RESETTLEMENT

1998

Govt aid to students gets a hefty boost

CAPE TOWN — Education Minister Sibusiso Bengu yesterday announced a 50% increase in government aid to financially needy, academically able students at higher education institutions.

Government's contribution this year to the National Student Financial Aid Scheme (NSFAS) would be R300m, he said. Last year the total fund stood at R334m after government's contribution was augmented by donor funds.

This total had already been passed this year, and government hoped the fund would be considerably strengthened by both local and international contributions.

Government's commitment to assisting poor students attend universities and technikons had been amply demonstrated by its contribution to student financial aid over the past few years — this had risen from R20m in 1994 to R300m this year.

Public funding of the NSFAS had amounted to R860,5m since 1994, Bengu said. A total of R362,5m had also been received in donor contributions over the same period. — Sapa.

Man with cheques 'missing', so Cape farm schools grind to a halt

BISHO — Farm schools in the northwest of the Eastern Cape will not open today as Bisho has yet to pay them hundreds of thousands of rands owed for last year — because the staffer with the cheques is missing, perhaps dead.

Principals have been paying out of their own pockets — so much so that the husband of one in Middelburg is suing for divorce.

Emiltia Loock, who chairs the farm school principals' association for Middelburg, Cradock, Hofmeyr and Steynsburg, said: "Things are quite desperate. Some schools were not paid for the whole of last year, and suppliers are refusing any further credit." Her school, Willows Primary near Middelburg, is owed R32 000. The parents, 81 pupils and others will meet today to discuss what to do.

Similar meetings will be held at more than 20 other schools, which have run up hundreds of thousands of rands while waiting for more than R240 000 from the provincial education department.

"The whole area is coming to a standstill," Loock said.

The biggest problem the schools face is finding food and accommodation for boarders. Loock said: "Bisho hasn't paid my school's boarding money, which is R100 per pupil per term, since July, and the suppliers who gave me food refuse to deliver any more. I owe them R16 000. The owner of the hostel building also refuses to let us in because the rent hasn't been paid." The house mother has also refused to return to work.

Regional school inspectors are aware of the problem, but say their hands are tied as they cannot issue cheques for the outstanding amounts.

When Democratic Party representative Eddie Trent queried the outstanding amounts last year in the legislature, education MEC Nosimo Balindlela said: "Those schools received their amounts a long time ago. My officials are there. They are part of the people who actually took the cheques to those farm schools."

Yesterday Balindlela's private secretary Guy Rich said the cheques had been issued and handed to a staffer. He was on leave, so the department could not establish what had happened.

But Loock said when she tried to contact the staffer last week she was told he had "passed away".

Loock and others will meet Balindlela in Queenstown on Friday to explain their plight. "But it doesn't help for us to explain our needs; I've had it," she said.

She said one principal's husband was suing for divorce. The woman had paid so much for pupils out of her own pocket that her personal bank account had been frozen; and as a result her child was turned away from a hospital in Bloemfontein. — ECN.



The African National Congre by constitutional court presid

Louise Cook

Funds needed for act to work

THE National Land Committee, representing victims of evictions and landless people, was waiting for a decision from an international organisation on donor funds before implementing the Extension of Security of Tenure Act which became law last month.

Committee spokesman Dave Husy said if the donation went ahead, the committee and the provincial land affairs departments would implement a programme to inform farmers and farm workers of their rights and obligations under the new law.

The act gives people on rural and periurban land stronger rights to the land they live on. Last year, land affairs director-general Joeff Budlender said the department planned to use a radio campaign and legal aid to inform people and implement the act.

The department was not available for comment yesterday, but Husy said the proposed strategy was taking longer than expected and would be running by March.

However, the number of evictions on farms in SA "seemed to have tapered off", he said.

Mpumalanga agriculture department spokesman Mandla Mathebula said the department hoped to mediate between farmer and worker unions in a bid to avoid evictions. Last year 43 families were evicted from seven farms in the province.

"The act says labour tenants cannot be evicted when the farmer feels like it, but only when farmers have obtained a court order under the new Act."

Claim agreement returns land to 7 000 families

BD 21/1/98 (271)

Louise Cook

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

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

The farms Skeifontein and Groenwater would be bought by the land affairs department for R8,6m as part of government's restitution programme, the Cape Town office of the restitution commission said yesterday.

