Congress.

Spokeswoman for the Literary Museum Kate McDonald said the exhibition of text and photographs paid tribute to a man who overcame the limitations of a very basic education to become one of South Africa's most distinguished writers and political leaders.

'Mrs Land' now fights from top

(271)

Star 22/3/97

At the entrance to the Department of Land Affairs building a plaque commemorates the opening of the block by a National Party minister in 1981.

That same year one of the building's current occupants, Sue Lund, director-general of land reform, was cutting her teeth as a political activist at Rhodes University.

One of the Eastern Cape's most influential white political activists in the mid-1980s now sits in an office probably occupied by someone she would then have considered an enemy. During the height of the struggle for liberation, becoming a senior government official in South Africa was an alien concept for this dark-haired Meryl Streep lookalike.

"This is the last place I thought I would ever land up," she says, looking around her in the large office with an expansive wooden desk and a conference table of even greater magnitude. It has an ordered and controlled look despite being loaded with thousands of documents, and despite the constant stream of people entering and leaving for meetings.

But then Lund, too, has an aura of calm and control about her. If she had not, she would not have been the architect and director of the country's land distribution programme, shouldering the responsibility for creating and implementing policies which aim at a more equitable distribution of the country's land.

Working her way up any ladder, let alone in politics, was unplanned. In fact, getting entrenched in politics, first at university and then with rural development in the Eastern Cape, was not something she had ever considered.

She planned to become a journalist but, other than student vacation work, she never got to holding a position in the media.

"One thing just seemed to lead to the next, and here I am," she chuckles, her smile creating gentle lines that punctuate her large eyes.

The path was a long and winding one. Lund, who is often addressed as Mrs Land, was born in Pietermaritzburg. She is the daughter of an Anglican priest.

She had planned to become a journalist, but 'one thing just seemed to lead to another'

and a nurse who gave up work to bring up her children. She was a well-rounded scholar – not stepping against the grain. "I led quite a sheltered life. My parents were fairly aware of what was happening in the country but we didn't have a direct sense of it."

At Rhodes from 1980 Lund learnt much from the voracious National Union of SA Students (Nusas) and her more politically active tutors. She became aware of activists disappearing, detentions and forced removals.

By 1982 she was Rhodes' Nusas chairman and on the student representative council. By the time she was detained (the second bout) for almost a year in 1986 and 1987, she had been the End Corruption Campaign's regional publicity secretary and the Grahamstown town committee of Democrats representative on the



RIGHTING THE WRONGS: Sue Lund never dreamt she would hold a position in government

PHOTOGRAPH: COBUS BODENSTEIN

United Democratic Front council.

For almost two years she was the co-ordinator of the Grahamstown Rural Committee which helped rural communities to resist forced removals. She worked closely with Matthew Goniwe (later to be assassinated) and other top Eastern Cape black activists.

Despite dedicating herself to this her social life was still thriving. She lived in a house with other like-minded people – or so she thought. One of her closest

varsity pals and housemate was police spy Olivia Forsythe, who was believed to be responsible for Lund and others being detained and persecuted.

"She was very good in her role of spy. What she must have gone through emotionally and psychologically I can only imagine, because I believe she really liked us," says Lund. "We were like one big family and were close."

Lund recalled Forsythe being under terrible emotional strain and never settling into any relationships. "It turned out to be something quite different didn't it?"

Three months into her 11-month incarceration, Lund's lawyer came to tell her that Forsythe had been revealed as a spy.

"I was surprised but I felt no bitterness, and still



THE PEPA KROST INTERVIEW

Sue Lund looks official in her role as director-general of land reform. But this priest's daughter was an 1980s activist who shared a house with a spy and spent 11 months in detention.

don't I don't believe she gave them as much as she could have, judging by the questions I was asked by my interrogators. I think she liked us too much."

Lund believes Forsythe "liked the power of being a spy, and by the time she left she was probably in doubt as to whether she could maintain her power over us".

She sometimes wonders how Forsythe is doing and would be curious to sit down and talk to her now.

But prison and university days seem light years away, she says, as she struggles to recall what happened when

All she knows is that things were very different – exciting and frightening at the same time. While in jail, she had much time to reflect on her life and work fighting forced removals.

"We had managed to stop some. But development problems lack of organisation and facilities in those places were stifling any real development and I was not equipped with skills to really help them."

No site applied for a scholarship at the rural development school at the University of East Anglia. Shortly after her release from jail, she left for England.

Armed with a masters degree, she returned full of hope for the new South Africa and began working with the National Land Committee (an umbrella body for

land rights non-governmental organisations) and then as a consultant, until she was appointed to her present task.

"We are now beginning to find our feet in land reform we are still a baby and have a long way to go," says Lund. "Our particular task is not one that we adopted and had to mould. We had to start from scratch and make a programme to suit the task."

She explains that even when they began designing the programmes in 1994, "we were very optimistic, but time has forced a more sober, realistic approach."

They are now much wiser about what can be done – but no less ambitious.

"We will make mistakes, but we will fix them and learn from them." And nothing will stop her trying to right the wrongs.

"Our land holdings are severely distorted and we will see to it that land is fairly redistributed," she says, eyes steely with determination.

And determination is essential in her job. Many eyebrows were raised when she, white and a woman, was appointed.

"I had to realise that my taking this position carried certain responsibilities and the way in which people related to me would work accordingly. I have to be highly professional and focused."

Her home and personal life she keeps totally separate from her work. "It is very important for me to have it that way."

Most of her close friends are not involved in government at all, and husband Mark Beard is a film editor, who works from his studio at the back of their eclectic home.

Lund seldom gets home before 7pm, but Mark enjoys cooking and keeping house.

"I have no idea how I would cope without him – he ensures that our home is our haven," she says.

In her private time Lund winds down by doing tai chi, is a keen gardener and a voracious novelist and has just taken up cheology (the ancient Chinese/Indian study of hand-reading). On her way to and from her Kensington home to her Pretoria office, she relaxes by listening to audio novels in her car.

Husband Mark enjoys cooking and keeping house. 'I've no idea how I would cope without him'

"This part of my life is so totally different, but I need new stimulations to keep me sane in this official role."

While she has no illusions about the mammoth task ahead of her in land reform, she does not envisage keeping her position "for ever".

"My primary responsibility is to ensure there is a skilled group to manage this office in the future."

And then what?

"Who knows – I've never had a master plan for my life. Whatever I do I give it my all, but when it's over, something else I am sure, will come along."

Already, she writes short stories whenever she gets the chance. Maybe returning to write a book will be next? Who knows? What is sure is that there won't be anything insignificant about it.

Family with a tradition of defiance fights for its land

'Apartheid way of doing things is still rife here'

(271) AR 22/3/97

DAVID MACGREGOR
STAFF REPORTER

Patensie – In this rural Langkloof dorp, a family claiming to be descendants of the fiercely independent Stuurman clan recently approached the Land Claims Commission over a patch of land which, earlier this year, they had to leave.

The family has lived on the 16 acres of prime farmland for more than 100 years and feel they are the rightful owners – despite their recent eviction by a white farmer to make way for more citrus fields.

Fifty-year-old David Draai stands on a pile of rubble which used to be home to his ailing 96 year-old father and points to piles of stones in the nearby bush that he says are family graves. "There are more than 75 graves on the land and they all belong to my family. Some date back to the last century," the angry, self-employed builder says.

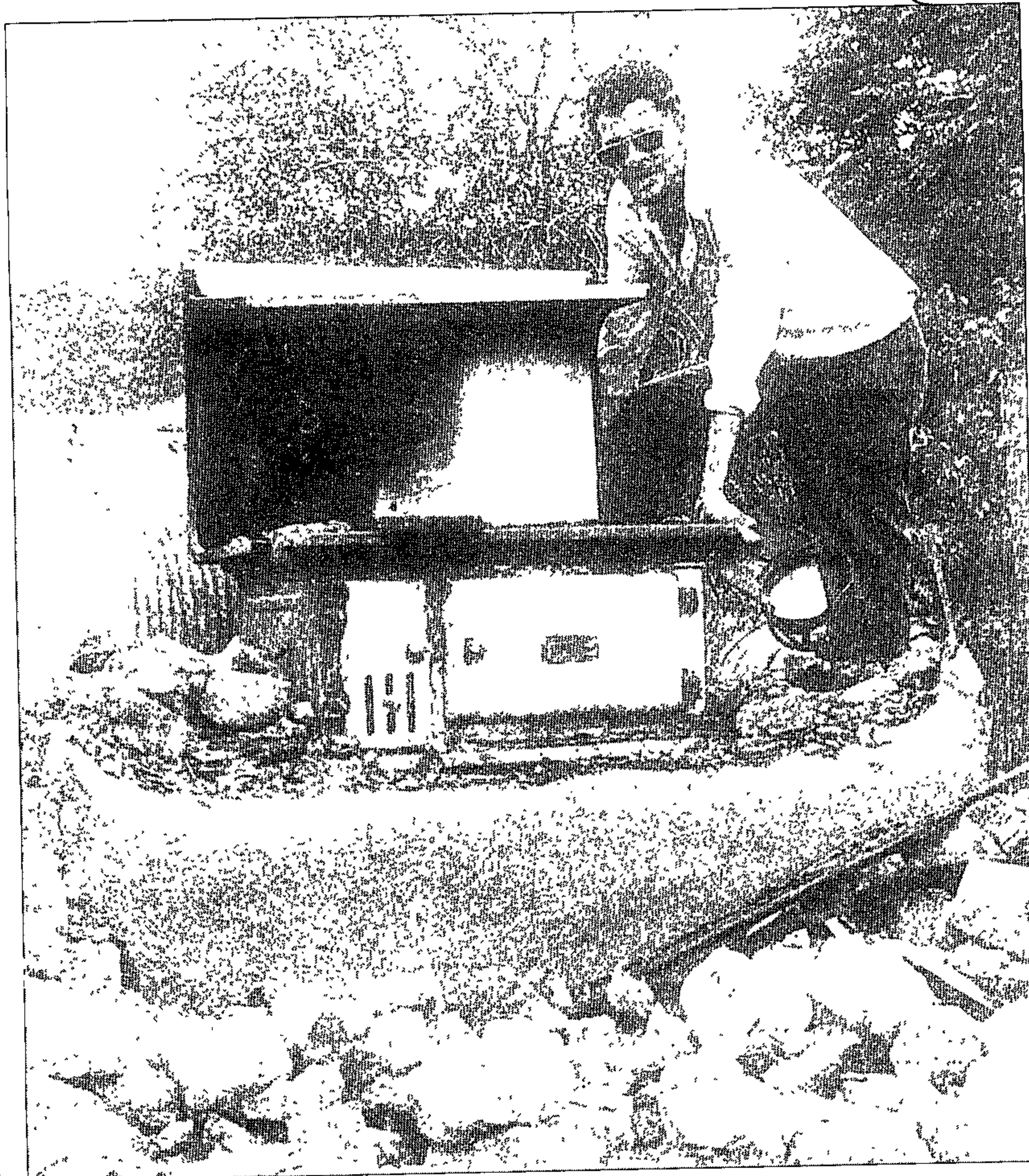
Mr Draai and 23 other family members were recently evicted from the farm by their white neighbour, Petrus Du Preez, and allegedly dumped in nearby Ramaposa township. A house Mr Draai built for his father was allegedly flattened and the corrugated iron sheets were left in the township with the family. The original zinc house will be knocked down in coming weeks.

The eviction is being challenged by Patensie legal advice and development centre co-ordinator Amos Mabhukane, who feels the family could also lay claim to half of Ramaposa township "if they really wanted to" as it is partly built on Stuurmanskop abutting the disputed land.

Mr Mabhukane, who is also the town's deputy mayor, said the Draai eviction was one of several – in the Gamtoos Valley town – which his office handled "almost every day".

"The one difference between the Draai claim and all the others is that they have been living on their land for over 100 years and in all that time they never worked for any of the farms surrounding their place.

"They were all self-employed and in my opinion, according to the history of the area, the land is theirs," he said. Mr Mabhukane



Lost land: David Draai and the remains of the house from which his family were evicted

explained that Mr Du Preez laid claim to the land and planned to plough up everything, including the graveyard, to plant crops.

"Human rights violations like the Draai case take place daily in Patensie. Our office needs the help of Government which does not focus attention on rural areas," he said.

Land Claims farm field worker Wesley Phillips, who handles the

region, said the Patensie-Hankey claims were "very unique" as there were several black families in the area, all subsistence farmers, who "owned" the land patches they worked on.

"We have lots of claims from the area and they have been worsened by a spate of more recent evictions. "There is also a bottleneck and claims often take two to three years to process as they join thousands of

others." Mr Phillips said evictions, before land claims had been decided, "caused problems and hardships for the families who now have nowhere to go".

Likening Patensie to the "Wild West badlands", Mr Phillips alleged the area's farmworkers were often assaulted and shot at. His feelings were echoed by Mr Mabhukane who claimed he regularly encountered cases of workers being

assaulted. Last year's Truth and Reconciliation Commission hearings in the area also detailed shootings, including two murders, of farmworkers by local farmers in the turbulent mid-1980s.

"Not much has changed in Patensie. In fact, the old style apartheid way of doing things is still rife here," Mr Mabhukane said. Mr Du Preez said he had bought the land from the previous owner in 1988 – but Mr Mabhukane alleged Mr Du Preez could not produce any copies of title deeds for the land that Mr Draai occupied.

In 1994, Mr Du Preez gave the Draai family three months' notice. "When the time lapsed without action I sought legal advice. In 1995 I personally delivered a letter from my lawyer reiterating that they had to move," Mr Du Preez said. He added there was no way he could support 24 "unemployed" people on the farm.

Mr Draai and Mr Mabhukane denied the family was unemployed or that they were dependent on Mr Du Preez. They said the family was self-supporting and had their own bricklaying and carpentry businesses. Mr Mabhukane showed Saturday Argus pages from an old history textbook belonging to the Hoerskool Nico Malan, Humansdorp, which mentioned the Stuurman family and dealt with the 1914 uprising.

An extract reads

The two Hottentot leaders, David Stuurman and his nephew, Klaas, had their headquarters at what is today known as Stuurmanskop. They used to steal cattle in the valley. David died in a fight with a commando, but Klaas managed to escape into a kloof.

Mr Draai said his family had continued staying on the land after his grandfather, David Stuurman, died in the 1914 uprising. He pointed out a *boerboon* tree which is mentioned in history books as the place where the commando bound Klaas after his capture.

"My father told me that my granddad was killed on our land by a commando in 1914. My dad is 96 and was born here. I am 50 and was also born here – we know no other home," he said. Mr Draai vowed to "fight" for his land – even if it means living elsewhere for the next three years until the claim is settled. – Ecna

Farmers face ruin as govt reclaims land (21)

Louise Cook

DD 1/4/97

SEVERAL owners of farms targeted for restitution at Lichtenburg in North West "may well face bankruptcy" because state compensation will not cover outstanding bonds on their properties.

Land Claims Commissioner Durkje Gilfillan reported in Land Info that the history of the land had to be taken into account when the state determined the amount of compensation paid.

The "Putfontein farmers" bought the land, the property of the previous government, with soft loans from the Agricultural Credit Board and paid far less than market value. "The result is most ... will be paid a fraction of the present market value — much to their dissatisfaction," Gilfillan said.

Agricultural Credit Board vice-chairman Wessel Oosthuizen declined to disclose the amount owed by the farmers. Gilfillan said the board was about to foreclose on those in arrears. "In the Putfontein case, the shortfall in repayments should be borne by the taxpayer," she said.

Owner Hannes de Villiers said the farmers had not received any indication of how much government would be prepared to pay them for the land.

North West Agricultural Union land claims representative Christo Mallow said farmers who bought inexpensive state land under the previous regime, and who had not sold it, could expect very little compensation should the land be expropriated. However, this was not the case if the land now belonged to a second or third owner.

The Batlounge community, who was moved off the land to make way for the farmers, staked their claim five years ago. De Villiers said the case should go before the Land Claims Court in the next few months, but no date had yet been set.

Claimants resume case for Cato Manor land restitution

Star 3/4/97

(271)

Durban - Land claims focus on Durban again next week with the resumption of the Cato Manor hearings and the bid for restitution by Block AK claimants.

The Land Claims Court will reopen in the city on Monday to finalise the controversial Cato Manor hearings, which were adjourned in January.

The Durban Metro Council and the Cato Manor Development Association are opposing the claims on the grounds that the prime property could be better used for low-cost housing.

The outcome of the Cato

Manor hearings will set a precedent for other claims for restoration of expropriated land that now belongs to the council. Meanwhile, 180 claims from former Block AK residents are also to be contested by the council, which has earmarked the land for low-cost housing development.

Nisha Naidoo, spokesman for the Land Claims Commission, says the Block AK action committee will meet on Saturday to discuss a combined approach to the council's action, at the Vedic Hall in Carlisle Street at 2.30pm. - Own Correspondent.

Northern council tells rightwinger to hand over his land

Star 4/4/97

(271)

By ANNA COX
Sandton Bureau

Rightwinger Robert van Tonder's property is to be expropriated by the Northern council together with land in Cosmo City which belongs to Absa Bank.

The council decided last week

to expropriate 1 000ha of land in Cosmo City from the banking group when negotiations over developments on the land failed. Van Tonder's property is in the middle of Cosmo City.

The area is now to be developed as a mixed-use area comprising high, medium and low-cost

housing, industrial, commercial and retail development; and social and recreational facilities.

Van Tonder said the council had served the expropriation notice on him and asked how much he wanted for his land "I can't fight the expropriation, but I will fight for a fair price. The new ex-

propriation laws which the Government introduced to protect black people will now work in my favour," he said.

Wessel Swart, chairman of the Mostyn, Sandspruit and Sun Park Residents' Association, said the council now had a responsibility to make the development work

Former exile in R7m land claim

Family forced to sell for R75 000 (271)

ST (cm) 6/4/97

BOBBY JORDAN

A FORMER political exile, who left the country in 1962, shortly before his family was forced to sell a large chunk of real estate in Cape Town's southern suburbs for R75 000, has lodged a R7-million land claim for the property.

The land claim incorporates 27 houses and a fashionable restaurant that take up an entire residential block between Third Avenue and Hamstead Road in the upper-middle class suburb of Harfield Village.

Ebrahim Desai, who lodged his claim at the Land Claims Commission last week, said the property originally belonged to his late father Abdulla Desai.

Desai Snr, who arrived from India in 1908, gradually built up a successful business and bought property in lower Claremont, which later became known as Harfield Village.

But he never anticipated having to sell it all when the Group Areas Act came into effect in the late 1950s and blacks were forced to leave.

"My father was very reluctant to sell because he'd acquired the property over many years," Desai said this week.

"He wanted to take the matter to court, but lawyers discouraged him and he lost his will.

He later suffered a series of

heart attacks and died in 1969," Desai said.

"When I came back from exile, I started making some enquiries, but came up against a brick wall at the Deeds office. It seems the problem is that the area has been extensively developed, with the average house valued at between R250 000 and R300 000."

Desai now hopes to receive "adequate compensation" from the Land Claims Court, which faces the daunting task of pro-

cessing thousands of rural and urban land claims stemming from large-scale dispossession during the Group Areas era.

"It's not the monetary value of the land I'm worried about; I want fair compensation in terms of today's value — one's got to be fair," Desai said.

"The point is that my father never wanted to sell because he believed in bricks and mortar."

Legal officer of the Land Claims Commission for the West-

ern and Northern Cape, Brian Hurwitz, said the commission would first have to investigate the circumstances surrounding Desai's claim before deciding whether to refer the matter to the Land Claims Court.

"If the land is now privately owned, then it's unlikely that he's going to get it back, but there are other ways to deal with the claim."

Alternatives might include financial compensation or access to alternative land, Hurwitz said.

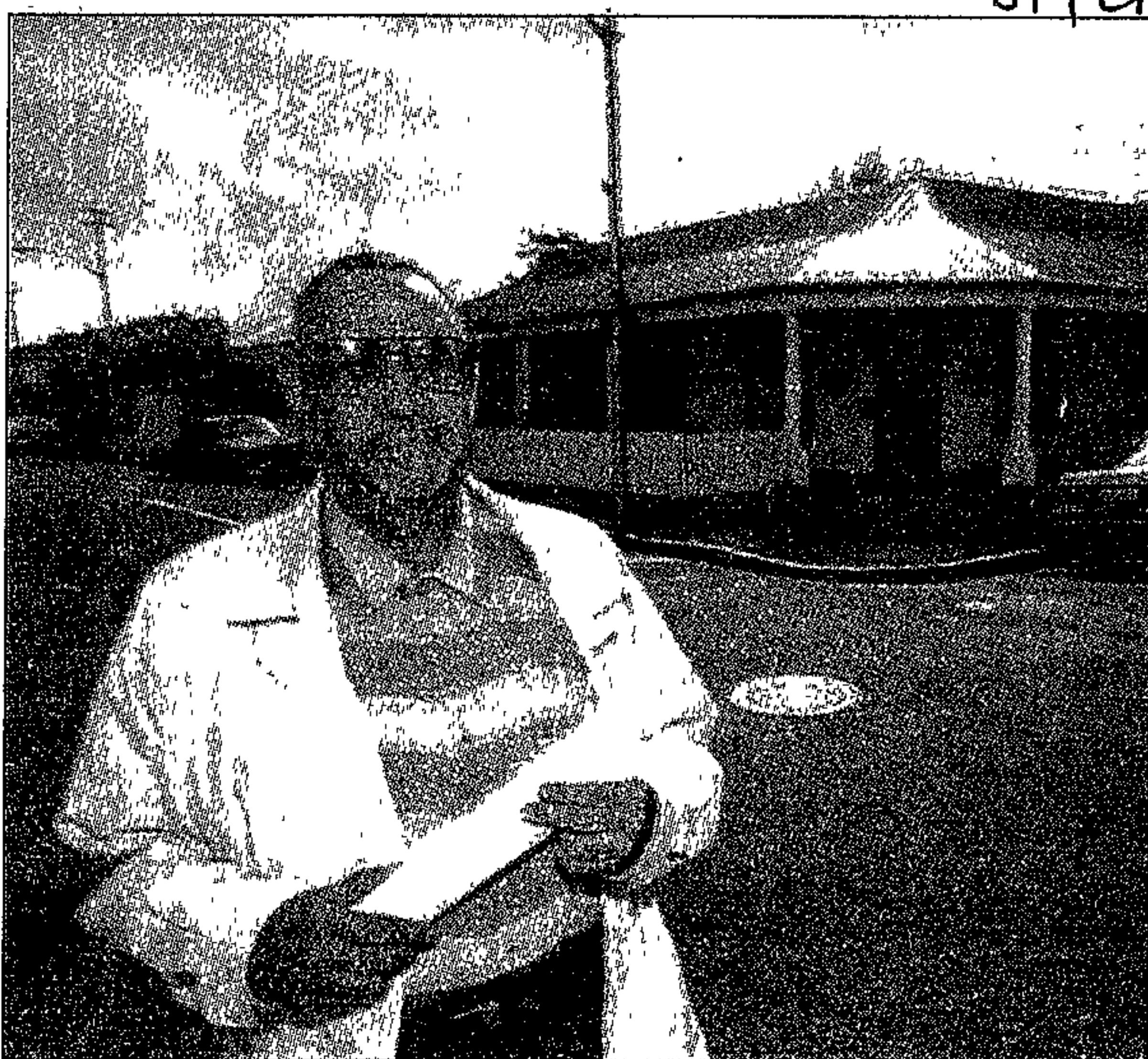
Possible factors for consideration include the current property value and whether just compensation was paid at the time of dispossession, he added.

"In this case, if (the Commission) concludes that R75 000 was a fair price then the claimant would not get any more."

Desai's claim follows months of controversy surrounding land claims in the Cape Peninsula.

In October last year, former residents of District Six lodged an urgent appeal to the Land Claims Court in response to a state-sanctioned development plan in the bulldozed suburb which would potentially strip claimants of their rights.

Facilitators in the District Six restitution process subsequently announced that land restoration "would not be a feasible option".



DISPOSSESSED: Ebrahim Desai at the Harfield Village site his family lost

Farouk Chothia

DURBAN — Negotiations got under way yesterday between the Cato Manor Development Association and former landowners in a bid to end a protracted legal battle which has threatened to scupper the largest development project in KwaZulu-Natal.

The association had lodged an application in the Land Claim's Court, requesting that land in Cato Manor, outside Durban, not be returned to Group Areas Act victims as it had been earmarked for development by the government.

Land claimants hit back by indicating that they would seek a High Court interdict to place a moratorium on all development in Cato Manor until the land court rules on their claims.

Negotiations on Cato Manor dispute

(271)
BD 8/4/97

About 300 land claimants have formed the Cato Manor Action Group.

The land court was to have sat yesterday, but adjourned after the association said it wanted to reach an out-of-court settlement. The court would sit tomorrow when parties would indicate whether they had reached a settlement.

The association had earlier voiced concern that a moratorium would jeopardise development projects worth about R4bn in Cato Manor.

The ANC's Durban south central councillor, Mpume Chamane, said

that a few "rich (and) irresponsible" Indians wanted to scupper development in Cato Manor by demanding the restitution of land from which they were removed in terms of the then Group Areas Act.

Chamane said there were more than 50 000 people living in Cato Manor. The land claimants should settle for financial compensation, or alternative land.

She said the group was stoking racial tensions, and "we are even prepared to march through the streets of the city to demonstrate our plight, caused by racist behaviour".

RED-LINING BY BANKS OVERCOME

District Six residents combine to buy homes

CT 8/4/97

OSBORNE STREET in District Six escaped the Group Areas Act, but residents almost lost their homes recently when the owner decided to sell. Joint action overcame the problem. **LISA TEMPLETON** reports.

IFELONG Osborne Street resident Auntie Gracie Barron, 75, is one of 45 District Six household heads who yesterday became home-owners for the first time.

The residents — who were recently threatened with eviction when the 45 terraced Victorian cottages in Osborne Street were put up for sale for R1,5 million by the owner, Mr Sydney Schach — combined as a single debtor and signed for joint liability on a bond, overcoming the red-lining policy of many banks.

"These people have become home-owners for the first time in their lives. They have survived the Group Areas Act and the fear of eviction," said Mr Anuwah Nagma, chairman of the District Six Civic Association.

Osborne Street, which survived the demolition of District Six because the immediate area was zoned for industrial use, was threatened again when the landlady put the houses on the market. However, by the end of last year, with the help of the civic association

and a number of attorneys who grew up in District Six, the residents obtained a loan of R1,3m from the Cape of Good Hope Bank and arranged a settlement with Schach for this amount.

"All the other financial institutions slammed doors in our faces, without doing a thorough investigation into the community and assuming that a culture of non-payment existed," Nagma said.

He said some banks and financial institutions saw certain areas and communities as high risk and, fearing non-payment, employed a subtle red-line system to deny them loans.

He added that should these institutions continue red-line policies he would discourage people from participating in them.

However, the residents were all smiles yesterday when they became home-owners. They will pay less than R40 000 for their cottages, and bond repayments will be about R150 more a month than they paid in rent.

Auntie Gracie, who is the oldest resi-

dent in the street and was born in her house, said — as she stood among the flower pots of her little wooden balcony — that she was very excited.

"I am very much attached to this house, I have beautiful memories of growing up in a respectable home and playing with other children. There was a happy atmosphere here," she said.

She could remember when the pavements were cobbled and the fear of eviction at the time that most of District Six was razed.

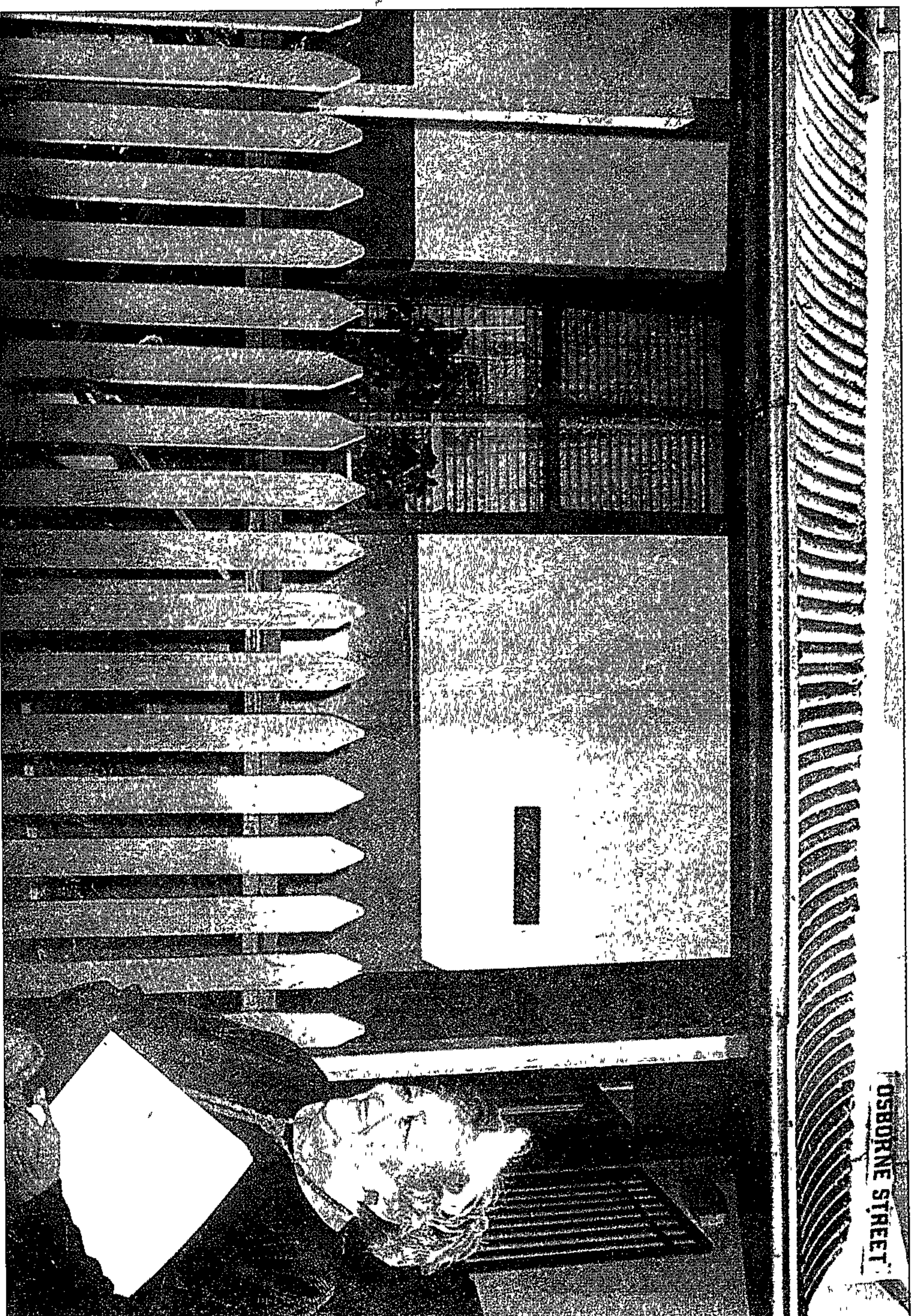
Her neighbour, Mrs Victoria Lakay, has lived in the street for 36 years and was "very over-excited" to buy her home.

"I never want to move out of this street, we are one family," she said.

Four generations have lived in Mr William Duncan's home since his grandparents moved in there.

"I am just glad I can at least now settle down," he said. "I can tell my two daughters and my grandchildren 'If something happens to me you can go on with the Duncan house.'"

Ms Jenny Symm, whose grandmother and mother both lived in the street, said: "I feel very proud to be buying my house. I have reached my first goal in life."



ELATED: Yesterday was a red-letter day for 45 District Six householders who combined as one debtor to sign for co-liability on a R1,3-million bond to buy their Osborne Street houses. Gracie Barron, 75, was delighted when she signed for ownership of the house she was born in

PICTURE: KAREN RETIEF

Land redistribution flops badly

The pilot programme to spearhead land reform has fallen flat, with most provinces spending only a fraction of the budgets set aside for this purpose.
Jim Day reports

THE government programme set up two years ago to spearhead land redistribution has failed to hand over more than a few acres to the landless

Figures from the Department of Land Affairs show the Land Reform Pilot Programme has spent less than R20-million of its R314-million budget and that provinces such as the Western Cape, Mpumalanga and the Northern Province have spent nothing of the millions they were allotted to give as grants to the landless

Officials blame red tape and inexperience in the provinces for the mess and warn that much of the cash — originally drawn from the Reconstruction and Development Programme — will have to be handed back to central government coffers unless it is spent by next March

The national Land Affairs Department has now taken charge of the programme arguing that it hopes to learn from past failures and bring new impetus to the scheme

"Realistically, I don't think we'll use all the funds," Land Affairs Department deputy director general, Sue Lund, said. "We'd all hoped it would be quicker, but I'm satisfied in some areas." She believes most of the money will be used before the time runs out

The programme, which consists of 195 projects, was set up in early 1995 as a way to "kickstart" efforts to give land to 39 000 households.

The scheme is a crucial component of South African land reform, which estimates have suggested could affect up to 3.5-million people who have been dispossessed of land in the past, as well as others with land claims

The projects were targeted on areas where the need for land reform appeared to be most pressing. In most cases, funds were allocated to buy land from private owners for redistribution; in other cases, funds were earmarked to smooth the transfer of government land to private owners

But department figures produced in January show that just 6.2% of the budget has been spent

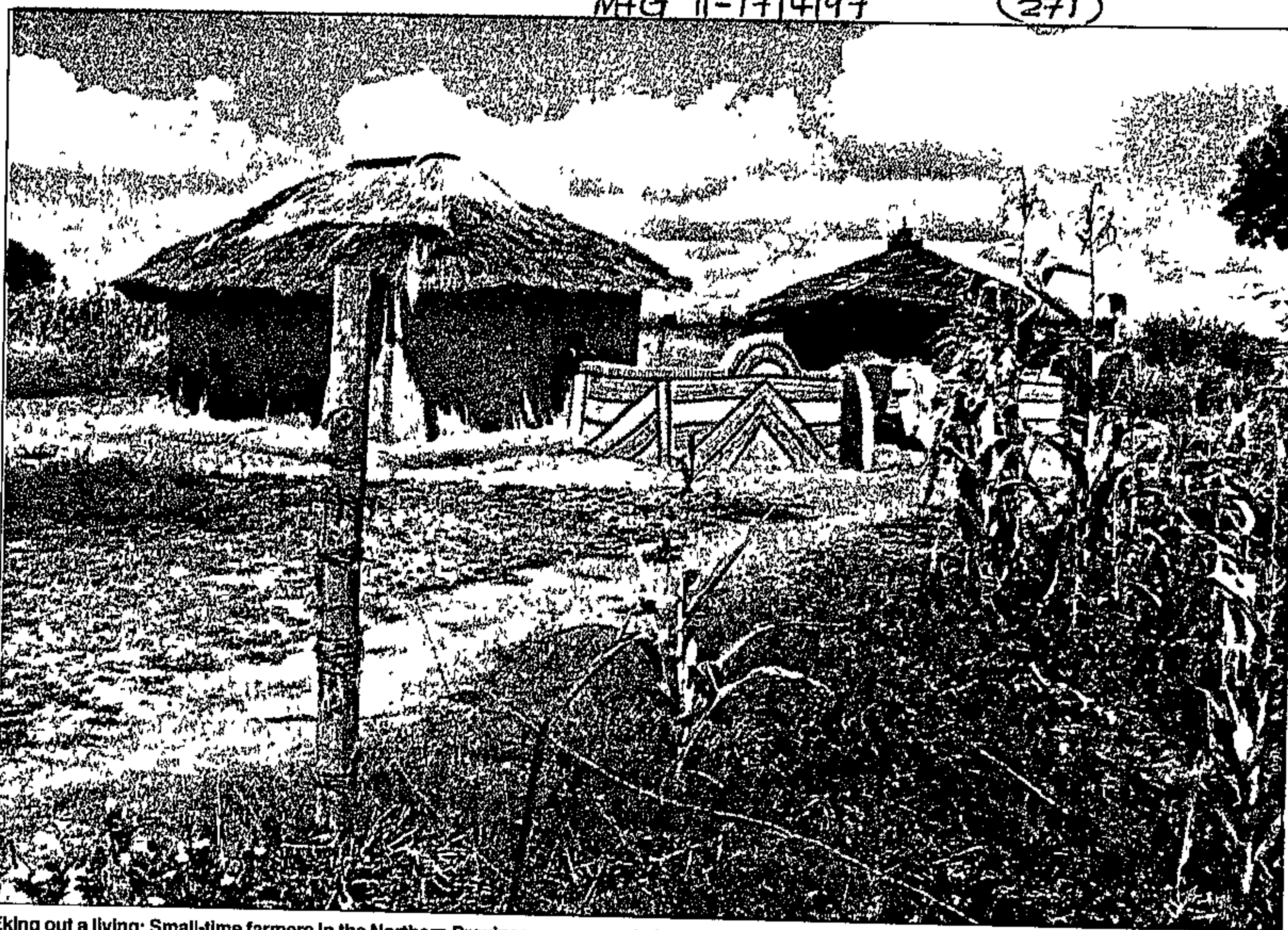
On grants, Gauteng showed the strongest performance, spending nearly 14% of its R21.7-million budget for its three projects. Seven other provinces spent less than 3% of their grant budgets, with the Free State — assigned R17.8-million for grants for 88 projects — spending just 2.84%

The Western Cape, Mpumalanga, Northern and North West provinces, together allotted R140-million for grants, had spent nothing

The document also shows that 38 of the projects have been scrapped, 27 of them in the Free State

Officials cite lack of resources, lack of experience in implementing land reform, cumbersome bureaucratic procedures and other reasons for the slow pace

But they say the projects also acted as a testing ground to develop structures for future land redistribution — viewed in that light, the programme is not seen as a total washout



Eking out a living: Small-time farmers in the Northern Province scrape a subsistence by raising mielies

PHOTOGRAPH KENNETH MULLER

'Reforming' the Bantustan way

Jim Day

AN apartheid-era plan to move thousands of farmworkers off government-owned farmland in the Northern Province into rural villages has resurfaced in the guise of land reform.

Many of the 5 000 people involved oppose the plan, saying they have not been properly consulted and promises that they would have first priority over the land have been broken.

The land at stake is a 70km-long strip of cattle country and government-run irrigated citrus and tobacco farms near Potgietersrus. Provincial land reform officials for the Gillimburg area have divided the land into 38 units. These are to be given to farmworkers who are at present landless.

The people currently living on the 50 000ha site are being encouraged to move into rural villages called "agrilvillages".

The plan is being implemented as a Land Reform Pilot Project by the Land Affairs Ministry and provincial and local agencies. It is the largest such project in the country. But it is the same plan drawn up in 1988 to integrate the area into the then Lebowa homeland.

"It's totally bizarre that in the name of land reform, they're doing old Bantustan consolidation which the apartheid regime failed to implement," says Marc Wegerif, a former

consultant on the project. Disenchanted, he decided against having his contract extended last year. "They're basically setting up a township with no rights to the land."

However, Elias Mahapa, the provincial Land Department's manager in charge of Gillimburg land reform, says residents will benefit from roads, school, sanitation, electricity, water and other services, as well as small parcels of land, that will be provided in the agrilvillages.

If residents do not want to move to the agrilvillages, he says, they will not be forced. He cannot say what will happen to those who do not want to move.

The first of the agrilvillages, to be called Wittrivier, is to be built near a dirt road through the bush-covered veld.

The residents now live in mud-walled or scrap-metal huts scattered through the bush, eking out a living from farm wages, little plots of mielies and the few chickens that peck in their yards.

Rather than being accepted as a mechanism for positive change, the plan is seen by many residents as another way to oppress them.

When Mahapa and other officials tried to speak to residents about the plan last weekend, they were booted out of the meeting. Residents

accused one of them, Gilbert Pila — a member of the Transitional Local Council who showed up at the meeting in a double-breasted suit and shiny rings on his fingers — of threatening to bulldoze their homes unless they moved into the agrilvillages, a charge he denies.

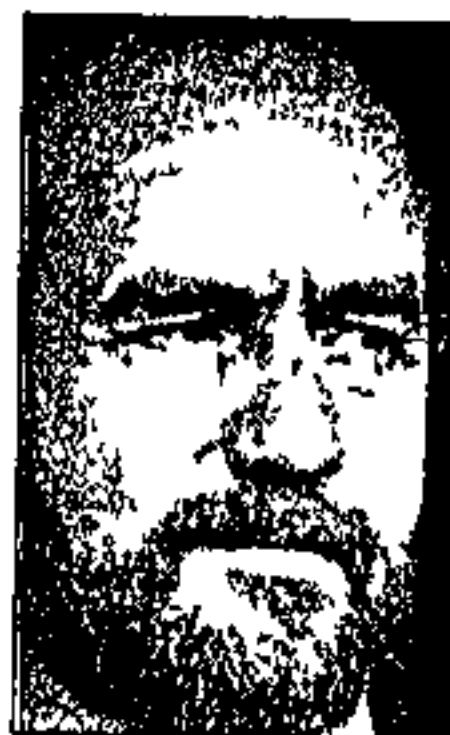
But residents and others say some local officials want some of the land to graze cattle owned by themselves or their friends.

"Besides land reform, we are happy here," said Fanny Motlanti, a young farmworker from the Gillimburg village of Luxemburg. "We want to stay here. If there's any action to move us forcefully, we won't like that."

Zachius Moabelo, who lives in a hostel in Luxemburg, would prefer to see land reform offer farmworkers shares in the government-run farms already operating on the site.

But that option has not been fully examined by planners, nor have any other possibilities apart from the current plan. Department of Land Affairs documents show a R3-million planning budget to study both the agrilvillage option and other proposals. None of this money has been spent.

Lack of consultation with locals is a major grievance. "They don't want to talk to us. They just want to tell us



Derek Hanekom. No faith in his promises

what to do," said Edith Phakgadi, from the village of Saint Holland.

Such problems prompted Land Affairs officials in Pretoria to slap a moratorium on the scheme late last year. But pressure from local officials to get the project moving led to the reversal of that decision.

"There's no way we are going to stop everything and wait for a plan," said Tshisa Madima, director of planning for local government in the area.

Advertisements have now been published calling for applications for 20 of the 38 parcels of land. People from outside Gillimburg can apply. Last week, another advertisement in a local newspaper called for Gillimburg residents to apply for homes in Wittrivier.

People remember when Land Affairs Minister Derek Hanekom told them two years ago that Gillimburg residents would have first priority over this land.

Many now doubt that promise. Standing on the road leading to one of the Gillimburg farms, Samuel Ngoenya, who is unemployed, firmly gives his view on land reform: "I've been living here a long time, 25 years. I want to stay here. This land is for us."

Sue Lund, deputy director general in charge of land reform in the Land Affairs Department, told the Mail & Guardian. "I am not convinced that planning was done in an appropriate way."

But she was unable to say what might now be done.

Affairs Department.

She warned, however, that transferring land quickly could undermine the long-term success of the projects.

"We could see enormous progress in the next 18 months and enormous failure in three years," she said.

Malcolm McCarthy, a manager of land reform projects with the Land and Agricultural Policy Centre. "But there are still enormous amounts of problems on the ground in terms of resources."

But officials also admit that most people don't care about streamlining

bureaucratic structures or a proper framework — they want to see results.

"If you talk with people on the ground or with politicians, they're not satisfied with the pace of delivery," said Debbie Newton, the provincial director of the Free State's Land

Land programme sees progress

(271) BD 18/4/97
CAPE TOWN — Nearly 65 000 households or about 400 000 people had acquired land since 1994 under government's land reform programme, Land Affairs Minister Derek Hanekom said yesterday.

Introducing the land affairs budget vote debate, Hanekom said 1,57-million hectares had been approved for transfer and 322 projects were in progress.

Their efforts had been constrained by a lack of skilled and qualified staff. He had been cautious in approving voluntary severance packages, refusing 112 of the 249 applications received.

If the department were to distribute 18,5% of the country's farmland to 56% of those people requesting it, and provide urban sites to 6% of the people wanting them over the next 10 years, its budget would have to increase fourfold by 2000.

He said the Extension of Security of Tenure Bill, aimed at preventing unfair rural evictions, would be tabled in Parliament soon. Patikile Holomisa (ANC), who chairs the assembly's land affairs committee, said the situation in which security of tenure was not guaranteed could not continue. There were still whites who evicted tenants without mercy.

Andries Beyers (NP) said it was clear Hanekom was ignoring reconciliation in his land reform programme, and saw farmers as his opponents. The NP planned to vote against the budget. No one questioned the need for reform, but all role players had to be consulted and considered. — Sapa.

About 400 000 people have now acquired land, says Hanekom

By JOVIAL RANTAO
Political Correspondent

Cape Town - The Government had made impressive progress in its land reform programmes with close to 65 000 households - about 400 000 people - having acquired land, Land Affairs Minister Derek Hanekom said in Parliament yesterday.

Introducing a debate on his budget vote, Hanekom said, the pace for the designation of land and the release of subsidies was continuing to accelerate. He said there were 332 projects under way and 1,57 million hectares of land had been approved for transfer.

Hanekom said the major constraint on progress had not been

the limited budget allocated to land reform, but the shortage of skilled and experienced staff to work with people who needed land, and to help them to acquire it and use it effectively.

"The shortage of skilled people has nothing to do with resignations or severance packages. In fact, I have been cautious in approving severance packages, to ensure that we don't lose much-needed skills and experience.

Of the 249 applications received, 133 had been approved, 112 had been refused and four were pending.

"But land reform is a new activity of the Government. We have had to create a land reform capacity from scratch. We have

Star 18/4/97 (271)
built functioning offices in each province, which are at the forefront of implementation of land reform. The people are not enough: there are only 169 posts in our nine provincial offices.

"We have to work closely with other spheres of Government, and with non-governmental organisations, to strengthen our ability to do the job. And we have to increase our own capacity," Hanekom said.

He said an increase in the land reform budget projected by the medium-term expenditure framework would go towards increasing the staff to carry out land reform at national, provincial, district and local level.

Hanekom said the Govern-

ment was developing a wide variety of land reform activities and would now focus on assisting farm equity schemes through which workers could obtain tenure security.

He said his department was working with the Central Statistical Service and the Electoral Steering Committee to prepare ground for the 1999 general election. To have a reliable basis for establishing voting districts, 6 million urban land parcels had to be correlated with the enumerator areas used in the 1996 election.

"We have .. undertaken a major project, which we call Project Miracle, to prepare a national database for the 6 million urban properties," Hanekom said.

RED HILL REVISITED

Pilgrims to 'ghost' town hope to return

CT 21/4/97

FOR MORE THAN 23 years two men have returned every week to the place from which they once were forcibly removed. **DIANE CASSERE** reports. (27)



MEMORIES: Herbie Lawrence sits in what was once a window in the Methodist Church at Red Hill. Children also went to school in the church.

THEY say there are ghosts at Red Hill today, and hikers avoid the area if they are alone.

Red Hill is a forgotten community, its people scattered, first to Ocean View to where they were "removed" and later further afield.

Two men return to the area every Sunday, to visit the remains of their homes and to stand in the church where they once worshipped and went to school. They also put flowers on the graves of their ancestors.

Brothers-in-law Herbie Levendall and Herbie Lawrence never miss a Sunday. Whatever the weather, they meet at Red Hill in the mountains above Simon's Town, whose dockyard was once the reason for the community's existence.

When they have been to the "town" and the graves, they walk as they once did as boys in the veld. They know all the herbs, plants and trees in the mountains and hope to return to the tranquillity of the area one day.

The deadline for land claims was March 31 and both Levendall and Lawrence put in claims.



ANCESTORS: (Above) Herbie Levendall at the graves of his ancestors. **GHOST TOWN:** (Below) Levendall looks over the veld and village before the forced removals of 1973.

Not everyone who once lived at Red Hill will do so, because they have become used to electricity and running water.

Says Levendall: "I'd move back tomorrow to the peaceful way of life at Red Hill."

"We never locked our doors. Nothing was ever stolen because everyone knew everyone else."

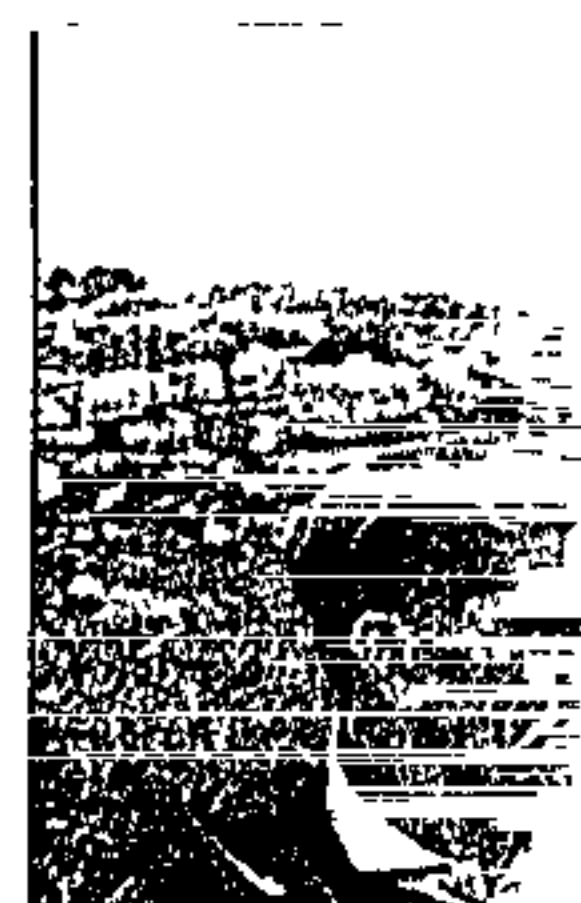
Levendall is self-employed in the fishing industry and lives in Ocean View, as does Lawrence. Both have cars, businesses and houses of their own today, but Red Hill remains their home.

The weekly pilgrimage began just weeks after their removal in 1973.

"It was heartbreaking. We were given seven days in which to pack up, pay our deposits on the new houses (in Ocean View) and get our keys," said Levendall.

"The old people who were moved into flats couldn't take their dogs and cats, they had to be put down. We just left the chickens behind."

The graves at Red Hill most often bear the names Levendall and Kallis, the two main families in the area. People from the town worked at the dockyards in Simon's



Town and walked the and back every day, on the mountain and a quarter back.



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Design for Living

Design for Living - the Cape Chamber of Commerce and Industry's flagship exhibition - is all set to open it's doors for the 19th year on Wednesday, 23 April and will run at the Good Hope Centre until 4 May, 1997.



(Above) Herbie Levendall at the graves of his ancestors at Red Hill. He visits the ghost town every Sunday and puts flowers on the graves.

(Below) Levendall looks over the veld and down towards the ruins of what was once a thriving community at Red Hill. Some 71 families, about 600 people, lived in the village before the forced removals of 1973.

PICTURES: ANNE LAING

gone who once lived at Red Hill do so, because they were used to electricity and running water.

Levendall. "I'd move back to the peaceful way of life at Red Hill."

He never locked our doors because they were never stolen because we knew everyone else."

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"The old people who were moved into flats couldn't take their dogs and cats, they had to be put down. We just left the animals behind."

His graves at Red Hill often bear the names of Levendall and his family. People worked at Simon's



Town and walked the 12km there and back every day, an hour down the mountain and an hour and a quarter back.

When they were moved to Ocean View, before there was public transport, the trip over the mountains took two hours.

"We were one, close-knit family until we were removed. Then they scattered us all over Ocean View."

"I always go to the old Red Hill

people's funerals so that I can meet everyone and keep the community spirit alive. It's the only time I ever see them," said Levendall.

at a mea, and give it an S or
finally having come home.

This hasn't happened yet,
but it is the dream that has driven
the optimism of many former
Tramway Road residents
who were forced to leave the
area between 1959 and 1961
when the Group Areas Act fell.
The community comprised 54
families in the 1950s.

That number has now
mushroomed to around 90,
with family members spread
along the Peninsula.

While the desire to return
and recreate some semblance
of the past is a passion with
some, others have chosen to
forego that option. In fact,
nearly 40 families have decid-
ed to remain where they live, opting instead for
financial compensation.

Still, there's no telling how they will react if
their neighbours get the go-ahead, they may just
get caught up in the excitement and be swept
away by nostalgia.

So the hopeful wait anxiously now that the
community's claim has been lodged with the
Commission on Restitution of Land Rights by
the Tramway Road Interim Land Claim Com-
mittee. For the time being residents address the
future with a mixture of resignation and antici-
pation.

One of those who is "quite comfortable"
where she now lives is retired senior nursing sis-
ter Mrs Ursula Lawrence. Will she return if the
opportunity presents itself?

"I wouldn't like to come back and live
here..." says Lawrence, adding with just the
slightest hint of hesitation, "not at this stage."

Now living in Fairways with her 87-year-old
mother, Dorothy, Lawrence says that while she
cannot see herself moving back to Sea Point, she
would support any initiative by the community

"I have a community life where I am now.
I've got friends, I'm quite comfortable. If I were
to come back here, it would mean that I would



EX-RESIDENT: Elizabeth Mitchell.

... recent. Y ... after a t 15

"But at that stage I was
VERY bitter about it. Traumat-
ic isn't a strong enough word
to describe what it was like."

Lawrence had particular
reason to be embittered at the
time. After being uprooted
from Tramway Road, the fam-
ily was moved to Lansdowne,
where, some years later, the
unthinkable happened; gov-
ernment officials evicted them
again under the Group Areas
Act.

Her elderly mother recalls
sitting in the lounge when the
"GG (government) cars"
arrived.

"I saw a lot of gentlemen
stopping in their cars and coming up to the
front door. I opened the door and the one gen-
tleman said to me: 'Oh no, not again!'"

"He recognised me from the time we had to
move from Tramway Road." Despite the cruelty
of the Act, she still has the grace to have a good
giggle at the crushing irony. She also says she's
"quite comfortable on the other side".

Pensioner Mrs Elizabeth Mitchell, now living
with one of her daughters in faraway Eerste
River, is tentative when asked about returning.

"If it's possible, I'd like to come back, but Sea
Point has changed a lot. It's very, very different.
I've sort of resigned myself to staying where I am
— but there's a lot of them who would like to
come back."

For Mr Maurice Barros, who now lives in
Charlottesville, Montana, "no amount of money is
going to give us back what we've lost over the
years." He would return if he were able but only
along with the other residents.

"Then at least I'll know that it's people that
we grew up with. I don't want to come back here
on my own. Like some of the others, we wouldn't
want to come back as strangers."

He is realistic enough to realise that "to pick
up the pieces of all that we've left behind is

costs as a man or cons c era on.

Does financial compensation seem a better
option?

"If they should build townhouses, then
Tramway residents should be given an opportu-
nity to invest in it or get a share," says Barros.

"Or, if there's going to be work available, the
people must be given first choice. I would be
happy with that."

According to the community's committee
chairman, Mr Leonard Lopes: "The major claim
is that we want the land back, and we want to be
resettled here. I would move in tomorrow."

The mere possibility of this happening has
triggered many memories of life in Tramway

Sixty-four-year-old Mitchell's memories are
still vividly alive and her face lights up as she
takes a step back in time.

As the eldest of seven children, she remem-
bers going to the Moravian school in District Six
as a seven-year-old. She tells her story with a dis-
arming cheerfulness that belies the upheaval she
and her community have had to endure.

"My mother taught us to manage on our
own," she says. "She said there's other kids to be
seen to and nobody can cart me around."

"So every morning I took the bus at the bot-
tom (in Regent Road) to go to school."

"I paid two pennies in bus fare from here to
Cape Town and then I paid one penny from

bought from the penny — a whole range of
sweets." The memory jogs a chuckle and she
covers her mouth like a little schoolgirl.

"And if we were very hungry my school-
friends and myself would walk down to Mur-
Street where there was a banana stall. We'd buy
a packet of about 12 or 16 for a penny and fill
our bags to the top.

"Then I'd have to walk down to St Georges
Street to get my bus home."

On Monday or Tuesday afternoons she
would stop off along the route to collect laundry
for her mother to do "and when I was big
enough, about 12, I used to help her with the
washing and ironing."

as a housemaid / waitress / own / app e

Road at the Kingsbury Hotel.

One inconvenience about living in Tramway
Road was that the toilets were in the backyard
and, although there was a bathroom in the Bon-
tehuwel home, "the life in Sea Point was much
better... I miss the closeness."

Each of us has our own way of dealing with
pain, Mitchell laughs often during our conversa-
tion.

"I can still clearly picture this whole place,"
says Barros, 36 years after the evictions.

"When I tell my kids, they find it strange
that something like that (Group Areas removals)
could have happened..."

"This was the Tramway Road terminus
where the trams used to stop," he recalls, stand-
ing in the grounds of the park.

"We had a good life here. We had every-
thing going for us; there was always enough
food, there was employment... I can assure
you, we lacked nothing." He's a supervisor at an
air filtration plant and often takes his wife,
Cybil, and three children for walks in the streets
in which he used to play. He reels off the
names: "Ave la Croix, Ave De Sandt, Ave Fres-
naye..."

"I used to carry bundles of washing up into
the avenues."

"My grandmother used to wash the laundry
for the whites around here and I used to deliver
the bundles of washing. But we couldn't go into
the lifts at these block of flats because only the
whites could use them."

"You had to walk up seven flights of steps,
but that was the life. All in all, we learned a les-
son, a hard lesson, but it didn't get us down."

"I always tell my friends I'm glad that my
children did not have to see or experience what
we had to go through."

Has he forgiven the wrong done to him?

"As a Christian, I bear no malice," he says.
"We know there was wrong done but we can't
change the past."

"So we have to accept it; life goes on, there's
much to live for."

"We have hope in us — and that's what's
important."

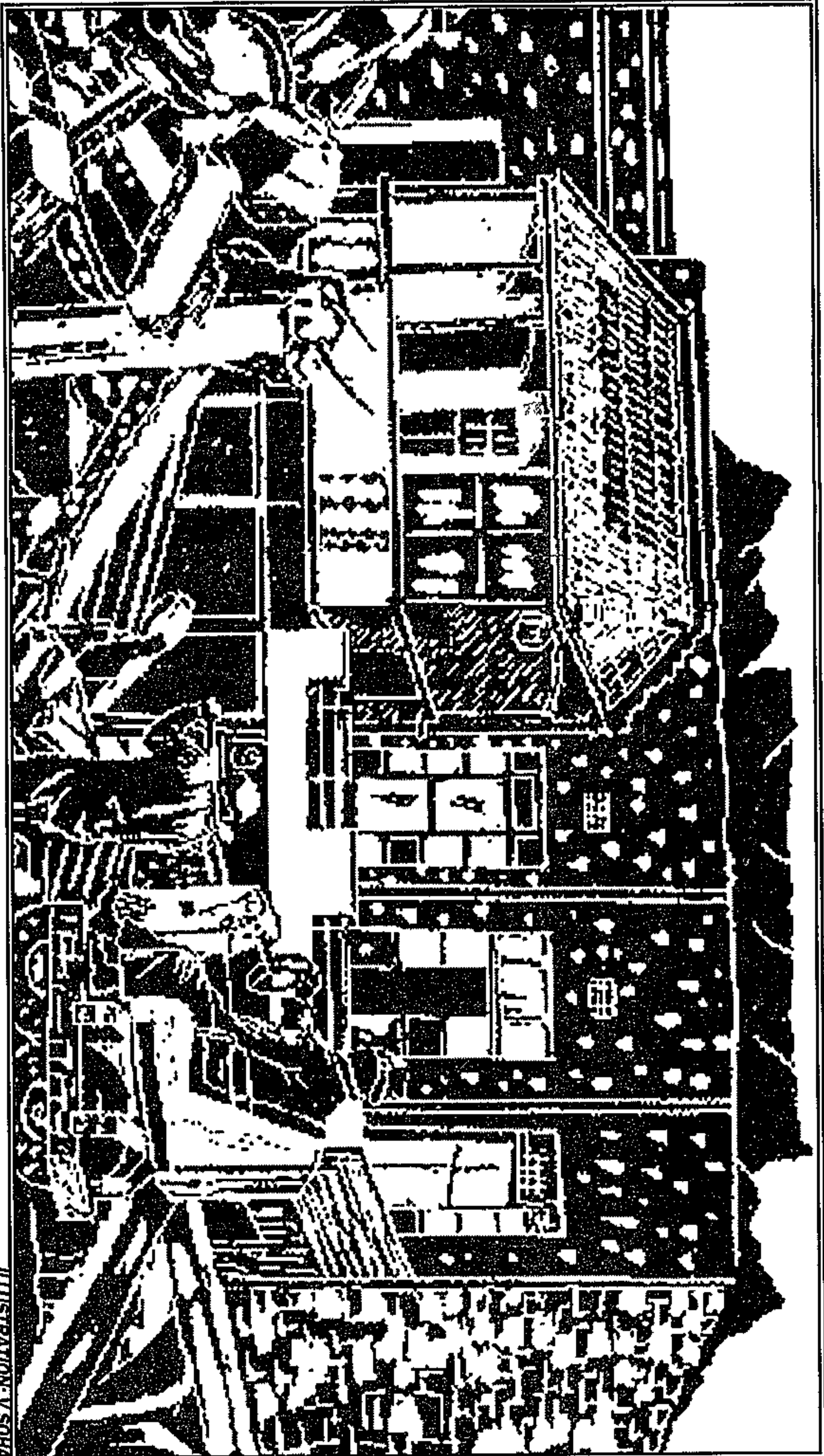


ILLUSTRATION: V SOHA

Tramway Rd - a dream that's not forgotten

CT 23/4/97

(271)



IT SOUNDS like a great opportunity to call back the past, but not all the evicted former Tramway Road, Sea Point, residents are eager to return. **YAZEED FAKIER** reports.