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

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

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

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

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

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

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

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

MINISTER CALLS FOR NEW FACILITATORS

District 6 land claim squabble

(271) (69) CT 27/1/98

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

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

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

He ordered new facilitators to be appointed, who would report directly to him.

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

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

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

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

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

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

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



EXTREMELY ANGRY: Anwah Nagia

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

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

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

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

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

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

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

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

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

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

"Why didn't the minister come from the onset and said he was going to take control of the process? Why is he coming out now?" she asked.

Hanekom in new war of words over District 6 land claim

Trust storms out of meeting

JOSEPH ARANES
STAFF REPORTER

District Six, for 30 years a ghastly reminder of apartheid's Group Areas Act, is again at the centre of a row – this time over its development.

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

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

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

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

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

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

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

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

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

"We hope they come back on board."

Mr Nagia said a few liberals and the minister's advisers were to blame for the latest developments.

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

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

Mr Alexander warned that if the views of the trust and the court ruling were not taken into account the process would have to be started from scratch.

Land distribution may yield poor harvest – experts

ARG 28/1/98 (271)

ANDREA BOTHA
STAFF REPORTER

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

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

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

■ A commitment was made to co-ordinating research.

■ Subsistence and emerging farmers acquired the agricultural knowledge to run profitable farms.

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

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

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

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

'Redistributing land affects output'

Star 29/11/98

By Andrea Botha
Cape Town

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

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

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

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

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

"Most African countries have similar problems, like land reform issues. We can share knowledge and ideas."

SA NEWS DIGEST

☐ AGRICULTURE

CT (BR) 29/1/98

Land redistribution will 'seriously affect' future SA farm productivity

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

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

Paul Mutiso, general secretary of Afma, said most sub-Saharan countries depended on agriculture, which was the "backbone of Africa". But there had been no significant agricultural development since the 1960s, when most of these countries became independent. He said if wine farmers in the Western Cape were to hand over farms indiscriminately to workers, the wine industry would grind to a halt. "South Africa will have to be well-organised to avoid the land reform problems that some of the other African countries had." — *Andrea Botha, Cape Town*

LAND AFFAIRS

Redistribution tenets based on solid ground

SA programme now being used as model by other countries

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

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

"Our redistribution policy distinguishes us from most countries which also suffered land dispossessions in their histories But the two biggest threats to existing landowners are the absence of any land reform programme — and an ill-conceived policy In SA, I believe, we have circumvented both these threats by devising a rational, implementable programme," says Hanekom

His department has designed a claims framework that appears to cover most bases This land claims programme is globally unique "SA's land reform programme is happening on a scale not done elsewhere in the world and is now being used as a role model for similar programmes underway in the Philippines, Colombia and Brazil," he says

Underpinning the programme is a well thought out legislative, administrative and budgetary framework aimed at equalising land ownership and use

The programme is composed of three major elements the restitution of land lost to its former owners post-1913 due to racially based legislation, redistribution of land to the landless and the needy by the State based on market-related prices and principles, and land tenure reform, in terms of which the occupation rights of labour tenants and farmworkers are protected

The land restitution policy mainly aims to redress rural and urban injustices perpetrated under the various Land Acts, as well as the Group Areas Act

"In terms of the 1994 Restitution of Land Rights Act, a Land Claims Commissioner was appointed — Joe Seremane, serving with five other commissioners — and judges appointed to serve on the Land Claims court This provides for the proper legislative and administrative processes to handle these claims," says Hanekom The Constitutional Court is the only court of appeal above the Land Claims Court

Hanekom says that "the process still faces an enormous challenge, with about 23 100 claims lodged so far — and still to be adjudicated

"In the case of the Cato Manor claim alone, about 3 000 households are involved" As yet the court has heard only one case, which was settled out of court