THE wheel has come full circle. Ilford Road, Sea Point, has been reconnected with its parent, Tramway Road, from which it was once separated.

It now runs through a townhouse complex built on the site of a park that replaced a group of humble cottages once occupied by working-class residents who were classified coloured.

The laughter of children again fills the streets and this Sunday, with the pealing of the church bells, the community will attend a service at their beloved Holy Redeemer, in praise of the Almighty.

The ceremony over, they will pass on good wishes to the father at table for the traditional Sab-

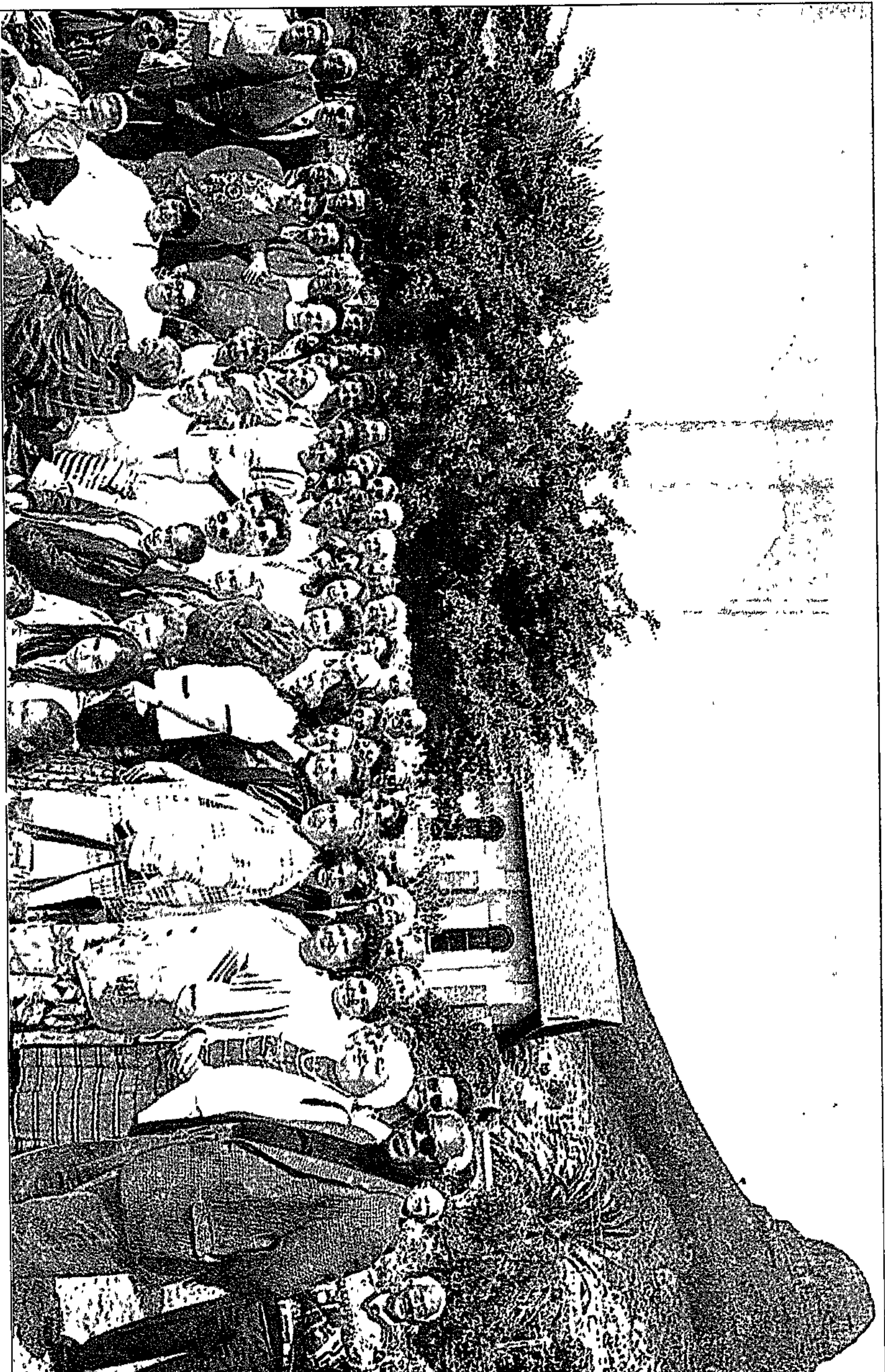
once again have to make new friends and start afresh," she says.

"For example, my home is paid for and to have to start all over again I wouldn't want to do that. But whatever the outcome, I would support it in every way, whether they were to build anything or invest in a project."

Does she still bear ill-feeling toward those responsible for her eviction?

"There was a time in my life when I was so bitter against anybody who was white," she says, her face suddenly going taut, "that I walked on the pavement I would not care if I walked them off the pavement."

"But now I've come to terms with



THE PAST MEETS THE PRESENT: Land commissioner advocate Wallace Mgoqi (front right, with sunglasses) with former residents on the site of their once-lively neighbourhood — now a park — in Tramway Road, Sea Point.

PICTURE: LEON KNIFE

going to be very hard — especially on your own." He works in Epping and cites travelling

Road. Invariably, with hope for the future, there are echoes of the road.

Cape Town up Hanover Street to school "I would eat sweets that I

After she left school in Std 6, she worked as a char at the nearby Marlboro Club. "I would eat sweets that I

Council's about-turn on removals

Cf 23 | 4 | 97

(271)

REVEALING "about-face" by the city council then in charge of the affairs of Cape Town municipality has been disclosed in a study of events directly related to the removal of residents from their homes in Tramway Road, Sea Point.

Research undertaken by Dr Uma Mesthrie, of UWC's history department, describes how the council buckled from a firm anti-Group Areas Development Board stance in 1959 to a decision that effectively assisted in relocating those Capetonians "disqualified" under the Group Areas Act.

Mesthrie states that when the media highlighted the residents' plight, it immediately focused attention on the city's critical housing shortage, which in that year stood at an estimated 12 000.

In June that year, when the board enquired whether the council was considering any additional housing schemes to cope with the number of disqualified families, it was told that the council could not be expected to provide homes for them, given the serious housing shortage.

The National Housing Commission had to provide enough money first, the council said, so that the target of 1 000 houses a year could be met.

Then mayor, Mrs Joyce Newton-Thompson, was quoted as saying "There are no houses available to meet the needs of Group Areas " while Councillor A Z Berman baldly told the government to "do their own dirty work" since the council would "have no truck with Group Areas".

The board later used the opportunity to blame the council for the problems of the affected families of Tramway Road, Gardens and Newlands, saying it expected the council to provide for Group Areas victims.

If it failed to do so, the board would unilaterally establish townships to re-house them. About the same time, former president P W Botha, then deputy minister of the interior, was quoted at Villersdorp as threatening the city council, which he labelled a body of "Sappe, jingoes and coloureds".

"We are going to make Cape Town a place where the coloured people live on one side and Europeans on the other — city council or no city council," said Botha.

Mesthrie says that "within a month, in an about-face, the council decided to appoint an ad hoc committee to confer with the GAB about housing for the disqualified".

"The agreement reached between the two bodies in the end was that 20% of the houses built as part of the council's housing schemes would be available to house the disqualified.

"Houses were eventually offered to the Tramway Road residents at the Bonteheuwel scheme, where some 5 464 sub-economic and economic homes were planned."

The board had bargained with the council in the manner of "you help us and we will help you". On October 7, 1959, the board chairman, Mr W H L Heckrood, met the council's housing committee and assured them the National Housing Commission would make funds available for the council to pursue its housing schemes.

But this came at a price — the board wanted the council to help in providing homes for Group Areas Act casualties.

The housing committee then recommended that the council help to house the disqualified, as long as it did not prejudice its own goal of eliminating the existing housing shortage.

Says Mesthrie: "The council was obviously seduced by the promise that funds would be available for them to undertake slum clearance."

"The view that the Group Areas Act was there to stay and that it could be used to eliminate slums predominated over the views of Berman and most of the coloured councillors who were against co-operating with the board."

The board had noted "somewhat triumphantly" that local authorities unwilling to co-operate had subsequently "changed their tune" once they realised that the provision of housing for the disqualified was associated with slum clearance. The council in 1963 bought most of the cottages in Tramway Road from the previous landlords, later demolishing the homes and establishing the present-day playground.

Mesthrie says her study "points to how easy it was for liberal forces to be silent and seduced by the state when the magic words 'slum clearance' were mentioned".

"Although the Tramway Road area was by no means regarded by anyone as slum clearance, the question of housing the disqualified was linked to the general housing question; the state was resourceful in offering funds for housing which in the opinion of the council could be used to eliminate overcrowded slums."

She observes, though, that while Group Areas removals were harsh, coloured and Indian people were "granted some courtesies" by the state. "While not wishing to diminish in any way the experience and anguish of the Tramway Road residents," she says, "the tale of the removal of these 50-odd families lacks the drama of, for instance, the removals at Sophiatown, when 80 lorries and 2 000 armed police preceded the arrival of the 'demolition squads'."

"Many African communities were moved at gun-point and loaded unceremoniously like cattle on to trucks and then dumped in the open veld with tents for shelter, if they were lucky."



TRAMWAY ROAD RESEARCHER: Dr Uma Mesthrie.



"HAPPY WHERE WE ARE": After two evictions under the Group Areas Act, Mrs Dorothy Lawrence (left) and her daughter Ursula (above) have decided not to move from their home in Fairways.

PICTURES: LEON KNIFE

Durban council yields on Cato Manor land claims

BD 24/4/97

(271)

Farouk Chothia

DURBAN — Durban municipal authorities had backed down from their blanket opposition to land restoration in Cato Manor, where inner-city development projects valued at R4bn-R5bn had been earmarked, by conceding to Group Areas Act victims that they could get their land back if this was "feasible", sources said yesterday.

The concession by the Durban north, south and inner-west substructures came after about two weeks of negotiations with more than 400 land claimants.

The substructures had filed an application with the Land Claims Court last year asking that no restoration took place in Cato Manor as this would not be in the "public interest". The substructures cited section 34 of the Land Restitution Act to back their case.

Claimants threatened to hit back with a High Court order to halt development under way in Cato Manor until a ruling was made on their bid.

Sources said that in the negotiations over the past two weeks the substructures had agreed that original land would be returned to bona fide claimants, provided this was feasible. Agreement on the feasibility of restoration would have to be reached between each claimant and municipal authorities. If their negotiations failed, the dispute would be referred to a medi-

ation panel. A further deadlock-breaking mechanism would be arbitration.

"It is unlikely that any area which is developed or where construction is under way will be regarded as being feasible for restoration," a source said.

Sources said that where restoration was not feasible, alternative land would have to be provided in Cato Manor or in another part of the Durban metropolitan area. Financial compensation was also an option.

One source said the agreement also said that while claimants accepted this process, they reserved their right to challenge section 34 of the Land Restitution Act in the Constitutional Court.

Legal representatives of about 100 of the claimants, including Lionel Pillay, who was bidding for land near the Pavilion shopping complex, told the Land Claims Court yesterday that they accepted the agreement. The remaining 300 — who formed the Cato Manor Action Group — were given a deadline of today to decide whether they accepted the agreement.

Group legal representative advocate Imrann Moosa said he believed most of the 300 would be satisfied with the agreement, but he needed time to make them "fully understand" it. He said the substructures had negotiated with claimants "at gunpoint", a charge vehemently denied by their representative.

Continued on Page 2

Overloaded restitution body returns to Putfontein claim

Louise Cook

BD 25/4/97

(271)

THE restitution commission will once again try to resolve the complex Putfontein claim on farm land in North West, where the Bathlounge community and former plot owners have been waiting five years for land to be returned.

The claim, for land near Coligny, was lodged with the previous government in 1992 but has been dogged by a host of technical and other problems.

Regional commissioner Durkje Gilfillan said in a special report on the issue that there had to be concrete progress if the restitution process was to retain any credibility. She said "speedy delivery" in the "high profile" Putfontein claim would be necessary.

Last year the land owners spent thousands of rands in legal fees in an attempt to force government to make a bid for the land and settle the issue, but the Pretoria High Court dismissed the farmers' application with costs.

The commission's regional office in Pretoria said this week it would now treat the claim as a group claim. Regional land claims commissioner Emma Mashinini said new claimants had until June 25 to step forward.

Gilfillan said talks between government and the farmers to resolve issues involving compensation and other technical difficulties had caused delays. The claim involved both communal and individual land rights. In addition, Eskom and Transnet held servitudes over the land, while mineral and mining rights had led to other complications.

The latest figures record that 14 298 claims have been lodged with the restitution commission, with 11 553 in urban areas and 2 745 in rural areas. To date, only nine land claims had reached the Land Claims Court — the final destination for all claims.

Victory for land

Ambitious plan wins back vast tracts for Namaqualand

CHARL DE VILLIERS

ST (CM) 27/4/97

reform

people
(271)

VAST tracts of Namaqualand are being opened up to land-hungry pastoralists in a "cutting-edge" strategy that has placed the area at the forefront of land reform.

This week, the Department of Land Affairs disclosed that more than 54 000ha of communal grazing land had been bought and added to municipal commonage, becoming available for people whose aboriginal claims to restitution fall short of the 1913 cut-off date underpinning post-apartheid land reform.

"People in Namaqualand are well organised. NGOs have built up huge expertise over the past decade and residents have proved to be highly amenable to working out local solutions in tandem with the state and non-governmental groupings," Land Affairs' Kimberley spokesman Gerhard Jordaan said this week.

All land had been purchased on a "willing seller, willing buyer" basis, with local communities doing much of the spadework to identify potential land and sellers, he added.

And according to the director-general of Land Affairs, Geoff Budlender, more land had probably been redistributed in the Northern Cape and Namaqualand than anywhere else in the country.

"If anything, this has shown that while government policy may be questioned, people on the ground are prepared to work together to find common solutions," he added.

His department confirmed that property rights for about 55 000ha had been registered as part of the Northern Cape land distribution programme, compared with 36 000ha in Kwazulu-Natal and 13 000ha in Mpumalanga.

It was important, however, to take into account that transfers in the arid regions of the Northern Cape and Namaqualand benefited far fewer households in comparison with more fertile and densely populated areas elsewhere, Budlender said.

The Namaqualand successes were proof, nonetheless, of the value of: "inventiveness and flexibility" when trying to remedy the injustices of the past, he added.

This was echoed by Western and Northern Cape land claims commissioner, Wallace Mgoqi.

He said this week said that innovative approaches to land redistribution were essential in regions such as Namaqualand, where claims would technically fall outside the ambit of land restitution law.

He said the Cape Town-based Surplus People Project and Legal Resources Centre had been particularly useful in devising alternative strategies in areas such as Namaqualand.

Mgoqi, who said he had only five researchers with a R1,6-million budget, urged other dispossessed rural communities in the Cape to follow the example of the people in Namaqualand.

San, Mier lay claim to park land

(271)
sowetan/4/97
29/4/97

By Russel Molefe

THE National Parks Board has entered into negotiations with the San and Mier communities following a land claim for the southern part of the Kalahari Gemsbok National Park in the Northern Cape.

NPB's Mr Bertus de Villiers has since acknowledged that the San qualify for restitution because their unrestrained access to the area was gradually curbed and they were finally removed from the park in the late 1960s.

The Mier community farms all the land bordering the park. "The San claim is unique due to the community's nomadic way of life. Traditionally, it was against their nature and habits to settle in one place permanently.

"They have indicated that they are not necessarily interested in residential rights to the park, but to traditional activities such as hunting, gathering of veld food and herbs as well as other aspects of the art of survival," De Villiers said.

He said there are aspects of the land claim, however, that were open to dispute. Although he did not spell them out, it is believed that the NPB rejected hunting in the park by the San.

Representative of the San Mr Roger Chennels said negotiations were taking place in a "very positive spirit and we are all confident that a practical solution will be found".

"If the National Parks Board, the Mier and San can reach a mutual understanding, this can serve as a unique example for similar cases in South Africa.

"The goodwill among the parties may create the basis for finding a solution which will enhance the integrity of the park and also hold benefits for the San, the Mier community and the public," Chennels said.

PROVINCE MPUMALANGA			
SCHEME	DAM	1996/97 R million	Revised budget 1997/98 R million
FUNDS RAISED FROM TARIFFS THROUGH GOVERNMENT WATER SCHEMES			
Crocodile River (East)	Kwena	0.1	0.6
Komati	Nooitgedacht	-	0.2
Komati	Vygeboom	-	0.2
Komati	Drekkoppies	-	0.2
Maraisane	Maraisane & Ingaka	0.3	0.3
Sand River	Witklip	0.1	0.3
Blyde River	Blyde River	0.1	0.3
	TOTAL	0.6	2.1
FUNDS OBTAINED FROM THE EXCHEQUER ACCOUNT FOR WORK DONE OUTSIDE PROCLAIMED GOVERNMENT WATER SCHEMES			
Mpumalanga		2.8	2.5
	TOTAL	2.8	2.5
	TOTAL FOR PROVINCE	3.4	4.6

(c) The following table is purchases that have been made from April 1996 to January 1997. It includes equipment such as chainsaws, brush cutters, slashers, office equipment, etc and also protective clothing, boots, overalls, but does not include running cost such as petrol, oil, herbicides, etc.

Project	April - Jan 97
Kouga	R1 362 400.00
Soekraal	54 254.47
Amatola	21 000.00
Vondo	60 700.00
Letaba	20 431.00
Mpumalanga	523 390.00
Keskaamhehoek	149 413.00
Fynbos	2 429 777.00
KwaZulu-Natal	388 435.51
Dinokana	0
Total	R5 009 801.95

This works out to less than 10% of the total cashflow up to January 1997.

The majority of the projects use office space and equipment supplied by the Implementing Agent, although in some cases office space is rented or are supplied free of charge by municipalities, etc Equipment such as computers, fax machines, chainsaws, etc. are bought and are based and on record at each project

The vehicles used in the projects to transport workers are obtained from:

1. Hired vehicles from the Directorate Construction of the Department at Jan Kempdorp,

2. Government Garage (GG) vehicles, and

3. hired vehicles from private companies on tender

Some of the project managers and development and training officers are using their private vehicles for official purposes at official rates.

(d) Direct evaluation is done by the Implementing Agent, such as Cape Nature Conservation and national evaluation by the Department of Water Affairs and Forestry Audits have also been done by the Working for Water Management Team on an *ad hoc* basis and are reported back to the Management Team Ecological audits have also been done by the Plant Protection Institute and by interested people and groups.

(e) The main clearing process will take approximately 15 - 20 years, but follow-up will depend on the type of species in the specific area.

(f) The amount budgeted for are shown in (1)(a)(i)

(g) End of 1996/97 financial year.

(2)(a) Currently no local councillors have any transport contracts with the projects. State tender and procurement procedures are used to obtain transport as mentioned in (1)(c).

(b) and (c) Fall away

Number of farm labourers/dependents of farm labourers

404. Dr E A SCHOEMAN asked the Minister for Agriculture and Land Affairs

What was the number of (a) farm labourers and (b) dependents of farm labourers in the commercial agriculture sector in (i) 1994, (ii) 1995 and (iii) 1996? N649E

THE MINISTER FOR AGRICULTURE AND LAND AFFAIRS

There is no information available with regard to the number of farm labourers in the commercial agriculture sector for the periods 1994, 1995 and 1996. The reason being that the results of the 1995 Agricultural Survey have not been released by the Central Statistical Service The most recent available information is for the period 1991 At that time there were 1 051 197 farm labourers in the commercial agricultural sector and it was estimated that they had approximately 5.3 million dependants.

Agriculture and Land Affairs: staff employed

446 Mrs M J BADENHORST asked the Minister for Agriculture and Land Affairs:

(a) How many staff members were employed by his Ministry as at the latest specified date for which information is available, (b) how many of these staff members are employed in (i) Cape Town and (ii) Pretoria during the parliamentary session and (c) what was the amount spent by his Department in the latest specified calendar year to move its session activities back and forth between Pretoria and Cape Town? N726E

THE MINISTER FOR AGRICULTURE AND LAND AFFAIRS:

(a) nine

(b) (i) eight

(ii) one

(c) R21 750

Land claims: submission/finallisation (271)

468. Mr A S BEYERS asked the Minister for Agriculture and Land Affairs:

(a) How many claims had been lodged with the Land Claims Commissioners in terms of section 2 of the Restitution of Land Rights Act, 1994 (Act No 22 of 1994), in (i) urban and (ii) rural areas in each of the provinces as at 31 March 1997, (b) how many of these claims have been finalised, (c) when is it anticipated that these claims will have been finalised, (d) how many days elapse on average before a claim that is formally lodged and acknowledged is decided upon by the Land Claims Court and (e) how many such claims have been rejected by the Land Claims Commissioners for not complying with the requirements of the Restitution of Land Rights Act? N750E

THE MINISTER FOR AGRICULTURE AND LAND AFFAIRS:

(a)(i) and (ii)

PROVINCE	URBAN	RURAL
Western Cape	2714	61
Northern Cape	34	111
Free State	55	70
Eastern Cape	990	475
KwaZulu-Natal	4774	874
Mpumalanga	12	319
Northern Province	105	360
Gauteng	2792	304
North West	77	171
Total	11553	2745

(b) Only one claim, namely the Elandsloof land claim in the Western Cape has been finalised, although nine land claims have already been referred to the Land Claims Court for final adjudication. Sixty land claims are almost at the point where they can be referred to the Land Claims Court.

(c) It is impossible to state exactly when all land claims will have been finalised, due to the involved legalistic process of negotiation and consultation with all interested parties in land claims.

A target of five years, which started on 1 March 1995 was initially set for the completion of the restitution process handled by the Commission on Restitution of Land Rights. It has since, however, transpired that the number of land claims exceeds the initial estimates, so that the period of five years for the Commission to complete its task, will have to be extended.

(d) The restitution of land rights process and the differing nature of land claims, which ranges from individual land claims on a single property to community claims which involve thousands of claimants in a single community claim, makes it impossible to give an average

period for the finalisation of a land claim.

Measures for the fast tracking of certain land claims are being addressed, which will hopefully hasten the process of the settling of land claims. Legislation in this regard will be submitted to Parliament in the course of the year. The appointment of an additional Regional Land Claims Commissioner will also definitely help to improve the situation in the facilitation of land claims.

(e) So far 124 claims have been rejected. This is an ongoing process, as the Regional Land Claims Commissioners investigate each land claim to ascertain its validity.

QUESTIONS

†Indicates translated version

For written reply

Doctors immigrating to SA

532. Mr I J PRETORIUS asked the Minister of Home Affairs:

(a) How many doctors immigrated to South Africa in 1996, (b) what were their countries of origin and (c) what was the increase or decrease in the number of doctors immigrating to South Africa compared to 1995? N874E

THE MINISTER OF HOME AFFAIRS

(a) 70

(b) According to Central Statistical Service a breakdown in countries of origin is not kept

Occupation	1995	1996	Increase or Decrease
Medical practitioners	70	64	6 - decrease
Medical specialists	4	6	2 - increase
TOTAL	74	70	4 - decrease

Note Statistics obtained from Central Statistical Service

Doctors emigrating from SA

533 Mr I J PRETORIUS asked the Minister of Home Affairs

(a) How many doctors emigrated from South Africa in 1996, (b) to which countries did such doctors emigrate and (c) what was the increase or decrease in the number of doctors emigrating from South Africa compared to 1995? N875E

THE MINISTER OF HOME AFFAIRS:

(a) 103

(b) According to Central Statistical Service a breakdown in countries of destination is not kept.

Hammond

(c)

Occupation	1995	1996	Increase or Decrease
Medical practitioners	56	92	36 - increase
Medical specialists	15	11	4 - decrease
TOTAL	71	103	32 - increase

Note Statistics obtained from Central Statistical Service

Home Affairs: foreign advisers

594. Mr I J PRETORIUS asked the Minister of Home Affairs.

(1) whether any foreign advisers are currently involved in projects for his Department, if so, (a) how many, (b) what are the particulars of these projects and (c) which countries are involved in these projects,

(2) whether any foreign countries have made grants towards these projects, if so, (a) which countries and (b) what is the (i) nature and (ii) extent of such grants,

(3) what is the total cost of these projects to the Government? N980E

THE MINISTER OF HOME AFFAIRS

(1) No

(2) and (3) Fall away

Dept: officials left service

611 Mr K M ANDREW asked the Minister of Home Affairs

(1) Whether any of the six most senior officials in his Department's Cape Town office left the service of his Department during the latest specified period of three years for which information is available; if so, (a) how many, (b) what position did each hold and (c) how many years' experience did each have.

(2) whether any of these officials (a) took early retirement or (b) accepted voluntary severance packages; if so, (i) how many, and (ii) what are the relevant details, in each case;

what can be achieved. The overall objective is to secure a way to inte-

space to attempt this considered route to achieve a reduction in crime."

State sidelined in land claim case

ARG 1/5/97

(271)

East London – Tired of a lack of government co-operation, the Eastern Cape Land Claims Commission is soon to take a land restitution case to court without state input.

At a media briefing here yesterday, after the first meeting away from Pretoria of land claims commissioners from all provinces, it was announced that a claim by about 5 000 residents from the Fort Beaufort area would be presented to the Land Claims Court without contribution from the Department of Land Affairs (DLA).

Eastern Cape Commissioner Peter Mayende said: "The Fort Beaufort claims are to be forwarded to the court with the state's viewpoint unknown because of the failure of the state, as represented by the DLA, to attend and participate in scheduled negotiation meetings."

Dr Mayende said there had been an ongoing "trend" of a lack of co-operation from the Government in dealing with cases of land restitution.

He said that if the DLA would not give the commission its input on cases, it would have to give it to the court. "If we keep waiting we will experience what we have already experienced - we will bring claims close to finalisation only to find that the DLA will delay us."

Chief Land Claims Commissioner Joe Seremane said there was an impression that "some players are not taking land restitution seriously. At local and provincial level there seem to be people who don't care and think restitution is an insignificant event".

Dr Mayende said the Eastern Cape commission had 15 claims that would be ready for court hearing by the end of May. – Ecna

P

Community to return to land used by defence force

By **NORMAN CHANDLER**
Defence Correspondent

The Schmidtsdrift military base close to the Namibia and Botswana borders is to be relocated to return the land on which it is situated to the Batlhaping community.

In a joint statement issued this week, the public works and

land affairs departments and the SA National Defence Force said land would be sought in areas "which will pose no threat to landowners".

The Batlhaping were forcibly removed from their Northern Cape homes in 1968 by the former SA Defence Force to make way for the base, which has been in operation since 1972

They were loaded on to military trucks with their possessions and taken to near Taung, in Northern Province, and resettled there.

The community claimed back their land in 1993 and, after negotiations between the SANDF, the community and the Commission on Restitution of Land rights, a decision was reached

earlier this year to restore the land to the Batlhaping.

"There is a need for the SANDF to find alternative land for its military purposes. The SANDF has recently embarked on a study to identify suitable land for the relocation of the base," the statement said, adding that no land would be expropriated by the SANDF.

(271)

Star 2/5/97

SANDF fights claims over nature reserve

(271) Star 9/5/97

By NORMAN CHANDLER
Defence Correspondent

Claims by mining, environmental, tribal and government departments to the Madimbu Corridor, an 80km stretch of bushland bordering Zimbabwe, are being challenged by the South African National Defence Force (SANDF).

The area, one of the defence force's major training grounds, is used by the South African Air Force (SAAF) for survival training.

The area was proclaimed three years ago as the Matshakatini nature reserve, at the initiative of the SANDF. Now, a major environmental row has blown up.

The defence force is already facing claims to land in the Northern Cape from people uprooted from their land almost three decades ago.

Legal action is being taken against the SANDF - which planted a sisal hedge at Madimbu more than 20 years ago - by environmental organisations and farmers over the use of herbicides for weed control. The farmers claim the herbicides pollute local rivers downstream.

The SANDF admits herbicides were used, but says it was "to enable better growth of sisal, to decrease fire danger, and to enhance effective monitoring of tracks".

A sisal fence, threaded with electric wires carrying a low volt-

age, has been in place since the 1970s over more than 100km between Messina and the Kruger National Park to keep out wildlife and illegal immigrants.

The SANDF took control of Madimbu in 1971 after it had formerly been part of the Venda homeland.

Madimbu was given to the defence force by the old Department of Bantu Affairs, said Brigadier Dries van Jaarsveld, officer commanding Soutpansberg Military Area. It was not a case of people being uprooted from the land for defence purposes.

Van Jaarsveld said the SANDF was "the lawful manager and owner of the area in which it conducts border protection, training and conservation".

There were a number of other interested parties including the departments of Agriculture, Environmental Affairs and Home Affairs, the National Parks Board, the mining industry, Venda tribal people, the South African Police Services and wild life societies.

The Madimbu Mining Co was one of 563 organisations and individuals which had lodged private claims, and the company was prospecting for diamonds at six sites in the corridor.

SANDF chief General Georg Meiring said the whole area was riddled with claims. Many of the claims came from people "who visited it once in a blue moon".

Land inequalities 'not conducive to peace'

BD 13/5/97
Lukanyo Mnyanda

(271)

IT WAS in property owners' interests to support measures aimed at a more just and equitable distribution of land as the current state of affairs in the favour of whites could unleash another revolution, Constitutional Court judge Richard Goldstone told delegates at the SA Property Owners' Association (Sapoa) conference yesterday.

Apartheid had engineered the landlessness of the majority of SA's population and the resulting unjust distribution of land was not conducive to lasting peace. "The danger for you (owners) would be to do too little ... which could lead to another revolution."

Sapoa's overwhelmingly white members control about R150bn in assets and are involved in about 80% of industrial and commercial property activity in the country.

Goldstone said there was enough goodwill and resources in SA to ensure a compromise suitable to both land owners and the majority of landless people. Government had already pursued legislative and other measures aimed at redressing the racial imbalance in land distribution, and it was crucial for the private sector to join the quest for social justice.

Sapoa president Tiny Barnetson said the organisation was committed to the eradication of racial imbalances in the industry through its education and affirmative action programmes. The association had embarked on moves to improve its relationship with all three government levels and had met a delegation led by Deputy President Thabo Mbeki this year.

Land problem hampers peaceful transformation

CT(OR)13/5/97 (291)

MAGGIE ROWLEY

Sun City — The land crisis facing South Africa would have to be resolved quickly for the country to fulfil its peaceful transformation, Judge Richard Goldstone said at the Sapo convention yesterday.

He said it was in the interests of all South Africans to leave no stone unturned in finding the most just and equitable solutions to the problems of redistribution of wealth and land.

It should not just be left to the government to find solutions, he said. The private sector needed to play a positive role in bringing about fair and rapid redistribution.

Goldstone said there was sufficient goodwill, land and resources to make the redistribution of land feasible but, if it was to be done peacefully, the country would have to use legal mechanisms such as mediation to find reasonable solutions. The success would hinge on compromise, he said.

Turning to the issue of crime and violence, Goldstone said evidence of sleaze, corruption and of people helping themselves to public funds was neither new nor peculiar to South Africa.

However, the scandals of the past had now come to public at-



MEDIATION Goldstone says the land issue can be solved

tention because they were leaked to the press or to opposition politicians.

The difference now was that scandals were exposed because of a more transparent and accountable government, which made abuses and errors easier to discover. Goldstone said the only way to curb violence was to have more efficient and successful policing.

Harsher penalties and the reimposition of the death penalty were not the answer.

"There is only one way to curb crime, and that is make criminals fear they will be caught. There are people continuing to commit crimes as they know there is little chance of being caught," he said.

271
FM 16/5/97

Cato Manor unblocked

Deal caters for individual claims and
broader development schemes

One of SA's biggest urban land claim settlements appears to have achieved a satisfactory compromise between meeting demands for restoration and providing land for housing development

The recent out-of-court settlement of the Cato Manor land issue ends a prolonged stalemate between 434 claimants pitted against the Cato Manor Development Association (CMDA) and several councils

The claimants obtained an injunction preventing the development body from proceeding with a R3bn scheme to provide accommodation and facilities for 40 000 people on more than 50 ha of vacant land a few kilometres from central Durban, pending a decision for their application in terms of the Restitution of Land Rights Act

Rather than compensation, they wanted the land they lost under the Group Areas Act in the Sixties restored to them

The decision is likely to affect about 3 000 other Cato Manor claims which re-

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sulted from the forced removal of about 160 000 people

As well as unlocking the development process at Cato Manor, the settlement, says Judge J Moloto, who made it a ruling of court, also provides a blueprint for dealing with future disputes where claimants and greater community interests are at odds.

Before the decision, says KwaZulu-Natal Housing Minister Peter Miller, the fear was that the court would rule in favour of the individual's unassailable right to restoration of specific dispossessed property even when this is in conflict with broader community needs and interests. This would have scuppered the Cato Manor project and threatened other proposed schemes

Though the CMDA and councils backed by the province opposed automatic restoration, they have always advocated restitution in genuine cases either through the provision of alternative land or financial compensation where restoration was impractical

The land claims issue was the biggest of several problems which have bedevilled Cato Manor development since 1994. Land invasions by squatters trying to jump the housing queue were an early setback

In terms of the agreement, land will be restored to successful applicants provided this is feasible. The practicality will be decided through negotiation between the claimant and the local authority

If they fail to reach an accord, the matter will be referred to a mediation panel and then, if necessary, to an arbitration panel for a final decision.

The CMDA has also undertaken, where feasible, to incorporate restoration in its plans, either through direct restoration or by giving priority to proven claimants if they are affected by development. **Herb Payne**

Province	Shortage of classrooms
Eastern Cape	13 916
Free State	2 147
Gauteng	1 793
KwaZulu/Natal	13 276
Mpumalanga	3 997
Northern Cape	164
Northern Province	12 759
North West	2 695
Western Cape	748
Total	51 495

The above estimates were obtained from the Human Sciences Research Council by analysing the data of the School Register of Needs for each school in the country, assuming a pupil:classroom ratio of 40:1. Schools having surplus space were excluded when calculating the overall shortage of classrooms. However, it must be emphasised that many schools lack essential facilities such as libraries, multi-purpose rooms and laboratories, as well as suitable recreational facilities. The School Register of Needs data are being analysed with a view to providing such information, as well as data on availability of electricity, water, adequate toilets and telephones.

(2) The building of schools is a provincial responsibility. In the Eastern Cape and Northern Province, 1 738 emergency classrooms and 780 tents have been erected by the provincial education departments.

(3) In an attempt to address the serious backlog in classrooms, a National Schools Building Programme has been launched as an RDP Presidential Lead Project. The programme, which started in 1995 with an allocation of R200 million and augmented in 1996 by R1 billion, will run for two to three years and will provide for a variety of projects, including a number of new schools, community schools as well as additional facilities and major renovations at existing

schools. It is envisaged that 5 721 new classrooms will be erected.

The programme is co-ordinated by the national Department of Education on the basis of business plans developed in each province in terms of provincial priorities. Some provinces have been able to augment these RDP funds with supplementary provincial allocations for school buildings.

The South African Schools Act, 1996 (Act No 84 of 1996) puts provincial MECs under an obligation to provide sufficient places for all children who are subject to compulsory school attendance in their provinces.

The Minister's draft norms and standards for school funding, which will be released soon for discussion, addresses this issue of capital funding and redress. However, at present, no mechanism exists under current budgetary procedures, to develop a national public investment plan for school buildings, other than the current RDP National Schools Building Programme.

Services rendered: amount paid to firm

123. Mr E K MOORCROFT asked the Minister of Environmental Affairs and Tourism:

Whether any amounts were paid in 1996 to a certain firm, the name of which has been furnished to his Department for the purpose of his reply, for services rendered to his Department; if so, in each case, (a) what was the nature of the services so rendered, (b) which employee, partner and/or consultant attached to the said firm was retained for this purpose, (c) over what period were the services rendered and (d) what amount was paid to the firm? C128E

The MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM:

No amount was paid over to Cheadle Thompson & Hayson.

QUESTIONS

† Indicates translated version.

For written reply:

Commission on the Restitution of Land Rights

Gauteng

13. Mr E K MOORCROFT asked the Minister for Agriculture and Land Affairs

Whether the Commission on the Restitution of Land Rights has offered any compensation to any persons and/or communities in Gauteng in lieu of land claimed by such persons and/or communities; if so, in each case, (a) which persons and/or communities claimed such land, (b) where was the land located, (c) why was the decision taken to award compensation rather than return the land and (d) what compensation was paid? C16E

THE MINISTER FOR AGRICULTURE AND LAND AFFAIRS:*

The Regional Land Claims Commissioner for the Gauteng and North West Provinces has processed no land claims where compensation has been offered in lieu of land claimed by persons/or communities

Extension of Tenure Security Bill: advertising campaign

106. Mr E K MOORCROFT asked the Minister for Agriculture and Land Affairs:

(1) Whether his Department has conducted an advertising campaign in respect of the Extension of Tenure Security Bill, if so, (a) what was the purpose of this campaign, (b) in which media were the advertisements carried and (c) what total amount was spent by his Department on this campaign;

(2) whether the contents of the advertisements were approved by him prior to the launch of the campaign, if not, why not; if so, what are the relevant details;

(3) whether the campaign has been discontinued; if not, what is the position in this regard; if so, why;

(4) whether the campaign is to be resumed; if

not, why not, if so, (a) when and (b) what amount has been budgeted for this purpose? C111E

THE MINISTER FOR AGRICULTURE AND LAND AFFAIRS

(1) Yes.

(a) The main objective of the advertisements was to inform the public of the existence of the draft Bill and its purpose, particularly in the light of the proposed retrospective operation of the Bill, and to invite public participation in finalising the Bill.

(b) The print advertisements appeared in the following newspapers and magazines:

Rapport
City Press
Ladysmith Gazette
Newcastle Advertiser
Mpumalanga News
Ilanga
Die Volksblad
Natal Witness
Die Burger
The Argus
Sunday Tribune
Imvo
Golden Fleece
Effective Farming
 The radio advertisements were flighted on the following radio stations.
Radio Ukhozi
Umtshozi Watho Wenene
Lesedi
Moswedding FM
Ikwewezi FM
Ligwalagwala FM
Thobela FM
Mungahana-Lonene
Phalaphala FM
Radio Lotus
Radio Sonder Grense
Jacaranda Stereo
Orange Stereo
East Coast Radio
KFM
SAFM
Algoa Stereo
Good Hope Stereo
Radio Vryheid

The MINISTER OF HEALTH:

- (1) The students studying in Cuba will be registered according to agreements that will be reached with the Council and the Department in the interest of South Africans who need medical care
- (2), (3) and (4) fall away

Advisory service for victims of sexual offences

*14 Mr D M BAKKER asked the Minister of Justice:

- (1) Whether he or his Department is investigating the provision of an advisory service for victims of sexual offences, if not, why not, if so, what progress has been made with such investigation,

- (2) whether he will make a statement on the matter? N1432E

The MINISTER OF JUSTICE

- (1) Yes, the Department is investigating the provision of an advisory service for victims of sexual offences

The Department has developed a business plan on Women and Violence. One of the topics in this business plan deals with Victims support services which include advise desks and counselling services. The Justice side of the plan has been completed.

Elements of the justice plan are already being implemented at various courts. This is being done as part of the Justice Department's responsibilities through National Crime Prevention Strategy. In terms of the NCPS the Department of Welfare and Department of Safety and Security also play important roles.

Insofar as the Department of Justice business plan on women and violence is concerned, funding has been secured and implementation is taking place.

- (2) A statement is not necessary.

Special courts for children

*15. Mr D M BAKKER asked the Minister of Justice:

- (1) Whether he or his Department is investigating the functioning of special courts in regard to children; if not, why not, if so, what progress has been made with such investigation,

- (2) whether he will make a statement on the matter? N1433E

The MINISTER OF JUSTICE:

- (1) and (2) Yes The Department of Justice has been investigating the functioning of our courts generally with regard to children. There are basically two issues.

1. Children as victims of crime; and
2. Children who get into trouble with the law.

With regard to children as victims of crime, special measures are being taken to ensure that child victims of crime are afforded the necessary protection in courts to enable them to testify in an environment in which they feel safe and secure. Giving evidence through intermediaries is an example of this. This system is being extended to as many courts as possible. More than 100 courts already have the necessary facilities and mobile facilities are also available where required.

With regard to the question of children who get into trouble with the law, the South African Law Commission was requested to investigate a revision of South African Law, so as to implement a new juvenile justice system throughout the country. A special Project Committee was set.

Land claims/processed/granted

*16. Rev K R MESHOE asked the Minister for Agriculture and Land Affairs:

- (1) How many land claims which have been submitted have been (a) processed and (b) granted to date;

- (2) whether any claims were turned down; if so, what are the relevant details? N1434E

The MINISTER FOR AGRICULTURE AND LAND AFFAIRS:

- (1)(a) 15 413 claims have been registered.

11 claims have been submitted to the Land Claims Court (of which 5 have been referred back to the Commission on Restitution of Land Rights for further information and are in the process of being resubmitted).

- (b) 1 (one) claim - the Elandsloof claim in the Western Cape - has been finalised and the land returned to the claimants.

- (2) 170 claims have been turned down by the Commission on Restitution of Land Rights of which 5 (five) have been referred to the Minister for Agriculture and Land Affairs for possible handling under other land reform programmes.

The main reasons for claims not being accepted are that they do not meet the prescribed requirements of the Restitution of Land Rights Act, 22 of 1994. The most important grounds on which claims have been dismissed are

- (i) the dispossession of land did not take place as a result of racially based laws or practices;
- (ii) the dispossession took place before 19 June 1913 - the cut-off date stipulated in the Constitution; and
- (iii) in a few cases, in the view of the relevant Regional Land Claims Commissioner, just and equitable compensation was paid to claimants at the time of dispossession.

Low interest rates to first-time homeowners

*17. Dr K RAJOO asked the Minister of Housing:

- (1) Whether she or her Department has given consideration to the issue of the granting of low interest rates to first-time homeowners; if not, why not; if so, what are the relevant details;

- (2) whether she or her Department has taken any steps towards the establish-

ment of a central lending institution in this regard; if not, what is the position in this regard; if so, what steps,

- (3) whether she will consider requesting all financial institutions to grant first-time homeowners a stipulated low interest rate; if not, why not; if so, what are the relevant details? N1435E

The MINISTER OF HOUSING.

- (1) No. Extensive consideration was given to the issue of subsidising interest rates to first-time home-owners in the run-up to the policy decision to opt for a lump sum capital subsidy instead. The decision was taken not to go the interest rate subsidy route, for the following main reasons.

- such a subsidy would favour people in employment with regular incomes who are able to borrow and will not reach people who are unemployed and unable to access end-user finance;
- with interest rate subsidies the quantum of subsidy increases as the loan size increase which means that the more credit a person can afford to access, the more subsidy that person would receive from the state (the old first-time home-buyers subsidy under the previous government is a classic example of this)

Lump sum capital subsidies as presently applied, are reaching (to the extent of 85% of subsidies paid out) people who are in income categories where it is either impossible or very difficult to access credit. Should the government have opted for interest rate subsidies, these people would have had no benefit from the subsidy scheme.

As stated in the White Paper on Housing, the capital subsidy approach adopted meets the criteria of transparency, ease of budgeting, fiscal discipline and the ability to provide the individual with the maximum freedom of choice and benefit.

Handwritten signature: Hansard

Mr Stole was appointed Director of Education and Training in the Department of Correctional Services during February 1995. He then became Provincial Commissioner for the Free State during June 1995 and on 1 December 1995, he was promoted to the rank of Chief Deputy Commissioner (Deputy Director-General) in charge of Resource Management in Pretoria.

On 4 December 1996, at the age of 35 years, Mr Stole was appointed as the Commissioner of Correctional Services.

- (d) In terms of Correctional Services Regulation 4 the Commissioner shall, in addition to any function or duty lawfully assigned to or imposed upon him, be responsible to the Minister for the effective performance of the functions of the Department of the Correctional Services as described in Section 2 of the Correctional Services Act, 1959 (Act 8 of 1959) as well as the maintenance of discipline, effective administration and the appropriate use and care of State Property belonging to his Department Section 7(3)(b) of the Public Service Act, 1994 (Act 103 of 1994) must be read together herewith
- (e) As stipulated in the Personnel Administration Standard (PAS) Occupational Class Head of Department read together with the Public Service Staff Code.

Dept: staff employed

442. Mr A K BEEESHAM asked the Minister of Finance:

- (a) How many staff members were employed by his Ministry as at the latest specified date for which information is available, (b) how many of these staff members are employed in (i) Cape Town and (ii) Pretoria during the parliamentary session and (c) what was the amount spent by his Department in the latest specified calendar year to move its session activities back and forth between Pretoria and Cape Town? N722E

The MINISTER OF FINANCE:

- (a) 9 as at 1 May 1997
(b) (i) 9
(ii) None

(c) R22 408 during the 1996 calendar year

Restitution of land rights: conditions met (271)

467. Mr A S BEYERS asked the Minister for Agriculture and Land Affairs:

- (1) Who is responsible for meeting the terms and conditions laid down in the Conservation of Agricultural Resources Act, 1983 (Act No 43 of 1983), in respect of rural properties that have been restored in terms of the Restitution of Land Rights Act, 1994 (Act No 22 of 1994);

- (2) whether the Director-General of the Department of Agriculture has undertaken an investigation in order to ascertain whether the conditions of the Conservation of Agricultural Resources Act are being observed by those persons who have (a) had land restored to them in terms of the Restitution of Land Rights Act and/or (b) purchased farms in terms of the Provision of Certain Land for Settlement Act, 1993 (Act No 126 of 1993); if so, (i) what were the findings, (ii) what are the names of the owners of the farms concerned and (iii) in which provinces are they located? N749E

The MINISTER FOR AGRICULTURE AND LAND AFFAIRS:

- (1) The terms and conditions of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), are binding on the land user. The Act defines the land user as meaning the owner of the land and includes:

- (a) any person who has a personal or real right in respect of any land in his capacity as fiduciary, fideicommissary, servitude holder, possessor, lessee or occupier irrespective of whether he resides thereon;
- (b) any person who has the right to cut trees or wood on land or to remove

trees, wood or other organic material from land; and

- (c) in relation to land under the control of a local authority, that local authority, but not a person who carries on prospecting or mining activities.

Therefore, a person or persons occupying a rural property that has been restored in terms of the Restitution of Land Rights Act, 1994 (Act No 22 of 1994), will be the land user or land users who need to comply with the Regulations (terms and conditions) of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).

- (2) The Director-General of the National Department of Agriculture has not undertaken a specific investigation to ascertain whether the conditions of the Conservation of Agricultural Resources Act are being observed on the land and farms named in part (a) and (b) of the question. The Inspectorate of the Conservation of Agricultural Resources Act are responsible for on farm inspections and the enforcement of the Act, and they operate within a structured work programme. Parts (i), (ii) and (iii) of the question are not applicable

Eradication of pyramid schemes

475. Mr A J FEINSTEIN asked the Minister of Finance:

Whether he or his Department has taken or intends taking any measures to ensure the eradication of so-called pyramid schemes, which take deposits from consumers on the promise of a guaranteed return at a set date, the receipt of which return is dependent on the depositor recruiting a specific minimum number of new members to the scheme, if not, why not; if so, what are the relevant details? N813E

The MINISTER OF FINANCE:

The South African Reserve Bank has taken note of a proliferation in the number of schemes that, by means of advertisements or otherwise, promise

members of the general public extraordinarily high returns on short-term cash "investments". In order to earn the promised high rewards, members of the public are usually called upon to pay introductory fees in order to become members of such "get rich quick" (GRQ) schemes, to "invest" chosen amounts with the GRQ schemes and to introduce a specified number of further members, who are then required to follow the same procedures. Salient features of GRQ schemes are their ability to solicit huge amounts of money from the general public by promising them exorbitant returns, their failure to keep proper accounting records and their ultimate collapse, resulting in inevitable financial loss to large numbers of participating members

Since pyramid schemes are regarded as harmful and undesirable, it has been regarded in the public interest to endeavour to prohibit such schemes from functioning in the Republic of South Africa. In this regard, the provisions of the Banks Act, 1990 (Act No. 94 of 1990 - "the Banks Act") have been utilised, until a recent judgement of the High Court, by the Office for Banks in countering GRQ schemes with a reasonable measure of success. In the judgement in question (arising from an application brought by a GRQ scheme), the High Court of South Africa (Transvaal Provincial Division), ruled that the acceptance, or soliciting of money by such GRQ scheme was not tantamount to "the business of a bank" and therefore that the provisions of the Banks Act did not apply to the GRQ scheme

Since the implications of the High Court's judgement resulted in the provisions of the Banks Act no longer being available for purposes of future preventative measures by the Office for Banks against most GRQ schemes, it was regarded necessary that the definition of "the business of a bank" in the Banks Act be amplified to include the business of GRQ schemes. In this regard, the provisions of the Banks Act provide for the Registrar of Banks after consultation with the Governor of the South African Reserve Bank, by publication in the Government Gazette, to declare designated activities to be the "business of a bank"

Consequently, a notice with the effect of declaring GRQ schemes to be "the business of a bank" was published in the Gazette (No. 17895 dated 27 March 1997). Shortly after publication of such notice however, the same GRQ scheme that had

Witness Protection programme

551. Mr M A MZIZI asked the Minister of Justice.

- (1) (a) How many persons enjoyed protection under the witness protection programme from 1994 to 1997 and (b) how many of these persons (i) were (aa) public servants and (bb) ordinary citizens and (ii) stayed abroad.
- (2) whether he will furnish the names of these persons; if not, why not; if so, what are their names;
- (3) whether any of these persons have applied for amnesty, if so, with what result in each case;
- (4) what amount has the Government spent on the programme to date?

N929E

The MINISTER OF JUSTICE

- (1) (a) 612
- (b) (i) (aa) 5
- (bb) 607

(ii) 4 persons were protected abroad. No person is presently being protected abroad

(2) No Regulation 3 of the Regulations promulgated in terms of section 185A of the Criminal Procedure Act, 1977 (Act 51 of 1977) under Government Notice R.2204 dated 31 July 1992 prohibits the disclosure of the identity of a protected person.

(3) It is not known whether any of the persons concerned has applied for amnesty.

(4) Since 1 March 1994 a total amount of R8 969 727 has been spent on witness protection.

Cost of establishing/maintaining Land Claims Court

558. Mr A S BEYERS asked the Minister of Justice:

- (a) What was the cost of (i) establishing and (ii) maintaining the Land Claims Court up to 1 March 1997 and (b) since the establishment

of the Land Claims Court, how many (i) days has each of the court's judges sat and (ii) matters have served before the Court? N943E

The MINISTER OF JUSTICE.

- (a) (i) - R5 773 958
- (ii) - R2 251 581

(b) (i)

Judge	Hearing	Pre-trial Conference
Judge F Bam	3 days	2 days
Judge A Dodson	32 days	7 days
Judge A Gildenhuys	8 days	5 days
Judge S Meer (appointed 1/1/96)	2 days	3 days
Judge J Moloto	30 days	8 days

(ii) - 46

Amounts paid to certain firm for services rendered

564 Mr D H M GIBSON asked the Minister of Justice:

Whether any amounts were paid in 1996 to a certain firm, the name of which has been furnished to his Department for the purpose of his reply, for services rendered to his Department; if so, in each case, (a) what was the nature of the services so rendered, (b) which employee, partner and/or consultant attached to the said firm was retained for this purpose (c) over what period were the services rendered and (d) what amount was paid to the firm? N949E

The MINISTER OF JUSTICE.

As far as could be ascertained, no amounts were paid in 1996 to the said firm for services rendered to my Department

Visit to Cuba

654 Mr J W MAREE asked the Minister of Justice:

- (1) Whether (a) he, (b) his Deputy Minister, (c) the Director-General and/or (d) members of staff of his Department

visited Cuba during the period 1 May 1994 up to the latest specified date for which information is available; if so, in each case, (i) how many visits were undertaken, (ii) when were such visits undertaken and (iii) what was the purpose of each visit;

(3) whether Cuba granted any amounts to his Department during the abovementioned period; if so, (a) what amounts and (b) how were these amounts allocated? N 1094E

The MINISTER OF JUSTICE:

- (1) No.
- (2) Not applicable
- (3) No.

(2) whether any agreements were finalised during these visits, if so, what did each such agreement entail;

ONS SOEK ERKENNING AS MENS



PAUL OLIVER

One nation: San members of the Schmidtsdrift settlement demand restoration of their human rights

'Hidden agenda' to blame for people's plight – SANDF

ARG 14/6/97

(271) (271)

PAUL OLIVER
STAFF REPORTER

The horrific conditions prevalent in the San settlement at Schmidtsdrift near Kimberley must be placed squarely at the door of the Northern Cape government.

That's according to the Defence Force commanding officer of the settlement, Charles Hallat, who said: "The provincial government reeled when they saw the magnitude of the problem."

The national Government, through Land Affairs minister Derek Hanekom, is sympathetic to the plight of the people. "But it seems as though the provincial government has a hidden agenda," Major Hallat said.

In April the SANDF were forced to spend more than R134 000 solely on the medical bills for residents of the settlement.

Only 350 soldiers had to care for the entire community of 4 300 and the SANDF had to foot most of the bill.

On a tour of the settlement the hopelessness of the situation soon becomes apparent.

There is no electricity except at the main buildings at the heart of the settlement and the telephone system is unreliable. Tele-

phones are connected to solar panels and in overcast or rainy weather the settlement is cut off from the outside world.

Major Hallat said: "The San people are regularly exploited by salesmen and those offering credit. Clever businessmen realise there are communication problems and sell them goods and services under false pretences. "In some cases customers are offered liquor and then signed up while in a state of intoxication, but the law prevents us from interfering."

Major Hallat added that the family structure of the San at Schmidtsdrift was slowly crumbling as teenagers became more educated and started dominating the household.

"The young people are exposed to different things from their parents and the glitter of Western life is like a magnet. Because the San have such soft natures, children are seldom disciplined and left to learn by their mistakes. This does not work in a Western-type society," he said.

Major Hallat said another worrying factor was the "alarming increase" in teenage pregnancies.

"The influence of television, a Westernised lifestyle and the recklessness of youth lacking proper parental guidance results in more and more reports of venereal disease and teenage pregnancies," he said.

San fury over alleged 'lesser standard' jibe

By PAUL OLIVER

The 4 300-strong San community of Schmidtsdrift near Kimberley, living in appalling conditions in a "camp of shame", claim they have been branded as inferior citizens

The San leadership said Northern Cape Premier Manne Dipico had told them that the "Bushmen" were "of a lesser standard" and that the Tswanas would "enjoy preference" over them in the quest for land

They have been prevented by a provincial government "moralium" from occupying a R7-million farm **'We have suffered inhumane treatment from two governments, both of which have marginalised us'**

The farm purchase was made possible by Land Affairs Minister Derek Hanekom.

Instead they have had to live for seven years in filthy, freezing conditions in a tent camp where disease and malnutrition are rife. About 350 of the San were used by the former SA Defence Force as trackers in the war in Namibia and Angola.

Repeated requests by our sister paper *Saturday Argus* for an interview with Dipico to clear up the matter was denied, even though a reporter sat outside his office in Kimberley for hours. Dipico's spokesman Steven Majiedt said the premier was attending to "pressing matters" and could not confirm whether

Dipico had indeed uttered the racist words which the San leaders attributed to him.

The San leaders have accused the provincial government of abusing their human rights by forcing them to live in appalling conditions and not allowing them to move.

Leader of the !Xu clan, Mario Mahongo, told reporters: "We are being treated like second-class refugees and all attempts to reach a settlement with the government have been ignored. At the last meeting with the premier he shouted at us, accusing us of playing ping-pong with them."

"He said because he is a Tswana, the Tswanas would receive preferential treatment over us in their quest for land."

The San currently occupy land at Schmidtsdrift that both the Tswanas and the Griquas lay claim to.

Dipico's alleged racial insult was confirmed by Robert Derenge, leader of one of the San clans, the Khwe. He added that his people had been caught up in a power play between central and provincial government.

An angry group of San marched on the provincial government offices on Thursday, demanding the presence of the premier to accept an urgent memorandum.

They were told that Dipico was unable to accept the memorandum personally as he was in

Johannesburg. It was later established that Dipico was in Kimberley at the time, being interviewed by two journalists on the issue of crime.

The director-general of the Northern Cape, Martin van Zyl, accepted the memorandum on the premier's behalf.

More than 4 300 members of the !Xu and Khwe clans, originally from southern Angola and the Caprivi Strip in Namibia, said they had to endure "inhumane treatment" at the hands of two governments, both of which had "marginalised us and 'reneged on promises'" made over the past seven years.

Mahongo said: "First the Nationalist government broke their promise of supplying us with houses and now the new democratic government chooses to ignore us."

"We will not stop with our protests until our voices are heard. We are full citizens of this country and are tired of being discriminated against. All the time we are being made to feel uncomfortable and that we have no rights in this land."

But Majiedt denied the !Xu and Khwe were being discriminated against because they had fought on the side of the previous government in the border war in the 70s and 80s.