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

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

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

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

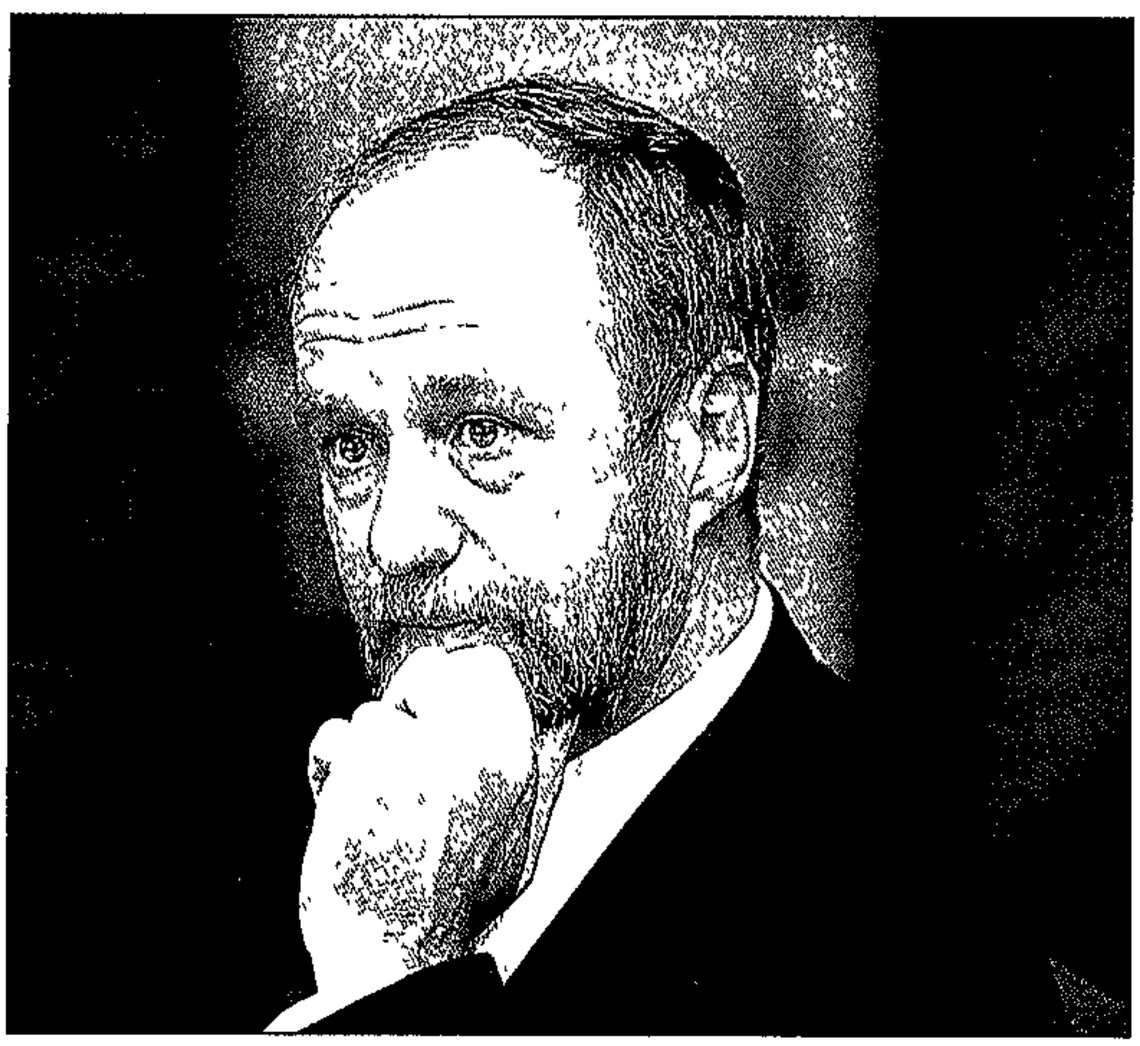
"While this programme also provides for expropriation, this is a last-resort mechanism which has never been used to date The basic aim is to obtain land available in the market on a freely negotiated willing buyer, willing seller basis"

Legislation is now before parliament to amend the Subdivisions of Agricultural Land Act, which is seen as an impediment to the creation of more smallholdings in rural areas Hanekom says existing squatting legislation prevents the creation of unacceptable socio-economic circumstances

The Land Reform (Labour Tenants) Act, passed in 1996, protects the interests of labour tenants, while the Extension of Security of Tenure Act (1997) aims to do the same for farm workers "and applies to all rural land"

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

Arnold van Huyssteen



Robbie Tshabalala

Derek Hanekom *dealing with down to earth issues*

Politicians in District 6 wrangle

ST(CM) 1/2/98 (271)

CHARL DE VILLIERS

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

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

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

The two fired facilitators are Dr Neville Alexander and Dr Elaine Clarke.