He said the "Bushman problem" was inherited from the

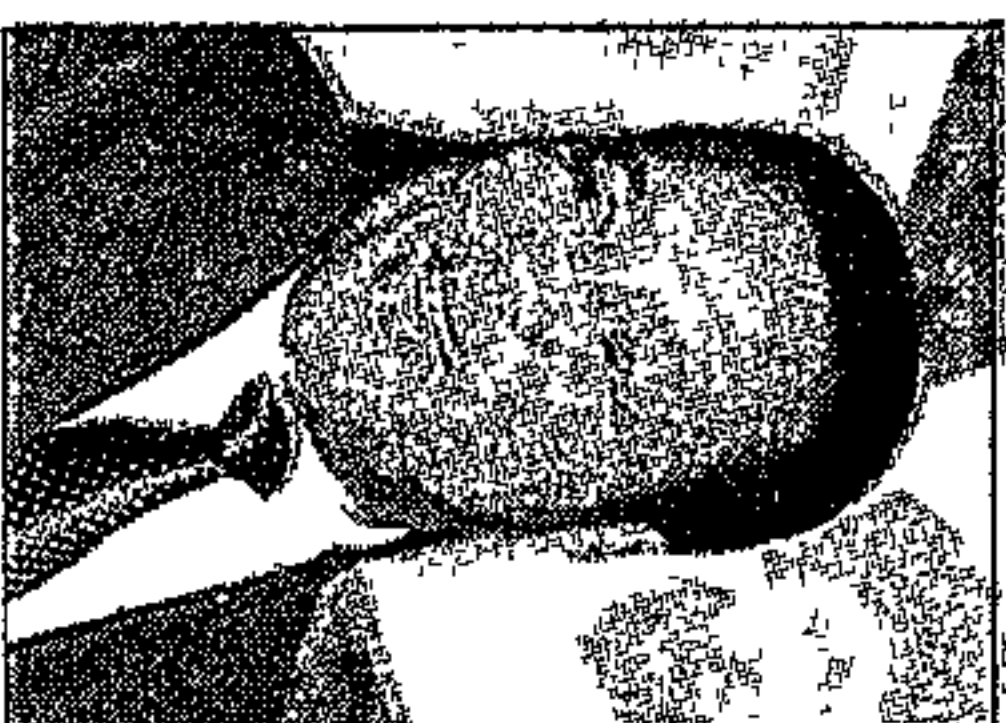
apartheid government", and that financial constraints prevented his government going ahead with resettlement on a farm at Platfontein.

The *Saturday Star* this week visited the Bushmen settlement at Schmidtsdrift and was shocked to witness the dismal conditions they were forced to live under. Many suffer from malnutrition, and lung diseases including tuberculosis, which is rife among young and old. In many cases, mothers are too young or not able to breast-feed their babies.

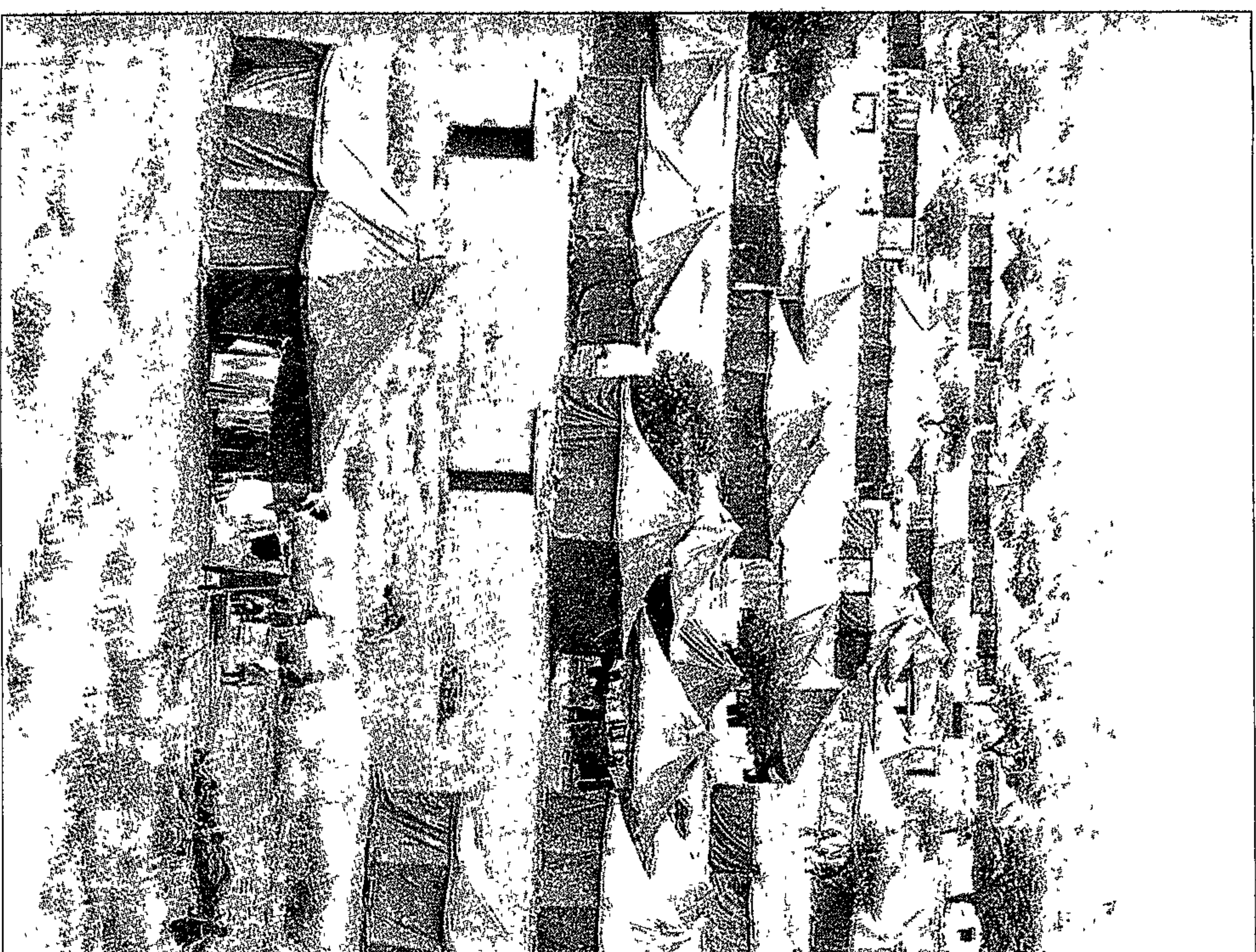
Schmidtsdrift commanding officer Charles Hallatt said: "Tuberculosis remains the most dreaded disease and the single most deadly to the community. More than 10 new patients report for consultations every month. Every new TB patient normally has had four to 19 direct contacts with other people."

"There are only three nursing personnel who had to deal with 1 084 patients in August last year alone. That leaves little time, if any, for tracing the remainder of the infected people," Hallatt said.

"The infrastructure that exists at Schmidtsdrift is because of the South African National Defence Force. Nothing would have existed if it were not for them," he added.



MANNE DIPICO: "Too busy" to meet San group



THE WAITING GAME: The tent camp at Schmidtsdrift where the San are totally dependent on the SA National Defence Force while they wait for relocation to their own land

The 'camp of shame'

Bushmen forced to live in squalor

AKG 14/6/97

(271)(3551)

PAUL OLIVER
STAFF REPORTER

In an act branded as racist and reminiscent of the old South Africa, the 4 300-strong San community of Schmidtsdrift near Kimberley has been forced to live in appalling conditions in a "camp of shame".

The San leadership said Northern Cape Premier Manne Dipico told them the Bushmen were "citizens of a lesser standard" and that the Tswanas would "enjoy preference" over them in the quest for land.

The San have been prevented by a provincial government "moratorium" from occupying a R7-million farm bought with their own trust fund, which consists of their own money and overseas donations.

Buying the farm was made possible by Land Affairs Minister Derek Hanekom.

Instead, they have had to live for seven years in filthy, freezing conditions in a tent camp where disease and malnutrition are rife.

About 350 of the San were employed by the former Defence Force as trackers in the war in Namibia and Angola.

Repeated requests by Saturday Argus for an interview with Mr Dipico were denied, even though a reporter sat outside his office in Kimberley for hours.

Mr Dipico's spokesman, Steven Majledt, said the premier was attending to "pressing matters" and could not confirm if Mr Dipico had uttered the racist sentiments attributed to him.

The San leaders have accused the provincial government of abusing their human rights by forcing them to live in appalling conditions and not allowing them to move.

Leader of the !Xu clan Mario Mahongo told Saturday Argus: "We are being treated like second-class refugees and all attempts to reach a settlement with the government have been ignored. At the last meeting with the premier he shouted at us, accusing us of playing ping-pong with them."

"He said because he is a Tswana the Tswanas would receive preferential treatment over us in their quest for land."

Mr Dipico's alleged racial insult was confirmed by Robert Derenge, leader of a San clan, the Khwe. He added that his people had been caught up in a power play between central and provincial government.

Angry San marched on the provincial government offices on Thursday, demanding that the premier personally

accept an urgent memorandum. They were told Mr Dipico was unable to do so as he was in Johannesburg. Saturday Argus established that Mr Dipico was in Kimberley being interviewed on crime.

The director-general of the Northern Cape, Martin van Zyl, accepted the memorandum on Mr Dipico's behalf.

More than 4 300 members of the !Xu and Khwe clans, originally from southern Angola and the Caprivi Strip in Namibia, said they had been forced to endure "inhumane treatment" at the hands of two governments, both of which "marginalised us and reneged on promises" made during the past seven years.

Mr Mahongo said: "First the Nationalist government broke their promise of supplying us with houses and now the new democratic Government chooses to ignore us. We will not stop with our protests until our voices are heard."

"We are full citizens of this country and are tired of being discriminated against. All the time we are being made to feel unwelcome and that we have no rights in this land."

But Mr Majledt denied the allegation that the !Xu and Khwe were being discriminated against because they had fought on the side of the previous government in the border war in the '70s and '80s.

He said the "Bushman problem" was inherited from the apartheid government and that financial constraints prevented his government from going ahead with the resettlement on the farm at Platfontein.

Saturday Argus visited the Bushmen settlement at Schmidtsdrift and was shocked to witness the dismal conditions. Many residents suffered from malnutrition and lung diseases, including tuberculosis, were rife among the young and old.

This was caused by crushing poverty and the absence of vital necessities like food and health services.

On a tour it was found that the elderly and small children suffered most from malnutrition. In many cases mothers were too young or unable to breastfeed their babies.

Schmidtsdrift commanding officer Charles Hallatt said, "Tuberculosis (TB) remains the most dreaded disease and the single most deadly to the community. More than 10 new patients report for consultations every month."

"Every new TB patient normally has four to 19 direct contacts with other people. There are only three nursing personnel who had to deal with 1 084 patients in



'Cheated': Ndoto Diwanga and his wife Kandambo at the San settlement near Kimberley

Northern Cape government to blame, says army spokesman - report and more pictures on page 6

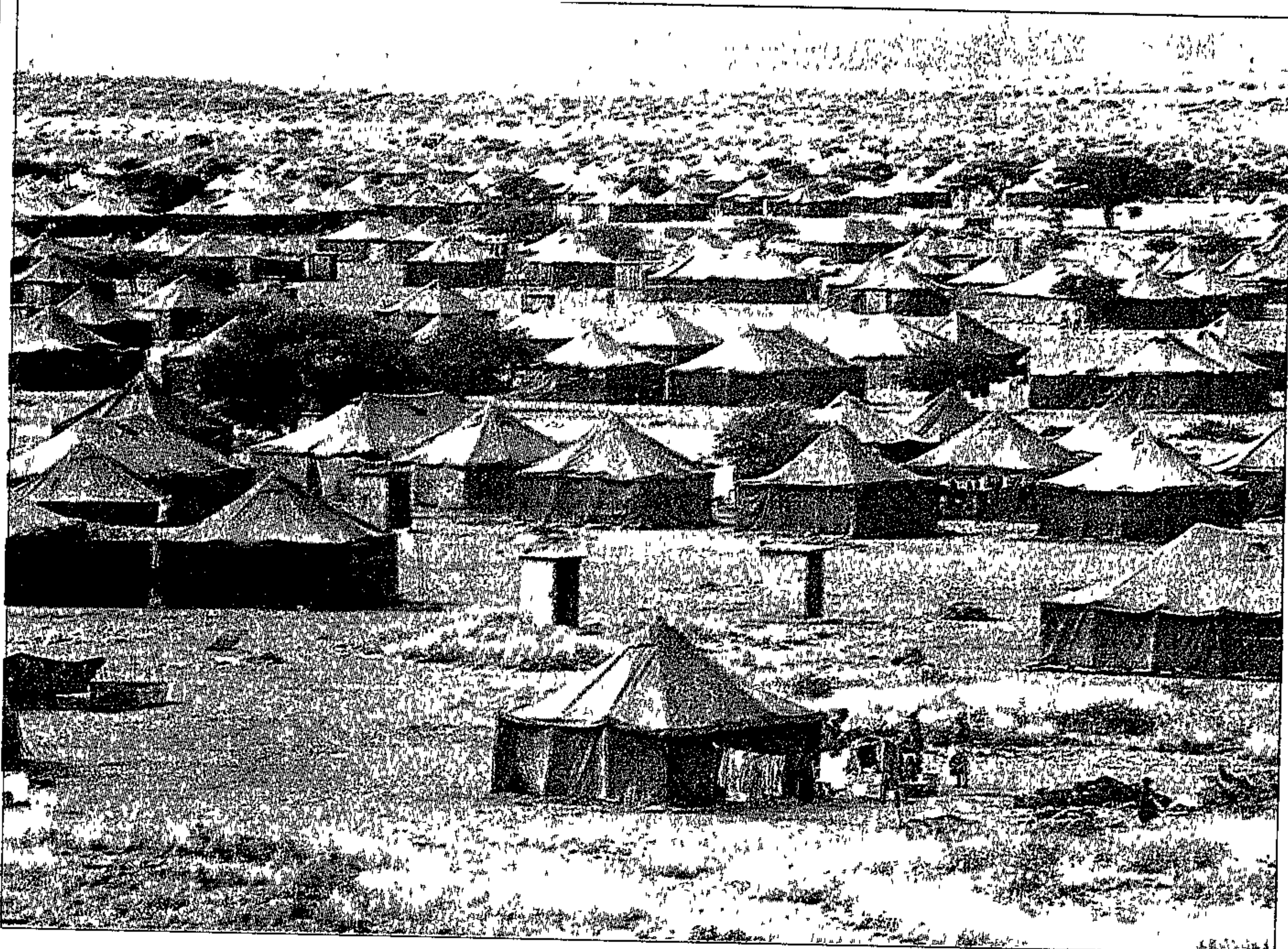
To page 6

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P.T.O



STEVE LAWRENCE

Canvas landscape: hundreds of tents dominate the San area at Schmidtsdrift. 'The San are regularly being exploited by those offering credit'

San starve in 'camp of shame'

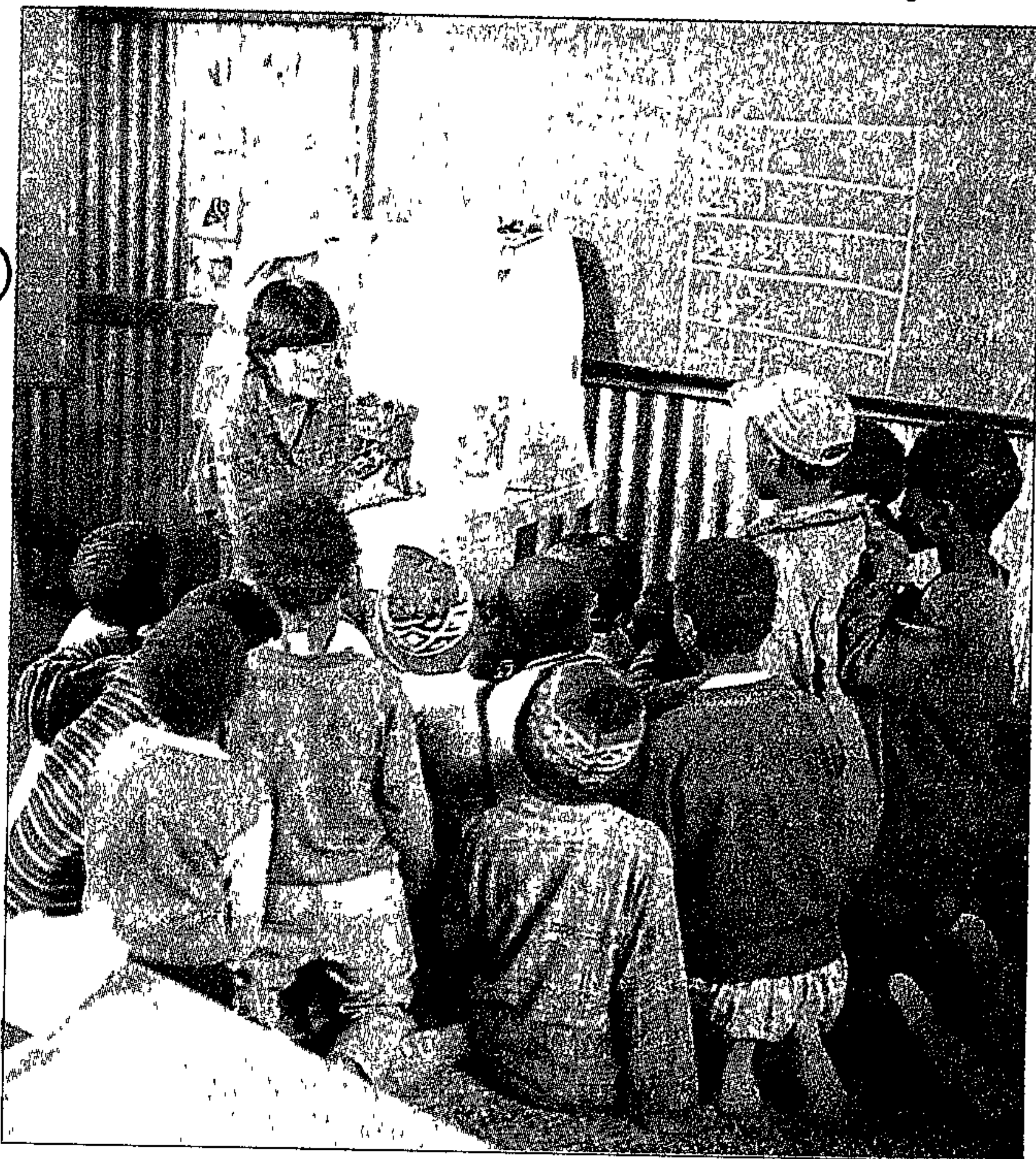
From page 1

August last year alone. That leaves little time, if any, for tracing the remainder of the infected people."

He said the infrastructure at Schmidtsdrift had been built by the South African National Defence Force (SANDF) and was maintained by its personnel

"Nothing would have existed if it was not for the SANDF. We provide beyond our mandate a medical service to all in need and not only the 154 people presently employed by the SANDF," said Major Hallatt. "We try to provide a welfare service with one qualified welfare officer and three nursing staff to ensure broken spirits are healed and that the flame of hope keeps burning.

"The means to do just that becomes a question to be answered by the politicians after their next lunch or their next stay in a luxurious hotel. We hope they are giving it a thought," he added.



STEVE LAWRENCE

Back to basics: Marita Oelofse teaches simple arithmetic to San children in tent town



THIN LINE:
Elandsbloof
community
leader
Samuel
Carolus, who
says the
fruits of
victory from
the
restitution
battle may
be lost

Picture:
**AMBROSE
PETERS**

Harsh reality sets in after historic land claim victory

CHARL DE VILLIERS

(271)

ST(CM)15/6/97

The fruits of triumph turn sour

ELANDSKLOOF — one of South Africa's most celebrated land claim victories — has turned into a bewildering and expensive crash course in rural development

Six months ago its rightful claimants were celebrating their return to the former mission settlement from where they were evicted 35 years ago by police after a white farmer bought the land

Their cause was championed by Land Affairs Minister Derek Hanekom, and in October last year the Land Claims Court endorsed an historical settlement which allowed the state to pay R4-million for the Cederberg farm so it could be returned to the people of Elandsbloof.

This week, however, community representatives and advisers warned of growing restlessness among the 300-odd families who had pinned their hopes on a swift return to the land.

They also warned that Elandsbloof was a test case for post-apartheid rural land reform — and it would take time, money and careful planning so it "did not deteriorate into just another rural poverty trap"

"The Land Claims Court said the

Elandsbloof community should be given priority status — but from the state's actions it is not clear if this is the case," community adviser and Surplus People Project spokesman David Mayson said this week.

"In December our people were excited and joyful. But now there is bitterness because things just don't seem to be progressing," Elandsbloof Community Committee chairman Samuel Carolus, 64, said on Wednesday.

So far, only 34 families have moved back on to the farm. Heavy rainfall has severely damaged Elandsbloof's only access road and facilities are limited to pit latrines and taps.

Redevelopment hinges on expanding the 3 188 ha farm's agricultural potential to sustain up to 350 families living in a fully-serviced village on the land.

Surveyors have already pegged 300 plots in terms of a draft township plan, and future residents have been invited to choose an erf on June 28.

But before any houses can be built, the West Coast District Council and the Western Cape Housing Department have to approve a township plan.

For this to happen R4.5-million has to be raised to install bulk infrastructure and internal connector

services in terms of strict requirements by the Department of Water Affairs and Forestry.

The Department of Water Affairs had not budgeted for these funds for the current financial year, Elandsbloof planning consultant Rod Cronwright said this week.

According to West Coast District Council Planner Martin Langenhoven, Elandsbloof's 308 beneficiaries have to compete with other rural communities for funding from the province's once-off Bulk Connector and Infrastructure Grant.

About R4.5-million could be raised if the community pooled its resettlement grants, but this money would probably have to be used to pay for infrastructure connection fees and houses.

An estimated 70 percent of the 308 beneficiary families earned less than R1 500 a month, half had never paid rates or taxes, and only one former Elandsbloof was considered skilled enough to run a fruit farm.

"The community is in a vulnerable position. They don't have resources or expertise — and in agriculture you have to spend money to make money," Cronwright said.

"The bottom line is that unless 300-odd families are prepared to pool their resources, things are not going to work."

"We're also treading a fine line that

has to balance tensions between common concerns reflected by the Elandsbloof Communal Property Association and the interests of individuals and families," Cronwright added.

About 30 ha of existing orange groves are currently being tended for harvesting, and the Department of Agriculture was investigating the potential of another 200 ha of unexploited land.

In a major boon for Elandsbloof, a leading Citrusdal farmer has bought this year's deciduous and citrus crops from the Elandsbloof community — and is training seven men in agricultural skills.

Piet Smit, described as a "successful and progressive-minded" citrus farmer, is not related to the former owner of Elandsbloof, Boetie Smit, whose father bought the farm from the Dutch Reformed Church in 1961 and forcibly evicted its coloured mission residents. The previous owner took away all farm implements when he left.

"Last year the minister promised us a tractor if he saw visible improvement to the land."

"But if we could not improve the land he said he would take it back at the end of this year. But how can we farm if we have nothing?" said Carolus.

The British Embassy recently donated R74 000 for agricultural tools, but if the community hoped to be able to expand production and add value to products, much more money was needed.

According to Carolus, who is a teacher, the temporary settlement's 54 school-going children had to walk 7 km each morning to catch a bus which takes them to school at Citrusdal, 17 km away.

"Because the education authorities say there isn't money for the bus to drive to Elandsbloof, primary school children must now get up at 5am. This is going to impact on school attendance," Carolus claimed.

Visitors to the Cederberg valley can still see the ruined remains of some of the cottages which had been demolished by the farmer when he drove the community from the farm, torching crops, and impounding or killing their livestock.

Except for well-tended fruit orchards, ruin and decay are the only reminder of a once-vibrant mission station. The only furniture to have survived in the old church is the vespers bench.

"But the church bell has disappeared, and we want it back," Carolus said.

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Land reforms will benefit 400 000 people, says Hanekom

(271) Star 18/6/97

Cape Town – Agriculture and Land Affairs Minister, Derek Hanekom, said yesterday his department was transferring 1,8-million ha of land to blacks as part of reforms of apartheid land ownership.

Hanekom, speaking at the launch of his White Paper on land policy, said that by the end of 1994, the first year of majority rule, eight land reform projects were in the pipeline.

"Today we are dealing with 318 approved redistribution projects," he said.

"This means we are in the process of helping 69 000 households, which will translate into material benefits for 400 000 people and we will change the

ownership of more than 1,8 million ha of South Africa's land," he said.

The process was still far from complete.

"Our mission is to ensure the restoration of land rights... the future of this country depends on it," he said.

Laws passed in South Africa since British colonial times and into the apartheid era resulted in 13% of the land being set aside for blacks.

Although these laws have been repealed, few blacks have enough money to pay market prices for land.

"The history of land dispossession is the history of this country," Hanekom said. "It is

the root of much of the conflict."

One pillar of his land reforms, a bill giving rural blacks living on white-owned farms greater security of tenure, was presented in Parliament last week.

In its original form it was fiercely opposed by white farmers, who described it as a "squatters' charter" and said it would lead to farmers refusing to hire more workers.

Geoff Budlender, the Director-General of Land Affairs, said the bill was improved by submissions by organised agriculture. It more carefully balanced the rights of owners and occupiers, he said. – Reuters.

Griqua and San to march on Parliament

Elders plan to herd cattle and goats 300km in land protest

(271) AKU 21/6/97

PAUL OLIVER
STAFF REPORTER

Hundreds of angry San and Griqua elders plan to herd more than 300 goats and cattle to Parliament in Cape Town to back their demand to settle on land in the Northern Cape.

Griqua leader Isak van Nel told Saturday Argus the Griqua community of Douglas and the San population of Schmidtsdrift near Kimberley would present the drift in September "because we don't own goats and cattle to President Nelson Mandela in September "because we don't own land to keep them on, and therefore it is better that Mr Mandela gets them".

The Griqua community of Douglas are claiming about 20 000ha - known as Fonteinijie - on the Schmidtsdrift farm, a property the Batlaping Tswanas claim as traditionally theirs.

"The San people are our brothers and we will stand by them through thick and thin. We are claiming a part of Schmidts-

drift and if the San prefer to stay there it is fine with us.

"From now on we are going to stand together. The march on Parliament will be very expensive but it seems it is the only way to force the Government's hand," Mr Van Nel said.

The Batlaping were forced off the land by the previous government who used it to resettle the San who fought on their side in the border war in the 1970s and 80s.

Saturday Argus last week reported on the shocking conditions the !Xu and Khwe San clans were living in at a "camp of shame" at Schmidtsdrift even though a nearby farm, Platontein was bought for them by the !Xu and Khwe Trust for R7,5-million. The previous owner had demanded R15-million for the farm.

The San have been prevented by a

'The San people are our brothers and we will stand by them through thick and thin'

Northern Cape government moratorium from moving to the farm. The two clans are living in a battered tent city which offers little protection to the harsh elements of the Northern Cape.

Tuberculosis and other sicknesses are rife in the camp and the SA National Defence Force has been forced to fork out hundreds of thousands of rands a year to provide for primary health care, a service for which the provincial government is responsible.

According to another Griqua leader, William Wellen, his people had uncovered about 132 Griqua graves on Fonteinijie, "proving that we were once settled on that land."

"We now need to get special permission to visit and clean our ancestors' graves and have to drive 20km to get there in a rented car".

Mr Wellen said the moratorium preventing the San from leaving Schmidtsdrift was the reason why foreign investors were not willing to invest in Platontein.

"As traditional inhabitants of Fonteinijie the plight of the San is our plight. It breaks our hearts to see our brothers being forced to live in such shocking conditions in the new South Africa."

Dries Potgieter, Provincial Director: Land Affairs of the national government in the Northern Cape, said it was possible that the provincial government was uncertain about the economic viability of the Platontein project.

The provincial government is facing financial problems in providing much needed services and consultation with the community is needed, Mr Potgieter said.

'Platontein could become a shining star of land redistribution in South Africa'

"If the Platontein project fails, I don't see that other projects in the province can be a success."

"Platontein has the ability to become a shining star for land redistribution in South Africa and if the provincial government reads the San report about the viability of the Platontein farm, all doubts will disappear," Mr Potgieter said.

Meanwhile, in a document in the possession of Saturday Argus, it has come to light that the Northern Cape government - from as far back as 1995 - regarded the Platontein area as the "province's strategic lead project", to be developed in a partnership between the provincial government and various role players.

The document states that a document was drawn up by the premier and his team

which envisaged a project which "encapsulates all the Reconstruction and Development Project objectives and the premier's vision for the socio-economic upliftment of the province".

The project provided "significant investment opportunities to local and foreign investors", the document states.

However, national Land Affairs Minister Derek Hanekom announced on September 30 last year that the farm Platontein had officially been registered in the name of the !Xu and Khwe Trust Fund.

According to Mr Potgieter, the !Xu and Khwe Trust Fund is financially sound. The land restitution grants from national Government to the 894 families amounted to R13,41-million, of which only R7,5-million was used to purchase Platontein.

"It becomes clear from this, and from the San statements, that besides basic services the provincial government will not be expected to spend any money on Platontein," Mr Potgieter said.

Evicted Sea Point residents lodge land claim

THE former community of Tramway Road, Sea Point, who were evicted from their homes in the late 1950s, met the city manager yesterday to discuss land restitution and compensation.

City manager Mr Andrew Boraine listened to the group in the recreational park which now occupies the area they once called home.

The group's spokesman, Mr Leonard Lopes, said: "We want our land back; we want to bring the people back to Tramway Road."

Ms Elizabeth Davidson of the Commission on Restitution of Land Rights said the community was prepared to take its claim to the Land Claims Court, "but we want to rather go with a negoti-

ated agreement in hand".

Boraine said the City of Cape Town was working with the commission as well as the Department of Land Affairs.

"I cannot make any rash promises: it will be a tough negotiation, but land restitution issues are a top priority in the council's business plan for this year," he said. — Staff Writer

CT 30/6/99 (271)

Farmers win partial aid victory

Louise Cook

(271)

60

30/6/97

FARMERS have won a partial victory in their battle for legal aid to defend restitution claims, after complaining bitterly of discrimination in favour of claimants.

The SA Agricultural Union (SAAU) said at the weekend that farmers could now apply for legal aid through regional restitution offices in the provinces. Spokesman Ampie Steenkamp said farmers who became embroiled in claims over their land often lacked the funds to mount an adequate legal defence. In many cases they had bought their land unaware that the previous occupants had been forcibly removed.

However, restitution commission spokesman Thys Human said its request for an additional R6m to fund increased legal aid claims had been turned down. "The commission supports farmers getting legal aid subject to passing a means test and meeting

some other conditions," he said. Steenkamp said up to now farmers wanting to oppose land valuations and state offers to buy have had to fight their cases in the Land Claims Court at their own expense. "We have now arranged that they can apply for legal aid through the commission's regional offices," he said.

In some cases farmers would not be able to repay outstanding bonds on their properties with the amounts being offered by the state. In terms of the law, the value of past state aid to the farmer is deducted from the value of the land if he is forced to sell to the state for the purposes of restitution.

Meanwhile, the Land Claims Court is to proceed with the next eight rural claims. Only one rural claim, in the Western Cape, has been finalised so far. Land affairs director general Geoff Budlender said the finalisation of urban claims at Durban's Cato Manor would be a significant breakthrough.

NEWS



HANNES THIAAT

Controversial land: Groote Springfontein farm to the north of the Koeberg power station is the subject of a land claim by its former owners. The Beukes family was forced to give it up in 1974 under the hated Group Areas Act.

Family in court battle for home lost to apartheid

Farm earmarked under Group Areas Act, but development never materialised

JOSEPH ARAJES
STAFF REPORTER

In what could be a watershed land restitution case, the Land Claims Court must decide whether a white family whose land was expropriated in 1974 has the right to claim it back.

Sisters Lochline Bekker and Luceel Beukes have submitted a claim, in terms of Chapter 6 of the Abolition of Racially Based Land Measures Act, for restitution of Groote Springfontein farm.

The land, between Koeberg nuclear power station and Silverstream beach on the West Coast and about 15km east of the Atlantis industrial area, belonged to their father, Albertus Louw.

The late Mr Louw bought the 1 205,14ha farm in 1943 but the a apartheid government

expropriated it in terms of the hated Group Areas Act in 1974, earmarking it as a potential growth area for the coloured suburb of Atlantis.

In a joint affidavit handed to the court, the sisters say they raised serious objections against the expropriation of the land as "too much ground had been set aside for coloured purposes in the greater Mamre area".

They said their family never surrendered the ground of their own free will, but were dispossessed through draconian legislation. The apartheid government paid the Louw family R750 000 and handed the property to the Community Development Board. Later, the provincial government and the national housing board took over ownership.

Several plans and guidelines for the

development of the property were drafted but were never implemented because of the downturn in the economy.

In 1992, the family lodged a claim with the Advisory Commission on Land Allocation, the forerunner to the Commission on Land Restitution.

The Advisory Commission ordered a full hearing and after viewing the land, recommended the sisters negotiate with the authorities to buy it back.

The negotiations never materialised and the family lodged a claim with the Commission on Land Restitution. But in 1996, they entered into an agreement with the provincial government and the housing board to buy back the land for R3 216 900. In terms of the agreement the family would pay a deposit of R1 216 900 and receive the balance over five years.

The sale of the farm and transfer of the title deed is subject to the approval of the Land Claims Court.

Earlier this week, the Blaauwberg Municipality, the Atlantis Reconstruction and Development Forum and the Surplus People's Project lodged objections to the sale of the land with the court.

The project applied to be an *amicus curiae* (friend of the court) and argued that the family was not dispossessed and had received just and equitable compensation.

Their counsel, Peter Hathorn, argued that the organisation had a wealth of experience in the field of forced removals and could help the court reach a decision by making available their special expertise.

The court ruled that the project's submission was not very different from other submissions it had received and from what

the court was duty-bound to investigate. But Mr Hathorn said they would resubmit their application within the 10 days as they felt the court's ruling could set a precedent for a large number of future land claims.

Michael Donen, counsel for the Atlantis RDP Forum, told the court the Atlantis community was applying to intervene in the matter as they had an interest in the land since it was originally set aside for the future development of the area. He said the community had legitimate expectations that the land would be developed in terms of the reconstruction and development programme for all their benefit.

"Development plans are on the cards for the property and two farms further north. Bulk services costing R11-million have already been installed on the land and because the land is in public ownership,

the community expects to derive benefits from it," Mr Donen argued.

Act 2/7(97)

(271)

The court dismissed their application without giving reasons, leaving Blaauwberg Municipality as the only opposing party and with the possibility of the Surplus People's Project acting as *amicus curiae*.

With August 25 to 29 set for the court to ratify the pending sale or to reject it on the basis of the opposing party, there is growing concern that the municipality may call on its councillors to vote on the matter again and adopt the line of their political masters in the provincial legislature.

If the National Party-controlled municipality changes its position and falls in with the provincial government, it will be left to the court to use its investigative powers and rule on the matter without an opposing party.

District 6: All yours, families told

ANDREA WEISS AND SHARKEY ISAACS
STAFF REPORTERS

Cape Town judge Siraj Desai has resigned as chairman of the trust set up to redevelop District Six, to clear the way for the formation of a new body which is more representative of families thrown out by the Group Areas Act.

Mr Justice Desai made the dramatic announcement that he was leaving the Cape Town Community Land Trust at a public meeting.

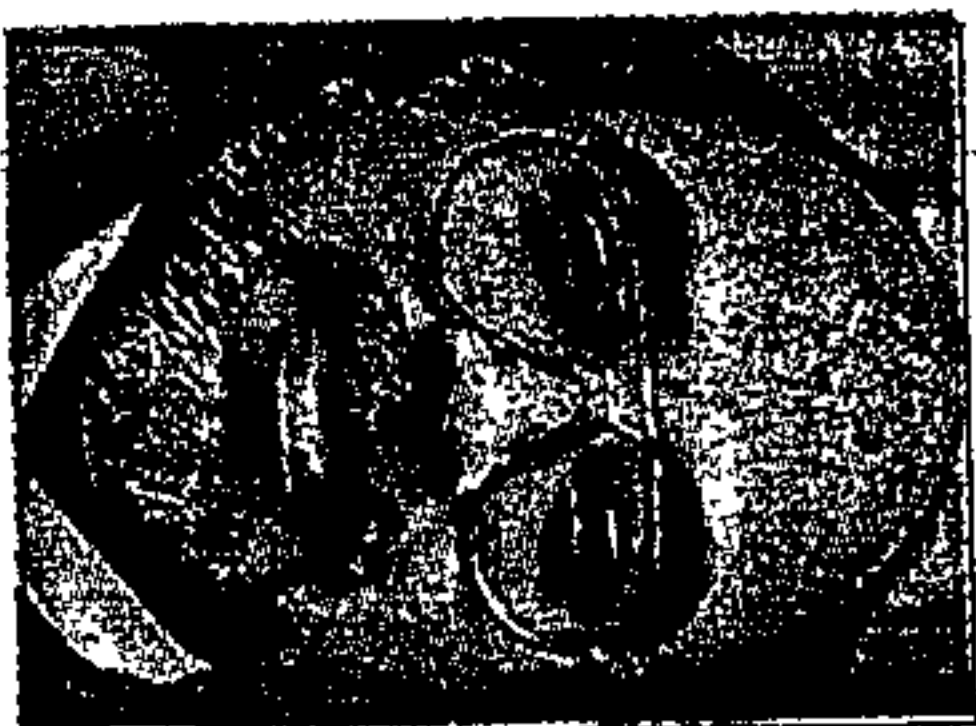
He was responding to demands by residents for a more representative organisation to take the development and restitution process forward.

He said events had overtaken the trust, formed several years ago.

"I share the view that the trust is not representative of former District Six residents and stakeholders."

"I also agree it would be more appropriate that the land be handed over to those who were dispossessed," Mr Justice Desai added.

Through the land claim process there



Siraj Desai: clearing way

was now an "emergent beneficiary community" that could be identified. He formally tendered his resignation after making the announcement at a meeting in District Six attended by several hundred people.

It was convened by facilitators Neville Alexander and Elaine Clarke as the culmination of a series of meetings to consult former District Six families.

Dr Alexander and Dr Clarke were appointed by the Commission on Restitution of Land Rights to resolve a dispute over the way in which the redevelopment of the land was to take place.

At the meeting, the residents passed a

ARG 2/7/97

See page 2

Judge quits District Six trust

ARG 2/7/97

From page 1

resolution expressing unhappiness with the Cape Town Community Land Trust.

Judge Desai, who was the only trustee present, got a standing ovation when he announced that he would resign. The provincial government, which still owns a substantial part of the land, was not represented and only one Cape Town councillor was present, according to Judge Desai.

Anwan Nagia, chairman of the District

Six Civic Association, said the step taken by Judge Desai was in the right direction and in accordance with an undertaking he had given at a previous meeting.

"Dispossessed families had repeatedly called for a fair and a better deal and that is what was offered."

Dr Alexander said the facilitators were "on the verge of getting consensus on all the major controversial issues".

See page 8

Not all land claims will succeed — commissioner

(271)
Louise Cook

bd
3/7/97

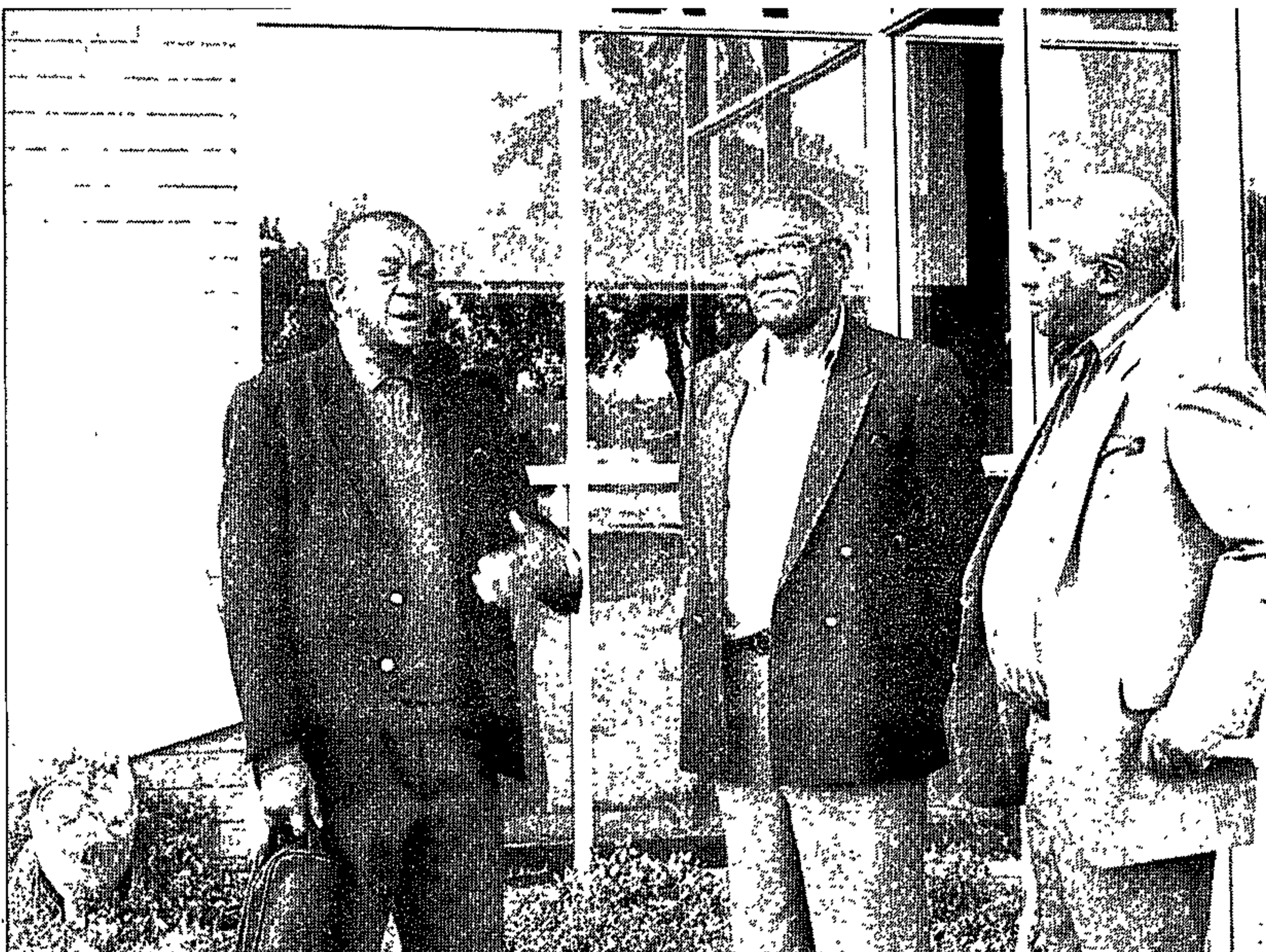
MANY land claims lodged with the Commission on the Restitution of Land Rights may not succeed, dashing the hopes of scores of claimants trying to recover land lost during the apartheid era.

Regional land claims commissioner for the Northern Province and Mpumalanga Durkje Gilfillan said yesterday the growing list of claims — currently more than 16'000 — made restitution seem impossible.

He was speaking after the rejection of 15 claims in Northern Province and Mpumalanga. Gilfillan said "many more" claims were likely to be thrown out owing to reasons such as equitable compensation paid at the time of dispossession and expropriation related to development rather than racial discrimination.

Claimants would have to rely on their informal rights to land as they had not been the formal owners of the land at the time of dispossession.

In other provinces a "clearer picture" was expected soon, chief land claims commissioner Joe Seremane said.



Catching up: Pensioners Agrippa Cebekhulu, Albert Ngwane and Johannes Dlamini

PHOTO ANN EVELETH

Land court faces its first tough decision

M+G 6-12/96
Give the land back, or develop it? Cato Manor presents the Land Claims Court with its first dilemma.
Ann Eveleth reports

PENSIONERS Agrippa Cebekhulu (65), Albert Ngwane (67) and Johannes Dlamini (69) grew up side by side in a freehold section of Cato Manor known as Good Hope Estate, on the border of present-day Chesterville.

They played soccer together, went to school together and eventually raised their families as neighbours in what was once a cultural heartland in Durban.

"Cato Manor was one of the very few places our fathers were able to buy land in those days," recalled a misty-eyed Cebekhulu. "Our mothers and fathers were good neighbours who felt the pleasures and pains of life together. When someone died, we all attended the funeral. If you had a party, there was no need to send out invitations."

Cebekhulu was reminiscing with his former neighbours this week during a break in South Africa's first Land Claims Court hearing tasked to decide between two pillars of the new South Africa — land restitution and housing — which are in conflict in Cato Manor.

Cebekhulu's fond childhood memories soon gave way to the familiar pain and anger so easily evoked among former Cato Manor residents. "Our happiness ended with the Group Areas Act," he said wistfully.

The three men were in their 30s when the government declared their fathers' land a "white" area, piled their families into trucks and dumped them in surrounding — and separate — black townships.

"Our fathers were never compensated for that land. The police just picked us up in trucks like animals with guns at our backs," said Dlamini.

"When you have a family, you try to prepare a nest egg for your children. Can you imagine the pain of having that taken away? Some of our fathers couldn't take it, became weak and passed away," remembered Ngwane.

More than 30 years after their "extended family" was severed by apartheid, the three men have come together in a new struggle to regain the lost land of their fathers. They are only three of the estimated 160 000 people uprooted from Cato Manor by the Group Areas Act and other draconian legislation, and they are among the 200-odd claimants most determined to reclaim the plots "where our umbilical cords are buried".

These 200 claimants — out of more than 2 500 land-restitution claims registered in the area — spent this week trying to convince the Land Claims Court's first official hearing to reject an application by developers to prevent them from claiming back their land.

The Cato Manor Development Association represents the national Housing Board and the provincial and local governments' development interests in the area. It wants claimants to be forced to settle for other land or financial compensation for their losses.

'We are undertaking the biggest inner-city development in the world, and it is impractical to restore the land to its previous uses'

"We think the claimants can be accommodated within the development itself, although a successful application would prevent them from receiving the exact land they lost," said the association's land manager Dave Smiley.

The association argues its plans to build about 30 000 low-income houses and other developments in the area over the next five years represents a greater public interest than does restoration of land rights nullified under apartheid legislation.

While most claimants have not officially opposed the association's application in terms of Section 34 of the Land Restitution Act, the issues for those who have are complex and emotionally charged.

Some claimants — like Cebekhulu, Ngwane and Dlamini — say they want

to return to live on the land that was stolen from them. Ngwane, for instance, says it will decrease his bus fare by two-thirds — a significant saving for a pensioner.

Others, like 54-year-old Ganesh Rampersaad, say they are afraid of being "robbed" a second time. "My father passed away shortly after the Group Areas Act was passed. Before he died, someone offered to buy our house and the land where we grew vegetables for market for R50 000.

"The government refused to pass the estate into my mother's name after the Act came in, and then forced her to sell for R7 850. After the bond payment and rates, I think she got R2 000. What can you do with that?"

Like so many forced-removals victims, Rampersaad's life was fundamentally altered by the eviction: "We had to move into a dark rented basement in Chatsworth. We lost our market income. Half my salary went to rent, and we had to split up the family because the landlord wouldn't take all of us. My mother died soon afterwards, and my life was taken up with paying the rent," he said.

Rampersaad said he was forced to delay marriage until the age of 37 because he couldn't afford a home. He has had to borrow money to send his eldest child to technikon.

"Now the association says it wants to build low-cost housing on my land, but their plans show it is an industrial site. Maybe my family could form a consortium and sell it for R200 000, but how much compensation are they going to give me?"

Smiley said the problem the association faces if the application fails is how to proceed with the R130-million Reconstruction and Development Programme contract the association has with the provincial government.

"Many of the objectors participated in the forum which created the association. A particular vision for the area was agreed to, and we're now trying to implement it. We are undertaking the biggest inner-city development in the world, and it is impractical to restore the land to its previous uses."

● The hearing has been adjourned to January 20.

3/7/97

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'We lost control of our property'

THIS is the letter the January family wrote to Minister of Land Affairs Mr Derek Hanekom two weeks ago:

"Dear Sir

"We the January family hereby request a meeting with the Honourable Minister Hanekom to highlight our plight in terms of the dispossession of our family's land.

"In 1829 our great-grandfather Abraham January bought land in what is today known as Klipfontein in Philippi. This

land was registered in a Family Trust in 1833. In 1835 the Wesleyan Mission Society took over ownership of our property.

"In 1845 the colonial British government divided our property into two. In 1848 Mr Morgenrood (treasurer of the Apostolic Union) went to buy the property back on behalf of the January family.

"In 1864 Mr Morgenrood decided to donate our property to the same Wesleyan Society.

"In 1901 the (English) Methodist Church asked the court to transfer the property into its name. The court refused and gave them trusteeship instead. In 1927 the January family formed an executor to administer the property.

"The same year the Methodist Church asked our parents to

hand in all old documents, as new ones would be issued to them.

"Since 1927 the January family lost all control over our property. The Methodist Church of South Africa was then formed in 1932 and started to sell off our land.

"In 1952 the airport was built and our family was moved off site in 1958 without any compensation.

"In the 1960s a large portion of our family was moved off a section of our property under the Expropriations Act and large portions are still undeveloped today.

"It is the January family's resolve to meet with you and for you to afford us a hearing regarding our plight as a family. We hope and pray that the short synopsis of our plight will meet with your approval regarding our request.

"We look forward to hearing from you.

"Yours sincerely, Gregory Gerald January and Abraham January."

'PROPERTY WAS NOT ONLY THEIRS'

Family's land claim called into question

KLIPFONTEIN LAND subject of a restitution claim by the January family was not solely theirs, it is claimed. Special Assignments team **ROGER FRIEDMAN** and **BENNY GOOL** report.

MR SAMUEL VAN WYK, who married into the January family of Klipfontein and has researched ownership of the Klipfontein land, believes the Januarys should not be the sole recipients of any restitution deal.

He says the Januarys' claim is based on a "misleading" bid made in 1903 by an ancestor, Mrs Rosetta Doris (born January), who went to a lawyer alleging the entire property belonged to her family.

The lawyer dealt with the matter from 1903 until 1921, when a hearing was held: "The hearing was reported in a Government Gazette, and when the woman was exposed as a liar everything fell flat.

"The Januarys saw the documents in the deeds office and, based on that, staked their claim," Van Wyk said.

When in 1989 he told his father-in-law Mr Abraham January of Doris' failed bid, January did not take kindly to the news and a deep family feud resulted.

"It was then I took a vow to expose them for exploiting the community," Van Wyk said.

According to his version of the

history of the land, in 1845 the then government of the Cape gave 1 320 morgen of land to Messrs Stigling, Malang and Carel Liebertau as a Cape Quadrant Grant for one pound and 16 shillings.

In 1849, five representatives of the so-called "heathen" approached the Apostolic Fellowship (then conducting missionary work) to ask if they could help them buy some of the land.

A Mr Morgenwood, in his capacity as treasurer of the Apostolic Fellowship, bought the land on these families' behalf, because black people were prohibited from owning land. They bought 330 morgen.

"Although the five families gave the money (£60) it is believed the money did not come out of their pockets but was collected throughout the community and that they were acting as some kind of community representatives. That is the way people collected and contributed ... that is how it is recorded in the Cape blue books."

By 1857 the Apostolic Fellowship had become defunct, and in 1864 Morgenwood transferred the land to the Wesleyan Missionary

Society as a deed of gift.

A memorandum of agreement was drafted giving the society trusteeship, but not ownership.

In 1901 the Methodist Church petitioned the court seeking ownership of the land, claiming the original trustees were dead.

The court agreed to the transfer of trusteeship, but not to ownership of the land.

Shortly thereafter, Van Wyk said, representatives of the church went to the deeds office saying they had been instructed to do so by the court. A title deed was registered on the last day of 1901.

Van Wyk said he believed the church's representatives had acted fraudulently.

It was then that Rosetta Doris began asking questions, he said. "Please write that these are my views as a layman."

BROTHERS:

David January and Jan January relax at Klipfontein where they have always lived. David is a wood-chopper. Old archives state the original inhabitants sold firewood, or were carriers or farm servants.



THE CLAN: A January family get-together at Klipfontein earlier this week. Most houses on the historic piece of land in Philippi-East do not have electricity, and water taps are scarce. The Januarys claim that their ancestor, Abraham January, bought the land in 1829, and it should now revert to them.



CAPE TIMES columnist Michael O'Reilly will tell the real story of the Hong Kong handover tomorrow — the one you won't have read anywhere else or seen on TV. He'll also let us in on the secret of what will happen after 1997. In addition to your Friday regulars — Top of the Times, Woman's Lip, book reviews, Property Times and a bumper classified section — tomorrow's paper will contain a few surprises, so don't miss it.



SAMUEL VAN WYK: "I told Gregory that the way the Januarys were behaving they would never be in a position to govern Klipfontein."

Dream may be coming true

□ from page 1

Section 34 application be withdrawn, and that Section 35 be the means for returning the people of District Six to the land from which they were forcibly removed.

Section 35 would allow for the establishment of an organisation comprising the victims of forced removals. It could take the form of a beneficiary trust, a section 21 company or a communal property association, Clarke said yesterday.

"We will be taking legal advice on the matter tomorrow, the final details and legality of the process will be worked out in the next few days so that it can be included in our final report to the court."

"We held amicable discussions with the council and provincial administration today. But because of time constraints they were unable to give us definitive answers," said Clarke.

"We are very hopeful that positive decisions will be forthcoming from them before the pre-trial conference."

Should the council and province agree to the proposals, former residents will finally be able to start preparing for their homecoming, after several false starts and false hopes.

For people such as Mr Anwar Nagia, who has campaigned tirelessly for the repossession of District Six for 20 years — more recently as chairman of the District Six Restitution Front — it could signal the start of his dream coming true.

'Our claim includes all the land — our self-respect'

3/7/97 (271)

□ From Page 1

was taking Dr Stanley Mogoba (then-president of the Methodist Church, now president of the PAC) to court.

"But then he started backing off and we started to get the impression that he had become a puppet of the church. January family members walked out of the meeting they called to discuss the development project," he said.

"We realise that the development of the airport and factories cost millions of rands, and that people cannot be put out on the street, but they are on our land and our claim includes all that land. We want our self-respect back.

"We want our people to live

decent lives in decent houses designed by themselves, and to enjoy security of tenure. What we are doing is for the children, and their children."

Describing the Klipfontein situation as "a fraught case" and "a long, long saga", Ms Sue Middleton, the deputy-director of the Department of Land Affairs (Western Cape) this week pleaded for the Januarys, Van Wyk and the Methodist Church to enter into mediation.

"With all the processes going on, unless the three parties agree to mediation we will end up with a situation where at least one of the parties will end up dissatisfied," she said.

Comment from the Methodist Church was not available.

DESCENDANTS SEEK RESTITUTION OF 51 HECTARES

Family claims airpc



'OUR LAND': Abraham and Jakobus January at Cape Town International Airport as a jet approaches behind them. The January family have launched a claim to have what they believe to be their ancestral land, including the airport, returned to them.

ABRAHAM JANUARY, in 1829, bought land across latter-day Nyanga, Crossroads, Delft, Belhar and the airport. His great-grandson, Benny Gool, is the Special Assignments team leader. **BENNY GOOL** report.

CLAIMING to be direct descendants of the rightful owner of a 282-hectare tract of the Cape Flats — including land now occupied by Cape Town International Airport — members of the January family of Klipfontein have asked Land Affairs Minister Mr Derek Hanekom to discuss restitution with them.

But these direct descendants — some of whom still earn a living by selling firewood, as their forebears did nearly two centuries ago — appear to be in danger of losing all rights to their claimed birthright because of a bitter family feud that has divided the old Klipfontein Mission Station community into opposing camps.

A brother-in-law, Mr Samuel van Wyk, who is chairman of the Klipfontein Community Upliftment Association (KCUA) and secretary of the Community Development Executive (CDE), warned this week that unless the whole family supported a development initiative that was already well advanced, they would all forfeit their rights to the land.

In a letter to the Commission on Restitution of Land Rights in April — after an approach to the commission by the January family last December — Van Wyk wrote that the CDE was "recognised by the community as truly representative and the only entity recognised, authorised and entrusted to negotiate on their behalf".

Over the years a series of expropriations whittled the original 282ha down to 51ha in Philippi, that are now owned by the South African Methodist Church. The church obtained a deed of transfer

In 1901; conducted early 18th-century family records as far as 18th-century records were found. The court of that is agreed to the collection of a

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No 'rainbow' y

DALE GRANGER

PRESIDENT Nelson Mandela says rugby has a long way to go to achieving a Springbok team that is representative of the rainbow nation.

The president has been conspicuous by his absence from Springbok tests for almost two years since he shared the jubilation with Francois Pienaar and 37 million other South Africans in the

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Land claims received (271)

186. Mr S D FISHER asked the Minister for Agriculture and Land Affairs:†

(1) How many land claims did his Department receive in respect of each province (a) in 1995 and 1996, respectively, and (b) during the period 1 January 1997 to the latest specified date for which information is available.

(2) whether any such claims have been referred to the Land Claims Court; if so, (a) how many and (b) when, in each case? C199E

THE MINISTER FOR AGRICULTURE AND LAND AFFAIRS

(1)(a) and (b)

	1995	1996	1997 (up to 30/5/97)
Western Cape	627	2 144	1 233
Northern Cape	116	24	20
Free State	59	2	184
Eastern Cape	358	604	680
KwaZulu-Natal	2 035	2 833	1 056
Mpumalanga	278	53	4
Northern Province	362	103	N11
Gauteng	1 068	2 028	220
North West	183	65	324

(2) Yes.

(a) 11 (eleven)

(b) Maccleanstown, Eastern Cape, June 1996
B F Liesenberg, Eastern Cape, June 1996
S & R Dulahl, Eastern Cape, June 1996
Elandsdoo, Western Cape, September 1996
Cremun, KwaZulu-Natal, November 1996
Schmidtstrdt, Northern Cape, November 1996
Kono community, Northern Cape, December 1996

Groote Springfontein, Western Cape, January 1997
Dihakwaneng community, North West, April 1997
Western Education Trust, North West, April 1997
Tshivulana Royal Family, Northern Province, April 1997.

Telephones installed in provinces

187 Mr L J SWANEPOEL asked the Minister for Posts, Telecommunications and Broadcasting:†

How many (a) (i) private and (ii) public telephones and (b) business telephones were installed in each of the provinces (i) in 1995 and 1996, respectively, and (ii) in the period 1 January 1997 up to the latest specified date for which information is available? C200E

THE MINISTER FOR POSTS, TELECOMMUNICATIONS AND BROADCASTING

The Acting Chief Executive Officer and Managing director of Telkom has informed me as follows:

A breakdown of the number of residential, public and business telephones that were installed (growth) in each of the six Telkom regions within the RSA is unfortunately not available for the 1994-95 financial year, but the total estimated number of telephones installed (growth) during the abovementioned period was 115 492. The total growth in 1995-96 was 143 729 and in 1996-97 was 256 459.

A breakdown of the total estimated number of residential, public and business telephones installed (growth) in each of the six Telkom regions within the RSA during the 1995-96 and 1996-97 financial years are as follows:

Region	Residential 1995-96	Business 1995-96	Public 1995-96	Residential 1996-97	Business 1996-97	Public 1996-97
North Eastern (Former Transvaal excl. Witwatersrand)	8 329	17 816	1 747	53 708	44 091	8 173
Gauteng Central (Former Witwatersrand)	8 785	22 426	3 506	42 796	24 279	1 353
Eastern (KwaZulu-Natal)	1 410	16 655	1 602	21 948	16 912	5 205
Western (Western Cape)	5 923	21 338	1 628	13 541	21 185	6 200
Southern (Eastern Cape)	3 594	8 144	1 472	3 969	18 754	5 276
Central (Free State and Northern Cape)	12 140	6 662	552	19 843	3 222	2 100
Total	40 181	93 041	10 507	182 805	128 443	28 307

Please take note that the figures quoted for 1996-97 include 76 480 services which were taken over from the former TBVC countries as well as a correction of ISDB services (6616)

Gauteng: operations at State hospitals

189. Mr W F MNISI asked the Minister of Health:

(a) How many (i) cancer, (ii) heart bypass, (iii) hip replacement and (iv) cataract operations were performed at State hospitals in Gauteng during the latest specified period of three months for which information is available and (b) what was the average waiting time between diagnosis and the performance of the operation in each case? C202E

THE MINISTER OF HEALTH

The information requested is not readily available from the National Department of Health. For the purposes of reliable statistics an accurate response, the non member is urged to table this question in the appropriate Provincial Legislature

Taxi violence: deaths/arrests

190 Mr J SELLE asked the Minister of Transport:

(a) How many deaths occurred as a result of taxi violence, (b) how many persons were (i) arrested, (ii) charged and (iii) convicted in connection with these deaths, and (c) how many firearms were confiscated following taxi violence in each of the provinces, in 1996? C203E

THE MINISTER OF TRANSPORT

The statistics are based on that available from the South African Police Service

	(i)	(ii)
Western Cape	76	57
Eastern Cape	104	8
Northern Cape	0	0
Free State	5	2
Mpumalanga	8	8
KwaZulu-Natal	43	1
North West	22	22
Northern Province	6	5
Gauteng	76	
Total	340	
Western Cape	98	
Eastern Cape	105	
Northern Cape	3	
Free State	4	
Mpumalanga	28	
KwaZulu-Natal	47	
North West	40	
Northern Province	30	
Gauteng	81	
Total	436	
Western Cape	57	
Eastern Cape	8	
Northern Cape	0	
Free State	2	
Mpumalanga	8	
KwaZulu-Natal	1	
North West	22	
Northern Province	5	

Hansard

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WEDNESDAY, 20 AUGUST 1997

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QUESTIONS

†Indicates translated version.

For written reply

Relocation/resettlement: criteria

(271)

182. Mr A E VAN NIEKERK asked the Minister for Agriculture and Land Affairs:†

- (1) Whether there are clear selection criteria which are definitive in the process of the relocation and settlement of persons on agricultural land; if so, what are the relevant details; if not, why not;

- (2) whether it is planned to provide selection criteria in respect of such process, if not, why not; if so, what are the relevant details? C195E

The MINISTER FOR AGRICULTURE AND LAND AFFAIRS

- (1) Yes, the Department of Land Affairs does apply criteria in the process of the selection of persons who will be settled on agricultural land

The exact criteria and planning processes depend on the nature of the project and whether it is part of the restitution, redistribution or tenure programmes. In all cases, where the Department releases a Settlement/Land Acquisition Grant to assist people to acquire and develop land, such people have to comply with the following criteria

- he or she is lawfully a resident in South Africa,
- he or she is legally competent to contract,
- the gross monthly household income of his or her household does not exceed R1 500,

- neither that person nor his or her spouse has previously derived benefits from the grant or the housing subsidy scheme, or any other state funded or assisted housing subsidy scheme, which conferred benefits of ownership, leasehold or deed of grant or the right to convert the title obtained to either ownership, leasehold or deed of grant

In redistribution projects the selection of beneficiaries goes through a participatory

401

WEDNESDAY, 20 AUGUST 1997

402

The MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM:

- (1) The ambient air pollution guidelines used by the department are in line with those of the Environmental Protection Agency of the United States of America's (USEPA) Ambient Air Pollution Standards for Criteria Pollutants, which are internationally considered to be the most stringent standards presently in force in real practise by an industrialised country.

- (2) The current guidelines are considered adequate because they are in line with those of the USEPA standards for ambient pollution
- (3) The department is in a process of inviting tenders from competent expert consultants for reviewing the current guidelines to ensure that they will remain in line with those of other industrialised countries of the world.

In cases involving the disposal of state land where agricultural development is involved, the Department of Land Affairs and Agriculture have adopted a framework for co-operation which seeks to harmonise policies on land reform and agriculture and facilitate the joint planning of individual settlement projects. This involves the establishment of joint state land project committees which are responsible for managing the completion of a settlement project plan. This will contain, *inter alia*, criteria for the selection of beneficiaries and/or small scale farmers

- (2) See (1) above

Ground level air pollution: measurement standards

263 Mr E K MOORCROFT asked the Minister of Environmental Affairs and Tourism:

- (1) Whether ground level air pollution measurement standards are comparable to World Health Organisation (WHO) standards; if not, in what respect do these standards differ; if so, what are the relevant details.

- (2) whether current standards in South Africa have been found to be adequate, if not, why not.

- (3) whether he intends (a) reviewing South African standards and/or (b) aligning such standards with WHO and/or any other specified standards, if not, why not; if so, (i) when, (ii) what procedure will be followed in this regard and (iii) what are the further relevant details? C292E

SA NAVY PROPERTY TARGETED

Evicted families seek a return to Simon's Town



THIRTY YEARS after people were forcibly removed from the Simon's Town area, the rightful claimants to the town are asking to be rehoused there — on land and in accommodation left behind by a dwindling South African Navy presence. **DIANE CASSERE** reports.

(271) CT 14/7/97 (271)

LOOKING down on Simon's Town from the Redhill area, Mr Albert Thomas is oblivious to the scenic nature of the town.

He is pointing out the places where black and coloured people lived amicably, side by side, and worked at the naval dockyards. None of those families live there now.

Thomas is ANC chairman for Ocean View, the area near Kommetjie to where the people were removed during the forced evictions of the 1960's. Today he has a list of 1 400 families squatting in the area who require accommodation.

They are living in backyards and camps and he has nowhere for them to go — unless the Defence Force will hear his pleas to start rehousing people in Simon's Town, where the SA Navy population is dwindling.

"Waterkloof Barracks, like much of the land here, used to belong to the coloured people," said Thomas.

"At Luyolo Township (indicating a still-terraced area above the town), there was a thriving community of black people, but they were removed to Guguletu.

"The government had to put on a special train service to get them all the way here to work in the dockyards.

"The coloured people were all taken to the area now known as Ocean View.

"There was nothing there but wind and sand, and they had to get to work at Simon's Town as best they could," he said.

Mr Greg Sinovitch, who has been assisting the ANC and the

Surplus Peoples' Project with land claims in the area, said that "half of Simon's Town used to belong to the coloured people".

Thomas pointed out blocks of flats overlooking the dockyard that had originally belonged to the Royal Navy, the former occupants of the dockyard. When the British left (in 1955), the accommodation became the property of the SA Navy.

Now, explained Thomas, the navy has sold the flats to a private developer, who in turn is selling them to the public. "Why couldn't some of this accommodation be offered to coloured families who want to return to the area?"

Sinovitch said areas like the Waterkloof Barracks (occupied by naval cadets), the old Arsenal Road School and land between Simon's Town High School and the golf course should go to the rightful claimants.

"There are also warehouses that are not being used at all," said Sinovitch. "The people who were evicted should have the option to purchase land there, or be offered rented accommodation."

Mr Jannie Momberg, ANC MP for the constituency, said last week he would be happy to lead a delegation to Mr Ronnie Kasrils, Deputy Minister of Defence, to request that the land be offered back to the original inhabitants.

"I know the crisis in Ocean View and the Mountain View squatter area, and I will take the matter to the deputy minister," said Momberg.

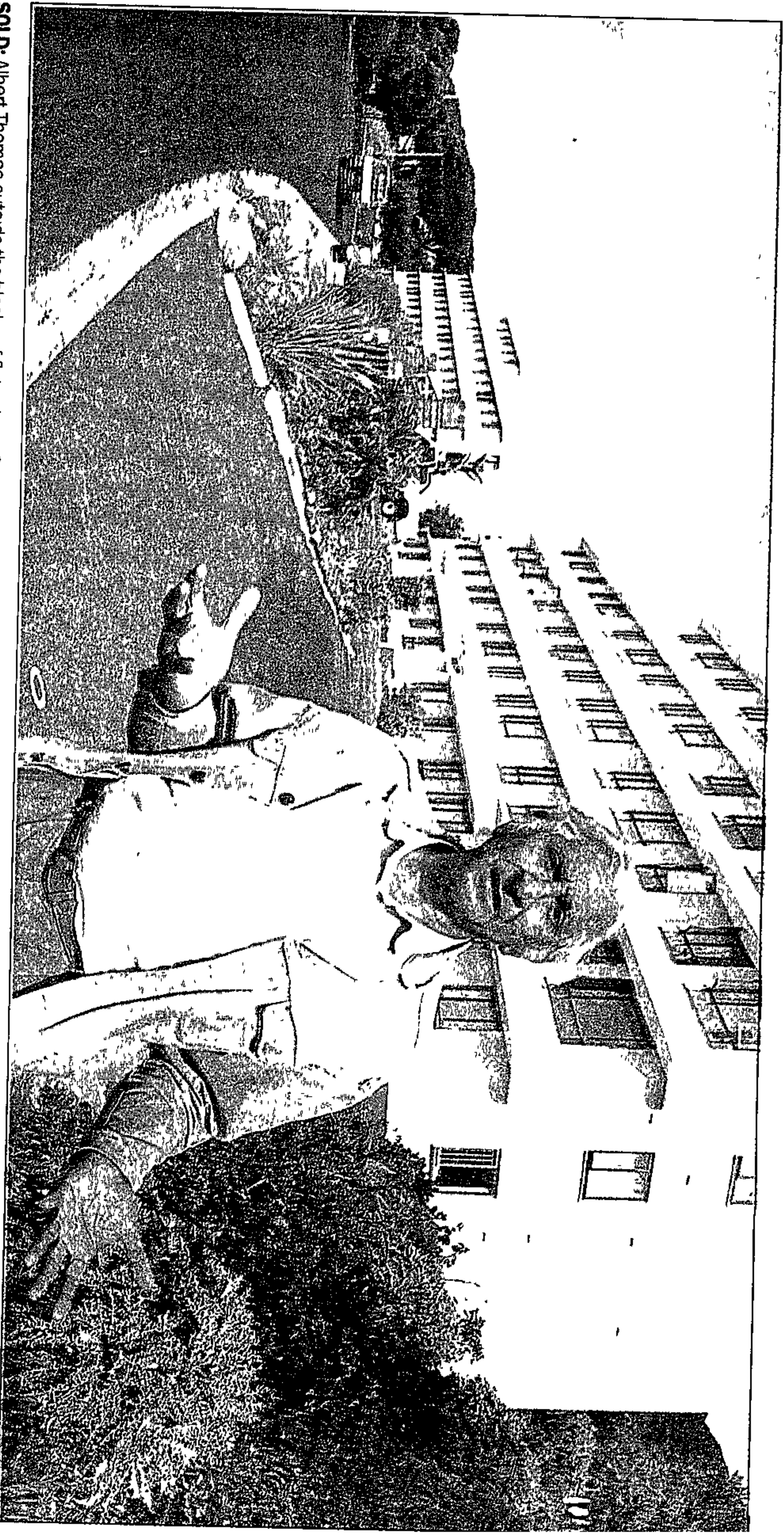
"Simon's Town was the place where apartheid was manifested at its harshest.

"While the British were there, they left the coloured people alone, but when they left in 1955, they started kicking them out.

"People were taken out of their homes to Ocean View, which is now rife with gangs; it is a terrible place.

"I will do anything I can to alleviate the problem and I am sympathetic to any surplus housing being used to do this."

Cape Times queries to Kasrils last week went unanswered, with staff advising that the deputy minister was "too busy" with the defence budget.



SOLD: Albert Thomas outside the blocks of flats above Simon's Town that originally belonged to the Royal Navy and later to the SA Navy. They have been sold to a private developer, and not offered as accommodation to people who were forcibly removed to Ocean View.

PICTURE: ANNE LAING

Simon's Town homes shuffle not so easy

DIANE CASSERE

CERTAIN properties in the Simon's Town area are subject to restitution claims by dispossessed owners, a spokesman for the South African Navy has confirmed.

Captain Fred Marais was replying yesterday to a report that the Ocean View branch of the ANC hoped that more than 1 000 families could be housed in properties that had become vacant as the navy shrank.

CT 15/7/97
He said the Waterfall Barracks, although "defence endowment property", was subject to a restitution claim.

The "only vacant warehouse is also on the same stand".

A number of restitution cases were pending, although not all the claims had been lodged yet. The SANDF could not dispose of land until claims to it had been finalised.

"There are also large portions of

~~(271)~~ (271)
military endowment property and Admiralty Land," Marais said.

"The question is therefore not simply about the SA National Defence Force's vacating a building or area and making it available for communal needs."

The SANDF's transformation and the restitution claims would have to run their course before it could be established which buildings might be made available, Marais said.

Row over lease to lawyer hits land claim by man, 94

Development goes on while victim waits

SABATA NGCAI
STAFF REPORTER

ARG 17/7/97 (271)

A land claim in Knysna has been plunged into controversy amid allegations that the lawyer handling it for the claimant was himself leasing the land from the municipality.

The claim to the Commission on Land Restitution was delayed for months and the claim form was later allegedly found in the attorney's offices. A complaint has been lodged with the Law Society.

The commission has accepted the validity of the land claim by 94-year-old David Levendal of Knysna, whose property was zoned for whites and expropriated in 1967. Brian Hurwitz, the commission's legal officer, said the claim met all the criteria to be heard - including having been taken in terms of a racially discriminatory law, the Group Areas Act.

It will still take time before a decision can be made either to give financial compensation to Mr Levendal or to restore the 4 506 sq m property which is now being developed into a shopping complex.

The claim still has to go another 11 stages before completion. Mr Levendal declined to talk to the Cape Argus because he believes publicity "will do more harm than good".

His land claim was allegedly delayed by his attorneys, who submitted the claim form six months after it was completed. A further complication was the allegation that one of the attorneys representing him was leasing the property in question.

Mr Levendal, who is "coloured", inherited the land on which he was born in 1902. He and his family were victims of forced removals when the Department of Community Development, acting in terms of the Group Areas Act, expropriated it in 1967.

Mr Levendal now lives on a small property that once formed about 10 percent of the site.

He is now claiming the other 90 percent, which was declared "white" in terms of the Act. At the time, Mr Levendal was given only R2 432 in compensation. The land remained unused for about 30 years, until the current commercial development.

Early last year Mr Levendal approached a firm of attorneys to help lodge a claim. But the claim processed by attorneys Sohn, Buchan, Mosdell and Pama of Knysna had its twists and turns.

According to the commission's records, the attorneys completed the claim form in June last year but receipt was acknowledged by the commission only in January this year. In their letter to the commission, the attorneys said they had sent the claim form to the commission twice last year, but it was returned by the Post Office marked "unclaimed".

Mr Levendal stated in an affidavit in January that he had sent his daughter to Cape Town and telephoned twice to inquire about the claim form. He found the commissioner's office had not received it.



Earth watch: work has begun on this land being claimed by David Levendal, who lives in the house above the development

It was later retrieved from the attorneys by Kathleen Schulz, the commission's Southern Cape research consultant, and sent to the commission in January. It later emerged that one of the attorneys, Richard Sohn, had allegedly been leasing the property in question from the Knysna municipality.

A letter written by Ms Schulz to the commissioner in January stated that meetings were held between Mr Sohn and Mr Levendal regarding the land claim, at the same time that Mr Sohn "was entering into a lease agreement with Knysna municipality for the claimant's land (in July 1996)".

"At no time was Mr Levendal informed of this agreement," reported Ms Schulz.

She wrote a letter to the commission, stating that the attorneys even retained Mr Levendal's title deeds and refused to continue with the investigation until he paid a R500 fee.

Mr Sohn was not available for comment. The Cape Argus was referred to another partner in the attorneys' firm, Cliff Mosdell, who denied allegations made against the firm. He said it was "unethical" to discuss clients' affairs without their consent. The firm was no longer representing Mr Levendal.

The commission has lodged a complaint with the Law Society of the Cape of Good Hope over the attorneys' refusal to continue the investigation, and whether it was ethical for them to represent Mr Levendal when one of them was leasing the property.

Through Ms Schulz, Mr Levendal has expressed his concern to the commission about the development taking place on the land. He asked for a written "agreement" from the commission, stating it would pay the full market value of the property - estimated to be about R1,5-million.

Mr Levendal fears the Government will not settle adequately and by the time the claim is settled, he will have lost the option to own and sell his land if development continues. Mr Levendal told the commission he wanted his land back from the Knysna municipality so he could sell it, but would be "content to receive proper financial compensation".

Knysna Town Planner Ludolph Gericke said private developers would build fast food outlets, a number of shops, a cinema and parking. He confirmed that Mr Sohn was leasing the land from the council.

Although the land is the subject of a dispute, the commission says it cannot use its powers to prevent development. The commission is to appoint a facilitator to deal with the issue as a matter of urgency.

Army gives back land for homes

ARL 18/7/97 (271)

Prime Cape sites freed

POLITICAL STAFF

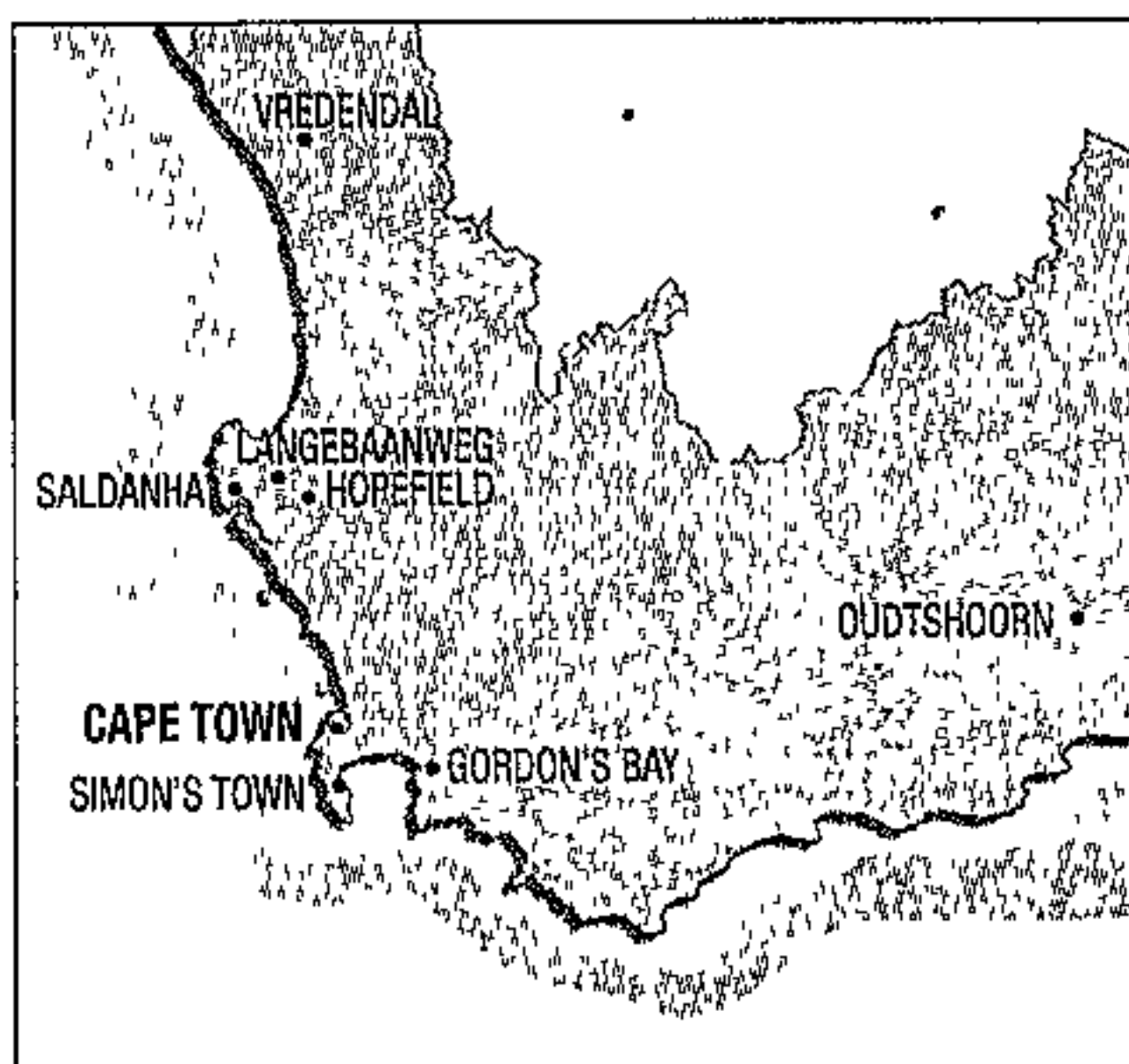
The South African National Defence Force is to give up 16 installations in the Western Cape, most of them in built-up areas, freeing at least 500 hectares of valuable property for land restitution and housing.

The installations are on a provisional list of 1 500 properties around the country which the SANDF plans to hand back to the Department of Public Works, legal custodian of state land.

Officials said the list could eventually include giant military bases such as Youngsfield, and even the property on Signal Hill from which the Noon Gun is fired.

Senior Public Works officials say the newly available land will almost certainly be used as part of the Government's programme of land restitution to communities forcibly moved under apartheid, and for government-funded housing.

It comes as a windfall to officials who have been unable to make headway with restitution and housing plans because of a lack of available land.



The installations include three SANDF-administered properties in Simon's Town, four in Gordon's Bay, five in Saldanha, and one each in Langebaanweg, Vredendal and Hopefield.

They cover an area of more than 546ha and include properties with stunning views and easy access to the sea, which

To page 3

Defence force gives up W Cape land for restitution

From page 1

would probably fetch high prices on the open market

Most of the installations were closed because of huge military budget cutbacks and an anticipated reduction in overall numbers in the armed forces

But some of the land, acquired in the era of lavish defence budgets, has never been used.

Many of the Western Cape properties involved in the giant hand-back came to light only during a Public Works audit of government-owned property – the first such audit ever undertaken

This turned up about 14 000 properties spread around the country that had not previously been registered, with a book value that has been estimated to be at least R8-billion.

PROPOSAL BEFORE LAND CLAIMS COURT NEXT MONTH

Plan to help District Six regain its soul

CR 21/9/97

(271)

FORMER residents of District Six are hoping to re-establish the once vibrant community that was forced out by apartheid. **ROGER FRIEDMAN** and **BENNY GOOL** report.

LOOKING at the freshly painted wall surrounding the block of flats on the edge of District Six, from which they were forcibly removed nearly 20 years ago, a group of Valhalla Park residents wondered how they'd be able to prevent their children from rededicating it with graffiti.

They want to come back to their beloved Bloemhof Flats — now renamed Skyways — and are punning their hopes on a community-based restitution and redevelopment proposal for District Six, which facilitators will put to the Land Claims Court next month.

The cornerstone of the proposal is that former residents form a community beneficiary trust to drive the process.

They want to come back, but the years in Valhalla Park have taken their toll. It's almost as if they don't believe they are good enough to live in town.

The forced removal of the people of District Six, and the deliberate attempt to destroy the sense of community after the area was declared white in 1966, were among the worst manifestations of forced removals.

"Nothing can undo the suffering caused by these actions," the Department of Land Affairs commented in an affidavit to the Land Claims Court last year. But it was essential that steps were taken to give effective redress as far as possible, steps the department was committed to helping achieve.

"We tried to stick together when they sent us there (to Valhalla Park)," said widow Ms Wilhelm-ina Abrahams, whose family occupied flat 165D for about 40 years.

"My husband died of a broken heart and my daughter died of TB. My sons turned into gangsters. We stayed so nicely here, but we live in fear of Valhalla Park. They have

made our (Bloemhof) flats so nice now. They will never want us back," she said.

Ms Jennifer Price also stayed there for about 40 years, before the family was evicted in 1980.

"It changed my life so dramatically," she said. "I lost my lover. He just refused to move to Valhalla Park. And so I became a single parent. Until today my children have been unhappy in Valhalla Park. We will be so happy to move back."

Mrs Fatima Johnson lived at Bloemhof for about 20 years. "In Valhalla Park I lost my grandchild. She was just 10 when they shot her

'There are some people who don't want to come back, who say things will never be the same, or who don't want to confront so many sad memories. But the majority of us want our flats back.'

dead. They crippled her mother and killed her father. Valhalla Park is not our type of place."

Even if she gets her flat back, Johnson wonders how she can ever be compensated for her family's misery, or for the extra hour spent travelling to town each day.

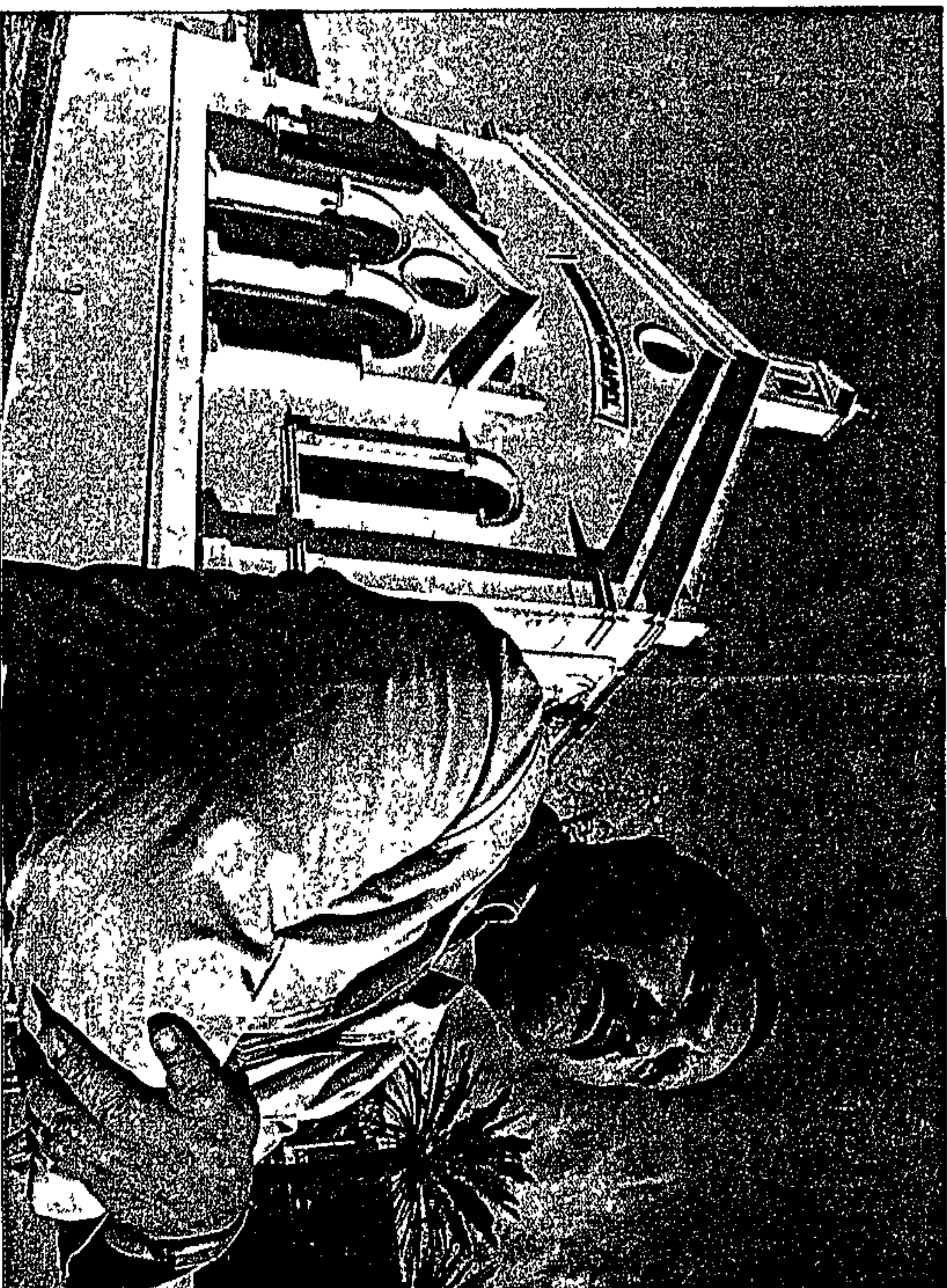
Mr Ganiel

Abrahams said former Bloemhof residents had recently considered occupying the flats until they could secure an undertaking they would be allowed to return, but this had been postponed to allow the court to make its decision.

"There are some people who don't want to come back, who say things will never be the same, or who don't want to confront so many sad memories. But the majority of us want our flats back."

The facilitators propose that the beneficiary trust enters into negotiations with the present owners of the flats as soon as possible. The flats are shaping up as one of the trickier aspects of the restitution process, paradoxically, because they were not flattened with the rest of District Six.

Another tricky aspect could be that of the Moravian Chapel, presently on land owned by the Cape Technikon. The chapel has been maintained by the National



CHURCH HAVEN: "It might not look as grand as the Anglican Cathedral in town, but we want our Moravian Chapel back. It is our cathedral in the city." Kallie August, in front of the chapel which stands on ground owned by the Cape Technikon.

Authorities will back restitution

ROGER FRIEDMAN

Monuments Council since its parishioners were sent away.

The facilitators will tell the Land Claims Court next month that former residents consider the return of all religious sites and structures as non-negotiable.

The Rev Kallie August was one of the last people to leave District Six at the end of 1980.

"All around us was bulldozed. We were alone here. We want to come back here now. This is our property. When we have reclaimed our land Moravians will come back to worship. A remnant of our congregation remained, some up at Springfield Terrace and some on the other side of the boulevard." The facilitators propose the trust enter into urgent negotiations with the Technikon.

COMING HOME: "My parents moved into our flat in 1940. I was born in 1942. We stayed here for 40 years," says Jennifer Price.



ground.

A "very relieved" Clarke said yesterday. "Both the province and the council have agreed to withdraw their Section 34 application, and have agreed in principle to the formation of a vehicle such as a community beneficiary trust, to drive redevelopment and restitution."

The matter returns to the Land Claims Court in two weeks. It will be preceded by a pre-trial hearing today.

After extensive consultation with former residents, the facilitators propose that the court grants an order under Section 35 of the Land Restitution Act which provides for the establishment of a trust or non-profit company.

Former residents will be the shareholders of the trust or company, which will drive, co-ordinate and monitor the redevelopment and restitution processes, in consultation with the relevant authorities.

A spin-off of the facilitation process has been the virtual reconstruction of the District Six community, scattered as it may be now. One of the arguments put forward in support of the "public interest" driven redevelopment proposal was that the community had completely disintegrated.

The consultation process appears to have been the catalyst for its miraculous reconstruction.

New trust to oversee land claims in District Six

JOSEPH ARANES
STAFF REPORTER

ARG 22/7/97

An organisation charged with co-ordinating restitution and redevelopment in District Six will be launched at the District Six Museum on August 5.

It is also the date, set down by the Commission on Restitution for Land Rights, when the current holders of the land, the Cape Town Municipality and the provincial government, will apply to withdraw a controversial Section 34 application.

The Section 34 claim, which would have exempted District Six from individual land claims, was a thorn in the flesh of the many former residents and tenants of the area. They believed provincial and local authorities were using it to exclude individual claimants from submitting claims to the Land Claims Court.

Facilitators Neville Alexander and Elaine Clarke have for the past nine months engaged all interested groups in a process aimed at finding the most amicable way of resolving the District Six restitution claims and the Section 34 application.

The facilitators got the local municipality and the provincial government to withdraw the application, and all parties agreed to work together to form a beneficiary community trust.

Dr Alexander said the court hearing on August 5 was necessary to formalise the beneficiary community trust.

"Given the history of forced removals in District Six it is important that we use this moment to show the people of the Cape Town and the rest of the country that by resolving the matter there is hope in restitution," he said.

470 BUSINESS DAY, Tuesday, July 22 1997

District Six land bid dropped

Linda Ensor

CAPE TOWN — The Cape Town municipality and the Western Cape government plan to withdraw their Land Claims Court application for District Six land to be developed on an integrated basis, despite thousands of individual claims.

The withdrawal would take place when the court sat on August 5, Judge Fikile Bam said yesterday at a meeting which included community and legal representatives. Contrary to the view of the applicants, a large identifiable community of "ex-District Sixers" had been found to exist, Bam said. This undermined the authorities' claim to be acting in the "public interest".

This followed the submission of a widely approved report by facilitators Neville Alexander and Elaine Clarke, appointed by the court to sound out community views and find a way of resolving the dispute.

While there was broad consensus on an integrated redevelopment of the land, stakeholders believed scope should also exist for individual restitution.

The report recommended that a beneficiary community trust be established, either as a section 21 company or a communal property association, to drive the restitution and redevelopment process.

All claimants would become associate members of the trust, and the province and municipality would be ex officio members of the board of trustees.

The report proposed that restitution take place on the basis of "just and equitable" compensation. Those wishing for restoration of their homes would be accommodated in the integrated development plan where possible, while those opting for compensation would receive equivalent land or accommodation elsewhere.

A baseline amount should constitute the

foundation to which all other due amounts can be added, the report said. This amount would be determined by the length of the claimants' residence in District Six.

The motivation for this approach is that it is impossible to pay people for the suffering and loss they have undergone. All the State can hope to do is to make a gesture in terms of redress, healing, nation-building and a new beginning. Something more than a token amount would be acceptable to most people, the report said.

Interim relief should be available to elderly, sickly and disabled former tenants and owners, many of whom were pessimistic about receiving compensation before they died.

Non-negotiables were the restoration of all former religious sites to their communities, the erection of a memorial to remember the forced removals and the acquisition of vacant land by the trust, the report said.

ensure that the wealth and prosperity of South Africa's private sector will benefit all

South Africa

Namaqualand court

(271) ST(CM)27/7/97

Community's traditional grazing leased to farmer

BOBBY JORDAN

THE Western Cape Land Claims Commission has taken legal action against the tiny Namaqualand municipality of Loeriesfontein over 2 500 hectares of prime grazing.

The land has long supported a community of subsistence farmers — but the ANC-dominated town council has decided to lease it to a wealthy commercial farmer for R35 000 a year.

The subsistence farmers have lodged a land claim and the commission has applied for a court order to reverse the council's decision.

In a bizarre twist, the land claimants include mayor David Okhuis, elected two years ago, after he had helped initiate the community's land claim.

Better known for its mutton and Namaqualand daisies, the town now seems uncomfortably poised to make history as the first council to test the bureaucratic muscle of a regional land claims court.

The commission's application came before the Cape Town Regional Court on Thursday.

The hearing has been postponed until August 26 to allow the opposing parties to prepare affidavits.

In postponing the hearing, the court agreed that the community could use a smaller piece of land until the case had been concluded.

According to court papers, the governor of the Cape, Sir George Grey, issued a "ticket of occupation" in 1860 stating that the area would be "held for the use of the persons of colour or mixed race".

Over the years, their land rights were whittled away and eventually nullified by the Group Areas Act in 1968.

The land became commonage, but continued to be used for the coloured community's livestock.

In terms of the council's decision to lease the land, the community has been given until this

Thursday to remove all livestock.

"Their situation has become desperate," Western Cape land commissioner Wallace Mgoqi said in papers. "Part of the livestock is dying due to inadequate grazing, overcrowding in a confined space, lack of shelter from the elements and the need for special care of lambs because of the extremely cold winter weather."

The lessee, Mrs A S Nel, had offered to buy the community's livestock, but this "has served only to fuel the simmering tensions and conflict within the community", the commissioner said.

Okhuis said this week the council had made "a technical decision" to lease the land to Nel. He declined to divulge details, but added that as local ANC chairman he had opposed the decision. "We've lost a lot of land through apartheid legislation in the Cape and we have to rectify the situation."

Okhuis said his dual role as mayor and key representative of the community was "difficult".

"I can't sit on the fence — if I do that then I'm a traitor," Okhuis said.

Okhuis said the council might resolve the row before August's court hearing, thereby averting more legal costs.

NEWS

Row over land rights

SUNDAY TIMES METRO July 27 1997 3

Blyde land claimants may hold aces

NCABA HLOPHE

Johannesburg — Land claimants could put government under pressure to spend close to R100 million buying out nearly one-third of about 28 000ha of land in the Blyde River Canyon Reserve, Durkje Gilfillan, the regional land claims commissioner for Northern Province and Mpumalanga, said yesterday.

The land is partially controlled by the Dubai-based Dolphin Group, which has a 25-year lease under an agreement with the Mpumalanga Parks Board.

In terms of the Land Claims Act, the state would have to "expropriate" the land from the Dolphin Group if the claimants opt for getting back all the "claimable" land in the reserve.

Gilfillan said there were other options that could be ex-

plored to settle the land claims issues, which have delayed the Dolphin Group's plans to develop the region and the privatisation of the state-owned and loss-making Aventura resorts.

"Though claimants are entitled to land restitution, they could also take some form of compensation or engage in some private/public joint venture. It is still early to say which direction the land claims issue will take in the reserve," she said.

The claimants to the land are local people who were removed during the apartheid era when the nature reserve was proclaimed and a dam was built.

Gilfillan said the commission would initiate a consultation process to explore avenues to resolve the land claim.

"The commissioner will ask

national and provincial government to give clarity on the status of the so-called Dolphin deal, as well as the land managed by the Mpumalanga Parks Board. This information is needed to determine which parties should be involved in negotiation around the settlement of the land claims," she said.

The Mpumalanga Parks Board said it prized the reserve for its conservation value and would opt for a settlement to maximise joint venture participation with the claimant groups.

"Though I would not like to pre-empt negotiations, we would like a settlement that would create opportunities for the community," said Coenraad de Beer of the Mpumalanga Parks Board. He said the reserve should remain under the board's control.

CT(BR)29/7/97 (271)

Land claims may scupper plans for Blyde River Canyon

(271) 602917/97

COMMUNITIES' land rights over the Blyde River Canyon nature reserve may yet scupper multi-million-rand plans by the Dubai-based Dolphin Group to exploit the area.

Northern Province and Mpumalanga regional land claims commissioner Durkje Gilfillan said yesterday the communities would face prospective developers when consultation over ownership rights started next month.

Last year's controversial agreement between the Mpumalanga Parks Board and the Dolphin Group to exploit the reserve, as well as the privatisation of the state-managed Aventura resorts, would be a focus of the discussions, Gilfillan said.

Facilitators from the national land reform mediation panel would consult claimant communities as well as the Aventura ecotourism group and the Mpumalanga Parks Board.

Communities were forcibly removed from the canyon during the apartheid years when a dam was built and a nature reserve proclaimed. Gilfillan said the reserve was now a prime ecotourism resource and an internationally recognised conservation site.

The privatisation of Aventura had been delayed by a number of factors, including land claims on many of its facilities. Two of its "most prized" locations, the Swadini and Blydepoort resorts, fell inside the reserve managed by the parks board.

Gilfillan said she would ask the national and provincial governments to give her clarity on the status of the Dolphin deal, as well as of the land managed by the Mpumalanga Parks Board. The information was needed to determine which parties should be involved in negotiations. Community groups had expressed support for the process. — Sapa.

'WE PLAN TO STAY'

Battle looms as group sets up shacks in District Six

CT 4/8/97 (241) (C)

AS FORMER District Six residents celebrated the trust scheme which could return their land, an opposing group set up shacks in the area. **ROGER FRIEDMAN** reports.

AS 600 forcibly-removed former residents of District Six gathered yesterday to celebrate the imminent return of their land to a community beneficiary trust, a small group of other former residents who are opposed to the idea of a trust was erecting shacks on the land

By late afternoon two shacks were up. Spokesman for the group, Mr Ephraim Jacobs, said they were the forerunners of a much larger group. Three organisations were involved in the land invasion, he said. The Concerned Ex-Residents Association, of which he is secretary, the Voice of District Six and

Roots.

Responding, Mr Anwar Nagia, chairman of the Land Restitution Front and convener of the interim Community Beneficiary Trust, said he wished to "extend an olive branch" to the group, which he feared was being misled by "another force".

After a long facilitation process, the Cape Town City Council and the Western Cape provincial administration agreed last month to withdraw an application to the Land Claims Court to redevelop District Six in the "public interest", and to support, instead, a redevelopment and restitution process shaped by former residents.

The formal withdrawal of the (Section 34 of the Land Restitution Act) application will take place when the Land Claims Court convenes in the District Six Museum tomorrow. Thereafter, a new application under Section 35 of the act will be lodged. This section allows for the creation of a community beneficiary trust.

This was the reason for the party yesterday, "a celebration for the victory of the return of our land", Nagia said.

Jacobs said the Concerned Ex-Residents Association spoke on behalf of about 800 people removed to Lentegeur, specifically, and on behalf of all the other former residents, generally.

He said the land invasion was taking place to protect former tenants, whose interests would be better served by the Section 34 application than by the Section 35 option. A second reason for the occupation was to speed up the

redevelopment of the area, which he believed should be taking place simultaneously with the evolving restitution process.

"We plan to stay here now. Word is out and people will be moving," said Jacobs.

He alleged that the group had attempted to participate in the facilitation process, "but we were denied it". Nagia denied this. He feared that the real reason for their opposing the trust was that they were opposed to black people being included as beneficiaries.

"There seems to be underlying racism. I cannot think of any other reason for them to cry wolf. There is this fallacy that District Six was purely a coloured area.

"Although the provisions of the Land Restitution Act make allowance for people to claim land stolen from them only after 1913, we believe that if we use that date it will only serve to vindicate the robbery of the land. Large numbers of the black community were kicked out between 1901 and 1912," Nagia said.

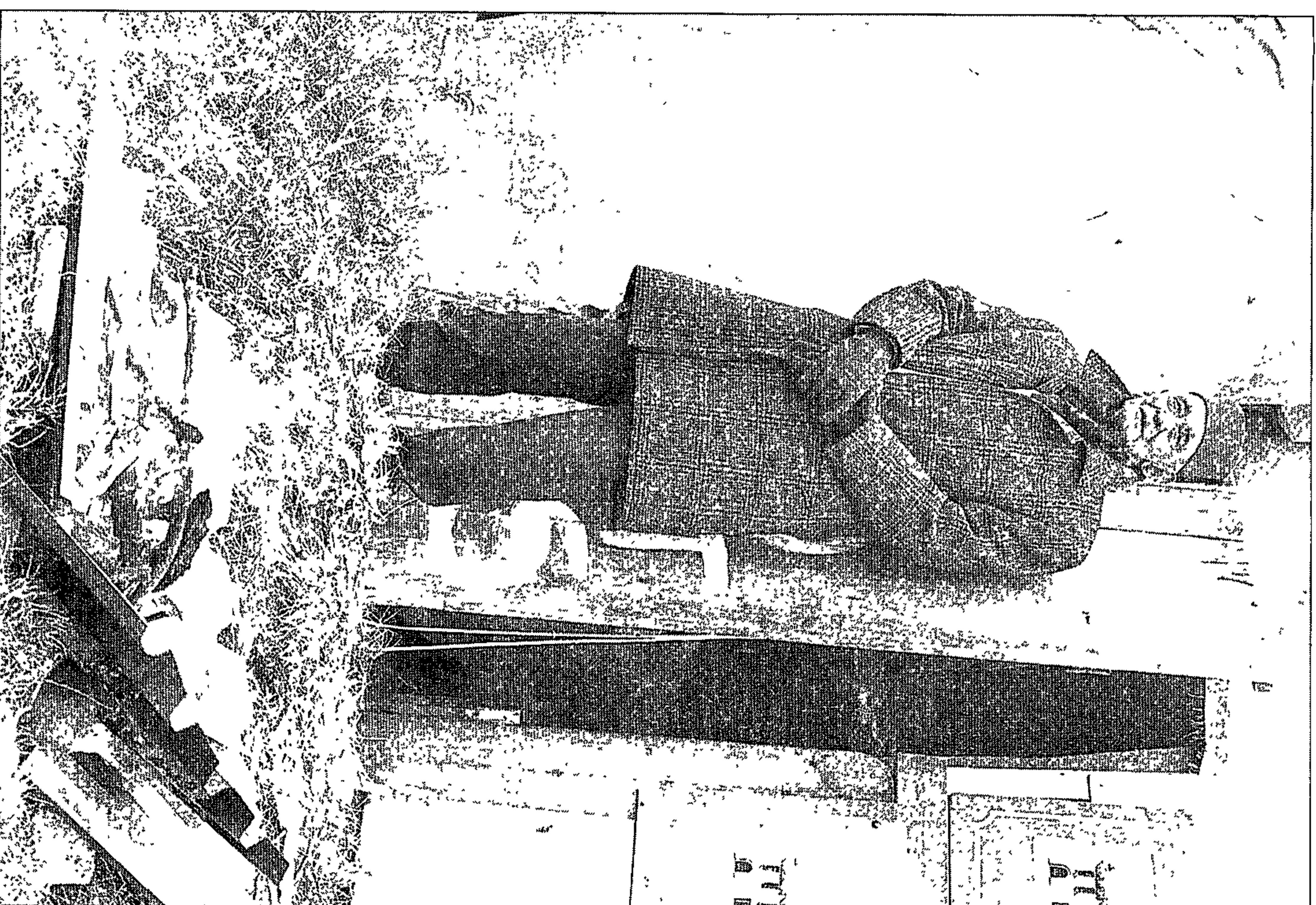
"I think those people (Jacobs' group) are being misled and there is another agenda behind this group. They were part and parcel of the entire process."

There were about 71 000 people living in District Six when it was declared a white area under the Group Areas Act in 1966.

Residents fought a bitter and protracted fight against their forced removal, but the government ended up expropriating 2 375 properties — about two-thirds of which were owned by white absentee landlords.



OLIVE BRANCH: Anwar Nagia, chairman of the Land Restitution Front.



OUR LAND: Former resident Hadjie Levy is one of those behind the occupation of District Six land in opposition to the proposed formation of a trust to guide the redevelopment of the area **PICTURES: BENNY GOOL**



DOUG PITHEY

Back to their roots: squatting in District Six are, from left, Riaz Isaacs, Shafiek Isaacs, Sedick Jacobs and Suleiman Nordien, all of Lentegeur, Mitchell's Plain

Joy as ex-residents win back District 6

ARG 4/8/97

(271)

SHARKEY ISAACS
STAFF REPORTER

Rain failed to put a damper on the spirits of former residents of District Six when they paid tribute to the campaign to win back their right to return to the area.

Nearly 400 people attended the meeting of the District Six Civic Association in the District Six Museum in Buitenkant Street to celebrate the return of the area to its former residents.

Association chairman Anwah Nagia, who was loudly applauded for his part in getting the land returned, said the Land Claims Court would sit tomorrow and give the people the right to drive the development process in District Six.

He was referring to the impending formal withdrawal of the Section 34 application by the Cape Town Municipality and the Provincial Government.

The local authorities, who own the land, will ask the court to withdraw the application, in terms of which the local authorities

could have excluded individual former residents in redevelopment plans.

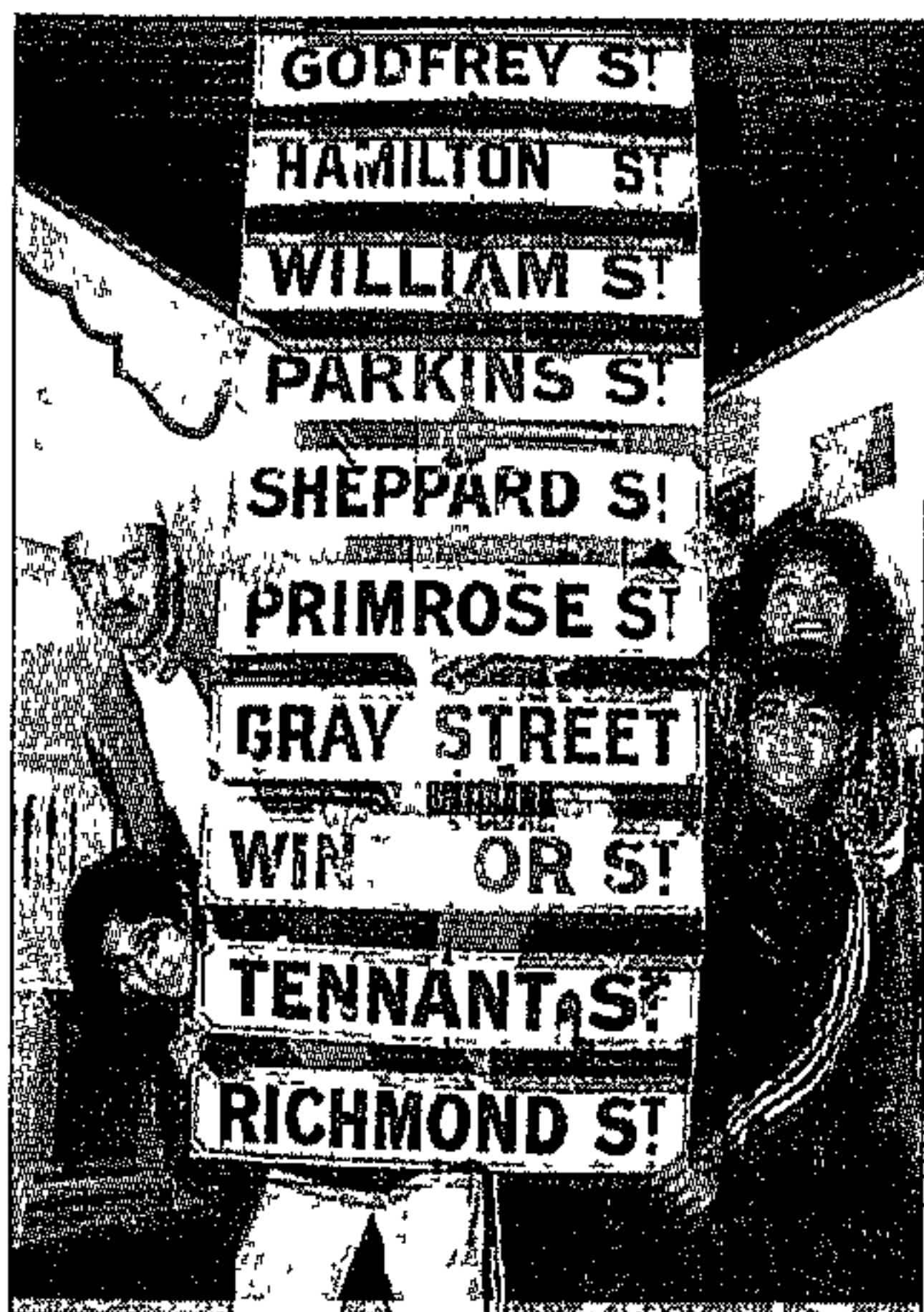
At a pre-trial conference last month the local authorities and representatives of various District Six community organisations agreed that the Section 34 application be withdrawn. This followed nine months of hard work by facilitators Neville Alexander and Elaine Clarke.

A trust or communal property association will be established which will be registered as a Section 21 company and will monitor the redevelopment of District Six.

Mr Nagia stressed the victory was not merely for the people of District Six but for all people removed from their homes under apartheid group areas legislation.

"It is a milestone in the history of the people of South Africa," he said.

The meeting was held 24 hours after dissident members claiming to be from District Six Development Forum's Voice of District Six and CERT (Concerned Ex-Residents of District Six) staged a protest and erected a shack near the Cape Technikon in Kaizersgracht.



Street life: a display in the District Six Museum

Landmark to be used as courtroom in restitution hearings

STAFF REPORTER

The historic Central Methodist Church, now home to the District Six Museum, will be transformed into a courtroom when the Land Claims Court makes its ruling in the District Six land restitution case tomorrow.

A new representative body charged with co-ordinating the process of restitution and redevelopment of District Six will also be launched.

The current holders of the land, the Cape Town Municipality and the provincial government, will apply to the court to withdraw their Section 34 application that

was a thorn in the side of the majority of the area's former residents and tenants.

In terms of the application, local government could have excluded former residents from their land claim rights.

The court will sit from 9am at the District Six Museum on the corner of Buitenkant and Albertus streets.

NEWS

New tussle over District Six

Development forum challenges successor

CITY EDITOR

Fresh controversy surrounds the redevelopment of District Six after the withdrawal of a court action to prevent piecemeal claims on the land.

The latest controversy is over the formation of a new organisation to take the process forward after the Cape Town municipality and province formally withdrew their Section 34 application today.

The application was aimed at preventing piecemeal redevelopment of District Six, but was plunged into controversy when former residents said it affected their individual rights.

The withdrawal of the application came

after facilitation by Neville Alexander and Elaine Clarke, during which it was agreed that a new body should be formed to drive the redevelopment.

But now the District Six Development Forum, under Basil van Rensburg, John Oliver and Gamsa Martin, has questioned the way a new organisation is being set up.

The forum maintains it was established in 1995 as "an all-inclusive stakeholder body" and that it had agreed in principle to dissolve as soon as a new "legitimate, non-discriminatory and representative body is created".

In a statement, the forum said it believed the Land Claims Court hearing opened the way for a "new initiative lead-

ing to a more credible and representative process" and congratulated the facilitators on their work.

But the forum said it could not recognise the ad hoc steering committee elected "without any notification at an unscheduled meeting on July 10". It also said that it could not recognise the draft constitution of the beneficiary trust to which the facilitators referred.

"The narrowing down of beneficiaries to claimants with verifiable claims excludes the majority of ex-residents who have an interest in District Six," the forum said.

The new body was due to be launched at the District Six Museum tonight.

AR 15/18/197

(271)

97

Modise agrees to return land forcibly taken from tribe (271)

By NORMAN CHANDLER
Defence Correspondent

The Department of Defence has agreed to vacate land it has been occupying in the Vryburg district and hand it back to the tribe to which it formerly belonged.

Defence Minister Joe Modise said in Pretoria yesterday that the 4 000ha Mosita training base – used mainly to train infantrymen of the South African Army – would be returned to the Baralong ba-ga Molefe ba-kwa Mosita tribe, which was forcibly removed from it in 1968 in terms of the previous government's homeland policy.

Modise said he had signed a memorandum of agreement about the arrangement, and that a formal agreement would be concluded soon.

The land would be returned to the Department of Public Works, pending a decision by the Land Claims Court, he said.

Infantry training would now take place at Penrith in the Northern Cape and at Mafikeng in North West Province.

Star 6/8/97
The return of the land marks the first occasion since the Government of National Unity came into power in May 1994 that land utilised by the defence force, and claimed by various Tswana tribes, has been returned to the claimants.

There are a number of other claims to land, notably that occupied by the Army Battle School at Lohathla, in Northern Cape, where commandos from Britain's Royal Marines are currently taking part in joint exercises with the South African Army.

Negotiations are continuing between the Department of Defence and the claimants about a portion of that land from which Tswana tribes were removed more than 25 years ago.

In compensation they were settled on twice as much land, and given houses built by the defence force as well as R5-million.

The tribe now says it wants to return to the property. The matter is being contested by the South African National Defence Force in the Land Claims Court.

CT 6/8/99
Army will return land to tribe
(271)

JOHANNESBURG: The Department of Defence has agreed to vacate land in the Vryburg district and hand it back to the tribe it formerly belonged to.

Defence Minister Mr Joe Modise said yesterday that the 4 000ha Mosita Training Base — used mainly to train infantry — would be returned to the Baralóng ba-ga Molefe ba-kwa Mosita tribe.

The tribe had been forcibly removed from the land in 1968 under the previous government's homeland policy.

— Own Correspondent

LAND CLAIMS COURT PAVES WAY FOR EX-RESIDENTS TO TAKE OVER

All District Six needs now is plan of action

CT 6/8/97

(271)

THE NATIONAL and Regional Land Claims Commissioners have urged former District Six residents to bury their differences and forge a spirit of community, **ROGER FRIEDMAN** reports.

THE table has been laid for the redevelopment of District Six; now it's up to former inhabitants to halt their internecine squabbling and come up with a mutually acceptable menu and ingredients.

Sitting in the District Six Museum yesterday, the Land Claims Court ratified the withdrawal of an application by the Cape Town municipality and Western Cape provincial administration to redevelop the land in the public interest. This paves the way for a new body, comprising former residents, to be established to guide the restitution and redevelopment.

The president of the court, Mr Justice Fikile Bam, said afterwards he thought the District Six community would set an example for the rest of the country by demonstrating it was possible to move forward in spite of differences in thinking.

Regional Land Claims Commissioner Mr Wallace Mgqol emphasised the importance of all stakeholders being "broadminded". He hoped that "the kind of acrimony and hostility that has characterised this claim will now come to an end".

National Land Claims Commissioner Mr Joe Seremane said he did not wish to "mess about with the nuts and bolts and grease and spanners with which you are busy. In other areas one sees fists flying — at least here you are talking."

Seremane said restitution was about rebuilding, not revenge, and should be approached in the spirit of *ubuntu* or *menshikheid*.

"We are compelled to co-operate with each other. Set aside your baggage to free your hands to help someone else," he suggested.

Father Basil van Rensburg, representing the District Six Development Forum, congratulated District Six facilitators Dr Elaine Clarke and Dr Neville Alexander for their contribu-

tion "towards the establishment of an identifiable beneficiary community". The forum comprised about 30 stakeholders, Van Rensburg said.

The facilitators were appointed after the Land Claims Court proceedings deadlocked last year when a number of former residents opposed the city council and provincial government's application to redevelop the land in the public interest, but without taking cognisance of individual claimants.

The facilitators have proposed the formation of a community beneficiary trust, with former inhabitants as shareholders, to drive the restitution and redevelopment process. It is envisaged that the trust will work closely with present landowners and the authorities.

Van Rensburg, however, said several stakeholder organisations believed they could not participate fully in the facilitation process because of its "nature".

"The forum cannot recognise the ad hoc steering committee elected without notification at an unscheduled meeting on July 10," he said. "Nor can we recognise the draft constitution of a beneficiary trust (as there has been) no discussion or debate around such a document and no possibility of playing a part in its formation."

"We call upon the Regional Land Claims Commissioner to call immediately a meeting of all stakeholders to set up a representative process."

The facilitators suggested that any individuals or organisations who felt excluded should make their opinions known urgently to the steering committee. This would accelerate the evolution of a fully-representative executive structure.

"The only concern we should have today is protecting the rights of people who were forcibly removed,



TURNING POINT: Lawyers, former residents and other interested parties filled the District Six Museum for the Land Claims Court hearing yesterday. The court ratified the withdrawal of the Cape Town municipality and Western Cape administration's application to develop the area.

PICTURE: BENNY GOOL

not the rights of organisations," said steering committee chairman Mr Anwarh Nagia, who has campaigned persistently for about 17 years for the restoration of District Six to its rightful owners.

The registrar of the Cape Technikon, Mr Jacques van Zyl, said the technikon acknowledged that it should not have been established in

District Six "(It is truly sorry that it moved into this highly sensitive area. We acknowledge the wrongs of the past and have respect for land ownership."

"The technikon realises that it cannot operate in isolation. (It is desirous of becoming involved in the community in which it finds itself and is prepared to share, wherever

possible, its resources with the community. The technikon commits itself fully to working with whichever structure this court creates or puts in place."

Former District Six residents have until April to register claims for restitution. Each claim is to be subject to strict verification.

All parties seemed to agree yesterday that the sooner they reached consensus, the sooner redevelopment could get under way. The first item required is an acceptable recipe.

The invasion of District Six, threatened by former residents who are members of three Lentegeur organisations, has not materialised. Only two shacks were built at the weekend.

After 30 years, District 6 goes back to the people

Technikon apologises for moving in

ARG 6/8/97
(271)

JOSEPH ARANES
STAFF REPORTER

After more than 30 years of being a symbol of apartheid's hated Group Areas Act, District Six has been handed back to its former residents so they can drive its redevelopment.

Yesterday the Land Claims Court, sitting in the historic Central Methodist Church, now home of the District Six Museum, granted the owners of the land – the Cape Town municipality and the provincial government – leave to withdraw their Section 34 application, which could have excluded thousands of victims of forced removal from claiming restitution.

The applicants applied for the ruling last year because they felt it was the best way to ensure the area was developed in a holistic way to benefit all former residents.

Excited former residents, who packed the museum, applauded Land Court Judge-President Fikile Bam's ruling.

For Langa resident Cyril Mandindi, who grew up in District Six and was forcibly removed in 1963, the ruling renewed his hope and faith in the land restitution process.