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

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

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

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

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

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

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

They would help stakeholders work out an appropriate method for redeveloping District Six, agree on principles, look at the responsibilities of the state, and identify resources.

But according to Nagia, Hanekom was using "small groupings of spoilers" and individuals in local and provincial government as "a naive smokescreen" to mask the government's intentions.

"This is political interference at the highest level. Victory is being snatched from working-class people who want to return to District Six. It seems the government is having a rethink on urban restitution," he said.

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

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

Clarke said she had a "terrible message" for people pinning their hopes on returning to District Six. "Hanekom says business has the same status as them and they'll have to stand in line."

'I did not hijack District Six' – Hanekom

Land Affairs Minister left us in the dark, say former residents

ARG 6/2/98 (271)

GLYNNIS UNDERHILL
SPECIAL WRITER

Minister of Land Affairs Derek Hanekom has dismissed claims by former District Six residents that he "hijacked" the land restitution process for political gain.

Members of the District Six Beneficiary Trust say redevelopment plans for District Six have come to a standstill because of Mr Hanekom's intervention last week.

"My intervention has nothing to do with politics – even the National Party Provincial Government has expressed support for my intervention – and I strongly believe that it is very important that restitution is not politicised," said Mr Hanekom

Eighteen organisations, representing thousands of former residents, maintain they have been left in the dark. Mr Hanekom announced he would appoint new facilitators, yet they said no further negotiations had taken place. A constitutional court battle over the issue was on the cards, said former residents.

Mr Hanekom said attempts were being made to set up new discussions to clear up misconceptions.

"The need for the appointment of new facilitators, who would have facilitated the creation of a record of understanding, will be discussed in this process," he said.

Mr Hanekom said he had ultimate responsibility for restitution as Minister of Agriculture and Land Affairs.

"I would not have interfered if there had not been a real problem. Besides which, my intervention was requested by a variety of people "

The claimants and their organisations were absolutely central to the process of restitution in District Six.

"If the District Six restitution and redevelopment is going to succeed, we must include everyone. Of course, the claimants must take centre stage but we cannot dismiss the views of residents and duly-elected representatives in the council and province."



DOUG PITHEY

Questions: eighteen District Six organisations want to know why Land Affairs Minister Derek Hanekom has left them in the dark. Former District Six residents, from left, Cyril Mandini, George Makupula, Terence Fredericks and Rashida Ridley are seeking answers

But Cape Town city council executive committee deputy-chairman Saleem Mowzer said the council had not opposed the process or requested new facilitators. "Our status was one of an observer and we did need full participation The city council is the legal owner of some of the land and we are holding the land in trust.

"It needs to be a process where all roleplayers are involved "

Mr Mowzer said he believed Mr Hanekom's intervention was a result of the Government's belief that nothing much had happened in the way of progress on District Six.

Abdul Gaffoor Ebrahim is one of the former residents angered by Mr Hanekom's "interference".

"Why ignore the community? The minister must have a hidden agenda. Maybe he wants to put in place facilitators who will steamroll the District Six process in his favour. Why is he interfering now?" he asked.

Mr Ebrahim's father, a general dealer who owned a shop in Windsor Street, did not live to see District Six rise from the rubble. Today broken glass and litter cover the five plots of land once owned by his family.

While Mr Ebrahim once cherished a dream of moving his family from Rylands back to District Six, he has come to accept that this will probably not happen.

As a result of negotiations over the past year, he now believes alternative land or financial compensation in cases like his would benefit most people. Alternatively he would like participation in shareholdings in the redevelopment of district six.

Having won a battle against the Cape Town council and the provincial government to have land in District Six set aside for an integrated redevelopment project, claimants say the process has been derailed again.

An angry Anwah Nagia, chairman of the District Six Beneficiary Trust, said Mr Hanekom had hijacked the process and his role was divisive.

Former property owners who had been convinced of the merits of an integrated project may now abandon the process. This would leave the way open for claims in the Land Claims Court, he said.

"There is no genuine will on the part of Government for urban restitution," he said.

Mr Hanekom said urban restitution was difficult. "My involvement in this case is a genuine attempt to find solutions that will be beneficial to former residents and at the same time to the city of Cape Town."