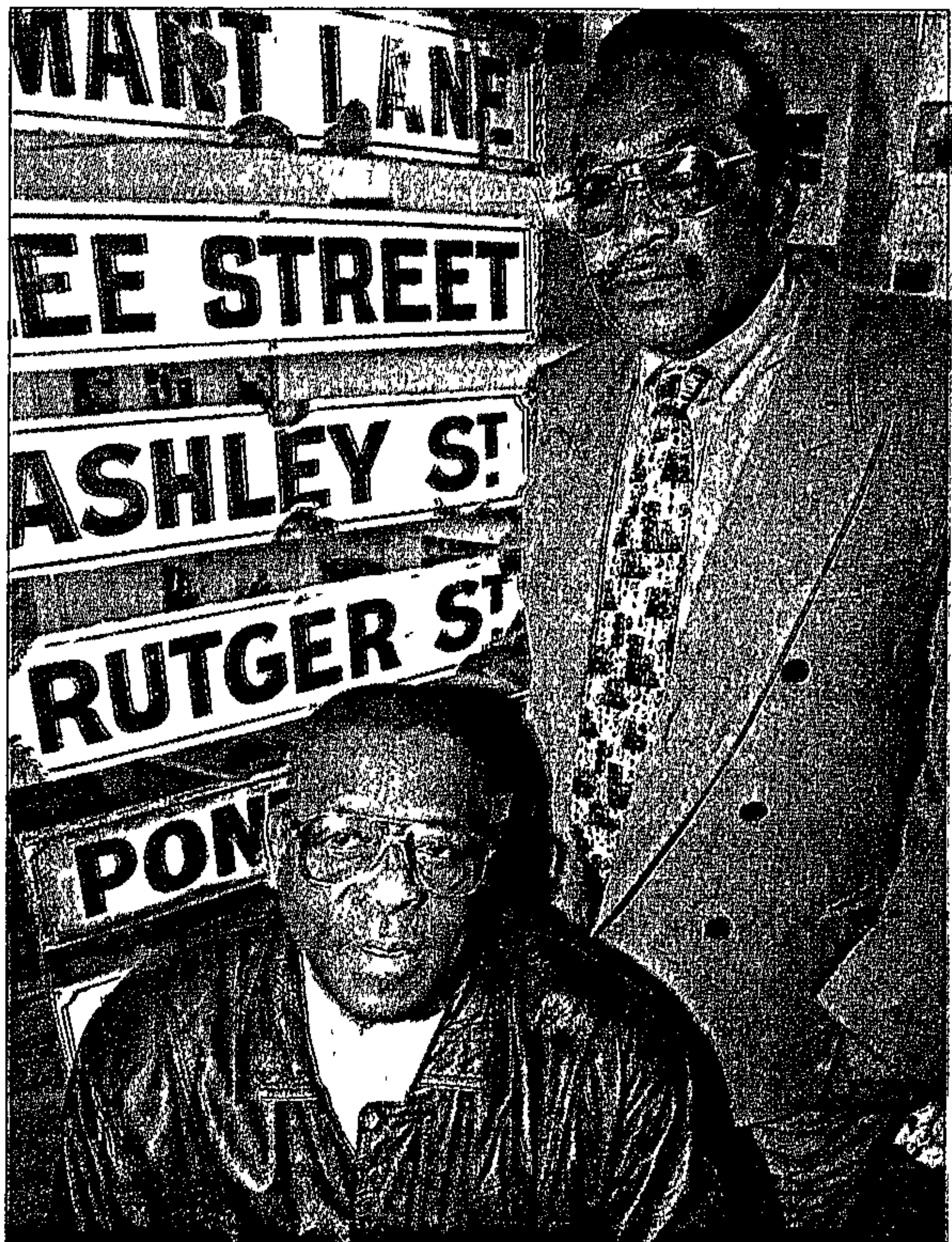
"We were forced out of our homes and dumped like cattle in the middle of nowhere. The apartheid government treated us like dirt but this ruling now makes it possible for us to be compensated.

"The wishes and dreams of people can now be realised," he said.

In recent months most former residents had united under the banner of the District Restitution Front and opposed the Section 34 application. Facilitators were appointed by the land commission office and it was agreed to withdraw the application.

After the formal court session, facilitator Neville Alexander appealed to the various parties to support an eight-person steering committee elected recently to bring the beneficiary community together.

But not all parties are happy with the decision. The area's former Roman Catholic priest, Basil van Rensburg, made a submission on behalf of the District Six Development Forum saying they did not recognise the steering committee and the conflict situation developing could hamper



Group Areas victims: former District Six tenants Cyril Mandindi and George Makupula at the hearing

the process of attracting the funds necessary for affordable housing

Much to the surprise of those present, a representative of the Cape Technikon, Jacques van Zyl, stood up and apologised

for the role the technikon had played in the area. He said staff acknowledged the technikon should not have been established in District Six and were "truly sorry" it had moved into the highly sensitive area.

LAND CLAIMS

More costly echoes from apartheid past

Development programmes stall under an avalanche of land claims dating back 84 years

Development projects worth millions of rand are being undermined by a flood of land claims while government battles to reverse the injustices of apartheid land policies

By June, 16 468 land claims had been lodged with the Commission on Restitution of Land Rights — 13 358 in urban areas and 3 110 in rural areas. The Land Claims Court has finalised only one case and started considering 10 more. And the number of claims could rise by the April 30 deadline next year.

The court and its five judges are scheduled to finish their term in 2001. Some judges have confided that they think it unlikely they can complete their task in the allotted time.

So serious is the backlog of cases that commission spokesman Thys Human says a fast-track claims procedure is being initiated. A special task team has been established to find solutions to the bottleneck and talks involving the commission, the land court and the department continue.

An amendment to the founding law for restitution, the Restitution of Land Rights Act of 1994, is being considered and may be recommended to parliament. This would allow administrators, instead of the court, to deal with cases considered to be straightforward for example where the present occupant of the land is prepared to sell while claimants want to settle.

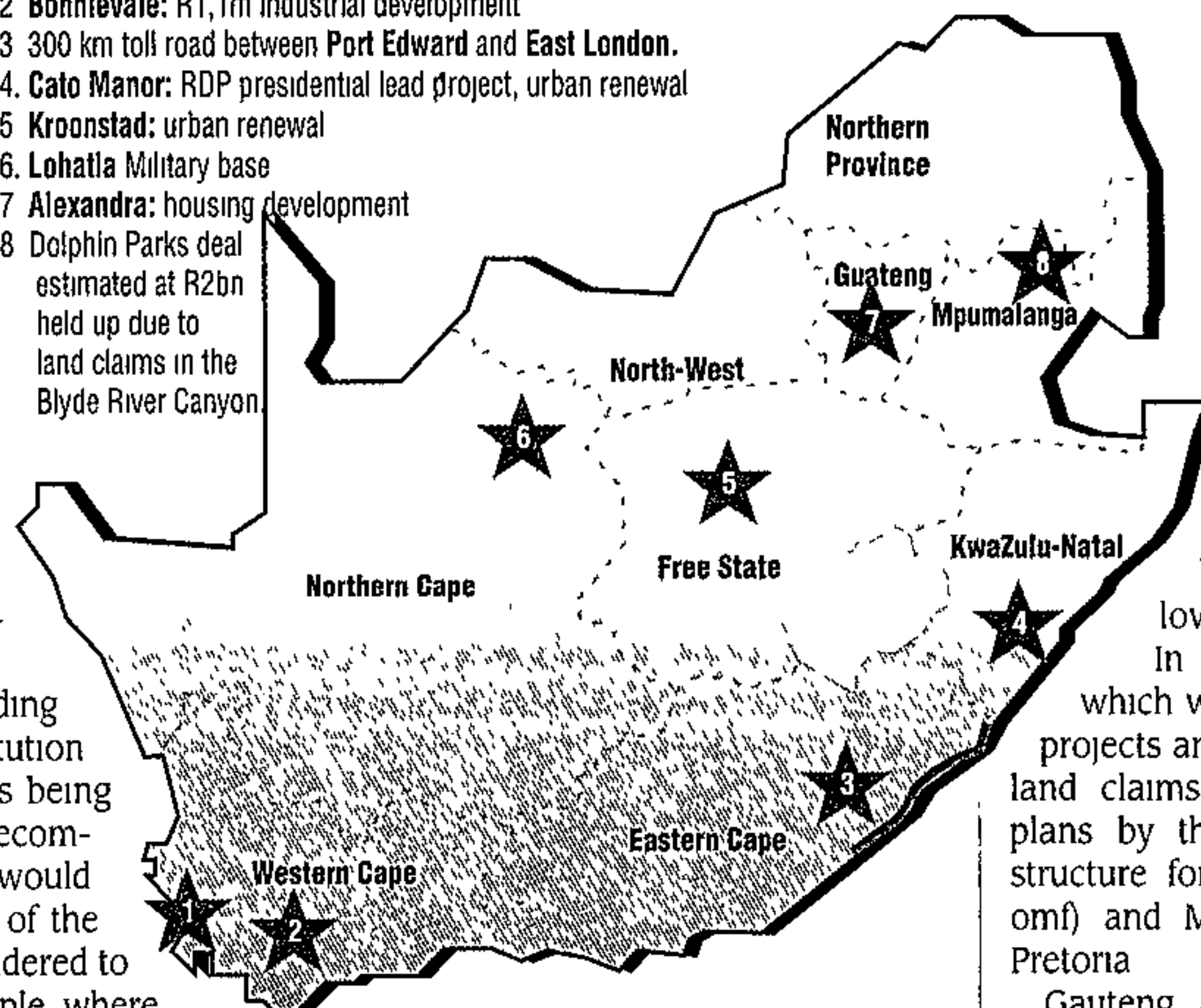
The Land Affairs Ministry has consistently said that the claims process aims to ensure development does not disregard landowners. "Development without restitution would perpetuate the injustices of the past. There is no way we can go back to that way of working," says Land Affairs restitution policy director Jean du Plessis.

The commission is already applauding one method of resolving claims: mediation.

It has expressed confidence that mediation in the three most visible and difficult cases it is handling seems to be working. These include the disputes in District Six in the Western Cape, where predominantly coloured residents were removed from their land near Cape Town, and Cato Manor in Durban, where a whole residential area was removed. Mediation is being initiated to bring together business, communities and government involved in a R2bn Mpumalanga Parks Board deal, regional

PROJECTS STALLED

- 1 **District Six:** community development
- 2 **Bonnievale:** R1,1m industrial development
- 3 300 km toll road between Port Edward and East London.
- 4 **Cato Manor:** RDP presidential lead project, urban renewal
- 5 **Kroonstad:** urban renewal
- 6 **Lohatla:** Military base
- 7 **Alexandra:** housing development
- 8 Dolphin Parks deal estimated at R2bn held up due to land claims in the Blyde River Canyon.



land claims commissioner Durkje Gilfillan announced this week.

The most expensive and complex of the stalled cases are in Mpumalanga, where land claims have suspended privatisation of State leisure resorts concern Aventura and threaten the development agreement between the provincial parks board and the Dubai-based Dolphin Group. This deal involves direct investment of R400m, which could rise to R2bn in 10 years.

In the Eastern Cape, a multimillion-rand project to build a coastal toll road from Port Edward to East London is on hold because of land claims by the Dwesa, Cwebe and Mkhambathi communities.

The Commission on Restitution's Duma Goniwe says the 300 km initiative would have drawn a bustling tourism industry to the area fringing the road as part of the spatial development initiative.

Two of the claims — Dwesa and Cwebe — are due to be forwarded to the Land Claims Court for finalisation. The State and the claimants have already signed agreements after mediation by the commission. But the Mkhambathi claim is still far from resolved and could hold up progress.

The most emotional and high-profile cases have been in Cato Manor and District Six. In both areas, the municipal authorities applied for court orders for restitution not to be considered as development plans are advanced. In District Six, development that has taken place over the years makes it practically impossible to return the exact portions of land to their original owners. The claim is still in mediation and the Cape municipality has agreed to withdraw its objection to restitution.

In Cato Manor, a R3bn multisectoral RDP project initiated by President Nelson Mandela's office, aimed at providing housing and urban renewal, was put on hold while attempts to resolve the matter continued.

The commission is also trying to resolve a dispute in Bonnievale, west of Cape Town, where claimants have held up a R1,1m municipal low-cost housing project.

In Gauteng, urban renewal plans which would include low-cost housing projects are on hold in several areas until land claims are finalised. These include plans by the Eastern Metropolitan Substructure for Alexandra, Sophiatown (Triomf) and Marabastad and Suiderberg in Pretoria.

Gauteng and North-West Land Claims Commissioner Emma Mashinini says almost all urban claims are problematic because they affect town planning and thus hold up pivotal developments.

In the Northern Cape, a bitter dispute has surfaced between land claimants and the SA National Defence Force over its multi-million-rand Lohatla Army Battle School. The base, almost the size of Belgium, was set up in the late Seventies and expansion plans are on hold while the tug-of-war continues.

Justice Malala

Fresh hopes of a return to District Six

M+G 8-14/8/97

(271)

Swapna Prabhakaran

Thousands of people evicted from Cape Town's District Six in the apartheid era were given hope of restitution this week — to regain their land or get financial compensation.

Their hope springs from a joint decision by the Western Cape provincial government and the Cape Town city council to withdraw an application made last year for the land.

The application, in the Land Claims Court, sought to challenge the claims of former residents on the grounds of "public interest".

District Six is valuable land within walking distance of Cape Town's central business district. The city council had planned to develop land made vacant by the previous government.

Starting in the 1960s, government bulldozers flattened houses after the suburb was zoned for whites in terms of the Group Area Act. The 35 000 coloured residents were forcibly relocated to townships in the Cape Flats. Much of the suburb remains a wasteland.

Former residents fought against the redevelopment plans prepared by the city council and the Western Cape government. They argued that the Cape Town Community Land Trust, the body set up to implement the plans, was not representative.

Dr Elaine Clarke, one of two facilitators appointed by the Land Claims Court to identify all possible claimants to the land, said this week: "The people who were thinking 'Nothing will ever happen in our lifetime, we will never get anything back while we live', are now thinking 'We know we will get our land'."

Former residents can now claim their original land, other land in the area, financial compensation or land in the area in which they now live.

The Land Claims Court will move swiftly to set up a commission to validate the claims of former residents before the end of the month.

Anwah Nagia, chair of the District Six Land Restitution Fund, said a trust is to be formed for the victims of the forced removals. Building new houses, to enable people to return to their land, will start within six months.

Saat

NEWS NATIONAL



Dr Peter Matseke (far right) leads a Walk to Hope march by members of the Soweto community to celebrate the opening of a Life Line counselling centre at the Tshepo-Themba Hospital in Dobsonville on Saturday. New Africa Investment Limited chairman Dr Nthato Motlana officially opened the centre.

PIC MBUZENI
ZULU

18 000 land claims lodged

By Joshua Raboroko

ABOUT 18 000 land claims – 13 358 in urban and 4 500 in rural areas – have been lodged with the Commission of Restitution of Land Rights so far, Government officials said yesterday.

Addressing about 2 000 people who were disposed of their land from Lady Selborne, near Pretoria, chairman of the Land Affairs Commission Mr Joe Seemane said the commission had started to consider claims.

He told an emotion-charged meeting that the Land Claims Court would consider whether dispossessed people

wanted their land returned or be compensated.

Lady Selborne communities were forcibly moved from their properties – some with freehold title deeds – and resettled in GaRankuwa, Hammanskiaal, Atteridgeville, Mamelodi and other parts of Pretoria in terms of the Group Areas Act.

Hundreds of elderly citizens – some with “walking sticks” and with tears in their eyes – identified the land they had been deprived of as a result of apartheid laws. The land has been vacant for many years.

Mr Clifford Monyepao, who lived in the old Alexandra Street, was

almost in tears as he recalled how his home was bulldozed by police after eviction orders were served on his family.

“People were forced to move from their places of birth because they lived next to white communities. We tried to resist, but were overpowered,” he said.

Gauteng and North West land claims commissioner Mrs Emma Mashinini said the Land Claims Court would also consider the rights of people of Alexandra Township, Sophiatown, Actonville (Benoni) and other urban and rural areas earmarked for low-cost housing projects.

Sowetan 11/8/97 (271)

THE BIG STORY

A people's victory in District 6

After 30 years of heartbreak, residents can go home

ARG 11/8/97

(271)

THE RECENT LAND CLAIMS COURT RULING ON DISTRICT SIX MAKES IT POSSIBLE FOR FORMER RESIDENTS TO MONITOR REDEVELOPMENT REPORTER JOSEPH ARANES LOOKS AT WHAT DEVELOPMENT IS PLANNED

On February 11 1966, the apartheid regime's Community Development Minister PW Botha and Planning Minister Jan Haak announced the government's intention that District Six was to be declared a group area for whites

In the following months, hundreds of families were forcibly removed, their homes bulldozed and they themselves dumped on the sandy dunes of the underdeveloped Cape Flats townships

The bustling, cosmopolitan and racially mixed area - a practical embodiment of South Africa's rainbow nation, years before its time - was no more

In its place were the shattered memories and dreams of people, piles of rubble that once were their homes and the unsightly desolate land on the foothill of Table Mountain became a symbol of the hated Group Areas Act

From their match box houses scattered across the ghettos of the Cape Flats, the victims continued the struggle to reclaim District Six

Finally, last week, they claimed victory when the Land Claims Court ruled that the people should drive the redevelopment process of the area

The court granted the present holders of the land, the Cape Town Municipality and the Western Cape Provincial Administration, leave to withdraw a Section 34 application, which they had lodged in June 1996 to ensure the area was holistically developed.

Former residents opposed the application, arguing the Section 34 application denied them their individual right to claim back their original properties

Dozens of excited former residents who attended the court hearing spontaneously applauded Land Court Judge-President Fikile Bam's ruling

For Langa resident Cyril Mandindi, one of the 1 067 people who had submitted a restitution claim, the ruling renewed his faith in the land restitution process

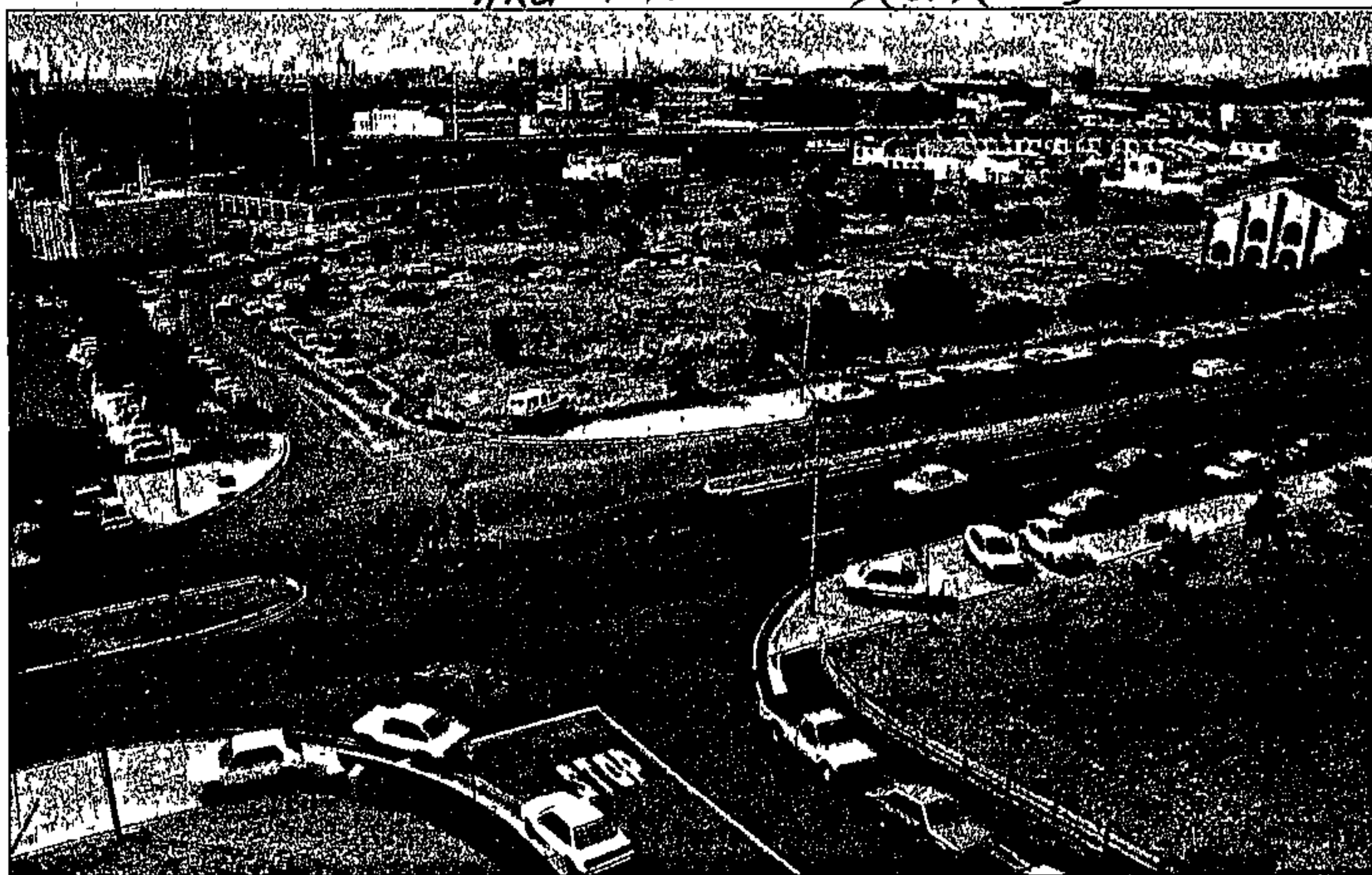
"We were forced out of our homes and dumped like cattle in the middle of nowhere. The apartheid government treated us like dirt, but this ruling now makes it possible for us to be compensated."

"The wishes and dreams of people can now be realised, although it remains a pity that the new development will not be able to re-create the vibe and energy that we experienced before the bulldozers," said Mr Mandindi

But what, exactly, that compensation will be, when it will be dispensed or who will be allowed to re-settle in the new District Six, still has to be agreed upon by all the roleplayers

Brian Hurwitz, legal officer of the Western and Northern Cape Commission on Land Restitution, said the court ruling paved the way for all former residents to form a legal body to liaise with the local authorities on the redevelopment

The body would provide a represen-



HANNES THART

Bone of contention: the future of District Six has swung in the balance since its inhabitants were forcibly moved out of the area under the Group Areas Act

tative, democratic and comprehensive framework to give all legitimate claimants the opportunity to obtain legal redress.

Mr Hurwitz said part of their brief would be to agree on the mechanisms, criteria and framework to be used for dealing with the restitution claims

"Not all of the claimants have indicated that they want to resettle in District Six, some opted for alternative land while others have submitted claims for financial compensation.

"The exact amount of financial compensation has not been decided upon by the Land Affairs Department yet as all claims must be validated and factors, such as how long people stayed in the district, have to be identified and taken into account

"The court also needs to rule on the issue once consensus has been reached"

With regard to resettling the victims of the Group Areas Act back in District Six, regional land commissioner Wallace Mgoqi is on record as saying he is confident the first batch of claimants and families will move back into the area within a year

Mr Hurwitz said that in all cases where there was a group claim it was the policy of the commission to encourage claimants to form a restitution committee

At present, an eight-person steering committee, representing the beneficiary community, has been established to con-

sult with all the claimants and to come up with acceptable proposals on compensation and for the redevelopment of the area

Committee spokesman and veteran District Six civic campaigner Anwah Nagia said they had argued from the outset that the problems of restitution could not be predominately resolved in a court, as was done under the previous regime

He said the court ruling empowered the victims to drive the process and they would not allow the Government or the local authorities to seize the initiative from the people.

"We will sit down round a table with the affected people to jointly come up

with solutions and this process must take into account people who were forcibly removed from the area as early as 1900"

Hundreds of families, largely African, were removed from the area from 1901 onwards in

terms of the then health laws following an outbreak of the bubonic plague.

These people were resettled in N'dabeni

Mr Nagia said development plans for the area, commissioned by the Cape Town Land Trust last year, might not be technically flawed, but the new body would have to look at the proposals again as they had been put forward without broad consultations taking place with claimants

"We will canvass the support and ideas of the victims and find out exactly

what their needs are and, if necessary, develop new plans to cater for the needs of the beneficiary community"

He said a separate stakeholders' consultative forum would be established to take into account the concerns of organisations and other interested bodies

"While we will not let ourselves be trodden on, we will consult the business community and the already emerging new District Six community and be sensitive to their needs.

"But we will not allow them to shape the redevelopment policy.

"They must realise that we are not new neighbours moving into the area, but are the victims of forced removals who were robbed of their land and are moving back home"

The new body also will assist the regional land commission's office in drafting compensation packages for those victims who have applied for compensation and will help with the validation of claims

Mr Nagia said hundreds of families had not submitted claims because they never believed they ever would be compensated for the hurt and suffering they experienced under apartheid.

People have until the end of April to submit claims to the Commission on Land Restitution Rights, Matrix House, 73 Strand Street, Cape Town

Mr Nagia said "There is no reason why construction of the first batch of houses can't start in January and the first families be resettled by early next year.

"People must be hopeful and positive, yet approach the project humbly and not allow other parties to throw a spanner in the works or let bureaucracy delay the process"

'There is no reason why construction of the first houses can't start in January and families be resettled early next year'

Community set for historic handover of land

BOBBY JORDAN

THE Western Cape's first redistributed tract of farmland will be handed

over to a small rural community outside Mossel Bay next week

Ownership of the 100-hectares of farmland in Brandwacht was this week transferred to a

communal property association, representing 261 beneficiary families — over 900 people — who will start moving onto the land after next Sunday's handover.

Most of the families currently live in squatter shacks, but could soon become self-sufficient small-scale farmers on their new land.

The Brandwacht transfer, the result of two years of negotiation with local land-owners, is the first of 30 land redistribution pilot projects in the province to be finalised.

"It's a historic moment and everyone is very excited," provincial land affairs spokesman Joseph Marks said this week.

In terms of the land

agreement, each beneficiary household would receive a department settlement grant of R15 000, of which R3 500 goes towards purchasing the land.

Land would be divided into residential sites and communal farmland to be managed by the Brandwacht Communal Property Association.

District land affairs spokesman Barry Levinrad said the land had been identified as an "ideal site" for redistribution three years ago. It was next to a disadvantaged rural community who had been either dispossessed of land or unable to buy it in the past due to apartheid.

"These are people with

very little security. Some are just tenants on farms. Lots of them have been evicted," Levinrad said.

One beneficiary, 82-year-old Abraham Frans, said this week he'd been waiting his whole life for his own piece of land.

"Now it looks as if we're finally coming right," Frans said, adding that his grandchildren would help him work the land.

Chairman of the Community Project Association, Pieter Misland said many of the beneficiaries would be getting houses for the first time in their lives.

Land Affairs Minister Derek Hanekom is scheduled to attend next Sunday's official handing-over ceremony.

and now



family history: Helen van Graan, her sons Shaun and Jonathan and sister Inelope stand outside their house in Richmond Park

Recalling the past: former Richmond Park residents Helen van Graan and Hendrina Oliphant relive their memories of the area

**Richmond Park's peace
destroyed by apartheid**
400 families in land restitution bid
ARL 18/8/97 (271)

JOSEPH ABRAHIES
STAFF REPORTER

For more than a century the Richmond Park community, opposite the Callex oil refinery in Milnerton, lived among the fynbos eking out a meagre but peaceful existence.

Then in 1976 the residents of this shantytown received letters from the former divisional council telling them the area had been declared white and that they would be moved to the new suburb of Atlantis

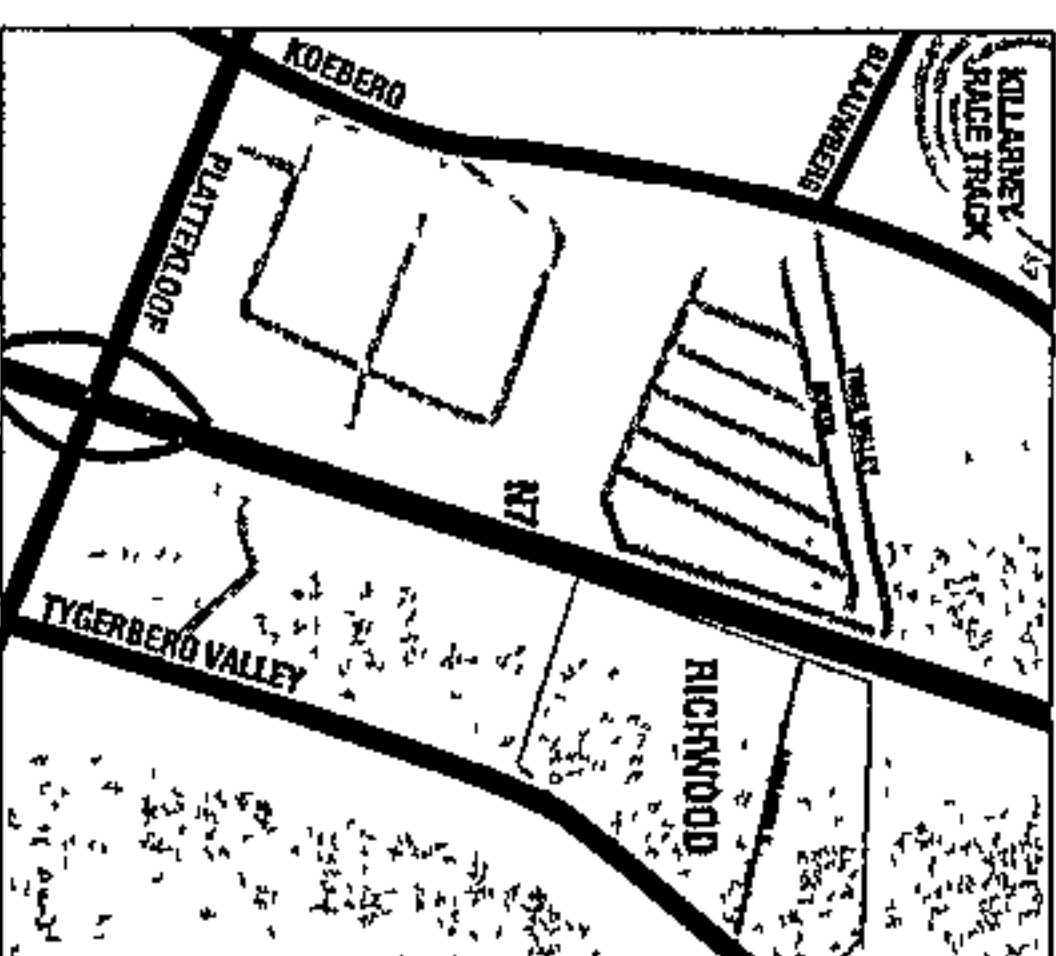
They were later told the land had been set aside for a cemetery, but two years after the last residents were forced out, construction started on the white suburb of Richwood.

Unlike District Six which became a symbol of people's resistance to the apartheid government's hated Group Areas Act, Richmond Park – although also flattened by the bulldozers – was largely forgotten until last year when some of the former residents applied to the regional land commission to get back their land. Recently, for the first time in two decades, members of the community leading the restitution claim visited the area they once called home.

As they approached the now fenced-in area, their earlier silence turned to nervous chatter as they recalled their memories. As they walked along a gravel road, that once was the main thoroughfare, the excitement grew as familiar landmarks were pointed out.

At a broken fence, partly surrounded by a cactus hedge and lined with gum trees, the group stopped and their talk focused on the school building that once stood in the middle of the overgrown bush.

"There is part of the netball court," said Michael Gomis pointing to partly covered



Map: the Richmond Park/Richwood area

tarmac a few metres away. On the other side of what was the schoolyard, an unpruned prickly-pear bush was growing with abandon

Helen van Graan, whose grandmother was the community's midwife, choked back her tears and asked how people in the previous government could have been so cruel as to force them out of their homes and wipe out their dreams, hopes and history.

"We lived here happily as one big family until they threatened us with forced removals. Although our homes were built of corrugated iron sheets and wood, they were huge and built on large plots. Most families kept fowls, sheep, pigs and goats as well as cats and dogs. When we were forced to move, the authorities who moved us refused to take along our livestock."

Mrs Van Graan said her family was one

of the first to move to Atlanta. The last families had their shacks bulldozed in 1985 and they too were dumped in Atlanta.

(271)

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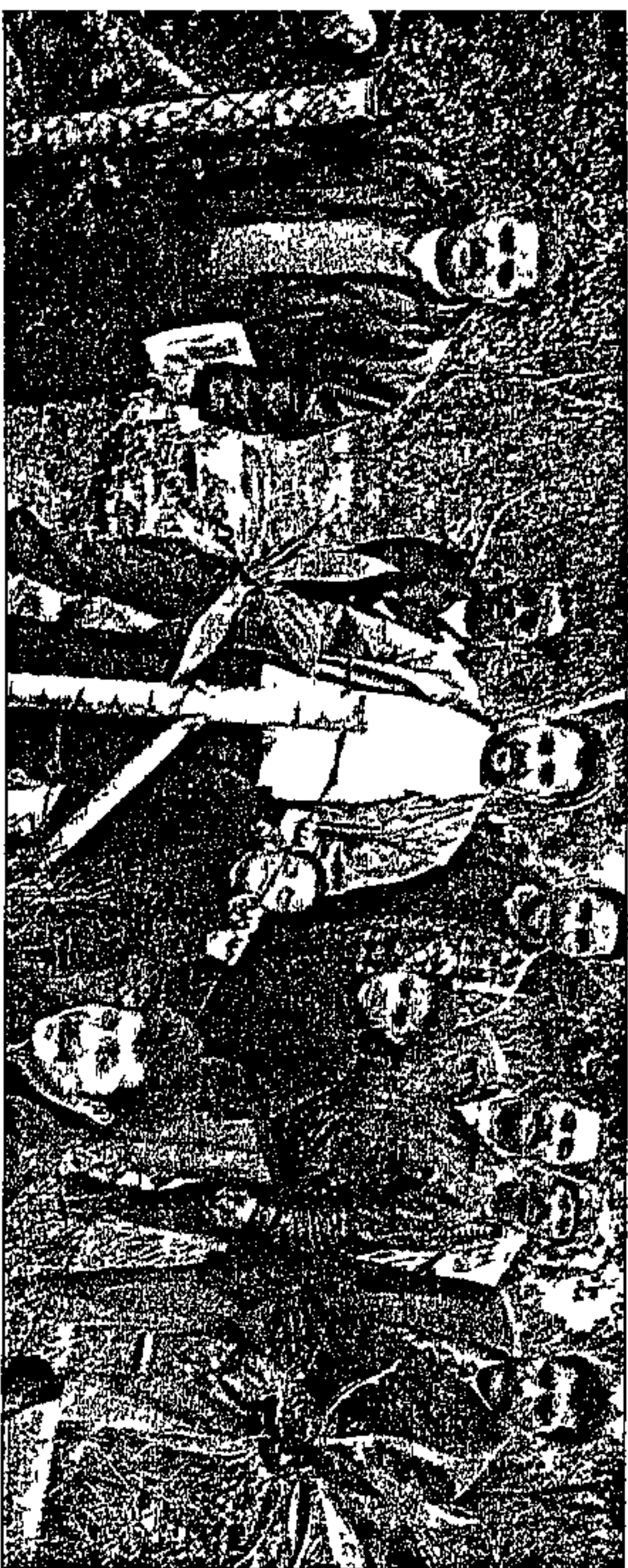
Hendriena Oliphant, 48, whose great-grandmother was one of the first to settle in Richmond Park in 1890, said she was very proud to have been educated at the school. "I later attended a high school in Kensington and on Sundays taught religious instruction at one of the three churches in Richmond Park. Life here was simple and relaxed and without all the problems we are now experiencing in Atlanta."

She said crime, gangs, drugs and unemployment did not feature in their way of life. "The area was alive with activity and the joyful screams and laughter of the children as they played their games. Our parents used to walk to work as most were employed by neighbourhood companies like Callex, Kynoch (Fedis), Makro and the Mhiverton municipality. Others started their own businesses hawking wood, fruit and vegetables and fish."

Mrs Oliphant said that since they moved to Atlanta their lives had become a living nightmare as they battled to keep their children out of gangs, off drugs and alcohol, and employed.

"While we know it is impossible to rebuild the community we once so lovingly shared, I am just happy we are being given the opportunity to restore our dignity and pride that was ruthlessly torn away from us by the apartheid rulers."

More than 400 of the original families have submitted claims for the land situated between the N7, the Durbanville road, Poisdam Road and Annandale Road to the north. Victims of forced removals have until the end of April 1998 to submit claims to the Commission on Land Restitution Rights, 73 Strand St, Matrux House, Cape Town.



Assembly: a group of former Richmond Park residents congregate at what was once the gate of Potsdam Primary

Bill 'needs provision to inspect houses'

85 19/8/97

(27)

Jacob Dlamini

CAPE TOWN — An inspection mechanism would have to be built into the draft National Homebuilders' Registration Council Bill to bolster the capacity of municipalities to inspect new houses, Council of SA Banks CEO Bob Tucker said yesterday.

Tucker said a third of local government authorities lacked capacity to carry out quality assurance checks on newly built houses, and the bill would need provisions for adequate inspections.

The present inspection process, carried out by inspectors employed by municipalities, had failed and new measures were needed to protect homeowners from unscrupulous builders, he said.

The bill seeks to protect homeowners by making it compulsory for builders to register with the National Homebuilders' Registration Council. The bill

gives the council statutory powers and contains provisions which would make it a criminal offence for a person to build a house without being registered. However, owner-builders would not be affected by the bill's provisions.

Builders would be required to construct houses according to set standards and guidelines and to provide the consumer with a five-year warranty. They would be obliged to repair any defects, but if they were out of business the consumer would have the right to ask the council to pay for the repairs.

In the draft, builders would be required to contribute 1,3% of the total cost of the house to the council which would then use 72% of all the funds raised to pay for repairs and to cover the cost of inspectors hired to examine all constructions.

Tucker said the council would need to be given the obligation to settle all

claims lodged with it. Previous drafts had recommended that the council be obliged to settle claims only if it had the money to do so.

But Tucker said the council would have to run its affairs in ways that would make it possible for it to meet its obligations and to settle all claims.

Tucker said that while the banking industry did not have difficulties with the structure of the council as proposed in the draft legislation, he did not think it should be represented in the council's board of directors.

Tucker called for the banking industry's seats on the board to be given to consumer groups, saying that these groups would benefit from having more representatives.

The parliamentary housing committee is expected receive submissions on the bill today from the building industry, which is opposed to its key provisions.

Louise Cook

LEGAL disputes over compensation paid to victims at the time of forced removals will further delay the resolution of claims by the Land Restitution Commission, according to the commission's annual report.

The report, tabled in Parliament yesterday, said amendments to the Restitution Act, to the effect that a claim may be turned down where "fair and equitable" compensation had been paid at the time of the forced removal, raised the question of what constituted "fair" compensation.

"To some extent, this complicates matters, but it is hoped that the Land Claims Court will, in judgments to be handed down, soon be able to provide important legal guidelines as to how these

Compensation issue (27) may delay land claims

85 19/8/97

terms ... can be interpreted," the report said.

Referring to the slow pace of restitution — with nearly 17 000 claims registered with the commission, 15 before the court and only one finalised in the past two years — chief restitution commissioner Joe Seremane said in the report the implementation of the Restitution Act was intricate, complex and sensitive.

This "has a debilitating effect on the speed of delivery ... We are confident that the problems will be ultimately satisfactorily managed."

The report said the commission had received only 60% of the R20m requested

for the 1997/98 financial year for administration and operating costs and as a "contribution" to legal aid.

"It is clear that the allocated amount is totally insufficient to cover the administrative and personnel needs of the commission. Urgent representations were made to the department of land affairs for a review ... and for specific reasons why the request (for R20m) was cut ... At the end of the reporting year, discussions were still continuing."

The report dealt with the planned fast-track procedure for straightforward claims announced by the land affairs

department nine months ago.

A way of handling these claims was expected to be devised in "the near future", the report said.

However, once the high-profile claims in Cato Manor in KwaZulu-Natal and District Six in Cape Town were finalised, it would make a dramatic dent in the commission's workload.

"Once this matter is resolved and the court makes a judgment ... almost one fifth of all claims registered at present will be removed from the register at virtually the stroke of a pen."

Other common problems facing the commission were provincial and local authorities' disregard for restitution in pushing ahead with development, impatience of claimants and a lack of co-operation from some land owners, the report said.

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Land claims chief sees

grounds for optimism *Restitution 'set to make strong progress'*

CLIVE SAWYER
POLITICAL CORRESPONDENT

Western Cape land claims commissioner Wallace Mgoqi is confident this year will see great progress in land restitution in the province.

According to the annual report of the Commission on the Restitution of Land Rights, tabled in Parliament yesterday, 4 519 claims have been registered by the land claims commission office for the Western and Northern Cape. Of these, 752 have been gazetted.

"In November 1996 alone, a record number of 657 claims were lodged at the Cape Town office - a challenge for any staff contingent," said Mr Mgoqi.

Reviewing individual cases, the report said:

■ Stella Nelson's claim for alternative land in Claremont near to Cavendish

Square, where her father lost his land in 1954 because of apartheid laws, was close to resolution.

■ Restitution of the Ndabeni issue should take place "in a matter of months".

Former residents have lodged a claim on the basis that they lived in Ndabeni, lost their land, and want in its place land in Wingfield Estate, realising that they cannot be given land which is now in a valuable industrial area.

The issue is complicated by the area in Wingfield they want being earmarked as an Olympic site.

■ The case keeping most regional land claims staff busy was that of Ebenezer near Vredendal in the Olifants River Valley. The claim involves 200 current owners and farmers in the Vredendal area.

In 1925, a special Van Rhy'n's Dorp Land Exchange Act was used to uproot the Ebenezer community, descendants of the Khoisan, because the land was allegedly

not being used to its utmost potential.

The community was forced off the land to make way for white farmers, and was settled on agriculturally-poorer land.

The community now wants its land back or some other form of compensation. "Even in terms of the size of the land involved, this claim is 200 times the size of the Elandsloof claim," said Mr Mgoqi, referring to the claim involving land near Citrusdal, settled amicably last year.

Reporting on the national situation, chief land claims commissioner Joe Seremane said the restitution of land rights was as critical an aspect of reconciliation as was justice to realise peace and stability.

"The common reality which we all must squarely face is that the implementation of the Restitution Act is an intricate, if not complex and sensitive, process."

This intricacy slowed down delivery, but steps were being explored to overcome setbacks, he said.

Land return too little, too late, for aged priest

ONE MAN, banished from his home by apartheid, is unable to rejoice at the return of land taken from his people two decades ago.

THE people of Dysselsdorp, who were robbed of their ancestral land along the banks of the Olifants River under the group areas act in the early 70s and forced to form a coloured-only rural township, were informed last week by the Land Claims Commissioner that they are getting back their property.

The commissioner's decision in support of the community land claim brings to an end more than 150 years of direct colonial oppression in the fertile valley to the north-east of Oudshoorn, dating back to the construction of a church by the London Missionary Society in 1836.



ROGER FRIEDMAN and BENNY GOOL'S reports on the Karoo will continue to be published on Monday.

The only major difficulty the town must now overcome is how to deal with the 381-house Reconstruction and Development Programme project under way slap-bang in the middle of the reclaimed land. A meeting of all stakeholders is scheduled to take place within days.

But while members of the younger generation have every reason to rejoice, for people such as the Reverend Badnok Mackay — who led the resistance against forced removals in 1971 and was banished to Port Elizabeth for his trouble — the return of the land is a hollow victory.

After more than 25 years away from home, the 75-year-old Mackay returned to Dysselsdorp last year where he bought a comfortable house in which to live out his days. It took him 25 years to rebuild his shattered life and

return to his original situation. Although he could receive monetary compensation as a result of the land claim, he is probably already too old to enjoy it.

"What hurts me most today is the certain knowledge that all of those things apartheid did to us were unnecessary. We worked very hard to get to where we were, then they broke us down to our foundations.

"They left me completely bankrupt. My wife and I went to Port Elizabeth with only the clothes on our backs.

"After working all these years I managed to accumulate enough blood-money to buy this house last year



"I suppose things have now improved in South Africa for the younger generation. For me, however, what the group areas act did will be a wound in my heart until I die.

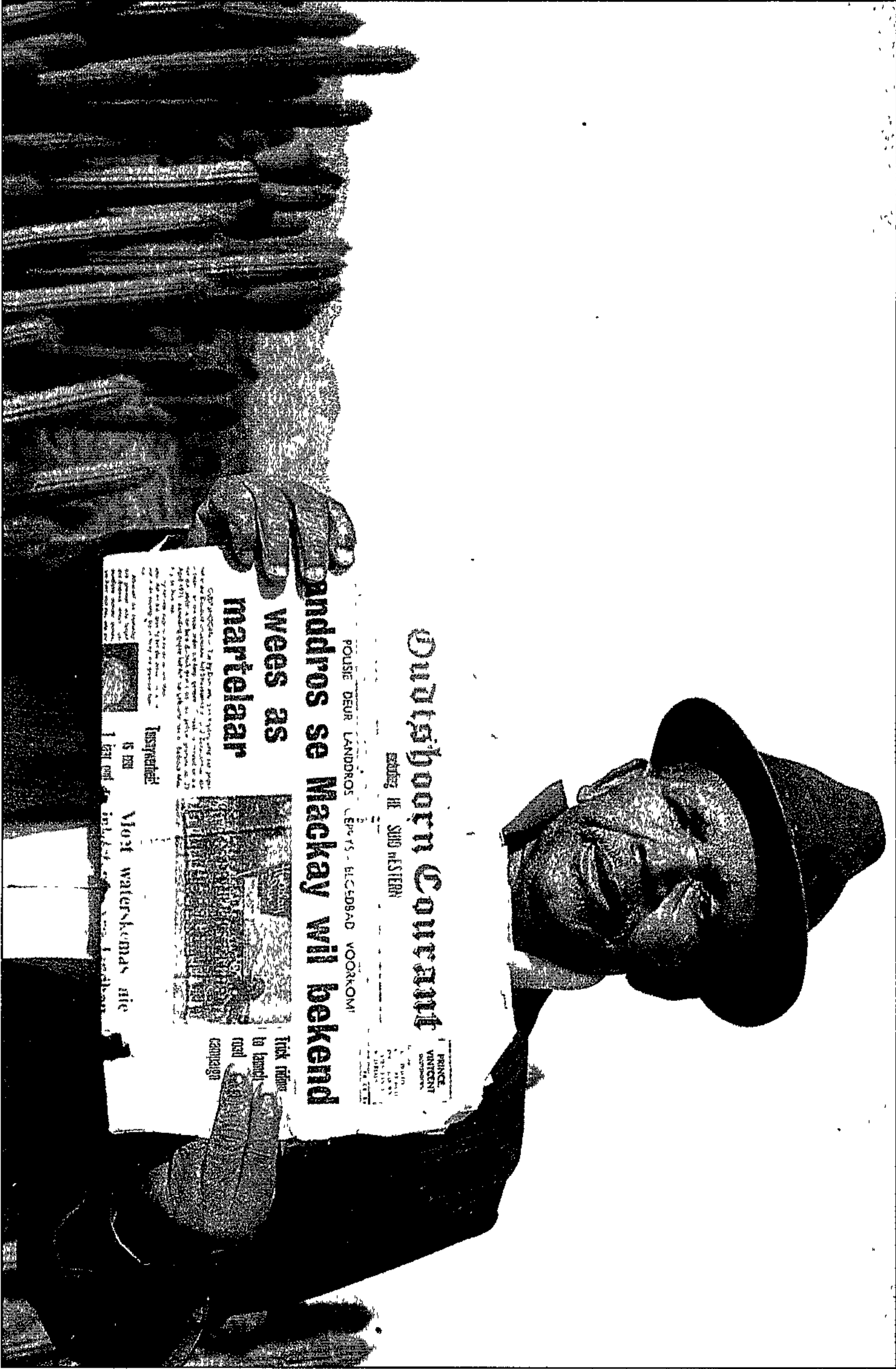
"I have taken note of the District Six land claim in Cape Town and feel sorry for those elderly people too. Maybe these are better times, but nothing can restore our

lost years or compensate for the dignity they tried to steal." When the trouble started in 1971, Mackay, his wife and eight children were living in the Bloupunt section of Dysselsdorp. He worked as a surgical assistant for the railways.

"Suddenly, without receiving any prior notification, we received forms in the post from the divisional council to take to our employers to complete. They wanted to know what our salaries were because they planned to build new houses. We got a huge fright because nobody had told us anything. There were about 7 000 of us living in Bloupunt.

"We had a ratepayers' association, and we came together to discuss this matter. We agreed it would be impossible for many of our people to pay rent to the council because there were no jobs in the area.

"We sent the council a very polite letter informing them of our problems, but they wrote back informing us we had to go. They said the group areas act was the law. "I was at work in Port Elizabeth when my wife phoned me to say our belongings were being put on to the street. That they were throwing our stuff out, not worrying about what they broke. The police were standing by, but the council employed other people to do their dirty work. That same night I caught a train home



SALTED EARTH: Badnok Mackay on the land from which he was forcibly removed in 1971. He will never forgive the National Party for its actions under apartheid, and does not understand how the NP came to hold five of the seven seats in the Dysselsdorp transitional local council.

"I consulted an attorney who told me that the eviction notice was incorrectly completed, and the order was unlawful. The next day, a Saturday, the ratepayers' association met. We decided to just open the front door of my house and return our possessions. While we were returning our property, the police arrived, and shortly thereafter a convoy of police reinforcements arrived from Oudshoorn.

"I asked one of our men, Petersen, to ask the police what they wanted. They did not answer, but hit him in the face with the rifle butt instead. Petersen grabbed the rifle and hit the policeman back

"The rifle was then thrown to the ground and picked up by some children. I shouted for them to leave it, picked it up myself and threw it over the fence. That's when the shooting began.

"God brought up a terrible wind storm, it was just flying red dust and you couldn't see a thing. Two people were shot and numerous people were arrested. They arrested people as old as 70 and 80.

"They arrested me on the Monday when I returned to work in Port Elizabeth. They brought me back to Dysselsdorp where they forced me to stand to attention for 12-

hour stretches to try to get me to talk. They thought I belonged to a political organisation, but there were no organisations here to belong to.

"They charged me with public violence, although it was them who came all the way from Oudshoorn to cause the violence. Eventually I was found not guilty after appearing on and off for more than a year-and-a-half.

"That is when they banished me from the area. They never wrote and told me that I was no longer banned. But last year when I came to buy this house, I saw I was not banned anymore."

HANEKOM PLAN SETS THE TREND

SA world leader in land reform

CT 25/8/97

THE PEOPLE of Brandwacht lost their land through forced removals between 1930 and 1970. Yesterday the government handed over the title deed to nearly 100 hectares to the people. **ROGER FRIEDMAN** reports.

SOUTH AFRICA is leading the way in land reform worldwide with the the World Bank now using South Africa as a reference point for developing policy with other countries. More than one-and-a-half million hectares have been approved for transfer since 1994, Minister of Land Affairs Mr Derek Hanekom said yesterday.

He was speaking to the Cape Times after the ceremonial handover of the title deed to nearly 100 hectares of land

to the Brandwacht Communal Property Association, at Brandwacht near Mossel Bay.

The land cost the association more than R762 000, which it paid for by combining the land acquisition and settlement grants of R15 000 granted to 261 beneficiary households by the Department of Land Affairs.

"Power is based on ownership of land and this is a process of empowerment," Hanekom told the community at the ceremony. "Your first challenge is to make a big success of this land. Don't make any mistake, the eyes are now on you. The eyes are also on us in government who have allocated money for the ground."

South Africa has introduced much land reform legislation, including the Land Reform (Labour Tenants) Act, Restitution of Land Rights Act, Communal Property Association Act and the Development Facilitation Act.

Another piece of legislation, the Extension of Security of Tenure Bill — described by Hanekom as the "most far-reaching land reform measure, affecting the greatest number of lives of people who are vulnerable to eviction" — is due to be debated in Parliament this week.

Centuries ago Brandwacht

was known as Attaquakloof, home to the Attaqua Khoi, but it became wholly white-owned through a series of forced removals between 1930 and 1970. Evictions peaked in 1966, when black residents were removed to the Ciskei and coloureds to Mossel Bay.

Mr Ernest Misland, chairperson of the property association yesterday "thanked the God of heaven and earth" for its return to rightful hands. Misland said he had never been the chairperson of anything in his life, and told of being pulled out of school in Std 1 by his farmer/owner because he was "big enough" to tend cattle.

In recent years Brandwacht developed into a repository for the most destitute of people — many of them booted off surrounding farms. The unemployment figure in 1994 was 45%. Most of those working earned between R300 and R400. Misland described the community as among the most "disadvantaged of the disadvantaged".

Now the Brandwacht community will have to decide how best to develop their land. The property association will allocate 261 residential sites, and about 20 families have indicated a desire to farm the land.

In an interview, the min-

ister spoke of his dream that every South African "should, at least, have a secure place to live. Each transfer of land that gives security to vulnerable citizens is a step towards the realisation of that dream".

Much "policy work" was completed before the election, including studies by the World Bank. The bank concluded that land reform was necessary if SA wished to address broader developmental issues, the first time the bank had ever reached such a conclusion, he said.

"We have reached the point that the World Bank is now treating South Africa as a reference point in dealing with land reform in other countries. Those countries are also coming to us directly, including Brazil and Columbia. We are the country where land reform is happening on a larger scale than in other countries, and is the most diverse in its application."

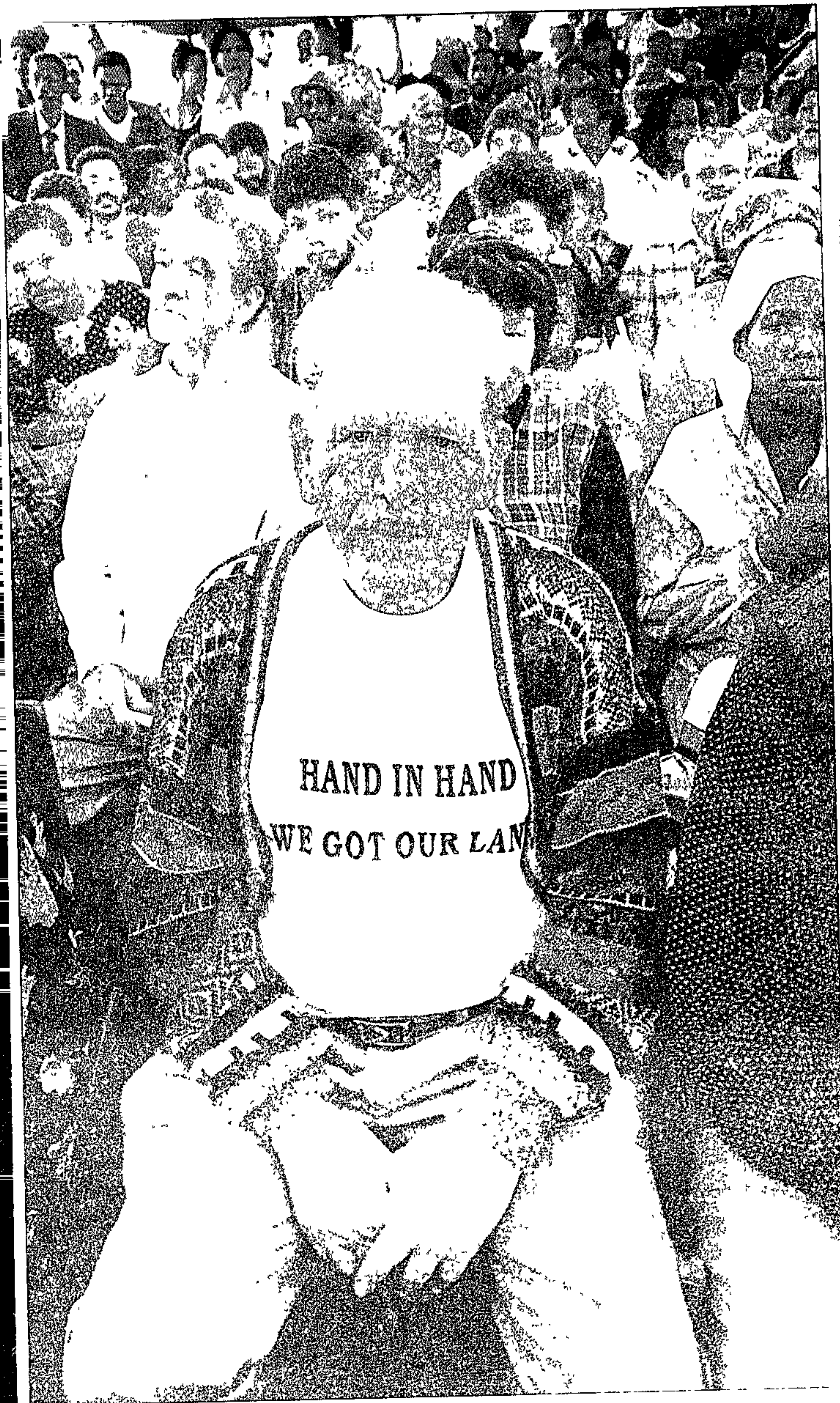
Although the state retained the right to expropriate land, this was a last resort and land reform was based on the principle of "willing buyer-willing seller".

"We have developed a system untested anywhere in the world. It is based on voluntary transactions, and can therefore be termed land reform within a market economy. We modified considerably what the World Bank was suggesting and came up with the R15 000 subsidy scheme."

□ Turn to Page 3

P.T.O.

Exhibits



WILDEST DREAMS: Oom Abie Frans, 82, yesterday became a beneficiary of the latest land restitution process. "I don't believe there is anyone here who could ever have dreamed of this," he said. **PICTURE: BENNY GOOL**

Big cutbacks a threat to Land Claims Commission

ARG 26/8/97 (271)

ARGUS CORRESPONDENT

Durban – Major cutbacks in government grants have thrown the national Land Claims Commission into a serious financial predicament which could threaten its restitution work.

The commission's budget for administration, staff and legal work has been slashed by half for the 1997/98 financial year to about R7-million – about a third of the funds it needs.

National spokesman Thys Human said some R20-million had been requested from the Department of Land Affairs this year to deal with the heavy workload.

The commission, which has the enormous task of redressing the effects of the Group Areas Act, employs 65 staff nationally and 80 on a contract basis, while the nine regional commissioners are presidential appointments. A further 30 appointments

are expected to be made this year.

The budget cutbacks do not affect the funds set aside by the department specifically for compensation to successful land claimants. But with 16 670 claims throughout the country, the cut-backs in funding posed a serious problem relating to the processing of the cases, Mr Human said.

KwaZulu-Natal alone has 5 942 claims, the highest number in any province.

The Cato Manor land claims dispute alone presented the commission with the biggest number of urban claims in the country and the processing of the cases was a lengthy procedure. A substantial portion of the work required outside legal assistance, and the commission had hoped to direct some R6-million from this year's funds towards such legal fees, he said.

But the present allocation was "totally insufficient" to cover the commission's total expenses, Mr Human said.

Trust established to guide District Six development

Louise Cook

271 (21)
BD 26/8/97
A NEW trust, representing land claimants, was set up earlier this month to guide the future development of Cape Town's District Six, sources said yesterday.

After the withdrawal earlier this month of a court application by the Cape Town city council to ban restoration of land in the area, the new trust would be launched formally in a month's time to oversee development, Interim Beneficiary Trust chairman Anwah Nagia said.

"The new trust represents a major switch away from the past in as far as the process (of development) will now be community driven," Nagia said.

District Six had been the focus of the local and international media for years after the forced removal of thousands of people from the area during the 1960s under Group Areas legislation. In recent years a Cape Town city council housing project had to be stalled to allow land claims from residents to be sorted out.

To date 1 600 claims have been lodged, but Nagia said the launch of the new trust could see the number of claims rise to 5 000 by next year. He said the new trust would speed up development, but sources warned restoration of land would "complicate" progress.

"We are forced to look at medium to high density (housing) if we want people close to the inner city.

"Restoration of land could complicate this severely," Cape Town's city council planner Dave Daniels said.

Provincial land affairs spokesman Terence Fife said another problem was that there was no obligation on claimants to use the new trust — they could insist on operating on their own.

The District Six case was also likely to qualify for a special unit — separately financed by the land affairs department — to probe the validity of claims.

BD 28/8/97
Saldanha 'will not harm Iscor plant'

Wyndham Hartley

CAPE TOWN — The massive Saldanha steel project under construction in the Western Cape would not entail the "running down" of Iscor's operations in Vanderbijlpark, African National Congress MP Ben Turok told Parliament's trade and industry committee.

Turok, who heads the trade and industry policy group in the committee, was asked by concerned businessmen in the Western Cape to investigate whether there was a link between the Saldanha steel project and activity in Vanderbijlpark. He was also asked to look at the environmental impact and the economic benefits of the project.

He told the committee in a written report that a visit to the plant had shown it was a "massive undertaking" twice the size of any other development under way in SA. He said it was very high technology and was designed specifically to produce hot rolled coil for the export market. Eventually the plant would employ more than 5 000 people.

Emerging businesses in the area were being used by the steel project as sub-contractors, and some were already supplying painting, security and other services at the site.

Turok reported that the environmental concerns were "considerable" and depended on the effectiveness of the monitoring group established "and the maintenance of public vigilance". He said the steel project claimed that all the requirements of the Steyn commission — which investigated the environmental effects — were being met.

He noted that the arrival of job-seekers had led to the "establishment of highly undesirable squatter camps".

He advised that this was the responsibility of the local council and the Western Cape provincial government, which should develop a strategy to deal with the "in-migration".

Astounding R287m spent on commissions — Leon

BD 28/8/97

Linda Ensor

CAPE TOWN — An "astounding" estimated amount of R287m had been spent on seven commissions in the three years from 1995 to the current fiscal year, Democratic Party (DP) leader Tony Leon said in Parliament yesterday.

He called on government to draw up publicly acceptable guidelines for remuneration packages, subject to Parliament's scrutiny. The R287m covered the human rights, gender, youth and truth commissions, the Independent Broadcasting Authority, the Volkstaat Council and the Pan-SA Language Board.

Leon noted Deputy Finance Minister Gill Marcus had estimated that this financial year R200m or more would be spent on commissions. Leon, describing the salaries earned by commission chairmen as "obscene", expressed concern that so much was spent on commissions at a time when government was trying to cut public spending.

"Since so many commissions seem to have done so little, one cannot but wonder whether many were solely established with the purpose of dispensing patronage within the African National Congress (ANC)."

"Statutory bodies must cut back on unnecessary expenditure. Publicly funded

bodies need to accept that they must perform their tasks with fewer frills than the private sector can afford, especially in a developing country with limited resources."

Responding, Finance Minister Trevor Manuel noted that all these commissions had been established recently and were sailing in "unchartered waters". With experience they would redefine their mandates and redefine their own performance areas. In any event, evaluating a commission's worth was a political judgment.

While Manuel said the DP supported the establishment of the commissions in terms of the constitution, Leon said the party had never endorsed the salary packages.

Leon noted that while the chairman of the Human Rights Commission earned more than R400 000 a year (about R33 000 a month) — almost as much as a cabinet minister and linked to the pay of a Supreme Court judge-president — the organisation's management was characterised by chaos and paralysis.

Leon queried the justification of having a gender commission to deal with what were essentially human rights issues, and stated that the youth commission, with its R10m annual budget and R30 000-a-month chairman, had not come up with a single youth development project.

Bill to establish new science advisory body tabled

CAPE TOWN — Draft legislation to establish a "national council on innovation" to advise government on science and technology was tabled in Parliament yesterday.

The National Council on Innovation Bill seeks to establish a successor to the defunct Scientific Advisory Council, which was dissolved in June 1994.

The new council will consist of a chairman and 16 to 20 members appointed by the science and technology minister.

The director-general of science and technology and an officer of the trade and industry department will also serve on the council.

A memorandum to the bill says the proposed national council on innovation will be responsible for giving informed advice to government on the development and implementation of science and technology policy, and on the stimulation of innovation. — Sapa.

Land tenure bill approved with tough changes

Wyndham Hartley

CAPE TOWN — Land Affairs Minister Derek Hanekom's controversial Extension of Security of Tenure Bill has been approved by the land affairs committee with tough amendments from the African National Congress (ANC) and will be debated in the National Assembly later today.

The committee debated into the night on Tuesday as it battled to complete its work so that the bill could be printed in time for submission to the house.

Committee chairman Phatekile Holomisa (ANC) said yesterday that the bill would be ready on time. He said that the

work of the committee had been made more difficult as National Party members had been absent to hear FW de Klerk's announcement that he would be retiring.

Among the controversial amendments approved by the committee yesterday was a clause including rights such as grazing and use of the land for crop production in the definition of "suitable alternative accommodation". Both farmer and tenant will have an obligation to seek suitable accommodation in cases of "no-fault" eviction.

Holomisa said considerable effort was given during Tuesday afternoon to find a compromise with the SA Agricultural Union. This had proved to be impossible

and the amendments were approved in the form submitted by the ANC.

Another controversial amendment lowers the tenancy period which will give workers almost absolute rights of continued residence. The original bill set the period at 20 years' residence and 60 years of age, while the approved bill sets a 10-year period.

The bill also gave the Land Claims Court automatic review of magistrate's court decisions on the new law. This amendment flowed from complaints by the National Land Committee that magistrates had in the past been biased in favour of farmers because many of them were either farmers or friends or relatives of a farmer.

Extension of land claims deadline seems

Wynndham Hartley

CAPE TOWN — The April 1998 deadline for land restitution claims looks set to be extended following a meeting of the National Assembly's land affairs committee, yesterday, at which legislation to accelerate the restitution process was introduced.

Any extension of the period of time allowed for land claims is likely to worry financial institutions involved in the agricultural sector, as it will be seen as fueling uncertainty in the land market.

Land affairs director-general Geoff Budlender said the members of the commission for the restitution of land rights were divided on the issue of extending the date. Some believed it should remain as at present, with applications closing on April 30 next year. Others believed a procedure for late claims could be introduced and yet others that the deadline should be extended to the end of next year.

Sources close to the committee said it was almost certain that the African National Congress would amend the Land Restitution and Reform Laws Amendment Bill to extend the period of time allowed for those dispossessed by apartheid to reclaim land or claim compensation.

Budlender said that because the commission was divided, it was up to the committee to decide. The original three-year limit was introduced to provide for a just solution for the dispossessed, but this left the rural land market in a state of uncertainty. The point was made at the time that prospective entrants to the market would be hesitant until they were absolutely sure that they were not buying a property that could be the subject of a land claim.

Budlender said there was little that was controversial in the legislation. It was a collection of technical measures to ease the administrative difficulties being experienced in the processing of the thousands of land claims before the commission and the land claims court.

One of the bill's measures would allow direct access to the court without going through the commission under certain circumstances. At present, even if there is agreement between all parties involved, it has to go through the commission before it can be considered by the court.

He hoped this would speed up the process, which has seen only one claim finalised in the past two years.

likely

Tug of war over Games sites

CHARL DE VILLIERS

THE future of prime state-owned land at Wingfield has been thrown wide open following Cape Town's failed bid to host the 2004 Olympic Games.

With plans for a 350ha Olympic Park swept off the table, developers and urban planners are eyeing some of the most prized pieces of real estate.

EST(CM) 7/9/97 (271)
The scene is also set for a major tug of war between champions of low-cost, inner-city housing and mega-developers out to capitalise on the site's strategic location, a mere 10 minutes' drive from the city's commercial heartland.

This week, however, Cape Town housing director Billy Cobbett challenged potential stakeholders to use the Olympic vacancy as a major opportunity for a fresh approach to post-apartheid urban planning.

"We attach extremely high importance to housing," Cobbett said.

"Because of this, we want to put Wingfield on the negotiating table for open and rational discussions about the future of the land involving, in part, affordable housing."

Ownership of the site proposed for the Olympic Park is split between the City of Cape Town and the central government.

Experts agreed this week that land prices would have shot way out of reach for "low-income and affordable" housing projects if Cape Town had been chosen to host the 2004 Games.

University of Cape Town urban planner Roger Behrens said low-cost housing strategists had placed a premium on publicly-owned land near economic opportunities.

At least one community — descendants of Xhosa-speakers moved to Nda-beni in the early 1920s — has already pointed to Wingfield as a potential site it could be given in compensation under the government's land-restoration programme.

Cape Town deputy chief planner Japie Hugo confirmed that Wingfield was widely sought after as it was "prime real estate with magnificent access to the city centre".

"If one looks at the broader area — which includes Century City — assets such as these may well affect property owners' options," he said.

If underused, Wingfield could become a liability for its owners when site-based property rates are introduced in July 1999.

Nieuwoudt says his torture stopped a consumer boycott



Port Elizabeth businessman and former political activist Mkhusele Jack listens to former police colonel Gideon Nieuwoudt's evidence to the truth commission's amnesty committee yesterday.

PORT ELIZABETH — Wealthy businessman and former political activist Mkhusele Jack agreed to stop a consumer boycott in Port Elizabeth in 1985 if police released him from custody, former police colonel Gideon Nieuwoudt told the truth commission's amnesty committee yesterday.

Jack kept his word, suspending the boycott shortly after his release from St Albans prison in November 1985, Nieuwoudt said.

Nieuwoudt is seeking amnesty for torturing Jack in detention and for the deaths of 10 others, including black consciousness leader Steve Biko. He is one of 15 former security policemen who have applied for amnesty for some of the country's most notorious unsolved political killings.

Nieuwoudt, head of the security police's intelligence section in Port Elizabeth when Jack was detained said: "I cannot remember who gave me the instruction to detain Jack. His detention was necessary... for the maintenance of public order and to end the state of emergency." As president of the Port Elizabeth Youth Congress, an affiliate of the United Democratic Front, Jack played a key role in mobilising the black youth and organising consumer boycotts and worker stayaways, Nieuwoudt said.

On August 12 Jack was taken to his office, where Nieuwoudt questioned him on his involvement in boycotts and his association with Umkhonto we Sizwe members.

"He was very hard-headed... I took a black, plastic sjambok and gave him several lashes on his body and legs." Jack returned to St Albans where he was treated by Dr

Wendy Orr, a member of the truth commission. Nieuwoudt believed his use of torture was justified.

"I believed it would be in the national interest and the interest of stability and peace in the Eastern Cape to end the consumer boycott as speedily as possible." Earlier Nieuwoudt, on bail pending appeal after he was sentenced in June last year to 20 years' imprisonment for his part in the 1989 Motherwell bomb blast that killed three colleagues and a police informer, told the committee that during periods of unrest "police acted above the law". He believed he was "protected by the emergency regulations and had wide powers that enabled me to act on my own initiative without reporting to my superiors". Security police did not hesitate to commit crimes to protect the National Party (NP) government from communist expansionism. His first priority was to protect the government.

Jack shook hands with Nieuwoudt during a recess yesterday. He told the committee he had lived in hope of the day when justice would be done.

"I had hoped that Deon Nieuwoudt would come here today to admit that the things he and other policemen did was wrong. I hoped he would tell us who the other men were. Who gave him his orders."

Jack's lawyer, Bond Nyoka, said his client would argue that Nieuwoudt's statement that he had tortured the activist alone was false. Jack would say that at least two other policemen were present at the time, Nyoka said. — Sapa.

Land commission budget cuts 'affecting handling of claims'

Wyndham Hartley

CAPE TOWN — Land claims commissioners yesterday lashed out at government and the land affairs department for reducing the budget of the Commission for the Restitution of Land Rights, thereby severely impairing its ability to function in the face of a mountain of land claims.

Speaking at a meeting of Parliament's land affairs committee, chief commissioner Joe Serame said that

cuts in the commission's budget was one of the reasons for the slow rate of delivery, which had seen little more than a handful of the thousands of claims processed.

Councillor for KwaZulu-Natal Cheryl Walker said there was concern about the slow pace which had seen only one case in KwaZulu/Natal referred to the land claims court out of the 5 979 received, but this was not only due to institutional failure to cope with the volume. Legal requirements were

time-consuming and staffing levels were also too low.

The budget was inadequate and the commission would not be able to pay salaries and to function.

Land affairs director-general Geoff Budender said the budgets were not adequate and stressed that a review of the budgets for the department's functions was already under way.

Sapa reported that the commission's director, Lucas Mulaudzi, said the commission was originally allocated R6,9m, and later given an additional R3m.

However, he had realised in July this year that the commission would need a total of R19m to continue its operations to March next year, the end of the financial year.

Serame earlier told the committee that his five regional commissioners agreed that the April 1 next year cut-off date for lodging land restitution claims should be extended, and that an additional year would be a fair period.

LAST TO GO, FIRST TO RETURN

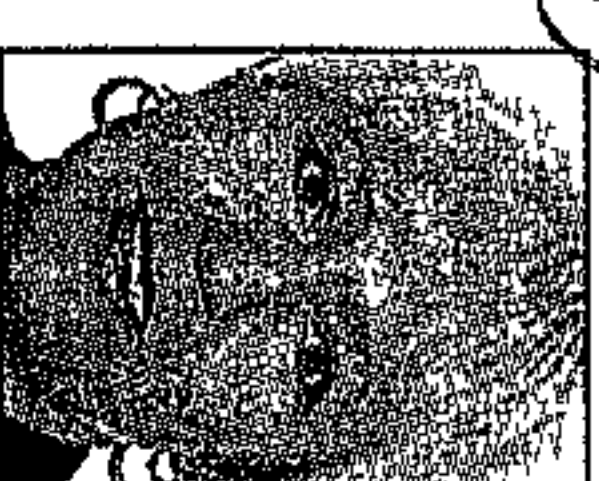
Dispossessed of Simon's

Town recall their past

CT 12 | 9 | 97

(271)

PROJECT PHOENIX at Simon's Town Museum marks the 30th anniversary of the forced removal of communities from the town under the Group Areas Act. **DIANE CASSERE** reports on a moving exhibition that opens tomorrow.



and café opposite Jubilee Square."

While happy to be back in her old home, Davidson said Simon's Town had changed. "It's not the place we knew, there is no spirit if the community is not here. A lot of the homes are owned by people who only come at weekends or for holidays."

Still hoping to return to Simon's Town are the Edwards family, who will be represented at the opening tomorrow.

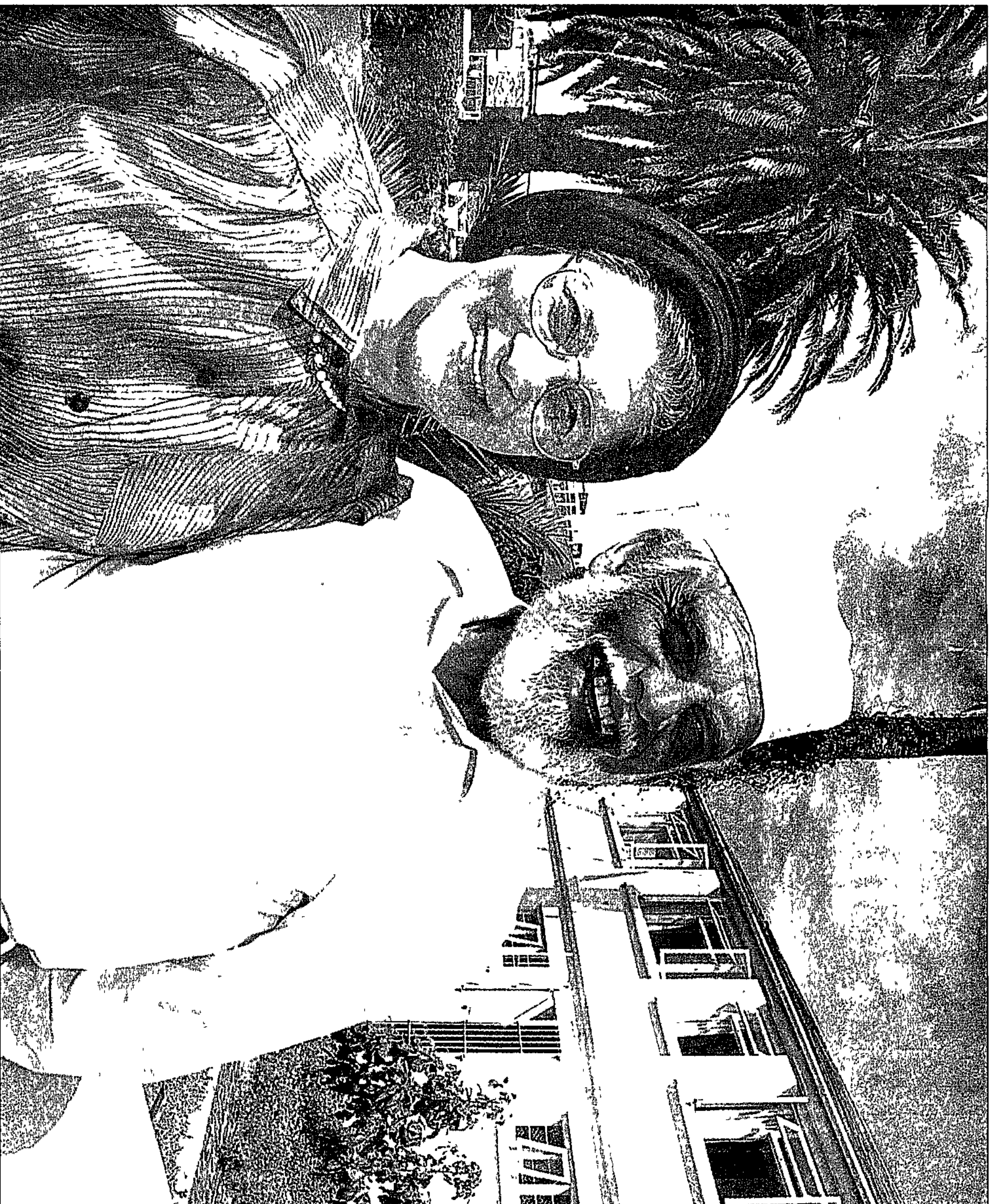
Mr Gregory Edwards said: "My mother Gladys Violet Edwards' parents were Angeline Sylvia Faulmann and Percy Faulmann of Red Hill.

"My mother, who stays with me, grew up in Red Hill on the Faulmann family farm. My father was the son of Benjamin Thomas Edwards and Lily Edwards, nee Delcarne, and they lived in Klein Fish Hoek, Simon's Town. When my parents married they lived at 143 Waterfall Road." Edwards has filed a restitution claim.

The exhibition will open tomorrow at noon. After the opening, there will be parades, entertainment and prayers at Jubilee Square as the communities of Simon's Town meet again on their home turf.

One of the choirs will be from Guguletu, where the African people of Luyola township were moved. "They are all elderly now. In 1947 the choirs were formed to sing for King George VI of England and the royal family when they visited Simon's Town," said Dilley.

The Simon's Town Museum is in The Residency, Court Road. Everyone is welcome tomorrow.



HOME AGAIN Pat Davidson and her husband Dick outside Amlay House, the Simon's Town home she returned to two years ago after her family was forcibly removed in the '70s. Her brother was the last of the coloured community to leave Simon's Town and she was the first to return.

PICTURE: ALAN TAYLOR

THE family have come back to Amlay House in King George Street, Simon's Town. They were the last of the coloured community to be forcibly removed in 1975 and were the first to return to the town two years ago.

Mrs Patty Davidson, now 62, was a Miss Amlay and lived there from the age of two months. "When my family lived there it was called Villa Zain. The Navy called it Amlay House," she said.

The removals began in 1967. Davidson's brother, Mr Achmad Amlay, known as George, was the last to leave, in 1975. "He refused to budge," she says. "The authorities finally told him they would put him and his belongings out on the street.

"He went from that eight-bed-room house to a tiny council house in Ocean View, like many other people in the community."

Davidson is a committee member of Project Phoenix, which is chaired by Mr Albert Thomas, ANC chairman for Ocean View and a campaigner for restitution of property. He and his family were also forcibly removed to Ocean View.

Ms Cherry Dilley, curator of the Simon's Town Museum, said the

exhibition, which opens tomorrow, is the first phase of Project Phoenix: collating and displaying the history of the 7 000 coloured and African people removed from Simon's Town under the Group Areas Act.

Each panel of the exhibition represents a section of the Simon's Town area, and the names and photographs of the people moved from each will be displayed. It will be a permanent exhibition at the museum.

The Amlays were successful in their restitution claim and Davidson and her husband Dick returned to live in what had been Villa Zain. They had been living in Crawford.

"We cried, all of us. My sisters are now 71 and 73 and we cried together. The house was very neglected and the vagrants had moved in. The garden was a jungle. We fixed it up, and now the family all come out at weekends to stay with us. It is very large, although when we first came back it seemed so much smaller than when we were children."

Davidson said her family was well-known in the earlier Simon's Town community. "My father, Dawood Achmad Amlay, was the only non-white councillor there for 17 years from the 1940s. He owned a butchery

Walmer Estate celebrates

Group Areas Act victims get their homes back

JOSEPH ARANES
STAFF REPORTER

It was a long and hard-fought battle which caused untold pain and suffering to many, but today Walmer Estate residents are enjoying the fruits of their victory over apartheid's Group Areas Act.

Last Sunday it was announced that residents of the area could buy back their properties, most of which were expropriated under the hated Act and handed to the Community Development Board.

The residents, under the banner of the Walmer Estate, Woodstock and Salt River Steering Committee, campaigned long and hard to have their dignity restored and were finally rewarded.

Committee chairman Sedick Soeker said that of the 193 families involved, more than 70% were pensioners and after tough negotiations most would get their homes back without cost as they qualified for the Government's housing subsidy.

Colwyn Peters, 71, like hundreds of other residents, lived with the threat of eviction hanging over his head for most of his adult life.

Today he is walking around the neighbourhood as a proud homeowner.

The lives of people in Walmer Estate were shattered in the 1960s when the bulldozers moved into the neighbouring community of District Six and flattened it as part of apartheid's grand plan of separating people on the basis of race.

Uncertainty replaced the calm of Walmer Estate as hundreds of tenants received their own eviction notices as landlords' properties were expropriated by the regime.

Mr Peters said he moved into Walmer Estate 38 years ago after being forced out of District Six.

"I had just moved into my new home with my family when we got an eviction letter which again threatened our lives," he said.

"Like most of the other families we refused to move and were told to pay



Joyous time: pensioners Dons Hendricks, Florence Herringer and Elizabeth Valentine show off their purchase certificates allowing them to buy back their Walmer Estate houses

rent to the Group Areas-created Community Development Board.

"After a while things settled but in 1985 we were again ordered to move out as the government wanted to house security guards - guarding the newly built complex for coloured tri-cameral parliament cabinet ministers - in our houses."

Mr Peters said that at that time he was about to buy his house but was stopped.

He said, "I was furious at being deprived of my right to buy my own home, but a miracle has happened although there were times when we

were all despondent, today we are homeowners and can finally live out the rest of our days in peace."

For Florence Herringer, 79, the news that she would be allowed to buy back her property in Walmer Estate came two years too late.

"While I am overjoyed at the news and at times still don't believe it, I am very sad that my husband, who died two years ago, is not around to celebrate this great victory with me," she said.

Dons Hendricks had more to celebrate this year than her 84th birthday. The day before her big day, she was

told that she too would get back her house. "I lived in the area for 67 years and have accumulated a lot of happy and sad memories here."

"My six children were born here. They married from this house and defied the apartheid government and continued living here."

Mrs Hendricks said her last wish was that she could celebrate lots more birthdays because she really wanted to enjoy living in her "new" home.

Mr Soeker said the committee was in the process of arranging the transfers of the properties to the residents and informing them of their rights.

AR 15/19/97 (271)

FREE ADVICE AVAILABLE

'Experts' cashing in on Group Areas claims

(271)

CT 22/9/97

PEOPLE SEEKING RESTITUTION for the loss of their land under the Group Areas Act are being duped by "unethical" private "advisers". **CHRIS BATEMAN** reports.

VICTIMS of the Group Areas Act who are claiming compensation for properties from which they were evicted are being preyed on by self-styled land claims experts, the Land Claims Commission in Cape Town has confirmed.

The "claims experts" — at least one of whom is a former police sergeant — demand deposits of between R150 and R500 before taking over all further correspondence with the commission on behalf of the claimants.

Some also demand signed security of up to 20% of any payout by the commission.

Angry claimants say that once the "advisers" — some of whom convey the impression of being lawyers — have their details, they hear nothing further.

The commission has been tipped off about the practice and has issued an advisory note, including 12 police affidavits outlining the modus operandi and names of the "advisers", to all its workers.

Each affidavit is preceded by a written plea from the claimant to the commission to address all future correspondence to the

claimant and not to the "expert", who has been on the commission's books.

Mr Mohamed Koorgoolay, 51, a trader in Surrey Estate and a former shopowner in Hanover Street, District Six, said the late Mr Ismail Dada Ali had handled his claim. It had been taken over by Ali's son, Achmat.

However, since the death of Ali senior, "I've never heard a thing from his son", Koorgoolay said.

The affidavits disclose that Ali senior had been handling more than 100 land claims for Indian families in and around Rylands Estate and Athlone.

The affidavits also detail how the "experts" collect their deposits, in R20 or R50 instalments, from the claimants' pavement stalls or stands on the Grand Parade.

A hawker, Ms Dianne Samuels, said she had paid a deposit of R150 to a "Mr Mathews", who had an office, with a board outside advertising "Land Revival", near the St Mary's Catholic Church in Roeland Street.

Mathews had approached her every Saturday on the Grand Parade for five weeks and had collected R20 each time.

"Then a friend of mine asked what kind of lawyer looks for money at a person's workplace," Samuels said.

A spokesman for the commission, Mr Frans Zöttl, said it offered free detailed advice and guidance to claimants, so they did not need to resort to paying outsiders.

The commission had a statutory obligation to help and advise people. It was "worrying that there are people out there who see this process as an entrepreneurial opportunity", .

There were "a lot of unethical advisers out there", Zöttl said.

Cape Town's senior public prosecutor has declined to press charges under the Harmful Business Practices Act. He has suggested that the cases be pursued in the small claims court.

Zöttl said similar cases had been reported as far afield as the West Coast and Malmesbury.

"The complainants are generally unsophisticated (and) willing to trust those who seem to know the system," he said. "That doesn't mean these people are not sharp, it's just that these 'advisers' are slick and convincing."

Police had difficulty laying charges because hard evidence was difficult to produce and there was a thin line between legitimate advice and illegal manipulation, Zöttl said.

Deadline looms for land restitution claims

WITH THE April 1998

deadline for land claims fast approaching, it appears that restitution will, in most cases, be largely symbolic in nature, writes **SOPHIA CHRISTOFORAKIS** in Pretoria.

EVEN if Land Claims commissioners manage to untangle the thousands of intricate claims to pockets of land all over the country that have already been submitted, restitution will, in many cases, be largely symbolic.

To date, more than 14 000 claims have been lodged nationally with the Commission on Restitution of Land Rights, but only one has been finalised — the Elands-kloof claim in Citrusdal in the Western Cape.

In the Pretoria region, over 1 000 claims have been lodged.

The Regional Land Claims

Commissioner for Gauteng, Emma Mashinini, said the main problem was apparently disregarded for the process by developers and even state departments.

The Bill on the Restitution of Land Rights stipulates that land on which a restitution claim has been lodged with the commission and accepted may not be sold or developed without the approval of the Regional Land Claims Commissioner.

Mashinini said this stipulation was being disregarded in a Cullinan claim where a coloured community was removed from farm land at Onverwacht between 1964 and 1969. For 30 years, there was no development on the land. Now a residential area is being developed, even though a claim was lodged on the land in 1994. "People are developing and ignoring the reconciliation process — we might be forced to resort to interdicts to curb this conduct," said Mashinini.



VICTORY PROCESSION: Thirty-four years after being forced off their land, the people of Elands-kloof near Citrusdal, were finally allowed to return to the farm that was restored to them by the Commission on Restitution of Land Rights.

However, Carren Engelbrecht, the Gauteng director of land affairs, said any disregard for the process had more to do with a lack of knowledge than blatant disregard for restitution.

"There is a general lack of knowledge about restitution, what the Bill says and what the process is," said Engelbrecht. "And people do not know where the claims are. It is almost impossible to find out; the information is not freely available. We are discussing putting that information on the Internet or some kind of electronic system that can be accessed by the government, by the banks, by members of the public and by developers. Right now, people have to contact the Regional Land Claims Commissioner and request the information, which isn't available very quickly because the systems are not in place," she said.

This lack of information about claims was also the Transvaal Agricultural

Union's main objection to the process. Jack Loggenberg, manager of labour and land affairs for the union, said: "Present owners were not notified about claims on their land prior to their being printed in the Government Gazette. And once there is a claim, commercial farming comes to a standstill, the farmer cannot take out any loans or improve the farm until the claim is finalised. Some of these things will take years to finalise."

It is not only farmers who are frustrated by the freezing process. Communities and councils in the process of implementing reconstruction and development projects are also affected.

Engelbrecht said: "In Alexandra, Johannesburg, residents have a legitimate expectation that the council will improve their living conditions, but the council can't because there are restitution claims in the area. So the council gets frustrated because they are trying to deliver and the

community gets frustrated because nothing is being changed."

There is also no system in place to value a claim.

Engelbrecht said: "The one thing that is expressly excluded from the investigation process is putting a rand value to the claim — determining the value of the property lost, the value of the property people were removed to and the difference between the two."

"A valuation process has to be undertaken, but this is incredibly complex. For example, many areas were declared Group Areas 10 years prior to the dispossession and the minute the area was declared a group area, the property value collapsed. So, do you look at the value of the property at the deliberate state-initiated devaluation or do you look at it 10 years earlier?"

Another problem is that claims by squatters fall into a grey area. This is a

problem that particularly pertains to Pretoria because in the 1930s many squatter settlements were established and these later flourished into townships, such as Mooiplaats near Erasmus to the west of the city. The act covers only those people who were removed and had a right to land, and the focus at present is on people who had some form of title or security of tenure.

"It is difficult to say what will happen to these claims — it is probably something that can only be decided by the Land Claims Court," said Engelbrecht.

Many restitution claimants also have unreasonable expectations. Jethro Motsonyane, chairman of the Concerned Lady Selborne Property Owners' Association, said he expected the state to restore Lady Selborne to the same condition it was in before they were forced to move, including the public swimming pool, sports stadium and churches.

Engelbrecht said: "What we are trying to do in restitution is make a symbolic redress and deal with the worst hardships, but we are not going to be able to suddenly deliver 10 schools and five churches and a swimming pool."

"I think it is generally acknowledged many restitution claimants were not, and are not today, the poorest of the poor ... There is no way we can rebuild areas for what may be middle-income people in the face of hundreds of thousands of destitute people out there."

Meanwhile, the April 1998 deadline for the submission of claims is looming. Mashinini said: "I would like to draw the deadline to the attention of all prospective claimants."

However, Engelbrecht said: "I think there is a general acceptance that the deadline date is probably premature and the national Department of Land Affairs might look at amendments to extend the deadline."

CT 23/9/97

(271)

PICTURE: BENNY GOOL

Proposed land claims extension welcomed

BD 25/9/99
Louise Cook

THE proposed eight-month extension to the deadline for land claims would enable the land claims commission to run a restitution awareness campaign which had been delayed due to lack of finances, chief land claims commissioner Joe Seremane said this week.

The extension from April next year to 31 December was mooted in amendments to the Restitution Act which had been tabled in Parliament.

Seremane said while there had been calls for a 12-month extension in some quarters, the commission was satisfied that the current extension would be adequate. "The extension of the final date ... became of particular importance because of an amendment to the Restitution Act approved last year. Previously the act read that anyone dispossessed ... due to any racially based measure, had the right to claim. This was changed to racially based measure or practice."

Seremane hoped the awareness campaign would reach all potential claimants, particularly in remote areas.

(271)
Other proposed amendments included a fast-track procedure whereby claimants could waive their rights in exchange for an out-of-court settlement with the land affairs minister, changes with respect to the concept of feasibility in cases of restoration of land and a direct route to the Land Claims Court for parties with straightforward claims.

The restitution commission

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was set up in 1995 to negotiate settlements between parties involved in a claim.

It has been plagued by financial and capacity problems, including a 40% budget cut this year and hitches in processing the flood of technically complex land claims.

The latest figures put urban claims at 14 000 and claims in rural areas at 3 172.

Land court sets row deadline

ED 30/9/97

(271)

Josey Ballenger

THE Land Claims Court has set a deadline for the out-of-court settlement of claims by the Gatlhose, Maremane and Khosi communities on the SA National Defence Force's Lohatla army battle school near Kimberley. However, the prospects for a speedy resolution of the dispute over the land seem dim.

The three communities — which comprise more than 2 000 black families; the SANDF; the land affairs and public works departments; and Northern Cape government have until December 19 to come to an agreement. If they fail to do so, the court will make a decision.

The four-year-long dispute involves 135 000ha of land occupied by the Lohatla battle school and adjacent PW Botha training area, from which the

Gatlhose and Maremane people were removed without compensation in 1976 and 1977. The "coloured" Khosis were asked in 1992 to move from their 14 000ha settlement in the centre of the area, but have refused to leave, Josiah Gasehete, of the Association for Northern Cape Rural Advancement, said yesterday.

Gasehete said the people "did not like being moved from where they were born". In addition to the land itself, they wanted financial compensation for the 20-year "misuse" of the property.

"It will go to court because we will not reach a settlement," one high-placed source said. Facilities director Brig Gerhard Cordier said yesterday it was not feasible to relocate the battle school, as the infrastructure had cost more than R300m and was still being developed.

"Also, it is not safe to relo-

cate people onto the terrain because it has been used as a live ammunition training area. There is unexploded ordnance that has to be cleared." The SANDF has estimated it will cost up to R200m to clean up the contaminated areas.

Cordier said the land affairs department had the power to compensate the aggrieved communities in terms of the Land Restitution Act of 1994. Options were to pay them, award them different land, give them beneficial priority to other land reform projects or to give them state housing.

Gasehete and the Group for Environmental Monitoring had claimed that the SANDF had violated the Land Restitution Act of 1994 by continuing its operations. But Cordier said the army had received the go-ahead from the state attorney regarding training and additional infrastructure.

Confusion over land rights destabilises SA

CONFUSION over rights to land is discouraging economic activity and destabilising institutions for the rural majority.

Instead of participating in government's growth, employment and redistribution strategy (Gear), the former homelands are falling further behind as they fall into disorder. Rural violence cannot be ruled out if local economic development efforts fail, but without clear land rights development may be unworkable.

Most seriously in doubt is whether government's tenure reform initiative will resolve these problems. The new white paper plans would be implemented intensively, community by community. Proceeding in this manner, it will be difficult to deliver planned tenure reform to more than a few communities in any given year, and a 20-year horizon for full delivery has been suggested. But economic empowerment for the rural areas cannot wait 20 years.

Although government has prioritised the rural tenure problem, demands on an understaffed ministry are overwhelming. Government has tried to restore land rights removed by apartheid, but may not be directing enough attention to the broader issues in the economy.

In the former homelands, institutions are failing. Confusion over land rights lies at the root of much instability. Tenure rights are contested amid unemployment and increasing population movement.

In divided communities, outsiders offering payment for land may not need to satisfy transparency conditions to get what they are after. Local land authorities, chiefs and committees, are selling off commonage land, alienating their constituencies with every transaction. As new needs emerge and practice shifts, landholder families are no longer sure what rights they can claim.

Worldwide, traditional land systems are moving towards greater individualisation. In SA, informal land markets are now widespread in densely settled areas. In a recent survey of Kwa-Zulu-Natal, 30% of African families said they could sell their land informally if they were to move. This market is unregulated and people in tribal authority areas are still unable to access the national housing subsidy: no one is sure if they own their land or not.

Government's rural land tenure reforms could take 20 years to implement.
Catherine Cross suggests a quicker and cheaper solution

On the gender front, whether or not women can inherit land, or dispose of it in their own right if they do inherit, varies from place to place.

Communal tenure systems are adapting by a process of informalisation, but still maintain their basic structure. Communal tenure still requires that community members maintain respectable and caring behaviour as a condition of holding their land right. It gives the family certain claims on the community, and the community important rights of oversight, which are exercised through chiefs or committees.

There are several serious hazards for communal tenure, including fraud by developers, illegal privatisation by community administrators, and opening the door to pirate land allocators. The individualisation trend is both a risk and an opportunity. The opportunity is a greater chance for local economic activity; the risk is losing the last refuge of the poor while searching for economic empowerment.

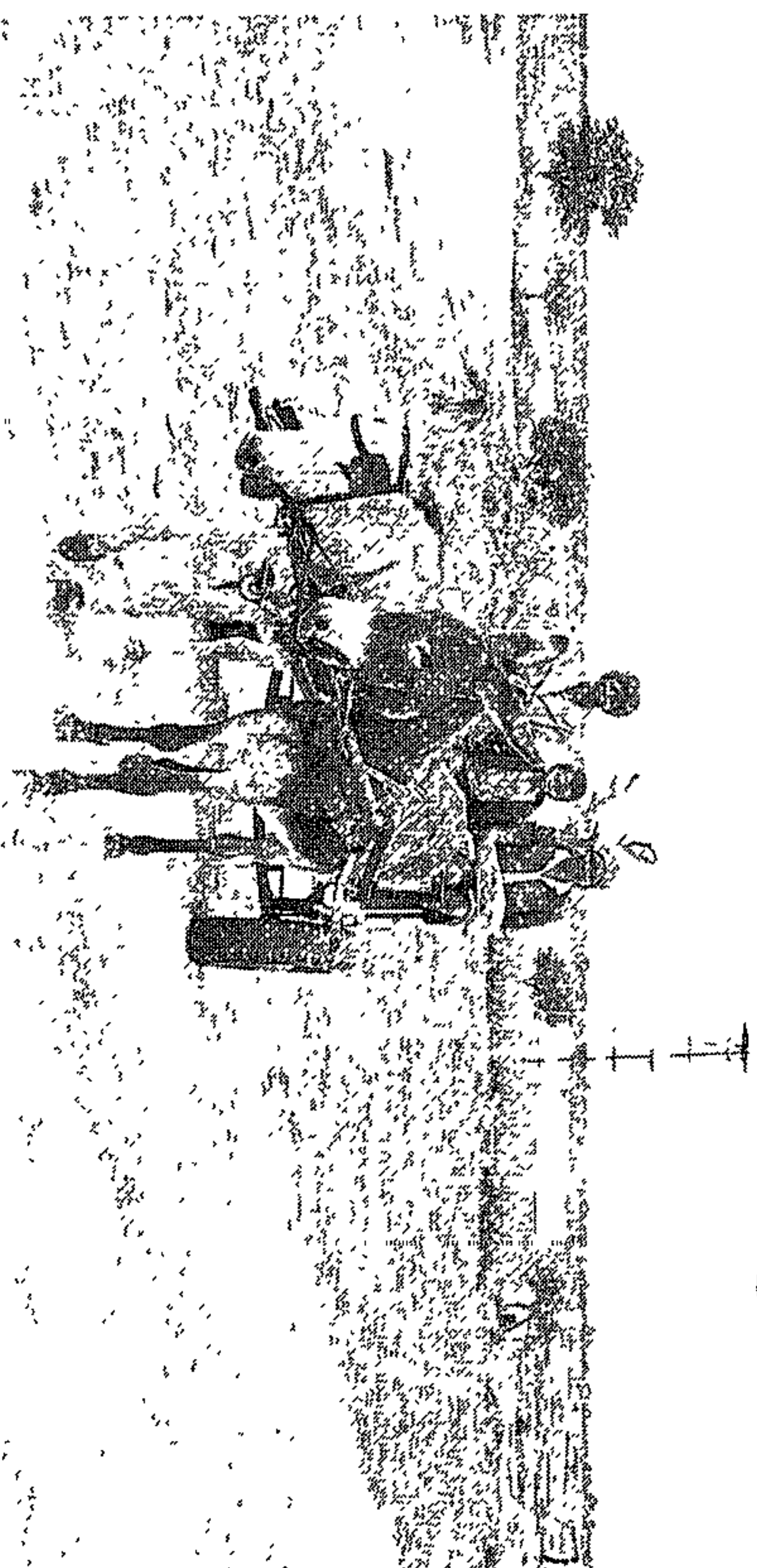
In addition, people with allocation authority can move in if rights are unclear as soon as informal land markets open up. Administrators sell public land or claim the money from informal sales, and families lose control as the market principle is undercut.

Fraud risk skyrocketed as commercial development opens up. Unethical developers have started to strip land and resources from unwary communities.

Trying for more democratic allocation systems has left Zimbabwe risking land chaos in some areas as the old system hangs on and pirate allocators proliferate on top. Mass land reform seems to have been the first casualty.

Tenure risks also include widening disregard for use and transfer restrictions, unclear rights and informal privatisation of community resources. Communities no longer have control of these rules, and are baffled over what to do.

Private tenure is not the answer. It does not work well in low-income rural communities. Poor



Land tenure is a community affair which should run at ground level.

families are forced by emergencies to sell their land and become tenants. Inheritance claims proliferate into paralysis; pirate allocators can exploit lack of community oversight to pack in unvetted outsiders, promoting violence.

Rural tenure is tightly wound around rural governance, and few rural government structures are working well. Threats of civil violence force people to prioritise stability ahead of accountability.

Corruption is a new danger. Opportunities for land-related graft in former homelands have increased geometrically in the past five years, threatening to escape any community decision process. Given this, majority votes at public meetings may be a weak point for government tenure plans. This is not the system used on the ground: community meetings usually work on consensus, but are often stage-managed to prevent public dissent.

Local government has been billed as the institutional competition for chiefs if not for local committees, and should play some role in rural land relations. However, it is doubtful whether placing land

allocation responsibility at local government level would succeed. Local government is placed too high up to be effectively "local". Land allocation is a community affair. To work, it has to run at ground level.

What needs to happen is that economic empowerment must be delivered fast. This probably means that rights-based tenure reform needs to widen its scope, within the white paper provisions, and within the limits of government and community capacity.

Individualisation is coming, in spite of conservative reluctance. But communal tenure is unlikely to change until the community has moved out of the poverty bracket. Individualising trends need to be accommodated in an orderly way, so that both community members and outsiders are familiar with their tenure rights. Piecemeal, case-by-case solutions are likely to make development more difficult, and reduce rural development policy to splinters.

Government needs to fill this gap. It is generally agreed that providing for the rules of economic transactions is government's re-

sponsibility. Along with intensive community participation approaches, this probably means considering legal change to apply in all the former homelands.

Doing this on a realistic basis, and avoiding imposition, means basing tenure reform on what is already emerging on the ground, that is, legalising changes that have already started to happen. But groups closer to town want more individualisation and new rights than the outer rural areas, and everyone wants stability. To avoid imposition, legislation has to stay minimal and flexible.

Loosening up economic initiative while protecting security starts with separating the right to deal from the home right, and then individualising control of utility land down to family level. That is, informal market transactions need to become legal, with written security.

Communal tenure needs to control who joins the community, so criminal behaviour, instability and violence are kept outside. Home right/residential land transactions that bring in outsiders should go the usual route with

community vetting before they can be registered. Economic transactions need to be freed up and facilitated. Contracts with outside commercial interests should be transparent and accountable.

The right to deal should then represent a universal right at family level to transact nonresidential land inside the community, and with individual outsiders subject to their joining formally. The home right can be restricted, and only transfers according to normal communal practice.

The right to deal would then recognise the land parcel owned by the family, as secured by witness signatures on standard forms, with copies to be signed and held locally by the family and the land authorities. Additional copies could be forwarded by post to the deeds registry by the parties to secure against tampering.

The right to buy or sell agricultural land and other nonresidential land, openly and with registry, would be available. The right to swap, rent or sharecrop family utility land and the right to subdivide residential land, with similar registry provisions, would be recognised, as would the right to establish private business sites on family land, or on any other land acquired for the purpose.

Disclosure requirements and veto rights for outside offers involving community land need to be laid down, and developers or other outsiders acquiring rights to community land could be required to pay for legal vetting of the proposed deal by an independent lawyer, who would be bound to a temporary trusteeship relation. Gender rights may also need enforcement provisions attached to tenure rights.

Other important tenure issues could be handled according to prevailing group practice, or in terms of a group constitution.

This kind of approach through national legislation would be close to instantaneous compared with process approaches, would contribute greatly to tenure security, and would cost government little or nothing. The benefits in terms of kick-starting local economic development could be large.

□ *Catherine Cross heads the Rural Urban Studies Programme Centre for Social and Development Studies at the University of Natal. This is an edited version of an article in the latest Indicator SA.*

RESISTANCE HAMPERS COMMISSION

Rights culture 'vital to land claims success'

CT 6/10/97,
(271)

TO SPEED up settlements, the Western Cape Land Claims office is sifting 7 000 claims for those that apply to state-owned land. Political Writer **CHRIS BATEMAN** reports.

THE dispossessed have to overcome lifelong perceptions and resistance to a "foreign" human rights culture if the Land Claims Commission is to be effective in correcting inequities, says Western and Northern Cape commissioner Mr Wallace Mgoqi.

The Land Claims Commission is to be given a R12-million budget increase next year and nine researchers, each of whom is to work 19 hours overtime a week wading through 1 300 gazetted claims.

Mgoqi has encountered scepticism when rural folk have been told they can lodge a claim against the government.

"Some shook their heads in disbelief and asked how a government could encourage people to lay a claim against itself. They wouldn't accept this and said outright that it was false."

At the other end of the scale are the privileged whose resistance to human rights is more predictable. In one case, eight Kuru-man farmers at Kono were "negative and hostile" when notified that their farms were subject to land claims.

"They said (in September 1995) that they would resist the claim to the bitter end."

After a year of failed negotiations through the Northern Cape Agricultural Association, Mgoqi decided "enough was enough" and referred the dispute to the Land Claims Court. He recommended that the land be expropriated.

"Then the farmers realised the reality and came to me, wanting to talk," Mgoqi said. A mediator has been agreed upon and October 9 set as the date for talks.

A ninth Kono farmer, a black, was "quite happy" for those among the 1 000 evicted families who had once lived on his farm to be given back their ancestral land.

"He had no problem, provided he was fairly compensated or given equal land somewhere else — which is what we're offering them all," Mgoqi said.

A crucial dynamic is for people to realise that "it's not about retribution — it's about reconciliation", Mgoqi says earnestly.

His Cape Town headquarters is in the throes of "spring cleaning". The 7 000 local claims filed — not all of which have been gazetted for public scrutiny — are being scoured to identify state-owned land.

This will speed up the claims as state-owned land is easier to process, allowing for faster settlement — and the backlog to be reduced.

Mgoqi receives 200 new cases a month. With the deadline extended to December 1998 and the definition of grounds for claims widened, this number will grow.

In Mgoqi's opinion, it is a bonus that the Land Restitution Act has been widened to include racially based practices as grounds for a claim. "It will make it easier for us to define validity and speed up the process," he says.

Land Affairs Minister Mr Derek Hanekom has "acknowledged" to Mgoqi that it is unlikely the commission's work will have been completed by 2000 — and that it will "probably take another five years after that".

Mgoqi said the December 1998 deadline would allow claimants in "far-flung areas" greater access to the process.

The terms for land claims have been widened to cover such events as the removal, under the Forestry Act, of hundreds of people in the Eastern Cape. Those evicted were left without recompense.

Four government ministries have now agreed there was a pattern of racial practice that should lead to restitution, without damaging the environment.

"People will be enabled to return to their ancestral lands, provided it is maintained in a sustainable way," Mgoqi said.

Asked to elaborate on reports that there would be "merely symbolic" financial settlements with claimants who could not move back on to the land they once occupied — for example, Cavenish Square, Mgoqi said: "The white paper benchmark is R15 000 — which is what the site-and-service subsidy is."

"It has to be a just and equitable compensation in terms of the rights the person had. One can also give them preferential treatment in terms of housing waiting lists."

Mgoqi appealed to local and provincial governments and civil society to "buy into" the land restitution process entrenched in the Constitution.

"These rights become hollow if we don't work together. Several municipalities and provincial governments will virtually have to reverse their previous practices."

The new human rights culture needed to "permeate the entire social fabric". Developers often failed to plan with the new laws in mind.

"Until the human rights consciousness is in the hearts of men, women and children, it's just a hollow exercise. Their hearts need to capture it in the spirit of *ubuntu* — I cannot live well and be secure if the next person is not enjoying the same level of rights."

Frustration over land delay

Star 6/10/97

Commission has yet to investigate a single case, and claimants' patience is now at stretching point over the inaction

(271)

By ANNA COX

Frustration is mounting in Gauteng over lack of progress in settling land restitution claims.

Four pilot areas were identified for land restitution in Gauteng and 1994 registered claims have been received from these areas. They are Alexandra, Albertville and Pageview in Greater Johannesburg and Lady Selborne in Pretoria.

Alexandra property owners, who want to improve their properties and who are tired of waiting, are now preparing to take a test case to the Land Claims Court.

Property owner Peter Maroleni, supported by the Alexandra Land and Property Owners' Association (Alpoa), will be applying to the court this week to force the Government to register his 17th Street property in his name.

The property belonged to his grandfather, who came to Alex in 1929. He left it to his mother Louisa, from whom the former government expropriated it. Maroleni purchased the property in 1989 but

transfer has never taken place.

"In the meantime I have spent over R200 000 on the property. I have built four units which I rent out as furnished apartments, the only ones in Alex. When you shut the gates, you could be in any northern suburbs area," he said.

Alpoa spokesman Keke Koalepe said that not only could the property owners help to improve Alexandra aesthetically, but they could also provide decent accommodation for tenants and earn a small profit.

"Our properties are run-down. Some of us can afford to improve them but we don't want to until we have the title deeds," he said.

Gauteng and North West regional land claims commissioner Emma Mashinini told The Star she was concerned that the process was taking such a long time.

She said claimants had to produce documents of proof of ownership and this was not always easy for people who did not have access to such information.

In a letter to Housing MEC Dan Mofokeng's office, which

was leaked to The Star, Mashinini said she was most disturbed at the repeated delays that had occurred.

"However justified each delay may have seemed, on looking back at our record of inaction one cannot but despair about present and future progress.

"Indeed one wonders how

“**We talk while the claimants wait and wait**”

we can adequately account for this to the parliamentary portfolio committee on land affairs and even more importantly to the many claimants who we know have grown cynical as a result of repeated promises.

"We have yet to investigate a single claim. The mighty and powerful are pushing ahead with development, the margin-

alised are questioning the role of the commission," she said in the letter.

Gauteng housing communications officer Manase Sefatlhe said that since Mofokeng had received the letter, two bodies had been appointed and were investigating claims from the four areas.

He said valuations to determine compensation and a facilitation of negotiated settlements between claimants and other interested parties had to be done after the investigations. The Department of Land Affairs and the office of the commissioner were setting up these processes, and consultants had agreed to complete the investigation by the end of January.

A moratorium had been placed on the transfer of houses to owners in Alexandra pending the outcome of the adjudications of each claim, said Sefatlhe.

Since several claims had been lodged against some stands in Alex it would be unfair and against the Restitution of Land Rights Act to transfer ownership to what were disputed land rights, he said.

Amendment 'will speed up claims'

Louise Cook

LAND claims would be finalised "significantly quicker" if a proposed amendment to the law, due to go before the National Council of Provinces today was passed, land affairs director-general Geoff Budlender said yesterday.

The amendment, which would give claimants the option of waiving their restitution rights to settle for a deal negotiated with Land Affairs Minister Derek Hanekom, could make a significant difference

to the pace of delivery, he said.

The Land Restitution and Reform Laws Amendment Bill as passed by the National Assembly proposed that in cases where a person entitled to restitution waived any or all of his rights, the minister "may" — after consultation with the restitution commission — award the claimant various forms of compensation. These included land or a portion of land, or a combination of land and cash.

Budlender said the idea was to circumvent the cumbersome Land

Claims Court route where possible and create a range of options to streamline the handling of claims. "Until now we did not have the authority to act, even though agreements were reached. For instance, no money could be paid to claimants until the claim was passed by the court."

Up to now all land claims had to be lodged with the restitution commission before being passed on to the Land Claims Court. Latest figures show 17 122 claims have been lodged with the commission, but

only 13 have advanced to the stage where they can be considered by the court. The Cato Manor land claim in Durban, representing almost 3 000 claimants, is one of the cases before the court.

The amendment would also allow claimants to bypass the commission to take claims directly to the court in certain circumstances.

Meanwhile, the restitution commission has been allocated an extra R6m following earlier budget cuts that severely affected its ability to function.

ED 7/10/97 (241)

Farmers propose to reject land laws

Louise Cook

(271) BD 10/10/97

FARMERS, weary of government policies that they said were alienating them from their land and hampering food production, proposed yesterday to reject all existing and pending laws that "effectively placed a servitude on privately owned land".

They also proposed at the SA Agricultural Union (SAAU) congress in Pretoria that negotiations between government and organised agriculture, focused on water and land tenure policies, be suspended until the portfolio of agriculture minister was separated from land affairs. Farmers warned rural poverty and unemployment would be compounded by the El Niño weather phenomenon.

Transvaal Agricultural Union member Willie Lewies said the existing and planned legislation on tenure security, water usage and mineral rights placed restrictions on farmers' land.

He said the Extension of Security of Tenure Bill contained a clause in terms of which a landowner, not a livestock owner and worker, was liable in cases where animals caused damage to public roads or elsewhere. "All these laws are a blatant attempt at expropriation of farms without compensation."

Lewies said Land and Agriculture Minister Derek Hanekom had to attend to land issues, devise farm policies and control the Land Bank. This was too much responsibility for one person.

BD 10/10/97

The congress also hit out at changed government policy on disaster aid during droughts.

Hanekom reaffirmed recently that, despite the possibility of an El Niño phenomenon this season, farmers would no longer qualify for the type of financial help given by the previous government during droughts. Farmers criticised this policy, saying that it was "short-sighted and ill-conceived".

The congress was due to end in Pretoria today.

Letaba 'apartheid' farm poses tough choices

Wyndham Hartley

CAPE TOWN — The intended sale of a Northern Province "apartheid" farm has the Letaba community up in arms as the owner has attempted to use loopholes in land-reform legislation to earn massive profits by selling his land to a black farmers' association.

The proposed sale of the farm is the first of its kind and will provide a searching test case for Land Affairs Minister Derek Hanekom in his capacities as political head of both agriculture and land affairs.

On the one hand he will have to rule on whether the owner may sell and, on the other, whether he should accept the price the owner is asking — because it was originally acquired at between 20% and 30% below the market price at the time.

The farm in question was bought from the state in 1992 for R800 000 after being valued first at R1,4m and then R1,04m. Initially the property

was offered to Leon Bondesio for R900 000 and then, according to the findings of the Budlender Commission, the price was inexplicably lowered and Bondesio got his farm at what was essentially a bargain basement price.

A source said that the price asked of the Calais Farmers' Association (CFA) for the farm could be in excess of R5m.

Bondesio said mistakes were made in the assessment of the area under mango trees and were rectified by the agricultural credit board, bringing the price down to R800 000.

The local community in Letaba is opposed to the sale of the farm to the CFA because the application to the land affairs department says it is for "settlement" as well as farming. The farm sits astride the only pristine river in the district as well as an irrigation canal system, and there are fears of environmental degradation should a large settlement of people settle there.

Letters from, among others, the Selati Irrigation Board, the Trichardt-

dal farmers association, the Letaba district agricultural union and several individual farmers, expressed concern over potential job losses, employment creation, the environment, sustainable agriculture and the use of state funds for the benefit of all.

The letters of objection also question the way in which the members of the CFA were consulted, and on what basis they qualified for state land acquisition grants.

The letters also suggest that some people whose names were on the register were unclear on what the project was about, while others were completely unaware of it.

Director-general of land affairs

Geoff Budlender said if the acquisition was an expropriation case then the way in which the land was acquired by Bondesio could be taken into account in determining the compensation the state would pay for it.

But because land redistribution acquisitions were normally willing buyer-willing seller cases, if the state declined to pay the asking price, the owner could simply say the deal was off.

This would leave Hanekom with the decision of whether or not to have the land expropriated. The owner could then take court action on the basis that the expropriation was simply because the state was not prepared to pay this asking price.

Aventura to be sold despite land claims

(271) BD 21/10/97

Robyn Chalmers
and Jacob Dlamini

GOVERNMENT is to press ahead with the 100% sale of state-owned holiday resort group Aventura, despite unresolved claims on Aventura-owned land, and hopes to remove a restriction on the size of a foreign shareholding.

Public enterprises ministry spokesman Wandile Zote said notices inviting participation in the tender process should appear this week.

"We have decided to go ahead and sell the company anyway. We will leave the issue of land claims to be sorted out separately," he said.

Talks on the restructuring and sale of Aventura were halted in August while the claims were being investigated. A decision was taken at an inter-ministerial cabinet committee meeting later in August to fast-track the land claims, and methods to do this were being explored by the land affairs ministry. The sale of Aventura has been on the cards for more than a year.

Public enterprises director-general

Sipho Tshabalala yesterday submitted to the National Council of Provinces select labour and public enterprises committee an amendment designed to remove restrictions placed on the total shareholding of foreign companies.

He said government attempts to privatise Aventura could be thwarted by legislation allowing foreign shareholders to own only 20% of the chain.

He said Aventura had been commercialised and privatisation would provide capital to unlock its growth potential and allow for expansion.

It is understood that 10 local and foreign organisations have expressed interest in buying Aventura. It owns 15 resorts in six provinces, with turnover of about R124m a year.

The cabinet committee decided that Aventura would be restructured as a single component and that 100% of equity would be divested to an investor, empowerment groups and labour.

National Party spokesman Louis Swanepoel supported the amendment as restrictions would discourage potential investors, he said.

Military to return land to civilians

DD-28/10/97 (271)

PRETORIA — A government plan to return large tracts of land held by the military to civilian use was announced in Pretoria yesterday.

Defence Minister Joe Modise and Public Works Minister Jeff Radebe said the cabinet agreed to the plan last week, making more land available for communities.

"The reintegration of defence terrains which are sometimes environmentally contaminated is complicated, defying simple solutions," they said. The defence department holds about 482 000ha.

Modise told reporters it was too early to say how much of this land his department would relinquish.

He said some would be retained for military purposes, including battle schools and

firing ranges.

Since 1986 the defence force has returned about 234 000ha of land to the public works department.

Experience showed the process had to be managed carefully, the two ministers said. For example, sufficient time should be allowed to prepare land selected for civilian use. Three interdepartmental committees had been set up to carry out the new programme.

The first committee would examine the defence force's property holdings, and align their use to the strategic and rationalisation objectives of the force. The second committee would focus on cleaning-up defence land earmarked for civilian use, and the third committee would compile feasibility studies on the potential use

of such land. Radebe said the committees would consult other government departments where this was appropriate.

"If a piece of land, for example, is required by a community for restitution purposes, we will liaise with the land affairs department, which is responsible for this process." Radebe said the programme had huge financial implications, but could not give the expected cost. It would be funded from current departmental budgets, he said.

"Cabinet has approved the recommendation that both departments continue to secure additional nongovernment funds and seek assistance from overseas if necessary," the two ministers said. — Sapa.