Traditional leaders at odds with Hanekom over tribal land policy

(271) BD 19/2/98

Wyndham Hartley

CAPE TOWN — Traditional leaders and Land Affairs Minister Derek Hanekom are on a collision course over the control of land in tribal areas, following calls yesterday for the ownership of tribal land to be returned to the traditional authorities and chiefs who were administering the land.

The situation in KwaZulu-Natal, where a process to place title to tribal land in the hands of traditional authorities is almost complete, holds the potential for confrontation between government and the Inkatha Freedom Party-controlled province.

Demands by traditional leaders at parliamentary land policy hearings were that tribal land, which is owned by the state, should be returned to the tribes living on the land. They follow Hanekom's statement last week that he would introduce legislation this year to strengthen rights of individuals to tribal land on which they lived.

Hanekom stressed that the issue was explosive and that great care needed to be taken with reform in tribal areas because mistakes would be impossible to rectify. The minister came under increased pressure for reform last year at the African National Congress national conference. Delegates passed a resolution calling for action because the present system precluded tribal tenants from accessing subsidies and was harming development.

A KwaZulu-Natal house of traditional leaders representative, BN Mdletshe, complained to the land affairs committee yesterday that in the past four years, the land affairs department had done nothing to resolve the situation in tribal areas, which still suffered under the legacy of colonialism. Colonial rulers had placed the land under the ownership of the state.

He asked why there was not a single department document which spelt out policies affecting traditional communities, and suggested this was a deliberate policy choice.

Mdletshe said land issues were central to traditional leadership, which played a role in the administration of a system of shared ownership of the land. "The failure to recognise communal property is perhaps the heaviest legacy of colonialism and racial oppression persisting today. It is discouraging that after almost four years, the first black government of the country has done nothing to reverse it," he said. Colonialism refused to acknowledge that all of the people owned all of the land.

He said that in KwaZulu-Natal they were ready to begin the transfer of Ingonyama Trust land to the tribal authorities, and that he trusted this transfer would not be stopped by government. He charged that Hanekom was stalling because the board established to administer Ingonyama Trust land had not yet been appointed.

Mdletshe accused Hanekom and the department of having a hidden agenda and asked if this might include transfer of the land to rural municipalities once they were created. He also asked why the department was running land reform programmes in tribal areas, if the intention was to return the land to the traditional authorities.

Delegations from the houses of traditional leaders in the Eastern Cape and the Free State supported Mdletshe's position.

Land claims threaten privatisation process

BD 9/2/98 (271)

Robyn Chalmers and Reneé Grawitzky

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

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

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

Claims have already been lodged on Aventura's Blydepoort, Swadini, Badplaas and Tshipise resorts by the Mashilane, Moletele, Embhuleni and Manenzhe tribes respectively.

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

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

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

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

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

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

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

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

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

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

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

Sigcau faces Aventura court case

M+G 9-15/1/98

(271)

Ann Eveleth

Two landless communities claiming prime eco-tourism land in Mpumalanga instructed attorneys this week to take Minister of Public Enterprises Stella Sigcau to court over the planned sale of tourism parastatal Aventura.

The Moletele and Mashilane communities asked the Legal Resources Centre (LRC) in Pretoria this week to file an urgent application to halt the sale of Aventura after Sigcau failed to respond to their demand for representation in the final stages of the bidding process.

Their action follows a government decision in late 1996 to make Aventura the country's first privatisation exercise. Government suspended the sale in April 1997 after the emergence of several potential land claims on the parastatal's resorts, but lifted the suspension in October with promises to settle the claims separately.

LRC attorney Louise du Plessis said the claimants' action would proceed within the next week after the ministry failed to accede to seven demands, including effective veto rights over the decision of the tender evaluation committee which will make final recommendations to the government on the sale.

The communities — who are not against the sale of Aventura but want to regain land rights that would give them a share of the potential resort revenue — have also demanded access to tender documents and other information related to the privatisation plan.

Kennedy Memani, an adviser to Sigcau on the Aventura sale, accused the claimants of "mischief" and said they had not allowed sufficient time for the ministry to respond to their letter of demand sent on December 19. "Everybody has been on holiday and you must remember that my minister is an ANC minister and she had to attend the conference in December," he said.