NP calls for land policy white paper to be

Louise Cook

PROFOUND changes to SA's land policy may be on the cards for next year after the National Party (NP) said yesterday it planned to table a motion in the National Assembly calling for the recent white paper on land policy to be rewritten.

The NP said Land and Agriculture Minister Derek Hanekom's white paper on land policy contained "a complete lack of scientific basis or factual information". It would generate hunger and poverty in SA and could lead to increased racial tension.

Far-reaching proposals changing the land policy included indicating on title deeds the nationality of a foreign buyer of land.

Scrapping the separation of mineral and land rights and gearing up all government departments to add value to the R15 000 grant for land reform beneficiaries were other possible changes.

In addition, Parliament's portfolio committee on land reform planned a series of hearings during the next session to decide on the need to "improve and add" to the white paper, portfolio committee chairman Patekile Holomisa

said on Tuesday.

Holomisa said the land policy white paper was not a "bad document, especially the consultative process that was followed to write the document". But it was clear that many communities did not know about programmes on offer from the land affairs department.

He said the decision to hold the hearings came as a result of certain problems the provinces had with the land reform programmes. The idea of the hearings followed a visit by the committee to the various provinces a few months ago.

"There is universal agreement

that the R15 000 grant is not enough. It is perhaps enough to acquire land if families pool their grants, but it is insufficient for any development or utilising of the resource (land)."

Land reform has been criticised by farmers, banks and opposition political parties for creating "dumping grounds" without prospects for development.

In Western Cape, the Elandskloof community, the first to benefit from a negotiated settlement before the Land Claims Court, complained that most claimants could not move back to the fruit

farm owing to a lack of farming prospects and money to buy farming requisites. Last year the state paid several million rands to return the property to the dispossessed community.

NP land affairs spokesman Willem Odendaal said the white paper's biggest flaw was its failure to show current land use and ownership patterns in SA by different categories. Indications were that a fifth of farm land was in the hands of the state, he said.

The white paper was a mere "propaganda pamphlet" in which the minister ignored the "dire

need for improved land ownership rights of thousands of farmers in the former homelands".

Another issue was having land and mineral rights legally separated. "I cannot see the logic behind this," Holomisa said.

The mineral rights issue fell under Mineral and Energy Minister Penuell Maduna who has been threatening to bring out a green paper on the issue. But organisations involved in land claims have said the process was too slow and that they wanted land restitution beneficiaries to be able to make a living from minerals on the land.

rewritten

New land bill criticised

Robyn Chalmers

THE unlawful occupation of land bill currently before the parliamentary portfolio committee will encourage land invasion rather than prevent it, says the Forest Industries' Association.

Association spokesman Mike Edwards said yesterday that following closely on the heels of the extension of security of tenure bill, this was another piece of land legislation that could have serious negative impacts on owners of forestry and agricultural land.

The unlawful occupation of land bill provides for a landowner to seek an eviction order against illegal occupants of land, but only after they have been resident on the land for one year.

"This is untenable, especially when read in conjunction with the tenure bill, which states that occupiers of land who have been resident for one year will be deemed to have the consent of

the landowner and hence are legal occupiers," said Edwards.

"Between the two bills it will be very difficult for anyone to be classified an illegal occupier."

Although an urgent application for eviction could be made, the association said that if this was to succeed, landowners would have to prove that their needs were greater than those of the illegal occupiers. It would also have to be proven that the illegal occupiers posed "imminent danger of substantial injury or damage" to persons or property.

Edwards said the onus on the landowner to prove this presumed that the landowner was guilty until proven innocent.

The association had made an urgent representation to the housing department on the bill.

"This is another piece of rushed, impractical legislation that will do nothing more than further encourage farmers and foresters to reduce their labour requirements," he said.

Agricultural union slams land act 'poverty traps'

Louise Cook

30/10/97
THE SA Agricultural Union (SAAU) has asked the land affairs department to change legislation guiding redistribution of land in such a way that farmland goes to individual black farmers on the basis of private ownership.

Government's land reform programme was criticised for creating "dumping grounds" for large groups of people on high-potential farmland. This created "poverty traps" due to the unsustainability of these settlements.

Reacting to government's plans to amend the Certain Land for Settlement Act, SAAU legal spokesman Analize Crosby said settlement schemes should not be allowed to proceed unless they were viable.

The settlement scheme helps to settle people on land of their own and to distribute the state's R15 000 grants to beneficiaries.

"There is an increasing tendency

throughout the country whereby communities are purchasing valuable farm land by means of the R15 000 grant.

"Owing to the large numbers of people involved, these settlements often translate into one cow a family. The result of settlements of this kind is poverty and the destruction of the natural resource (land).

"The SAAU is very worried about the loss of agricultural land. Where settlement does take place, it should take place after proper planning and consultation." Crosby said amendments to the act should provide for scientific studies to assess the impact of the settlements on the environment.

Meanwhile, Land and Agriculture Minister Derek Hanekom's scrapping of the Prohibition of Subdivision of Agricultural Land Act, a law that required the consent of the Minister before farm land was divided, has been criticised by the National Party and the SAAU.

LAND REFORM

Heavy yoke drags initial redistribution plans down

Dramatic lowering of sights as government ploughs into serious difficulties. Twenty-year time frame is best scenario

Bureaucratic bottlenecks, insufficient funds and hostile white farmers have played havoc with government's plans for a more equitable land redistribution.

Three years ago the new ANC-elected government promised that 30% of all agricultural land would change hands by 1999. To achieve this it set in place a three-pronged programme — a land redistribution scheme under which the State pays people R15 000 per head of household to buy land on the open market, a restitution programme under which land can be reclaimed and legislation to ensure that 1,2m farm workers and several million rural dwellers are given security of tenure.

Resistance from the white farming community, constraints on capacity and a lack of funds has slowed all three processes down.

The initial target has been scaled back

FM 31/10/97
dramatically, with the Land Affairs Ministry setting its sights on redistributing only 1% — 2% of SA's 80m ha of agricultural land a year. At this rate it will take 20-30 years to redistribute land to the estimated 2m households which want ownership rights.

"The initial target was plainly vastly over-optimistic. It was completely unrealistic to assume we could achieve that figure in the first five years," says the Department of Land Affairs DG Geoff Budlender.

He denies the revised target represents an embarrassing climbdown. "There was nothing scientific about the initial stated objective. We have now set a more sensible target."

Budlender admits the department has been through a steep learning curve. But he points out the "typical project cycle takes one to two years. A good deal of the first three years has been used to design new policies, have new laws enacted, hire and

train staff and get projects moving."

He adds that it is important not to overlook the achievements of the past year. "We have in process projects affecting 2m ha of land and nearly 500 000 people."

"The constitution protects property rights and says the State must pay compensation for land. Confiscation is not on the cards. We have to pay for it."

But industry analysts believe redistribution has been hampered more by government's inability to get projects off the ground than by financial constraints.

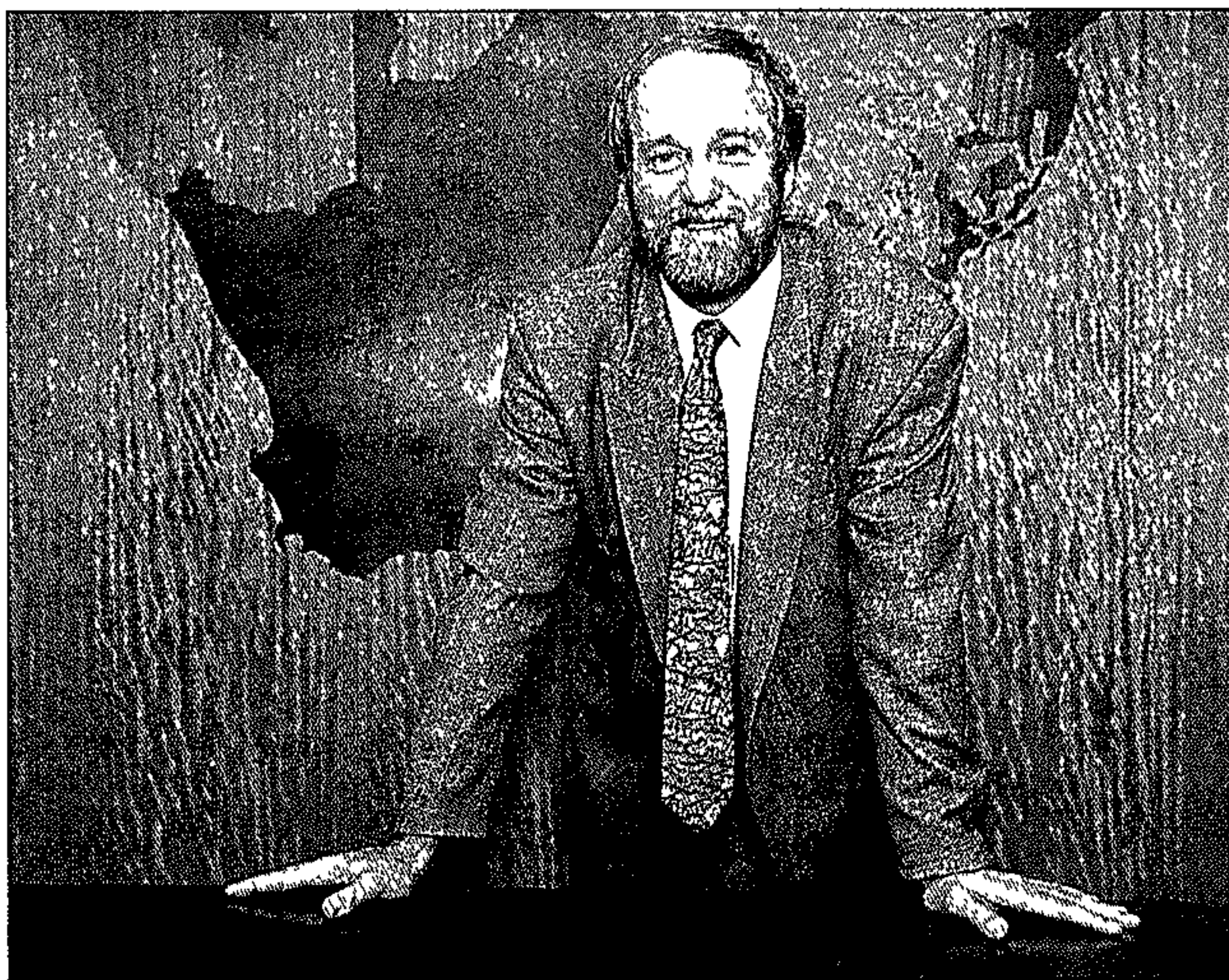
Budlender agrees. "We have been severely constrained by our capacity to get projects rolling. This is because we are dealing with a labour intensive business."

Nevertheless, he believes next year budget constraints could begin to impose limits on the programme. "This is the year of take-off for redistribution. We spent just under R80m last year, this year we will spend R200m and next R300m."

Budlender says: "This is a long-haul project, both because of the scale of need and because it must be sustainable."

But Agriculture Minister Derek Hanekom is forced to defend his record on a more emotive issue — that of land restitution. Of the 17 000 claims lodged with the Land Claims Commission, only 13 have been resolved.

Budlender admits that here too over-optimistic projects were made. "We are dealing with dispossessions which occurred



Derek Hanekom . . battling to plant seeds of reform

large piece of rural land," he says. More than 14 000 of these claims have been lodged by individuals for small urban plots, the remaining 3 000 by large groups for rural farmland.

Budlender estimates government will have "broken the back" of the restitution problem within 10 years by which time most of the 1m people seeking government intervention will have recovered their land or received compensation.

But the most vocal of Hanekom's critics has been the white farming community which has been outraged by his plans to ensure security of tenure for farm workers. An uneasy truce between Hanekom and the white agricultural union over the terms of the Land Tenure Act was shattered recently when MPs voted to toughen clauses setting down the conditions under which workers can be evicted.

The acrimonious dispute has not dented Hanekom's resolve. He believes that without reform SA's agricultural sector will be held hostage to instability between white farmers and powerless black rural dwellers.

"Many farmers see reform as an attack on them and on commercial agriculture. It should be seen as an opportunity for stability and growth."

"My hope is that as more projects take off more people will stop being threatened by reform and start seeing it as a solution to the instability they confront every day," he says.

Caroline Southey

between 1913-1994. To think that we could reverse 81 years in just a few is not sensible. We cannot act like the old government. We must carry out restitution through fair processes."

Nevertheless, he says that between

40 000-50 000 people will have been given back their land by the end of the year.

"The headline figure of 17 000 claims is misleading. Some are claims lodged by one person for a small urban plot while some represent 5 000 families laying claim to a

OVERNIGHT, GROUP AREAS MADE ENEMIES OF NEIGHBOURS

Forgotten folk of Simon's Town



SIMON'S TOWN lost its soul when the Group Areas Act drove out its fishermen and farmers. Even if they could return, they wonder if they would be welcome. **DIANE CASSERE** reports.

"UNFORTUNATELY the old Simon's Town is dead. What is left of it is pure white, as blank as a piece of paper."

This quote, by one Dumps Willis, has pride of place in the Project Phoenix exhibition, marking the 30th anniversary last month of forced removals of coloured and black people from the town, at the Simon's Town Museum.

In 1973, the (Cape) Argus reported in an editorial that Simon's Town was a ghost town, with a curfew of 6pm to 6am for any of the former fishing and farming communities of the town and Red Hill, who had to return to work in the town by day.

Today, members of these communities meet only at funerals and some church occasions, when they talk about the old days. There are tears when they recall being moved from comfortable homes and neighbourhoods to the concrete boxes and sand gardens of Ocean View, then called the despised "Slangkop".

"The only thing you could say about Slangkop, as the area was at first known, was that it had an ocean view, and only from some places. After the people moved there, they renamed it. They hated the Afrikaans name because they felt they were an English community, which Simon's Town was," says Mr Gregory Edwards, 33, who was six years old when his family was moved to Ocean View in 1970.

"When we lived in Simon's Town, we had white, coloured and Muslim neighbours. Suddenly we were enemies."

Edwards, who accompanied the Cape Times to Simon's Town and Ocean View, had lived with his family in a comfortable flat at Waterfall Barracks, where they had running water, a bath and a fitted kitchen.

They were moved to a concrete block of flats at Slangkop, where the pipes were bare against the wall and there were only a toilet, a sink and two rooms for four adults and two children.

Edwards now lives with his mother and father, Gladys and Gabriel Edwards, in Plumstead. They would dearly love to return to Simon's Town and have filed a land restitution claim, but they could not afford to buy property there.

"My grandfather on my father's side was an Englishman who married a coloured woman. When he drowned, she moved back in with her own family. She was a quiet woman and she didn't keep any of the papers to prove that he had owned property at Klein Vishoek."

Mr Albert Thomas, African National Congress chairman for Ocean View, says about 1 300 families from Ocean View desperately need accommodation. Naval buildings stand unused in Simon's Town — why, he asks, can't these be given

Daughters and sons who have made good

SOME well-known members of the Simon's Town community — and where they are now, where this is known:

Vincent Hampton, principal dancer with the Royal School of Dance (London).

Frank Brown, poet, artist and art lecturer (Baltimore, United States).

Peter Clark, poet and author, some of whose work was banned in South Africa (shares his time between Ocean View and the US).

Christopher Kindo, ballet dancer (Sun City/Johannesburg).

Adam Small, poet and author (Cape Town).

Gladys and Albert Thomas, authors (Ocean View).

Adnand Davids, lawyer.

Brendan Roberts, trade industry journalist (Hong Kong).

Raymond O'Mally, businessman (Namibia).

Anthony Andrews, former principal of Ocean View Senior Secondary School (Glencairn).

Joan Orgill, formerly a teacher and now at the Simon's Town Magistrate's Court (Ocean View).

HISTORICAL FIGURES

Mr Baker, imam in Simon's Town, who translated the Q'uran into Afrikaans.

Mr Cotton, who apparently single-handedly caught a whale.

Mr Dawood Amlay, first coloured councillor in Simon's Town.

Mr Fakier, Labour Party member for Simon's Town.

back to the community?

The SA Navy's only reply to date to Cape Times queries is to acknowledge that some of its property, such as the Waterfall Barracks, is subject to land restitution claims.

Mrs Patty Davidson who,

with Thomas, is a Project Phoenix committee member, has

moved back into her family home,

the former Villa Zain, now called

Amlay House, in Simon's Town.

Although she is happy to be back,

she says Simon's Town has changed:

"It's not the place we knew — there is

no spirit if the community is not

there. A lot of the homes are owned

by people who come only at week-

ends or for holidays."



MUSLIM QUARTER: The lanes of Simon's Town were once home to many families. This area, with the mosque in sight at the end of the lane, was part of the Muslim quarter.

Ocean View is a depressing mix of concrete "boxes" and more upmarket homes, with wooden houses and shacks in the backyards. Many homes have a small fishing boat in the back garden or the driveway, but like Mr Gabriel Edwards, who was a fisherman and became a house painter, the residents can no longer ply their trade because they have been removed from the sea.

Instead, what you find in Simon's Town below Jubilee Square, once a town square and now a tourist attraction

with its statue of Just Nuisance and tourist curio shops, are crisp yachts owned by the well-heeled. And, of course, the remains of the navy.

Across the road, in what used to be the Criterion Cinema, there is a café and restaurant. Former fish and chip shops and clothing emporiums now hustle pottery and bric-a-brac.

Would they be welcome here, the Simon's Town community continues to ask?

Pictures
by
ALAN TAYLOR



FAIRS AND THE SQUARE: Gregory Edwards remembers Jubilee Square as the informal hub of the town where the circus would pitch its tent. The square is now the heart of "tourist Simon's Town".

Links with painful past kept alive

DIANE CASSERE

FORCED removals under the Group Areas Act of 1967 caused untold misery — and for some people it is not yet over.

Mr Gabriel Edwards, of Plumstead, returns to Simon's Town every month to his barber, Mr Faiek Karlie. The link with his old home is important and he travels there by train. On his return, he walks to Glencairn, where he boards a train for home.

Seeing the old places and walking by the sea keep him in touch with his community, he says.

Karlie, a barber in Simon's Town for 24 years, travels to his shop every day from Grassy Park. "At first I could-

n't have a business in my own name — I had to have a white man give his name for me."

Many members of the former community perform rituals to keep alive their links with the past. Brothers-in-law Mr Herbie Levendall and Mr Herbie Lawrence visit their derelict homes at Red Hill every weekend.

They walk through the fynbos and reminisce: this was the church that doubled as a schoolroom, here was our house and here the priest lived. Levendall and Lawrence have lodged land restitution claims and dream of the day when they can live again on top of the mountain.

Others find journeys into the past too painful. Mr Andrew Carlson, a

painter-storeman with a city company, lives in Ocean View, to which he was moved in 1969. He is too "heart-sore" to return to his old home.

"I've been back only twice, for the march to commemorate 25 years since the first removals and the 30th anniversary this year at the museum.

"Simon's Town is beautiful, it was a lovely community. I'm in two minds about going back, but will the people accept us? I feel the people who are in charge don't want us to go back. We were like a big family. Then came the removals and one brother was white, the other coloured. It broke up families.

"My children can go back if they want to. It's too late for me, I think."

(271)
ET 311197

Churches meet to discuss their role in land reform

Louise Cook

SA Council of Churches members, which hold about 7% of SA's privately-owned land, are to spend the next two days discussing their role in land reform at a conference in Johannesburg.

National Land Committee coordinator Andile Mngxitama said yesterday that the council had formally undertaken at a meeting in Rustenberg in 1990 to give special attention to land restitution and strive to make it available to settle dispossessed people.

"So far very little has been done. Only two churches, the Lutherans and Morovians, have done any kind of audit of land in their possession. People are also still being put off the land with churches facilitating the process and in other cases, church land is sold to private buyers," he said.

Issues to come under scrutiny at the conference include land and poverty, effective utilisation of land and the "possibilities" for land owned by the church.

One source said a recent amendment to the Restitution of Land Rights Act may be evoked to speed up release of land to landless communities by churches.

The amendment, which is before the national council of provinces, would give claimants the option of waiving their restitution rights to settle for a deal negotiated with the land affairs department. Indications were that, provided churches co-operated, claims to church land would be settled more smoothly this way.

Expropriation bill to be enacted

BD 4/11/97

(271)

Robyn Chalmers

THE Gauteng government is to enact legislation which will give it the power to expropriate property at market-related rates with the aim of boosting its low-cost housing programme, it was announced yesterday.

In a separate development, Gauteng housing and land affairs MEC Dan Mofokeng proposed a 27% hike in government's top subsidy allocation to R19 000 from R15 000, saying inflation was eating into the present allocation.

A department spokesman said the Land Administration Amendment Bill empowered the province's premier to expropriate assets in the public's interest. "There will be a lengthy process involved ... it won't just be random expropriation," he said.

The bill stated that once the property or a real right in property had been identified, the owner would be served notice, the date of expropriation set and market-related compensation offered.

Should the owner find the compensation offered inadequate, a written statement to this effect had to be sent to the premier. Any disputes would be referred to mediation or arbitration and then go to the provincial high court should no common ground be found.

The spokesman said the amendment bill also reduced the risk of legal suits against the provincial government by developers

who had in the past signed land availability agreements with the province without recording them.

In terms of the proposed amendments, these agreements would be registered against the title deed of the property and their original agreement would go to the deeds office.

"The amendments will increase the availability of land, directly affecting the delivery pace of the Gauteng government's ... housing and farmer-settlement programmes," he said.

Recent figures released by Housing Minister Sankie Mthembi-Mahanyele showed that Gauteng had an estimated shortage of more than 760 000 houses.

On the issue of subsidies, Mofokeng said his department had proposed a R19 000 subsidy allocation which was discussed at a meeting attended by the nine provincial housing MECs and Mthembi-Mahanyele.

Mofokeng said the proposal had been influenced by the inflation rate which had directly affected the price of building materials and the cost of labour.

"Since 1994, inflation has ... affected the size and quality of housing," he said.

Mofokeng said that because the increase was a proposal to the national ministry, he had requested that the ministry investigate its effect on the housing-subsidy budget as well as its effect on the subsidies available.

Nedlac 'not to blame for lack of agreement on bill'

Reneé Grawitzky

ED 6/11/97

IT WAS unfair to lay the blame on the National Economic Development and Labour Council (Nedlac) for the failure to reach agreement on the Basic Conditions of Employment Bill as the policy-making process in developing legislation was flawed, a leading labour lawyer said this week.

John Brand told delegates at the SA Industrial Relations Association seminar that the drafting process on the bill was flawed as social partners were only brought in when government had entrenched itself in its position.

This encouraged labour and business to adopt rigid positions in relation to governments' proposals prior to consideration in Nedlac, he said.

"This sets Nedlac up for a highly adversarial and flawed process" and it would be unfortunate if the experience of the bill was used as a pretext to weaken or discontinue the institution.

Nedlac was intended to play an important role in dispute resolution, Brand said, therefore the process for formulating legislation had to be reassessed if the best use was to be made of the institution.

Brand said labour and business should have been brought into the process after government had adopted its policy direction. "It does not work to bring in interested parties at a stage when the problem had already been de-

fined by one party and solutions had been decided upon without involving all the stakeholders."

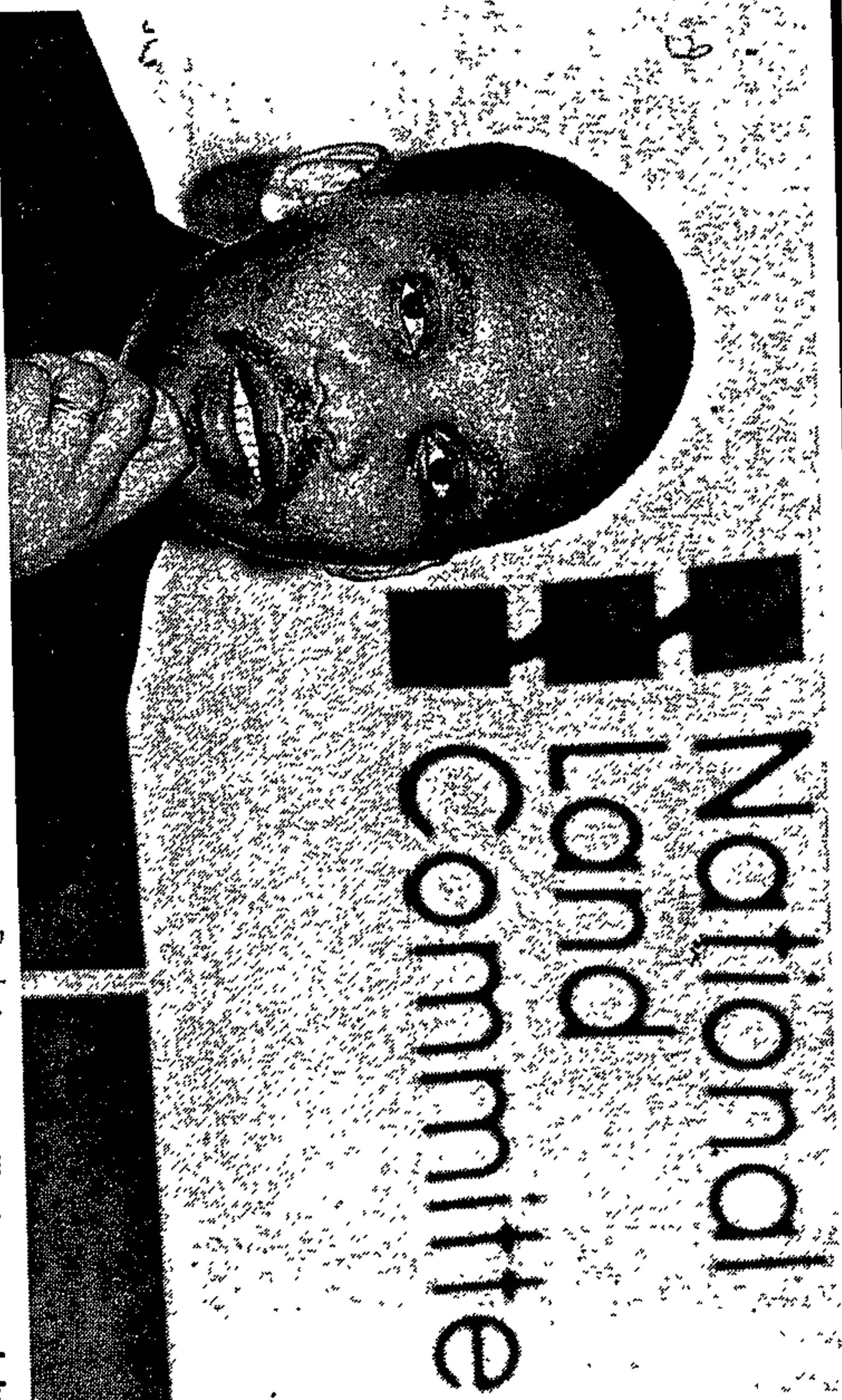
The operation of the Commission for Conciliation, Mediation and Arbitration (CCMA) was also criticised.

Brand said the institution was under strain from its huge and unbudgeted-for case load. More than 45 500 cases had been referred to the commission, exceeding the budgeted case load by 37,5%. At the same time, the CCMA had received less funding than it had forecast in its budget.

Brand argued that amid such problems, the labour department had not recognised the interdependence of private dispute resolution (Independent Mediation Services of SA, for example) and statutory dispute resolution (the CCMA) and that a "flourishing private dispute resolution sector" would relieve it of some of the burden of providing resources for the commission.

A backlog had led to inexperienced commissioners, unfamiliar with labour law, conducting arbitrations. Some awards reflected only a superficial understanding and did not address the causes of conflict. This had led to complaints about the quality of awards.

Brand suggested that the department should consider moving the arbitration process from under the auspices of the CCMA to the Labour Court to ensure higher standards of arbitration and easier enforceability.



National Land Committee

Portfolio Committee on Land Affairs chairman Pathukile Holomisa hopes church leaders will set an example by giving land back to its owners, he told a conference in Johannesburg yesterday.

Taryn Lambert

ED 6/11/97

Churches 'should return land'

CHURCH leaders should set an example in restoring their land to its rightful owners, Parliament's land affairs portfolio committee chairman, Chief, Pathekile Holomisa told the effective utilisation of church

land conference in Johannesburg yesterday.

It was ironic that churches had not played a leading role in giving back land and had not testified before the truth commission about land

being taken away under the apartheid regime.

The aim of the conference, hosted by the National Land Committee and the SA Council of Churches, was to get churches to question

ownership of the land and to agree to have property audited, committee deputy director Dave Husy said. There was disappointment at the poor representation of Afrikaans churches at the conference, he said. Churches owned an unverified 7% of SA's land.

Picture: TYRONE ARTHUR

Churches encouraged to review farm ownership

CT (OR) 6/11/97 (271)
FRANK NXUMALO

LABOUR CORRESPONDENT

Johannesburg — Conditions for workers on church farms were sometimes even worse than on private farms, with old people or whole families facing eviction when they reached retirement age, the National Land Committee (NLC), a non-governmental organisation, said yesterday in a joint conference with the South African Council of Churches.

In Land Update, an NLC publication presented at the conference, researcher Olehile Buffel said: "Farm workers on church farms continue to be underpaid and they are as vulnerable as other farm workers."

"Schools for farm workers'

children have not improved. They have to travel long distances and the school buildings are dilapidated. These problems often lead to children dropping out of school early."

The NLC challenged churches to reconsider their ownership of an estimated 7 percent of South Africa's land.

Dave Husy, the NLC deputy director, said among the avenues open to churches were restoring the land to surrounding African communities who either had ancestral claims to it or had been evicted; redistributing the land to the people at a nominal cost but not at market value; or using church land to build sustainable land use projects for African communities.

Email: fmeco bus@tml.co.za



Pump action shotguns a view from the business end

SECURITY INDUSTRY

Cashing in on the crime dividend

Quoted companies in the hunt for profits as armed robberies, vehicle hijacks and home attacks gather pace

The young guard cradling the Uzi sub-machine gun was impeccably turned out, a credit to any elite force. His hawk-like eyes continually swept the shopping centre as a cash drop was made. Clad in military style uniform complete with combat boots, he and his squad were taking no chances.

The hair trigger postures are commonplace in any SA city or suburb. A sign of the times that has turned the security industry into a R6bn/year sector. The crime phenomenon that has taken its toll on the nerves of the civilian population is now big business.

Cash transportation and the guarding of commercial premises and homes is no longer left to the down-at-heel, greasy haired, middle-aged white male who typified the industry in the Eighties.

The old 38 special Rossi rammed into the bulging trouser top has been replaced by the canvas-holstered 9mm Browning, where the single-shot Greener held pride of place, the 12-gauge pump action Remington is used. Semi- and automatic weapons are now standard in the industry's arsenal in its bid to combat the growing incidence of murder and robbery in SA's

low-intensity war. The middle aged have been replaced by young, keen ex-army and police officers.

But it's an ill wind that doesn't blow somebody good. The cancer of spreading violence has attracted the attention of listed conglomerates who see huge potential for growth in its monitoring and armed response sectors. Two quoted companies that have acquired substantial stakes are Kipton and the Super Group.

Kipton, which has been involved in security for six years through its subsidiaries Sentry Se-

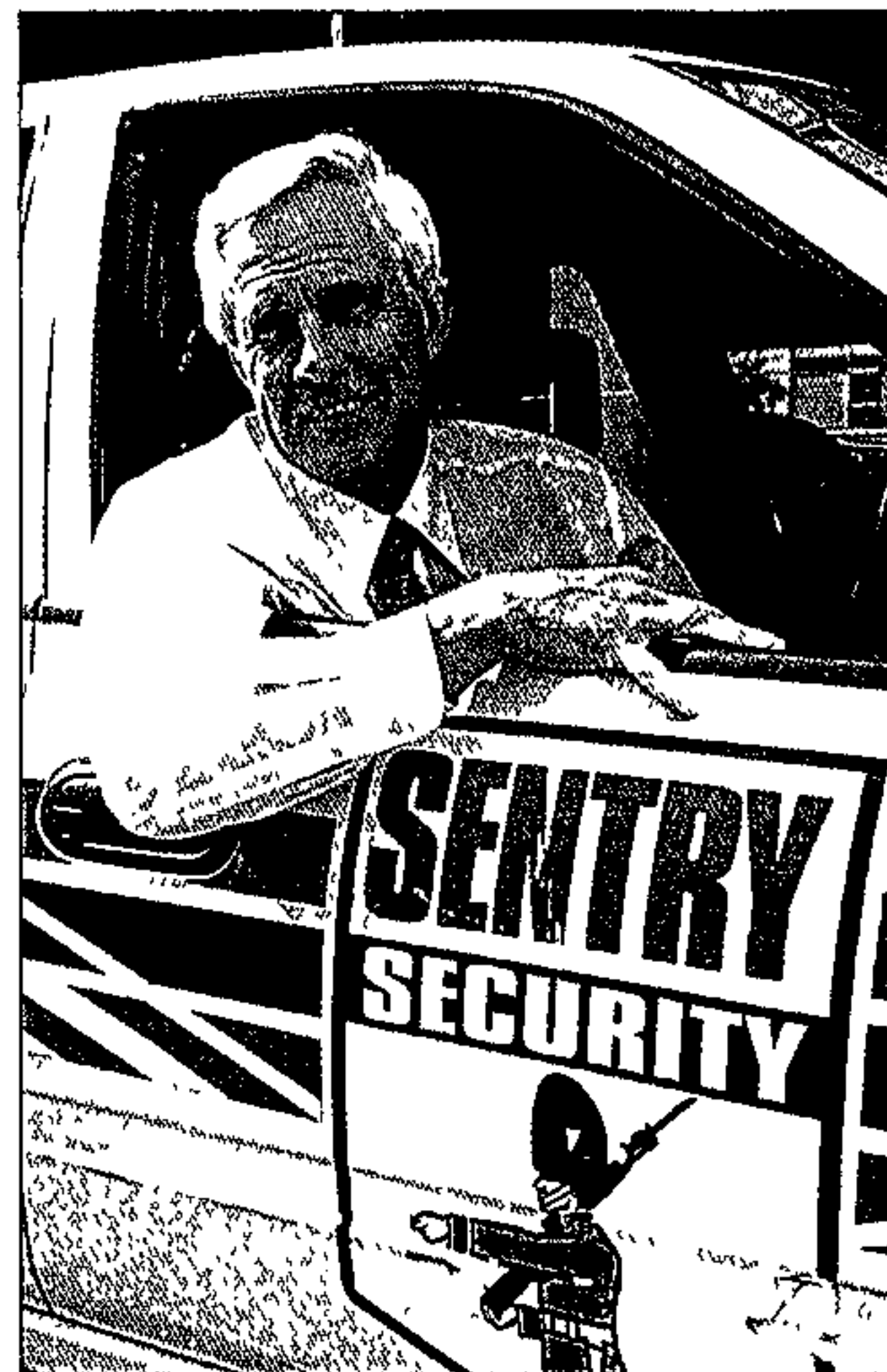
curity, formerly Sandton Sentry, and Austen Security, previously Austen Safes, recently bought Armed Response for R26m and Premier Security for R14m. Joint chairman Nigel Matthews says "we derive half our income from security. There's a lot of growth in it, if it's managed well. We got rid of our operations that weren't connected with it last year, and are now involved only in security and safety."

The Super Group, which operates in the transport, motor and financial services sectors, became SA's biggest armed response and monitoring company, with a client base of 50 000, four weeks ago, with its R100m acquisition of Southern Sentry, Safety Electronics, ET Security, Eagle Watch and BBR Security. Shortly before it was taken over BBR bought Circle Watch and Crime Strike.

MD Larry Lipschitz says it was forced to become involved in security because its subsidiaries, which operate 6 000 trucks, suffered a R12m loss due to hijacking and theft last year. "We had developed a sophisticated satellite cellular tracking system with Siemens and Vodacom and needed monitoring and recovery facilities. When we perfect the system we'll market it to our existing client base, and then go for a wider market."

The Super Group is interested only in the electronic monitoring and armed response sectors. "On its own armed response is a good business. It has a high potential for growth and we get paid at the beginning of the month, generally by debit order. We believe the armed response and monitoring sectors will grow at 25% a year in the medium term," says Lipschitz.

All who operate in the industry are required by law to register with the Security Officers' Board. Don Masterson, chairman of the board, which also monitors standards, says in October 116 825 security officers were actively employed in the industry, while another 175 000 inactive, previously



Kipton's Nigel Matthews halt, who goes there?

employed officers were registered with the board, as well as 70 472 who had never been employed in security but registered anyway, in the hope it would be easier to find jobs in the industry."

Because of the fragmented nature of the business, and the fly-by-nights who neither register with the board nor report to it, it is difficult to assess its turnover accurately. But Masterson says guarding, the biggest sector, turns over R3,6bn a year. It employs 114 000 people hired out at about R2 600 a month. "The vast majority are used to guard industrial, commercial and retail buildings."

The Security Association of SA's April edition of *Security Focus* values the entire industry at R5,9bn. The number of registered operators grew from 3 500 last year to 4 499 this year.

The big attraction is the electronic sector which caters largely for the domestic market. But that sector is now dominated by the Super Group, Klip-ton, Chubb and Paramed, who absorbed many of the companies that mushroomed in the early Nineties.

Creating a monitoring station is expensive, but unlike guarding the overheads are constant and all income is profit, once break-even point has been passed. The average charge is R100 a month. "It costs no more to monitor one terminal (client) than it does to monitor 1 000," says Masterson.

"It costs R10 000 a month to keep an armed response unit on the road. Clients pay R75 a month, which means a unit

has to cover an area with 135 clients to break even. Every additional client is profit. Many units cover areas with 300 clients."

The cash-in-transit sector which has 437 operators, is dominated by Fidelity Guards, Coin Security and Khulani, a division of Springbok Patrols. Market leader Fidelity, one of the 12 largest cash-in-transit operators in the world, claims it will earn R300m this year from its 70% share of the market. It uses 505 armoured vehicles and employs 2 284 people in that division — and 5 452 in its guarding division. It aims to

turn over R500m in total in the current financial year.

MD Robert Dickerson says the barriers to getting into the cash-in-transit business are the capital required for armoured vehicles and specialised premises, where money is handled, but exposure to uninsured loss is high.

His GM operations Rob Nimmo says in the early Nineties armoured cars were attacked by three or four people armed with knives and guns. Now gangs of up to 16, armed with AK47 assault rifles attack the vehicles. Guards are trained to fight back where possible, but not if there is a possibility that innocent people will be wounded or killed in crossfire. Attackers are being fought with technology. If they steal money from the bigger companies a device inside the money box explodes and renders the cash useless.

That doesn't mean that cash-in-transit

companies aren't losing money in attacks. To cover itself Fidelity created a cell in the Guardrisk Insurance Company, and commissioned the Forbes group to apply to the Registrar of Financial Institutions for its own general short-term insurance licence. The cell's annual premium income "seems destined to exceed R25m," says Dickerson.

Both Lipschitz and Matthews say special attention is being paid to training, and Fidelity won't employ anyone in its cash-in-transit section who has failed a psychometric or lie detector test.

Who is winning the crime war? One in-

dustry analyst says the advent of the young, highly trained professionals has helped and well-choreographed, military style cash transfers are reducing robberies. "But there are always the bad guys who will take any situation on, hence the big armoured vehicle heists," he says.

Though equipment is vital in any military unit the people are equally important. This being the case, the new personnel represent the best in security — the industry at the coal face of SA's spiralling gangsterism.

David Pincus



Fidelity's Robert Dickerson largest cash-in-transit operator

Land claims court rules against sisters

JOSEPH ARANES
STAFF REPORTER

In a precedent-setting judgment, in the Grootte Springfontein land restitution case, the Land Claims Court has ruled that people who got equitable compensation for their land cannot claim restitution.

The ruling was made after sisters Lochline Bekker and Luceel Beukes submitted a claim, in terms of Chapter 6 of the Abolition of Racially Based Land Measures Act, for restitution in respect of the farm Grootte Springfontein.

The farm belonged to their father and is situated between the Koeberg Nuclear

Power Station and Silverstream beach on the West Coast, about 15km east of the Atlantis industrial area.

Their father – the late Albertus Louw – bought the 1 205,14ha farm in 1943. But the apartheid government expropriated the land in terms of the Group Areas Act in 1974 and earmarked it as a potential growth area for the coloured suburb of Atlantis

The family was paid R750 000 for the farm.

In 1992 the sisters lodged a claim with the Advisory Commission on Land Allocation and the claim was transferred to the Commission on Restitution of Land Rights.

In 1996 they entered into an agreement with the provincial government and the

housing board to buy back the land for R32,169-million.

In terms of the agreement the family agreed to pay a deposit of R12,169-million and repay the balance over a five-year period.

The sale of the farm and transfer of the title deed was subject to the approval of the Land Claims Court.

The Blaauwberg Municipality, under whose jurisdiction the land falls, opposed the sale.

The court ruled that no person is entitled to enforce a claim for restitution if they have received just and equitable compensation at the time of dispossession, as was the case with the farm Grootte Springfontein.

ARG 10/11/97 (271)

FORCED REMOVAL AFTER EXPLOSION

People of Rooiberg haunted by their past

CT 10/14/97

(271)



TWO OF THEIR CHILDREN died when an SADF mortar blew up in their faces. Then they were told they had to leave their land. Now the Rooiberg community wants restitution. **ROGER FRIEDMAN** reports. Pictures by **BENNY GOOL**.



THE land itself speaks of the hardships of its dispossessed people. Dry, a few sheep, an exhausted gypsum mine, spent military hardware.

A decaying house tells of the explosion in 1989 which ultimately led to the forced removal of the community. A lethal device found by children, who brought it home on their bicycles, blew up in their faces, killing two and maiming four.

This is the story of the old Rooiberg community, a story of a claim for land restitution and of the community's struggle to force the military to compensate it for its dead and damaged children.

Rooiberg is about 30 kilometres north-west of Vandrhyndorp. About 40 families (200 people) occupied the area comprising three farms — Rooiberg itself, Holrivier and Bergplaas — before the removals began.

Their story, however, formally began in 1909, when history records that the inhabitants of Rooiberg began paying rent for the land to the local veldkornet.

In 1927 the gypsum mine was opened, bringing more people to the area. And so the community began to take shape, some working on the mine and others eking out an existence from the land.

The ascent to power in 1948 of the National Party saw Rooiberg being classified a "coloured area", at which point then-residents recall they were no longer required to pay rent.

The South African Defence Force first appeared in the area in 1970, but apparently only used it as a testing range between 1987 and 1990. The community, meanwhile, continued to occupy its clustered residential areas and attempted to keep its livestock from the designated firing range.

Something had to give.

According to the Rooiberg Occupation Residents' Association, the military was "blatantly negligent" in leaving the live mortar in an area where children played.

Gert Ghall, 10, and Joline Boois, 2, were killed in the explosion. Gertruda and Delmarie Boois, Josef Persens and Gert Cloete were injured. Gertruda's outer thigh was terribly mutilated by shrapnel, while one of the children has been in and out of mental institutions since the incident.

"In 1990 the army came to us to say we had to move because of the accident. Colonel Bonthuys was

the one who came and told me we would get our land back after they had finished with it. But he never wrote it down in black and white," said 65-year-old Mr Elias Persens.

"They said they would build houses for us in Lutzville, Vredendal and Vandrhyndorp. But, instead, our people are now living in debt because of the rent they must pay for their houses. Most people left in 1991. They came and loaded them up with lorries.

"I stayed on, alone on the land with my cattle until 1994. Then I got sickly and felt I could no longer live alone."

Mr Frank Rosenberg, chairman of the residents' association, said he had ascertained that the land presently belonged to the state, which installed four white farmers as "caretakers" after the community's removal. Just one of the four remains.

"(The farmer) said to our people that he would never be put off his land by a hotnot. How can he say that? It is not his land, he is not the owner, but a renter," he said.

"He's not a renter, he's a squatter," added Persens.

Rosenberg continued: "These people want to go back. You must understand. Their blood is boiling. Every day they feel the pain of what was done to them. They want their houses back and the school. They want back the cattle which they could not take with them."

"I will go back when the land is our property," said Pastor Andreas

Januarie, the Rooiberg school principal between 1960 and 1985.

"I don't want to live ever again on land belonging to someone else, which is land with which you can do nothing. There are great possibilities at Rooiberg, but first it must be our land. The land can support cattle farming, vegetable and succulent farming, plus there is still some gypsum and there has recently been some diamond prospecting," Januarie said.

Meanwhile, the community awaits the result of a formal land restitution claim.

It also believes there is unfinished business relating to the children hurt in the 1989 explosion. The father of the two who died, Mr Hermanus Beukes, said he spoke to the mine manager two days after the explosion to ask him to telephone the army.

"The army said they would pay out. But they only gave two coffins, two buses, soup, coldrink and bread. That is what they gave me for my children."

"Mr Piet Meyer, who is now the National Party's chief whip in the provincial legislature, was at my children's funeral. He promised me they would pay. He said I must get married as soon as possible and then put in my claim. I married Ms Yolanda Boois, the mother of Joline. Since then I have been to three attorneys in Vredendal. They say that if my children were working at the time it would be easier to claim," Beukes said.

DEADLY LEGACY: Pastor Andreas

Then there is the problem of what to do with all the old ammunition scattered around.

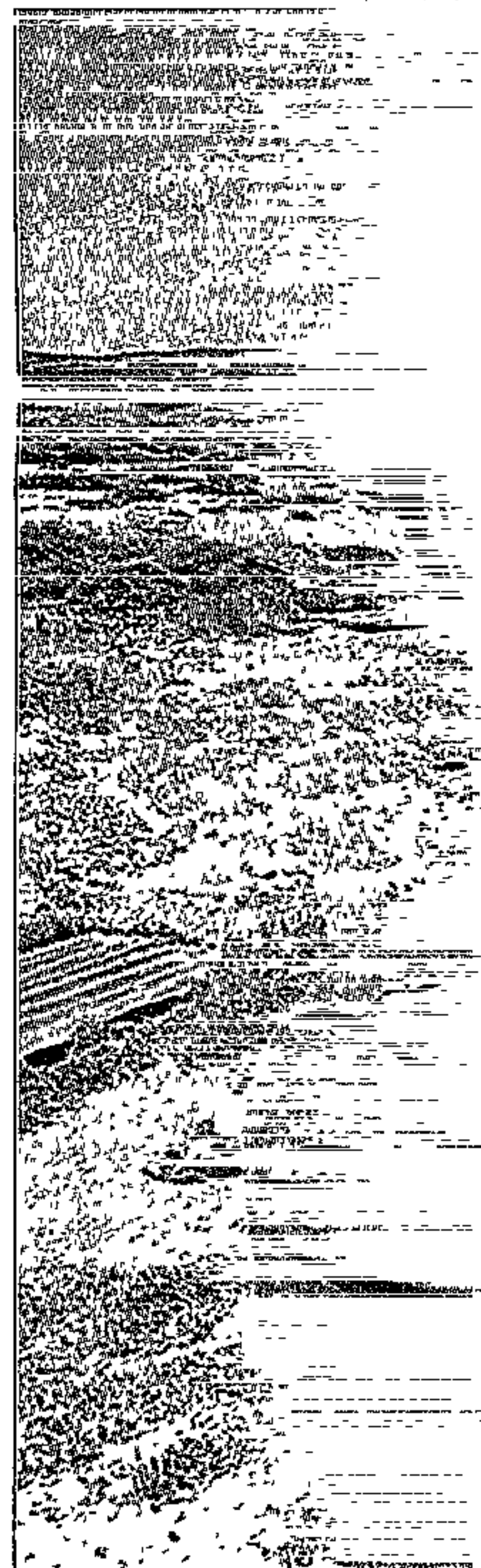
When the Cape Times visited Rooiberg, members of the community pointed out what they considered a particularly lethal device, lying half buried in the sand, which they had marked with a rock.

Nearby, they showed us what appeared to be ammunition dumps, holes in the ground covered by corrugated-iron sheeting. They are sure the dumps contain some live ammunition, too, though they say they have been told everything has been rendered safe.

Before they move back they want one of their people to be trained by the military in the handling of explosives.



PHYSICAL SCARS: Justin Mkhize shows what a mortar did to his daughter, Gertruda Boois' leg. Fifteen years old at the time of the explosion, Gertruda was also wounded in her side. She still spends much of her time in and out of hospitals.





Januarie with one of the objects left behind by the military. Behind him are Willem Box (left), Frank Rosenberg, Johannes Cloete and Hermanus Beukes.



UNBOWED: Elias Persens, 65, is itching to be allowed home to Rooiberg. His family does not feel at home living in Vanrhynsdorp.

Church must give land back to people

Communities want dispossessed land be given to the poor

By Joshua Raboroko

AT A TWO DAY conference in Johannesburg recently, the church was called on to investigate the present use of church land and to explore how it can be effectively used.

Held under the auspices of the National Land Committee (NLC) and the South African Council of Churches, the conference dealt with land redistribution, restitution and tenure security on church land.

The conference resolved to help the church to formulate a common policy on land, and recognised that missionaries were involved in the dispossession of land from the original inhabitants.

Resolutions taken by delegates included:

- Initiating relationships with key non-governmental organisations involved in land reform such as the NLC and its affiliates;

- Conducting an audit of all church land and property to establish what land was owned as a result of colonial dispossession (pre-June 1913), what land was owned as a result of dispossession based on racially discriminatory legislation, and what land was being used but could be used effectively by the settlement of displaced communities;
- Enabling the church to assist rural communities to get back their land and to make representations to the State to fund agricultural projects and encourage African traditional forms of communal land utility;

- Helping communities to improve their quality of life and welfare through developing farming skills and other forms of basic agricultural education, and

- Committing the church to the declaration of the Rustenburg National Conference of Church Leaders in 1990, which called on churches to con-

fess and repent for their involvement in or lack of action against removals

These far-reaching decisions were taken after church leaders and community representatives deliberated on the plight of the poor, particularly those displaced from church land.

The chairman of the Kranspoort Residents' Committee, Chief Elakem Serumula, said more than 200 people were forcibly moved from their land near Louis Trichardt, Northern Province in the 1950s and 1960s.

A Dutch Reformed Church (DRC) pastor convinced Serumula to allow him to settle on his land. After many years, however, the pastor discriminated against blacks and called them heathens.

The community objected to this behaviour and wanted him excommunicated. But the local authorities moved in and instead declared the area "a black spot".

Many arrested

Many blacks were arrested in the uprisings which followed, and the original owners of the land were forcibly moved from the area. The land is still lying fallow.

"The community wants to return to their land to plough and produce food for their survival," Serumula told the conference.

"The soil is also very good for making bricks, and the community feels once they return, their children can be trained for brick-making projects to make a living."

Former schoolteacher Mr Elisha Manganga, whose family was moved from the area, said many pupils were forced to abandon school at a "tender age". The authorities allowed some of them to continue their education on the plot, but the school was subsequently closed in June – apparently after leaders made legal claims for the return of their land.

Negotiations between the committee's representatives and DRC leaders have deadlocked.

A delegate from Middelfontein in Northern Province said: "The land belongs to our ancestors. Many of the community's members were born on the land they are claiming."

"Our ancestors' graves are at Middelfontein."

A letter from the Uikyk community was read at the conference.

"The Methodist Church demolished our houses and only a few people managed to take their livestock," read part of the letter.

"We feel the church should be in a position to compensate us. A thorough investigation of the church is necessary."

The chairman of Parliament's portfolio on land affairs, Chief Pathekile Holomisa, called on missionaries who perpetrated these "heinous acts of injustice" to appear before the Truth and Reconciliation Commission.

Holomisa said: "A little more than three centuries ago a group of weary, starving and destitute European travellers landed on the south-western shores of our land in need of food, shelter and a place to rest."

"To the mortification of the hosts, the unwinvited guests overstayed their welcome, waged wars against the inhabitants, conquered and made them slaves and took over their land, wives and livestock. Many of them presented themselves as men of God on a mission to spread the good news. But they changed and deprived the indigenous people of their land."



Chief Pathekile Holomisa at the conference on church land in Johannesburg last week. PIC CLEMENT LEKANYANE

It was for this reason that "we want them to testify before the Truth Commission – people want their land back now."

- About 22 000 land claims have been lodged with the Commission on Restitution of Land Rights – 18 000 in urban areas and 4 000 in rural areas.

Apartheid

The Land Claims Court, under five judges, has so far heard 18 cases and made a ruling in three of them.

The courts ruled that about 500 people in the Western Cape, Eastern Cape and KwaZulu-Natal, who were forcibly removed under apartheid through the Group Areas Act, should return to their land.

Commission spokesman Mr Thys Human says Land Affairs Minister Mr Derek Hanekom, has tabled an Amendment on the Restitution of Land Rights Act of 1994 due to the backlog of cases.

Chamber calls for halt on new labour law

Samantha Sharpe

CAPE TOWN — The Cape Chamber of Commerce and Industry has called for a moratorium on further labour legislation to allow for a period of economic consolidation and growth.

Speaking at the chamber's annual general meeting yesterday, chamber president Ali Gierdien said government's macroeconomic strategy was an ideal vehicle to growth and employment in the country.

He said trade unions had to realise

short-term job losses was the price of efficiency in providing services in the public sector and global competitiveness in the private sector.

However, the result would be to rapid economic growth and job creation on an "unprecedented" scale.

"The president has called for a job summit which has been deferred because of the tension that exists between labour and business. I believe the only way out of this impasse is to declare a moratorium on further labour legislation," Gierdien said.

Land restitution claims soaring

PRETORIA — The number of claims for land restitution had risen by almost 5 300 since September, the commission on the restitution of land rights said yesterday.

Chief commissioner Joe Seremane said in Pretoria that 22 404 claims had been received countrywide, four of which had been finalised.

Most of the claims were lodged in the Western Cape (6 737), followed by KwaZulu-Natal (6 304) and Gauteng (4 427). Only 339 claims had been received in the Northern Cape. A total of 19 032 claims were in urban areas, compared with 3 372 in rural areas, Seremane said.

The most recent claim to be finalised was that of the Ratsegai community, which last week received clearance to return to their ancestral land near Koster in North West. Their

land claim was the first to succeed in the Gauteng/North West region.

The Ratsegai community consists of more than 2 000 people who are currently living in rural areas, in Soweto near Johannesburg and around Mabopane outside Pretoria.

Their forefathers bought the land in 1890. In 1963, the community was forcibly removed under the apartheid laws of the former government. The land, totalling more than 4 000ha ended up in the hands of five farmers.

Seremane said the first successful claim in KwaZulu-Natal was that of the Cremin community, which was driven from their land in the Klip River district in the 1960s.

Seremane said the court had ordered that the land be bought back from the deceased owner's estate and subdivided. — Sapa.

Water law changes 'violate property rights'

Linda Ensor

CAPE TOWN — Proposed changes to water laws constituted a gross violation of one of the most basic rights of property enshrined in the constitution, Democratic Party (DP) leader Tony Leon said last night in his first foray into the Western Cape platteland.

Former National Party supporters in the hinterland, mainly young, white Afrikaners, were showing increasing support for the DP, Western Cape provincial leader Hennie Bester said

before a public meeting in Citrusdal. He urged Afrikaners to regain self-confidence and build their own culture and participate in political debates and activities.

Leon attacked the proposed water law as expressing government's "urge to control every aspect of our lives". The DP rejected the argument that the right to water could be separated from a right to land. Farmers would be hampered as the law included the concept of water as being in "public trust", with government as sole custodian.

PEANUTS

By Charles Schulz



Huge increase in number of land claims

(271) SPAN 14/11/97
The number of claims for land restitution had risen by almost 5 300 since September, the Commission on the Restitution of Land Rights said yesterday.

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Software pirate's sentence 'a landmark'

Evicted by the pastor in the family

(271)

M+G 14-20/11/97

Ann Eveleth

A Northern Cape pastor evicted 11 relatives — including two septuagenarian female cousins — from the only home they had ever known late last month after they fell behind on their rent in the midst of an ownership dispute.

The farm Uitkomst has been in the Jansen family for more than a century, and is one of a handful of farms still belonging to the descendants of coloured farmers who turned Gordonia's "worthless desert" on the northern bank of the Oranje River into productive farmland in the late 1880s.

But an Upington small claims court decided in September to grant Reverend Floris Jansen the right to evict his cousins, Hendriena van Wyk (79) and Jeanetta Havenga (71) (both born Jansen) from the land of their birth owing to rental arrears of R500.

The court, which is empowered to decide cases involving a maximum value of R3 000, ruled in the matter in spite of a pending land claim by the two widows who say transactions which robbed them of their father's inheritance in the 1950s followed similar "racially based practices" to those which saw most of Gordonia's coloured farmers losing their land in the early 20th century.

Van Wyk and Havenga now share a two-bedroom council house with Van Wyk's daughter and 14 other relatives, including nine children and grandchildren evicted with them, in Upington's Rosedale township.

Jansen is the national chair of the Evangelical Fellowship of Congregational Churches — and delivers

sermons to his homeless relatives every week at the Uitkomst church they all attend.

He has rejected appeals by the Human Rights Commission to reconsider the evictions on grounds the move infringes on the constitutional rights of the elderly women to dignity, equality and adequate housing.

Jansen told the *Mail & Guardian* this week that he would not change his mind because his cousins had "refused" to pay rent and forced him to go to court. His cousins subsequently paid their arrears, but this did not stop their eviction.

Local Uniting Reformed church Reverend Aubrey Beukes has lobbied the ministers of justice and land affairs, as well as legal non-governmental organisations, to intervene on behalf of the women, who dispute a 1956 division of the farm between their father, Job Jansen and his brother Cornelius — the father of Floris Jansen.

They also dispute a 1961 sale of their father's land to a white farmer — a legal battle that has stretched 35 years on the instructions of their father's will.

University of Western Cape history Professor Martin Legassick said the Jansen land dispute followed "the same pattern of shady lawyers manipulating land deals" which resulted in most of the Gordonia farms returning to white ownership after a former slave, Abraham September, enriched the "desert" soil by building an irrigation canal.

"September's own farm was sold off in contravention of his will by sons who were unaware of the contents of the documents they signed," said Legassick.

Teaching the 'natives'

Certain churches have agreed to restore land rights, but some wonder whether they will uphold this decision, Ann Eveleth reports

In 1854 Sir George Cathcart told the Duke of Newcastle that portions of Eastern Cape mission land should be sub-divided for cultivation "as the native residents become gradually fit for it". This statement, so evocative of 19th-century paternalism, was repeated and treated seriously by church leaders last week.

A representative for the Ecumenical Service for Socio-Economic Transformation, Molefe Tsele, told a conference on the effective utilisation of church land nearly the same thing when he argued against calls for South African churches to give up the more than 7% of land they are estimated to control nationally.

"Our challenge is for the church to bring education about stewardship of land; coupled to this education should be the spirituality of land ... the theology of land," he said.

Tsele's proposal — while ostensibly aimed at ensuring land transfers are coupled with training and infrastructure — was a far cry from the kind of commitment Land Affairs Portfolio Committee chair Chief Patekile Holomisa sought from dele-

gates to the joint National Land Committee and South African Council of Churches conference.

Arguing that European missionaries had actively supported colonial forces in their quest for land from which to "civilise" local inhabitants, Holomisa said: "We expect the church to set an example to the others who hold land which is watered and fertilised with the blood and bones of our forebears who fell in the wars of dispossession, by restoring even those land rights that were taken before the 1913 [cut-off date for land restitution]."

In the end, the Southern African Catholic Bishops Conference and the council resolved to short-circuit the lengthy land claims process and restore land rights to those dispossessed along the road to Christianity.

Participants pledged to conduct audits of their substantial holdings, to become responsible caretakers of land and to offer ongoing support to communities living on the land.

But land committee representative Mathodi Malope pointed out that churches had made similar resolu-

tions as early as 1984. "Besides confessing in different conferences, there has been no major action to show remorse or repentance from the church."

Malope added that many churches had resisted land reform by evicting claimants or prospective redistribution beneficiaries from their land, closing schools and other facilities on which they relied and selling the land out from underneath current residents.

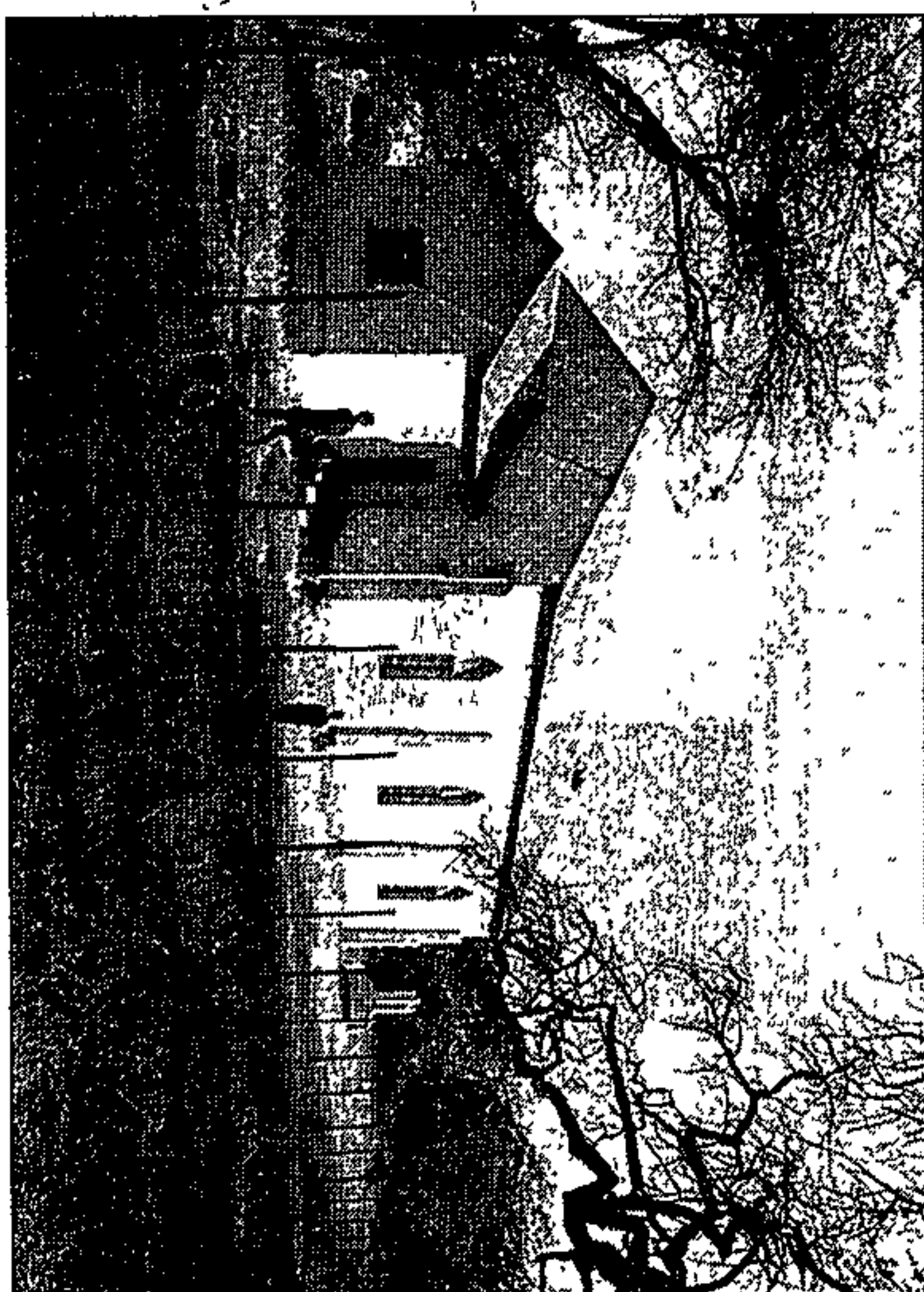
Former ombudsman Eugene Roelofse, who has completed a manuscript titled *And the Priests Passed By*, argued that churches were responsible for more than mere land-grabbing, as many priests remained silent while farmworkers faced abuse by employers.

Roelofse was alerted to several cases of farmworker abuse in the late 1970s and early 1980s by a Methodist minister with a black congregation. "There must have been hundreds of other pastors attending to congregations of farmworkers, but only a few of these men of the cloth raised their voices in protest."

Even worse, argued the former Dutch Reformed church member, was the role played by Afrikaans churches to which the farmers belonged.

Citing one of the 20-odd cases from his book, Roelofse said Dutch

Land rights: In the Northern Province, farmworkers have lodged a land claim against the Dutch Reformed church. PHOTO: KIM DE WEEES



Reformed Dominee Francois Myburgh testified in mitigation of sentence for farmer Roelof du Toit in 1978, following his conviction for chaining 18-year-old Willie Pieter-son to a pole for two days after the youth allegedly stole some sweets.

Du Toit was "easy-going and unruffled", Myburgh told the court. Du Toit's son, convicted of beating farmworker Hendrick Jacobs to death for rescuing Pieter-son, was "a deacon and a man who acted with calmness".

Roelofse said dominees "routinely" testified in defence of farmers accused of such deeds.

Last week's land conference also criticised the lack of participation from Afrikaans churches. Only Dutch Reformed Ecumenical Service

head Willie Botha attended, and he was unable to take the church into any restitution commitment — or even to say how much land the church owns.

"Our problem is that the land is owned by individual congregations. Whatever individual dominees did or were doing, we can't take responsibility for individuals," said Botha.

He said his church was, however, "looking at the issue" of church land and that it would be on the agenda of the next general synod in October 1998. "At least I was there [at the conference]," he said.

The other Afrikaans churches, including the Dutch Reformed church and the Afrikaans Protestant church, were not.

Hanekom 'denying Bafokeng their land'

Lucia Mutikani

271 BD 17/11/97

THE Bafokeng tribe, embroiled in a legal dispute with mining company Impala Platinum (Implats) over land, on Friday accused Land and Agriculture Minister Derek Hanekom of trying to confiscate its land and mineral rights.

Herbert Mngadi, public affairs executive of the 300 000-strong Bafokeng nation, said Hanekom, who had been cited as one of the four respondents in their litigation due to be heard in the second quarter of next year, supported former Bophuthatswana homeland president Lucas Mangope.

Mangope signed an agreement in 1990 with Implats, giving the company rights to mine platinum on Bafokeng land until the depletion of ore. He signed the agreement as a trustee of Bafokeng land.

He said other respondents cited in the case were Implats, President Nelson Mandela and Minerals and Energy Affairs Minister Penuell Maduna.

The Bafokeng land, measuring 2 000km², has the second biggest platinum deposits in the world after Russia. It is also home to several Anglo American chrome mines.

Mngadi said Implats paid the Bafokeng nation royalties amounting to 13% of its taxable profits. "Sometimes we do not receive any royalties because Impala is involved in certain capital projects. We have title to our land and we are saying the era of paying royalties is over," he said.

In an advertisement in the Sowetan, Bafokeng King Lebone Molotlegi accused government of trying to confiscate the tribe's land. Asking whether the ghost of Mangope was haunting them again, Molotlegi said Hanekom was denying them their land.

The Bafokeng have already indicated that if they win the case, Implats would be evicted from the land.

Hanekom could not be reached for comment.

Land reform projects win green light from govt

Louise Cook

GOVERNMENT had approved 380 land reform projects involving about 50 000 households and had transferred more than 150 000ha of land to beneficiary groups to date, Land and Agriculture Minister Derek Hanekom said yesterday.

He told the southern African trade and investment summit in Gaborone it was a "solid start" based on market principles. "We are beginning to rectify some injustices of the past in a fair and transparent manner and in a way that is firmly based on market principles," Hanekom said. "Without land reform we would be doomed to a climate of land invasions, tensions and instability."

Referring to farming in SA, the minister told the summit that a green paper on agriculture policy would come out early next year. Ten task teams from the agriculture department, private sector and universities, as well as technical specialists, had probed issues relating to food security, rural finance, co-operatives, farmer support services, natural resource

management, drought and disaster management. "Priority will be placed on household food security given the large proportion of the population living below the poverty line," Hanekom said. "Our objective is to create a highly efficient and economically viable market-directed farming sector, characterised by a wide

range of farm sizes that will be regarded as the economic and social pivot of rural SA. "As SA has emerged from isolation, its role in the region has become increasingly important. Our government's position on farm trade is to seek improved market access for a broader range of products than has been the case in the past," he said.

In August member states of the Southern African Development Community had signed a trade protocol to set up a free trade area within eight years. Most non-tariff barriers to trade had been cut out and negotiations with the European Union on an "ambitious" free trade agreement was on track, Hanekom said.

Land and Agriculture Minister Derek Hanekom said yesterday.

Former De Beers land to be handed over to Komaggas

NEARLY 140-million hectares of former De Beers Consolidated Mines land would be handed over to Namaqualand's Komaggas community this Saturday in an historic land reform move, the land affairs department announced yesterday.

Land Affairs Minister Derek Hanekom was expected to hand over the title deeds to two farms totalling 139 437 800ha to the community on Saturday, the department said.

The farms, Gracesputs number 201 (63 000 242ha) and Portion 1 and the remainder of Witbergs Kloof number 186 (76 437 558ha), were adjacent to existing Komaggas land and until recently the property of De Beers.

It was the first land acquired from De Beers for land reform purposes in the Namaqualand district.

The department said the handover signalled only the start of further negotiations to buy more surplus land from the company for the communities of Komaggas and Soebatsfontein, both near Springbok in the Northern Cape.

The negotiation process for the first acquisition started in 1994 and the company decided to make some of its surplus land — land subject to prospecting surveys, but found not eco-

nomically viable for mining — available to the department for land reform.

Komaggas is one of six rural areas in Namaqualand administered in terms of the Rural Areas Act of 1987. The land affairs minister holds the land of the six areas in trust for these communities.

The department said mining by different companies was being down-scaled in Namaqualand which had had a major effect on employees from the rural areas, forcing them to look at farming as one alternative.

The Northern Cape provincial government was in the process of addressing this issue.

Existing Komaggas land outside the township was used on a communal basis for stock farming.

The newly-acquired farms would be used according to a land use management plan yet to be drawn up by the Komaggas council and the agriculture department.

A recent survey by nongovernmental organisation Surplus People's Project showed the community needed additional grazing land, and the department said it aimed to financially support the Komaggas in future to address such a need. — Sapa.

to be later evidence

The gift of land proves useless

Many black farmers with new land are struggling to survive.
Ann Eveleth reports

When Dorah and Josiah Matlou took out a lease on 200ha of farmland in Rust de Winter, they dreamed of one day becoming part of Africa's "breadbasket." But for now the best they can hope for is to turn a tiny profit on the bits and pieces of arable land they have managed, with meagre resources, to carve from the bushveld.

Last year Josiah Matlou (71) was forced to dip into his life savings — a herd of 85 cattle, now shrunk to less than 50 — to cover the losses on the 10ha maize plot he had planted in the rainy season. The harvest he reaped in July, 29 bags of mealie meal, fell far short of expectations, and of what he and his wife needed to feed their seven children, even with income from the odd sale of milk, and the tiny cabbage and morogo patch Dorah nurtures behind the house.

In 1993, Dorah Matlou (45) quit her R600-a-month job as a shop assistant, and Josiah Matlou retired from his job as a foreman on a white farm near Hammanskraal — a job that after 25 years earned him a monthly salary of R130 and an 80kg bag of mealie meal — to take a chance on land reform.

The Matlous are one of about 40 "farmworker" families in the Vuka Nzensele Co-operative trying to eke a living from the fertile but dry agricultural land of Rust de Winter.

The co-operative is one of six groups vying for a piece of the Rust de Winter land, one of three farming areas targeted by the Gauteng

Province Land Reform Pilot Program for redistribution, restitution and land tenure reform.

The Matlous had applied for restitution, Josiah Matlou's forefathers had lived in the area and they believed they had a right to a plot of land. The claim was rejected, so they applied for land through the redistribution programme about four years ago. They are leasing the land in the meantime.

"But what we need most is water," said Dorah Matlou, pointing to dry ground under the rusted water-pipe by the dilapidated farmhouse they have made their home.

"There was water for three months when we came to Rust de Winter. Then they cut the water. Now they say we must pay for water from

the dam, but they won't give us what the white farmers used to get and we can only irrigate five hectares. Last year we had to farm dry land," she said, depending on scant rainfall.

Northern Province water affairs chief engineer Jan van Rooyen said the community had not been prevented from drawing water from the Rust de Winter and Rhenosterkop dams, both of which feed the area.

"I'm sure whoever applied got water, but if they are leasing the land they have to pay upfront," he said.

In a recent meeting with the Rust de Winter farming community, Minister of Water Affairs and Forestry Kader Asmal said there would be 1.5-million cubic metres available to them annually. "That is much less than they had planned on and it is ob-

viously a great source of frustration, but virtually the whole former KwaNdebele also depends on that water," Van Rooyen said.

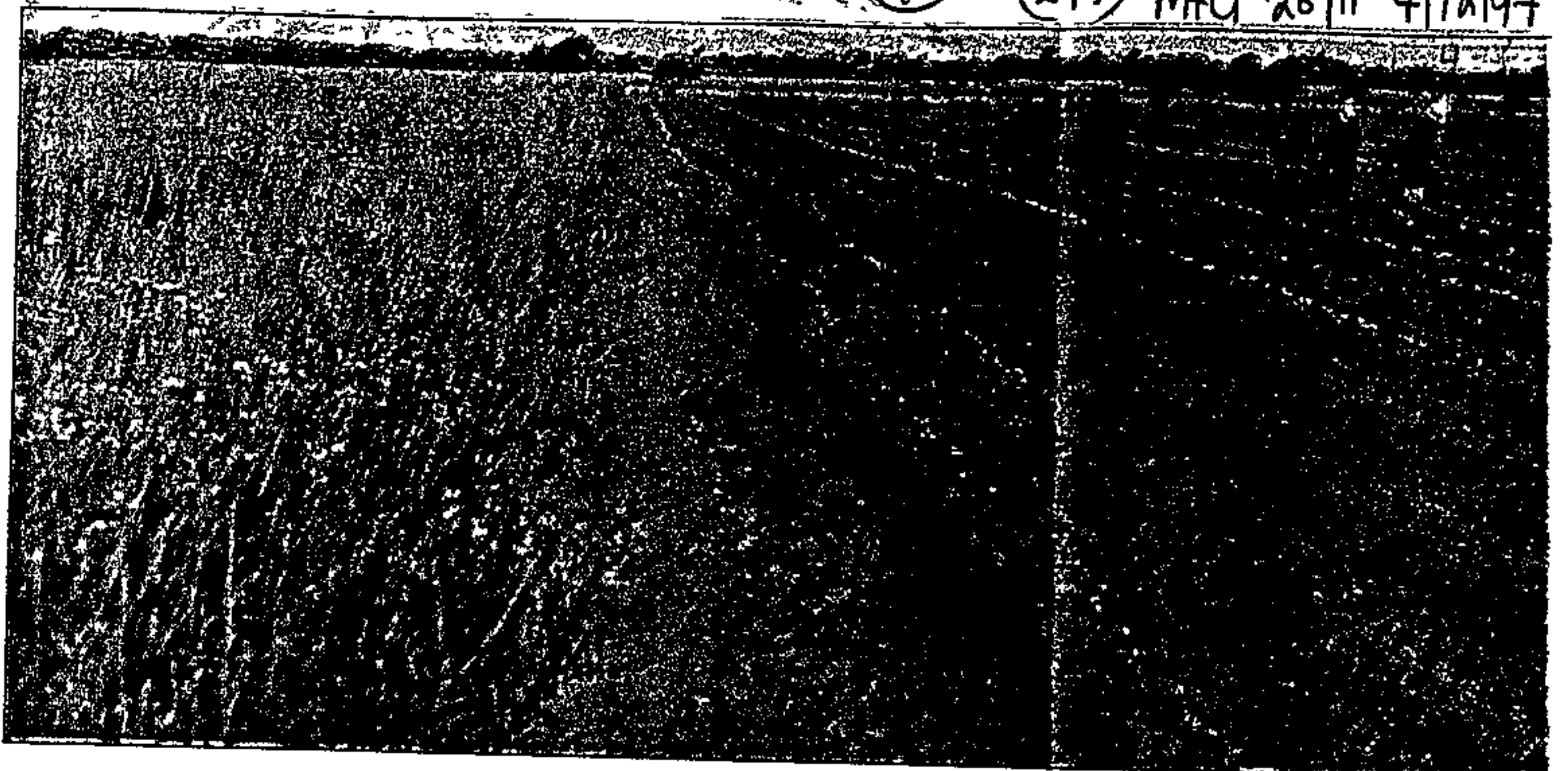
Van Rooyen said the new quota provided enough water to irrigate about 450ha of land — a far cry from the 17 000ha irrigated when the land was occupied by white farmers, and even then many failed due to water shortages. New water policies, Van Rooyen said, have forced a review of the entire Rust de Winter project.

But water shortages are not the only obstacles in the way of the Matlous' dreams. Delays in implementing Rust de Winter's land reform have forced prospective landowners like the Matlous to sign a succession of one-year leases with the Department of Agriculture.

At R8 per hectare a year, the Matlous' yearly rental of R1 600 sounds like a bargain. But Josiah Matlou argues that short-term leases have made it impossible to get credit. He spent R5 000 last year to plant 10ha of mealies. He sold the crop — 29 bags of mealie meal — for R2 200.

"I'm going to keep selling cows until I become poorer and poorer and poorer. Tomorrow when I die I'll leave Dorah with nothing and my little babies will have to suffer," he said.

The costs of agriculture — long financed for white farmers by the Agricultural Credit Board — are high. This year the Matlous and other farmers in the area are being aided by a contract from Lonhro to plant cotton. The company has paid most of the costs of the planting — except a



(271) M+G 28/11-4/12/97

New pastures for Namaqualand's shepherds

Diamond giant De Beers sells off old mining land

BLACKMAN NEGRO
STAFF REPORTER

Diamond mining giant De Beers has sold 140 000 hectares of barren land in Namaqualand to the Department of Land Affairs for use in its land redistribution programme.

The R800 000 deal is part of a De Beers initiative to sell land it no longer requires for mining purposes. Mineral rights to the land will be transferred to the state.

Land Affairs Minister Derek Hanekom took part in a colourful ceremony in Komaggas, about 100km

north-west of the Namaqualand town of Springbok, where he handed over the land's title deeds to the community in the presence of the Northern Cape minister of land affairs, Thabo Makweya.

Mr Hanekom said the Government appreciated the sale of land by corporations such as De Beers. However, he found the ownership of such huge tracts of land by one corporation "problematic for land reform".

De Beers owns a total of 250 000ha of land in Namaqualand. This includes 180 000ha of farm land and 28 000ha of game areas.

The recently acquired land is to be

used for communal grazing.

Negotiations are also under way to sell off portions of several other De Beers farms - Quaggafontein and Sandvlei in Soebatsfontein, and Platvlei and Koukamme in Komaggas - for this purpose.

Mr Makweya said land reform in Namaqualand was made difficult by the barren nature of the terrain, which made individual title to land less desirable than in other places. "Even in building houses we are very behind in Namaqualand," he said.

"It is the only place where it is difficult to give title deeds to individuals."

Land reform in Namaqualand

ARG 8/12/97

(271)

involves commonage principles, where the local authority owns the title deeds and leases land for communal use. It can apply to buy more land, which merely extends its commonage.

Pasture is scarce and this has led to over-grazing and erosion. In Namaqualand they don't talk of how many sheep per hectare, but how many hectares per sheep.

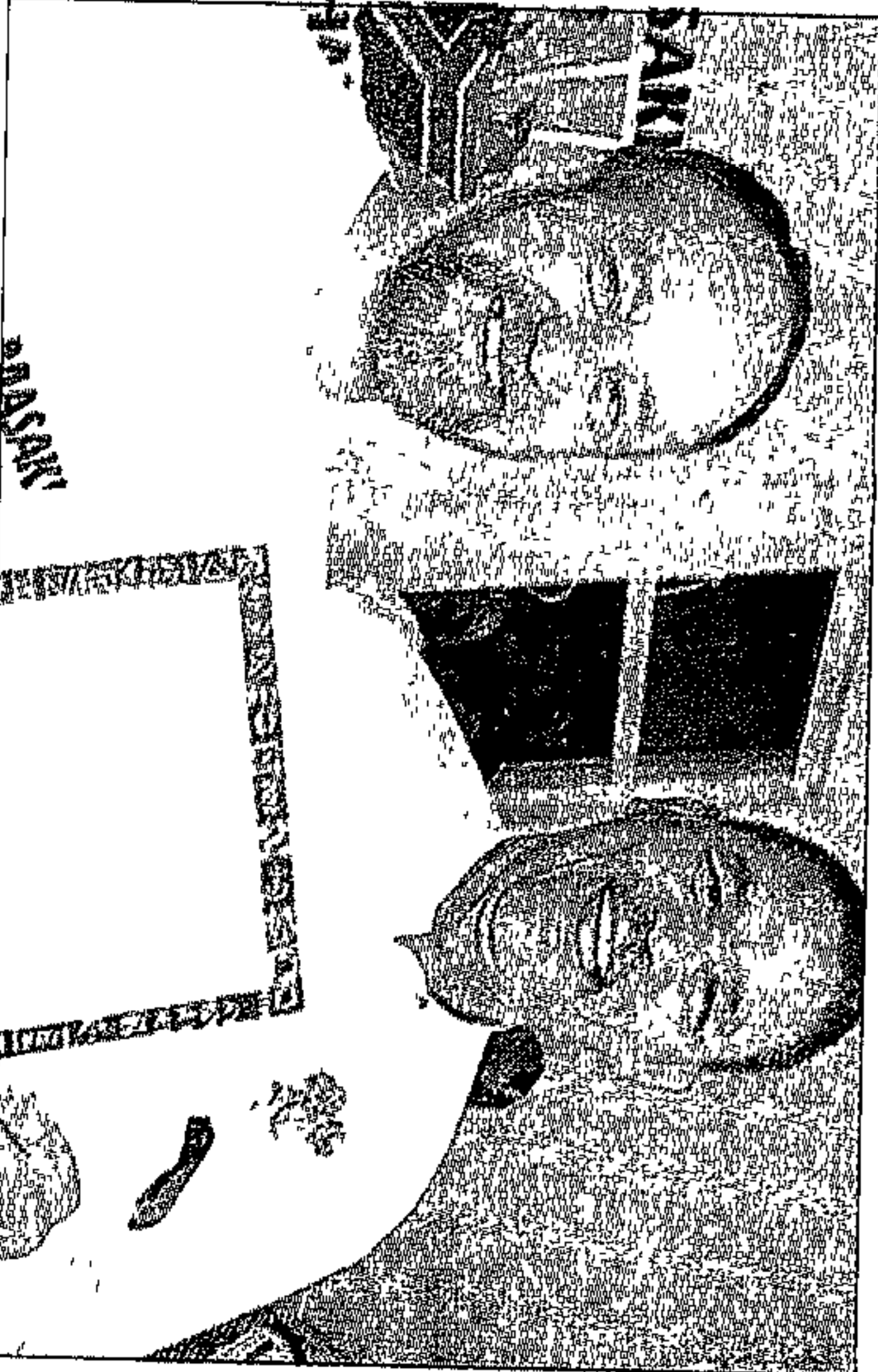
Many of the beneficiaries of the land grant are employed by De Beers farmers, who keep animals to supplement their income.

Boeboe van Wyk, a Namaqualand member of the Northern Cape

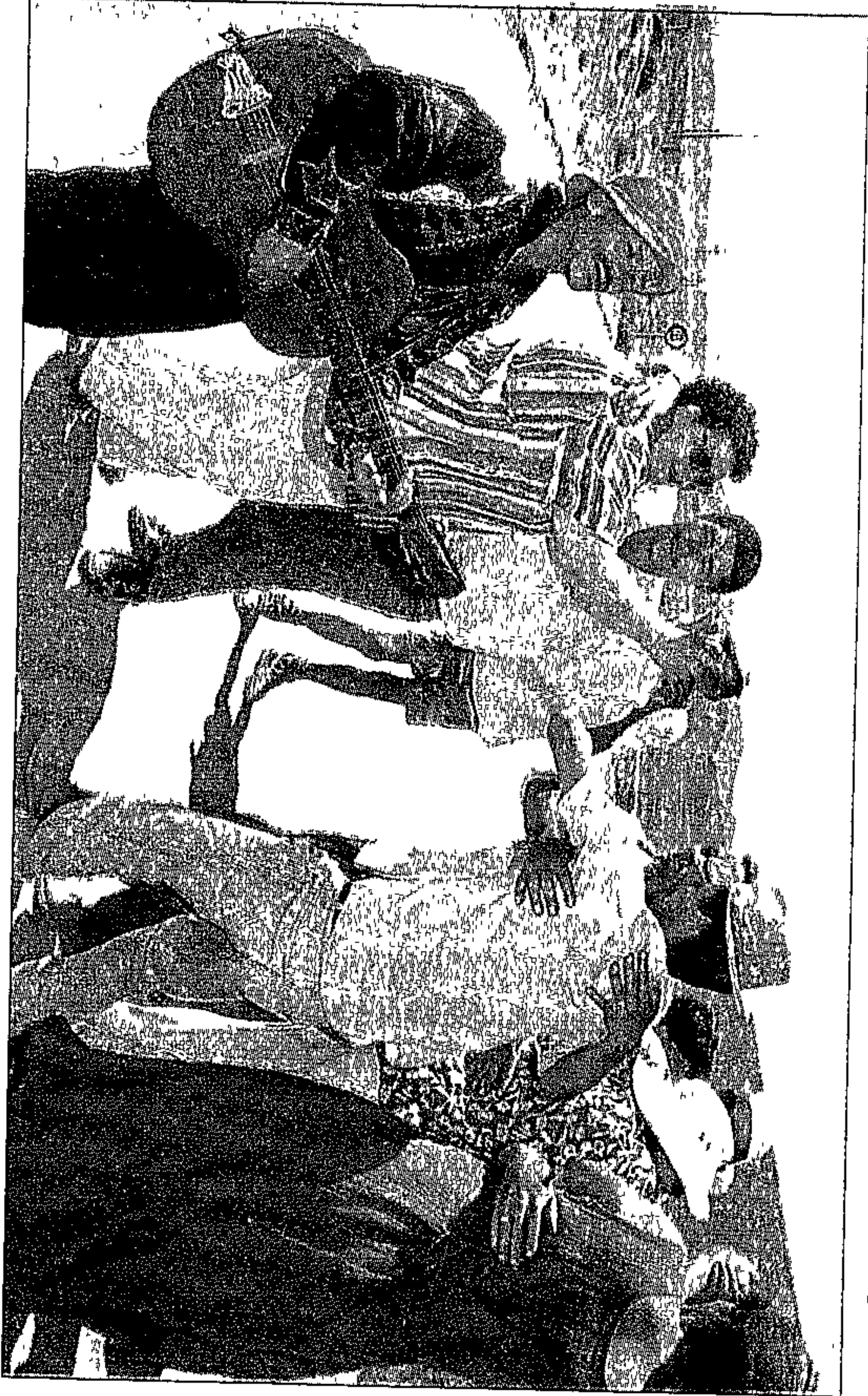
provincial legislature, said: "This communal system is okay only for grazing land - this is because the natural conditions here cause the people to move around from winter grazing areas to summer grazing areas, between the mountains and the coastal areas."

"However, around the Orange River, where there is capital-intensive agriculture, we must find another form of tenure."

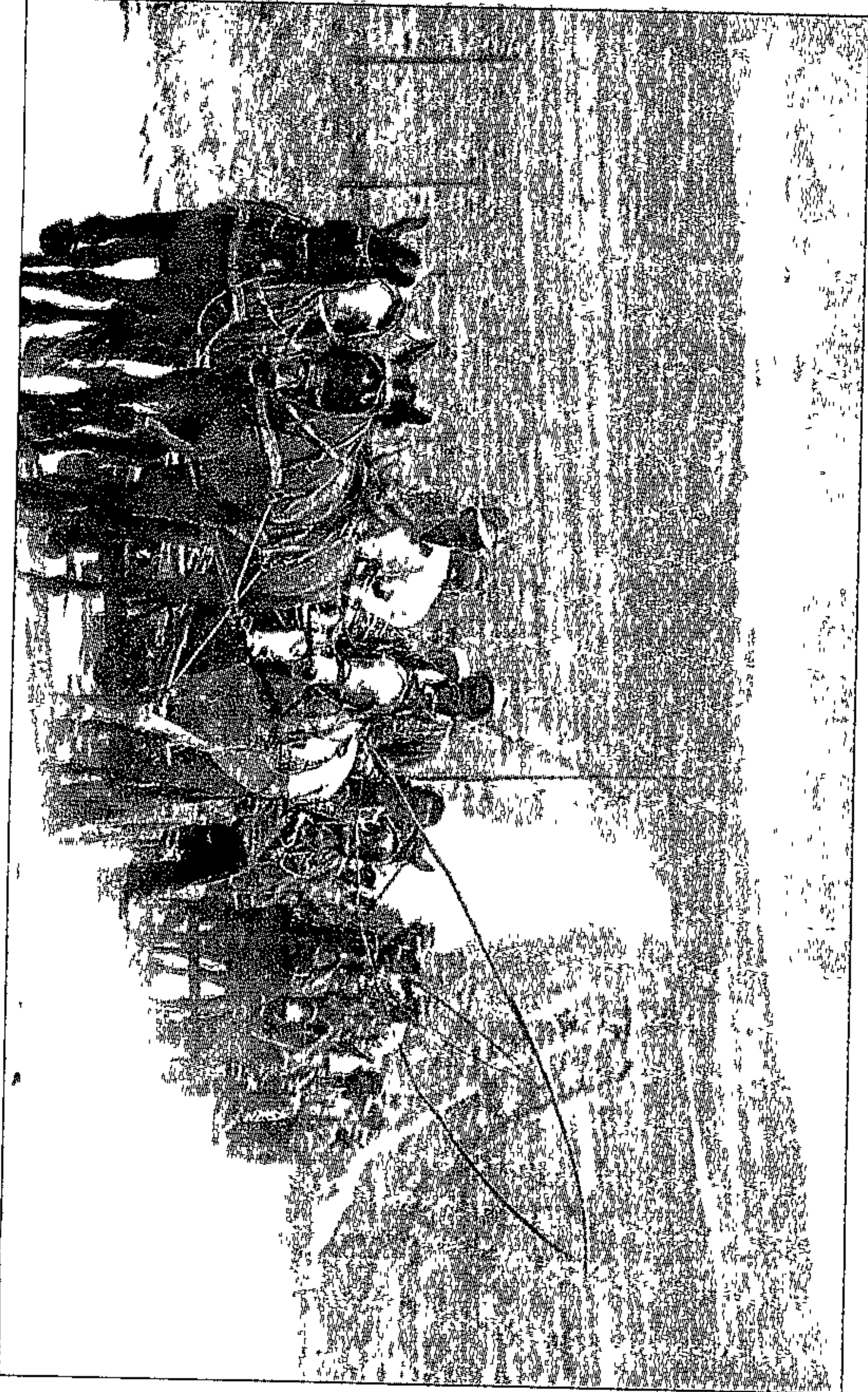
"We don't want the Government to give the people title deeds because it is easy for them to lose it if they borrow money from the bank and then fail to pay back, the land would be lost to the community," he said.



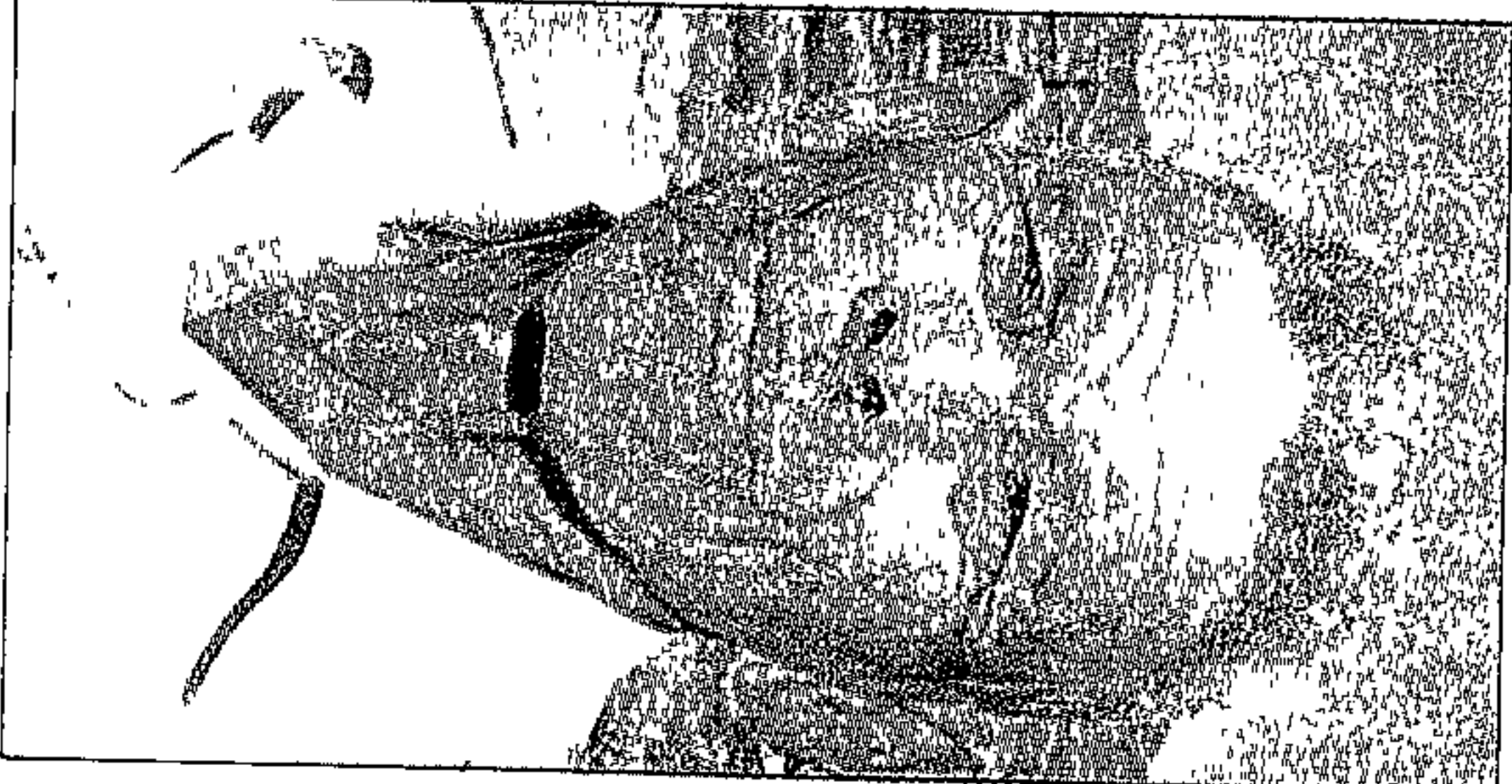
Land grant: Minister Derek Hanekom with John van Reenen of Komaggas rural council



Joy: the community of Komaggas celebrate the extension of their commonage, meaning more grazing land for their animals



Wild West: Land Affairs Minister Derek Hanekom has a jolting ride on his way to the hand-over ceremony



Old-timer: Oom Joseph Grace, 88

Uprooted District Six people a step nearer justice

SHARKEY ISAACS

STAFF REPORTER

AKG 8/12/97

(271)

Former District Six residents are a step nearer restitution for being uprooted from their homes under the Group Areas Act after the election of a beneficiary trust.

Nearly 1 000 people attended a meeting of the Interim Beneficiary

Trust in the District Six Museum on Saturday.

Land restitution chairman Anwah Nagia said the establishment of a democratically elected beneficiary trust was an important step.

"But while many were uprooted to Hanover Park, Lavender Hill, Menenberg, Valhalla Park, Belhar and elsewhere, District Six must not be seen

as something special, like a holy cow," he said.

"It must not be forgotten that people from Claremont, Diep River, Constantia, Sophiatown and elsewhere were also uprooted by the same draconian apartheid legislation.

"But today is the day we will give the victims the democratic opportunity to make claim for their homes

they lost."

The deadline for restitution claims is January 31.

■ Trust officials are Rashida Ridley, Mariam Richards, Yasmin Abrahams, Nadeem Hendricks, Nazier Khale, Cyril Mandidi, Abduragmaan Parker, Sedick Christrans, Terence Fredericks, Stan Abrahams, Princess Makapula, Carel August, Jennifer Price and Anwah Nagia.

Farm equity schemes 'slow but meaningful'

Louise Cook

FARM equity schemes, intended to transform farm workers into shareholders, were slow to take off but allowed a greater degree of "productive and meaningful land reform", land affairs director George Oricho said yesterday.

Since the concept was introduced two years ago, 16 schemes were being developed. Land transfers had been finalised in five cases.

The most recent deal involved an egg farm outside Pretoria with a turnover of R8,3m a year, which 16 farm workers

bought last week for R8m. The new owners have 10 years to repay a bank loan, raised with government's settlement grant of R15 000 a household.

Two other schemes, based on the leverage-capital principle are operating mixed farms in Mpumalanga. Two fruit-production schemes are operating in the Western Cape and in the Free State workers bought into a sunflower farm.

During the past two years 1 215 households have become involved in farm equity schemes or set up farming operations with the help of the department and the settlement grant.

Oricho said the process was slow. "We get a lot of proposals for schemes, but often from financially crippled farmers who see it as a way of off-loading financial problems...."

"The department does not bale out nonviable businesses. (Before approval) the operation's finances and viability are scrutinised, all of which takes time."

Oricho said one of the biggest benefits of an equity scheme was the improvement of productivity on the farm; transforming workers into co-owners had more potential for productive land reform than simple redistribution.

(271) (4)

BD 10/12/97

500 000ha to go to new owners, says Hanekom

Jacob Dlamini

20 10/12/97 (271) (S) (S)

GOVERNMENT would transfer about 500 000ha of land next year as part of its land reform programme, Land Affairs and Agriculture Minister Derek Hanekom announced yesterday.

Hanekom said applications for the transfer had been processed and approved and that 50 000 households were expected to benefit from the deal.

The redistribution of state and private land had increased dramatically during the past three years, with a total of 900 000ha identified for eventual transfer.

Hanekom said government had had no choice but to introduce land reforms and that the basic components of the reform programme were restitution and redistribution. However, restitution was not the only answer and would, in fact, become ineffective if used as the only solution for SA's problem of land shortage and skewed ownership.

Hanekom said some land reform projects were destined to fail

and that government was trying to discourage the group purchase of land set aside for transfer.

Individual ownership had proved to be the most efficient way of ensuring the sustainable transfer of land to black farmers.

SA would not follow Zimbabwe's example of expropriating farms for redistribution as this would not work for the country. However, he said, he could not criticise the policies of another country.

Hanekom said SA farmers had approached him and expressed concern over Zimbabwe's land reform programme, which included expropriation of 1 500 private farms. But he could not act as it was a foreign matter.

Hanekom said there was a complex system of tenure in SA and that this was frustrating efforts to reform land ownership and to attract foreign investment.

He would submit legislation intended to clarify the status of people living on tribal land and the former homelands to the cabinet early next year.

Land affairs starts tenure project

Louise Cook

MD 11/12/97

THE land affairs department launched a tenure upgrade project at Thaba Nchu in the Free State yesterday, committing R25m to provide 40 000 households with secure and properly planned communities.

Also in Thaba Nchu, residents received title deeds to their properties from Land and Agriculture Minister Derek Hanekom at a ceremony marking the third such project to be completed by the department this year.

Complex issues had come to light

with the consolidation of Thaba Nchu, formerly part of Bophuthatswana, into the Free State and a multidimensional approach to reform had to be developed the department said.

The tenure upgrading at Thaba Nchu would also ensure proper town planning was done in areas such as Tshiame and 11 other towns in the province. Provision had been made that the lowest tier of government had the necessary authority to carry out planning, provide water and sanitation and provide extra land for residential purposes, the department said.



Seremane: 'The realities proved me wrong'

Land restitution lags behind

M+G 12-18/12/97 (271)

Ann Eveleth

The Commission on the Restitution of Land Rights is "completely dysfunctional", under-funded, understaffed and way behind on delivery, say land rights activists, government officials and commission insiders.

"We are the Cinderella of commissions," chief land claims commissioner Joe Seremane says. "If the government will deny me the R20-million I need to do my job for the citizens of this country, then they are not taking [land] restitution seriously."

Seremane was responding to a fresh wave of criticism levelled at the semi-autonomous commission by non-governmental land rights organisations and others who blame it for clog-

ging up land restitution, the process intended to restore land rights or provide compensation to the victims of racist land-grabbing under laws enacted between 1913 and 1994.

But statistics released recently by the Department of Agricultural and Land Affairs indicate that land restitution continues to lag far behind other land reform processes.

More than 22 000 restitution claims have been lodged with the commission since its formation in May 1995. But only four post-1994 claims have been settled by the Land Claims Court — the final arbiter of land claims investigated and forwarded by the commission.

This slow pace prompted Abie Dithake, the land rights manager of the national land committee — a coalition of land rights non-governmental organisations — to call for "drastic"

action to short-circuit the commission's work. But national chief director of land restitution Jean du Plessis pointed out that these bottom-line figures obscure much of the commission's recent progress including its rejection of 170 invalid claims; the near settlement of several pre-1994 claims, a further 14 claims now awaiting action by the Land Claims Court; and 46 other claims which have reached "an advanced stage of negotiation".

The commission is also poised to settle a large number of claims handled concurrently as part of large urban claims, such as nearly 4 000 awaiting settlement in Cato Manor, while single rural claims settled often reflect multiple claimants filing jointly.

But critics say these figures still reflect an inordinately slow process. In contrast, the Land Redistribution Programme has already transferred more than 175 000ha of land to nearly 17 000 families in 78 projects since 1994. A further 393 projects have been approved or designated.

Dithake said the slow pace of restitution was a key issue among national land committee members. "Our affiliates report that some commission offices are piled high with reports, that reports go missing. Others are lying in the provinces waiting for action. Claims are rejected because researchers compile incorrect information and some commission staff are insufficiently trained to pick up on cultural nuances that are important to registering claims."

Commission insiders — many of whom previously served as non-governmental land activists — admit the problems exist. But while some insiders blame "poor management", others point to a lack of resources and capacity as the prime stumbling blocks. In KwaZulu-Natal, for example, the commission has 30 staff members — after a recent staffing boost — to run the office and process more than 6 000 land claims

Seremane admits the commission has not kept up with expectations. "My own relatives are demanding to know when their land claims are going to be settled" he said.

Reusing to be held to Reconstruction and Development Programme projections that 30% of agricultural land would be transferred to black hands by 1999, Seremane says it is up to the African National Congress to explain that shortfall. But, he adds, the commission has also been unable to keep up with its own projections.

"In early 1996 I gave my commissioners a ballpark figure of finalising 60 claims by the end of 1996 — but the realities proved me wrong."

Cumbersome, bureaucratic and legalistic processes dog commission staff at every turn, with historical land valuations, extensive deeds and historical research required for every claim, say commission insiders.

But Sbu Mkhize of the Pietermaritzburg-based Association for Rural Advancement argues that some cases are "simple, straightforward" claims which should be settled relatively quickly.

Recent legislative amendments have opened a path to "fast-track" similar undisputed claims. But commission staffers fear this may require claimants to do their own research — an option open to few claimants.

Seremane says the commission has applied much of a recent R15-million, three-year trust fund from the Danish government to cover the costs of contract work carried out by outside researchers, including non-governmental organisation field workers. But, he adds, these funds, combined with the commission's R14-million annual budget, still amount to a significant shortfall.

Du Plessis, however, argues that this shortfall followed the department's failure to spend its previous budget. "It is very difficult to justify huge increases when you are not spending the money you do have. In the end it is not only about people and resources. It is about the proper management of the people and resources you do have."

Du Plessis predicted the pace of restitution would pick up in the coming months. "If restitution is Cinderella, Cinderella is coming to the ball and Cinderella will be queen — because it's non-negotiable," he said.

R6-m land reform deal for 388

E Cape families

AKG 12/12/97 (271)
Port Elizabeth - Land Affairs
Minister Derek Hanekom has
clinched a R6-million land reform
deal for 388 families after accepting
the title deeds for two farms in
Somerset East, Eastern Cape.

The farms will be transferred to the
families who were expected to use their
R15 000 subsidies to buy the properties
after they had been trained in farming.

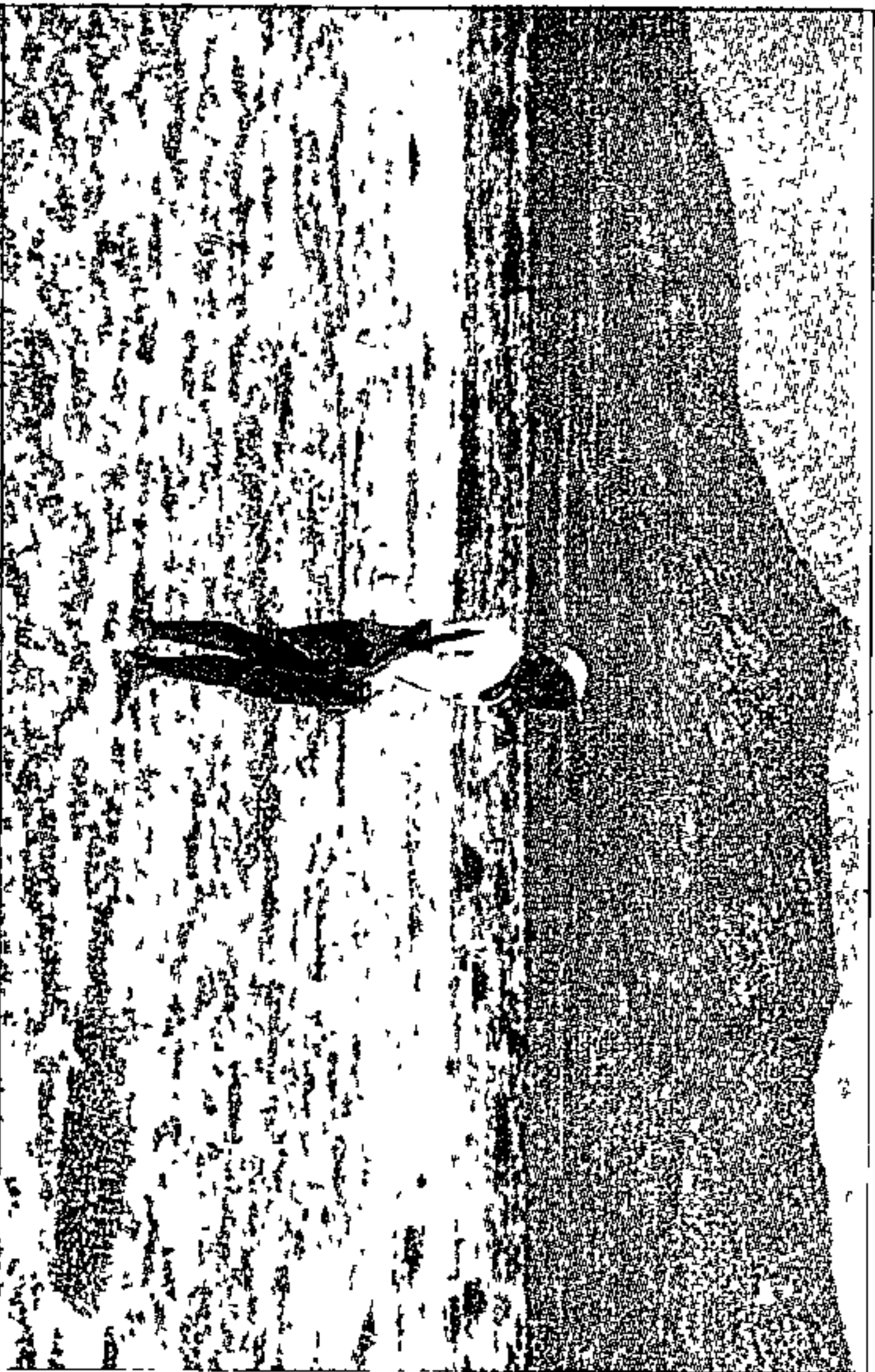
The deal was the first project of its
kind in South Africa, Mr Hanekom said.

He said the families would in the
meantime lease the Karkotskraal and
Prinsloo farms through Zama Ukuphila
Trust which would get the income gen-
erated, while the farms would be man-
aged by Land Affairs.

The Government would be watching
the management of the farms, which in
total extend over 3 450 hectares.

Eastern Cape Land Affairs MEC Max
Mamase said the families should realise
there was a move away from subsis-
tence farming to commercial farming.

It would be a political embarrassment
and an economic setback if the project
failed. "Make sure we don't lose the
expertise which kept these farms run-
ning," he said. - Sapa



Desert flowers: Ebby Koopman of the Surplus People's Project surveys some of the dry land where nothing other than these flowers grow



Rich desert: the Nama Richtersveld community also wants the mineral rights under this land, presently mined by Alexkor

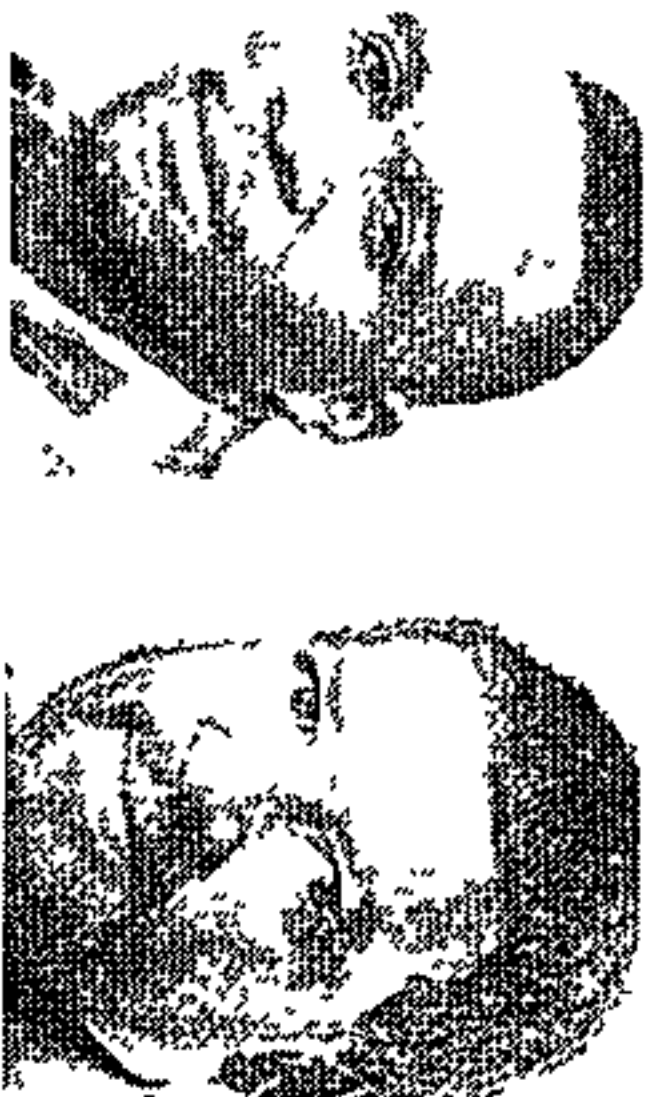


Claimants: from left, Paul Phillips, Mina Adams and Simon Fredericks outside the small museum which houses information on the Nama people's dispossession

Namas tackle diamond mining firm

'Symbolic' land claim could halt privatisation plans

SPECIAL REPORT



REPORT: BLACKMAN NGORO
PICTURES: LEON MÜLLER

A land claim by the Nama people against state-owned diamond mining concern Alexkor is likely to halt any privatisation plans the corporation may have.

The Government says it is placing Alexkor under a two-year management contract to try to steer it back into profit before considering privatisation.

Dick Baker, the acting director-general of the Department of Mineral and Energy Affairs, emphatically denied there was any immediate plan to privatise Alexkor.

The management contract would be secured through a tender, which had not yet been advertised.

No rights would be handed over during the management contract period, Mr Baker said.

"The Government will retain 100% equity during this time."

Abby Koopman of the Surplus People's Project, which is helping the Nama, said there was a symbolic significance to the claim.

"Alexkor should not be treated as a national asset. It is a regional one."

The Nama people, who have enjoyed unwritten job guarantees with the diamond mining company for generations, say they have decided to reclaim the heritage they lost when British colonial and apartheid governments took their land.

The Namas, who form the Richtersveld community at Alexander Bay, demand complete access and title to hundreds of thousands of hectares along the West Coast, stretching from Port Nolloth in the south to the Orange River on the Namibian border.

Their claim is based on an aboriginal claim to be fought concurrently with a claim under the Restitution of Land Rights Act 1994 for land expropriated after 1913.

Paul de Wet, 70, a tall and lanky



Aboriginal: 70-year-old Paul de Wet at the Nama community graveyard on land said to belong to Alexkor

Nama, says his people's heritage includes all the land which Alexkor mines.

"We were always being pushed away - first from the coastal lands, then along the Orange River, then to this so-called coloured reserve in Kutuboes - with Alexkor always extending their mining operations into our grazing land."

Mr De Wet took a Cape Argus team to the communal graveyard on Alexkor land where his grandfather is buried as proof of the legitimacy of their claim.

Mr De Wet pointed at the mounds of gravel dug up from the mines. "Look at how ugly the face of our earth has become. Can it ever take on its natural look again?"

The Namas, "people described by

as a "poor, backward community", have engaged the Legal Resources Centre to tackle the diamond mining company.

They are being helped by the Surplus People's Project.

Once the centre issues summons to Alexkor, any privatisation moves by the parastatal will be halted pending the settlement of the claim.

Last month the community gave the centre power of attorney to act on its behalf and it expects to issue summons to Alexkor in a couple of weeks' time.

"We have sent them a letter of our intention to summons them," said Michelle O'Sullivan from the centre. She said the summonses were for the aboriginal title and land restitution claims.

The aboriginal claim would be

heard at the High Court, while the restitution claim would be heard by the Land Claims Court.

Alexkor could find itself out in the cold as it is possible the courts will ask it to cease mining and farming operations pending the settlement of either claim.

Mr de Wet said the people wanted the land not only for grazing but also for mining.

Their claim included a demand for the restoration of mineral rights.

But they are unlikely to get these as only the rights they enjoyed at the time of annexation can be returned.

A document prepared by Alexkor does acknowledge that the company's lands are eligible for an aboriginal claim.

The document says that if such a claim succeeds, Alexkor would be

required to pay rent to the Richtersveld community.

They would also pay for the loss of grazing and damage to land.

The document accepts that an aboriginal claim is possible because the people never had their rights to the land taken away by an act of law.

For the purposes of the claim aboriginal means "the descendants of a people who inhabited the country at the time of colonisation, who continue to live according to the cultural institutions of that time (rather than according to the culture of immigrant colonists) and whose socio-economic conditions are less advanced".

This definition is provided by the International Labour Organisation Convention on the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations

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Land Rights Commission clamps down on negligence

(271) Star 19/12/97
The Commission on the Restitution of Land Rights has suspended the use of official vehicles as a result of several road accidents involving staff in recent weeks.

Commission spokesman Thys Human said yesterday the vehicles were bought for the Restitution Trust Fund with money from the Netherlands.

"We have had a number of accidents, and it would appear as if negligence is the main reason," he said.

Some accidents allegedly involved staff without valid driving licences.

As a result, chief commissioner Joe Seremane has suspended the use of all vehicles bought with Restitution Trust Fund money, pending a report he had requested on the matter.

"We sincerely believe that all personnel got the message that we insist on responsible and efficient management of our resources," he said.

Seremane added that the commission next year expected to increase the tempo of land claims being finalised.

A considerable number of claims were on the brink of being submitted to the Land Claims Court.

A total of 23 009 claims have been received to date. Of these, 19 551 were in urban areas and 3 458 in rural areas.

Five claims have been finalised to date, the most recent being Ronaldsvlei outside Kimberley in the Northern Cape. This was finalised last month.

Seremane said 10 land claims were currently before the Land Claims Court.

"Inputs from regional offices of the commission indicate that this number could increase markedly in the new year," he said. "The number of cases could be further increased if greater willingness to come to acceptable agreements was forthcoming in certain controversial claims."

Financial and administrative constraints that have influenced the commission's work were being solved progressively. This was contributing to an increase in the tempo of claims being finalised. - Sapa

Tempo of finalising land claims 'to pick up in 1998'

(271) BD 19/12/97
Stephané Bothma

PRETORIA — The tempo of finalising the more than 23 000 land claims received to date was set to increase markedly during 1998, chief land claims commissioner Joe Seremane said yesterday.

Only five claims had been finalised by the Land Claims Court.

Seremane's optimism comes at a time when the commission on restitution of land rights has temporarily suspended the use of all vehicles bought by the restitution trust fund "until we are satisfied these vehicles are being utilised responsibly and efficiently".

Seremane said the suspension had had an effect on the attention given to some claims during the past couple of weeks. "But we believe this backlog can be caught up once the problem areas have been

cleared. We believe that all personnel got the message that we insist on responsible and efficient management of our resources."

Of the 23 009 claims received by the commission, 19 551 were for urban areas and 3 458 in rural areas, Seremane said.

He said current indications were that a considerable number of claims were in the final stage of being submitted to the Land Claims Court and that financial and other administrative constraints which influenced the commission's work negatively, were being solved.

To date, the court had finalised only five claims, while 10 cases were currently before the court. Seremane said four other cases submitted to the court had been referred back for various reasons.

"Input from regional offices of

the commission indicate this number could increase markedly next year. The number of cases going to court could be increased if greater willingness to come to acceptable agreements was forthcoming in controversial claims such as Lohatla and Schmidtsdrift."

Referring to criticism that the pace of claims being finalised was slow, Seremane said the commission was not satisfied with the slow tempo and that various steps had been and were being taken to improve this aspect. "At the same time, it should however be realised that restitution is a difficult and involved process to untangle and rectify a plethora of injustices imposed on thousands of people over the past 80 years."

All land claims must be submitted to the commission before the end of next year.

Forced removal records found

AYESHA ISMAIL and
HENRY LUDSKI

(271)

ST(CM) 21/12/97

THE complete record of forced removals in the Western Cape has been uncovered — gathering dust in the basement of the Deeds Office in Cape Town.

For the past three years a team of researchers investigating land claims submitted to the Western Cape Land Claims Commission has been spending long hours struggling to piece together the history of forced removals.

But they were oblivious of the fact that all the while the records of Group Areas removals — which they had given up all hope of finding — were stored in the basement of another government department a few streets away.

The discovery of the documents, dating back to 1957, by commission adviser Elizabeth Davidson — in the Deeds Office — has led to Western Cape Land Claims commissioner Wallace Mgoqi launching a stinging attack on government departments, which he accused of “bedevilling” the restitution process.

He accused civil servants of showing a “disturbing hostility” to claims by Group Areas victims.

“It would be a miracle to expect us to complete our work when we are constantly faced with a lack of co-operation which is just astounding,” he said.

He found it particularly disturbing that political leaders had entrusted land restitution to officials who are “doing everything possible to retain and perpetuate the status quo because they regard change as threatening to them.

“By not having had the documents from the very beginning we have wasted a lot of time. These documents are the best evidence that we have of validating claims, and of families supporting their claims,” Mgoqi said.

Government departments which had full knowledge about the records had kept quiet and had not been forthcoming with information, he added.