Memani denied a dispute existed between the claimants and the ministry, claiming the parties had reached "an amicable agreement" at a meeting on December 18. But he refused to disclose the terms of the alleged agreement.

Du Plessis rejected this claim as "nonsense. We've never, never agreed on anything," she said.

Memani claimed the government had gone to great lengths to consult the communities and the Department of Land Affairs to ensure the claimants benefited from the sale.

But Du Plessis said Sigcau's ministry had "never consulted the claimant communities. They've consulted surrounding communities, the Commission [on the Restitution of Land Rights] and the Department of Land Affairs, but never the claimants," she said.

She added that her clients wanted to ensure they would benefit from any future developments on the Blydepoort and Claremont farms they are claiming. They had been removed from the land in the 1960s, some of them to make way for the construction of the Blyde Dam, and many lost access to ancestral graves in the process.

Land affairs chief director of restitution Jean du Plessis said his department had supported Sigcau's move to proceed with the sale of the land after a "technical hitch" prevented the state from selling Aventura without the land, but added that the successful bidder should be the company that gained the support of the claimant communities.

M+G 9-15/2/1/98

Land claim threatens rare forest wilderness

(256) (271)

Nicky Barker

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

The land in question is the Ntendeka Wilderness Area in Ngome Forest, 5 230ha of mixed coastal forest 70km east of Vryheid. It is home to the only protected piece of this rare forest type in the world, as well as a number of endemic species.

Two years ago the reserve was the subject of a land claim, as a small portion of the original Buthelezi tribe had been moved from the area in 1966 to allow the reserve to achieve protected status. Former residents applied to the Land Claims Commission to have the land restored to them. In consultation with the Department of Water Affairs and Forestry, King Goodwill Zwelithini and the leader of the Buthelezi tribe, they agreed on alternative land for settlement.

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

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

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

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

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

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

Land Claims Court to review eviction

Star 11/2/98

271

By Cathy Powers

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

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

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

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

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

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

This case will also be the Land Claims Court's first hearing under the Extension of Security of Tenure Act.



REMEMBRANCE: Former District Six residents hold a vigil to remember the harsh times they went through when they were evicted 32 years ago. *PICTURE: THEMBINKOSI DWAYISA*

Day recalled when bulldozers came to District Six

CT 12/2/98 (271)

PRISCILLA SINGH

MR OLWYN PETERS spoke poignantly about the good old days in District Six, before the Group Areas Act ripped people from their roots and heritage, of the days when people of all cultures and races lived side by side in harmony and peace.

"Everybody was hit by the horrendous Group Areas Act. We can forgive, but it has broken up families and District Six will never be the same again," Peters said.

He was addressing a small gathering at St Mark's Anglican Church, one of the oldest standing and untouched landmarks in District Six, to commemorate the 32nd anniversary of when thousands of families had to face resettlement in sub-economic housing on the sandy wastes of the Cape Flats.

After a brief ceremony, the group gathered at what used to be the Seven Steps, now the Hanover monument, for a candlelight vigil.

Peters said he remembered vividly the day the bulldozers started demolishing houses to make way for developments the National Party had in mind.

"We were standing around watching the destruction around us and then this bulldozer just rammed into a friend's house. We quickly called him at his workplace and told him there was a bulldozer in his dining-room.

"He arrived and we all helped to get his furniture out. He did not have anywhere to go, but had to get his family and things out. Such were the humiliations we had to suffer," he recalled.



HALT: Hanekom

Since efforts were set in motion to give the land back to its rightful owners, the District Six restitution process has been fraught with problems.

The latest setback this year saw Land Affairs Minister Mr Derek Hanekom ordering the restitution and development process back to the drawing board because it "excluded key stakeholders".

The Cape Technikon has been at the brunt of the anger from District Six residents because the campus was built on a site where thousands once lived.

Several thousand District Six families have lodged claims with the Western Cape Land Restitution Commission and what remains of the District Six land has been earmarked for a housing development of about 7 000.

"We don't want them (government) to build supermarkets and shops in District Six because we can shop in town, but we need houses to bring back the community spirit," Peters said.

Going back to roots

(271) Sowetan 12/2/98

Many black South Africans were forcibly removed at the height of apartheid. A lucky few have successfully reclaimed their land, reports **Simon Zwane** ...



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

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

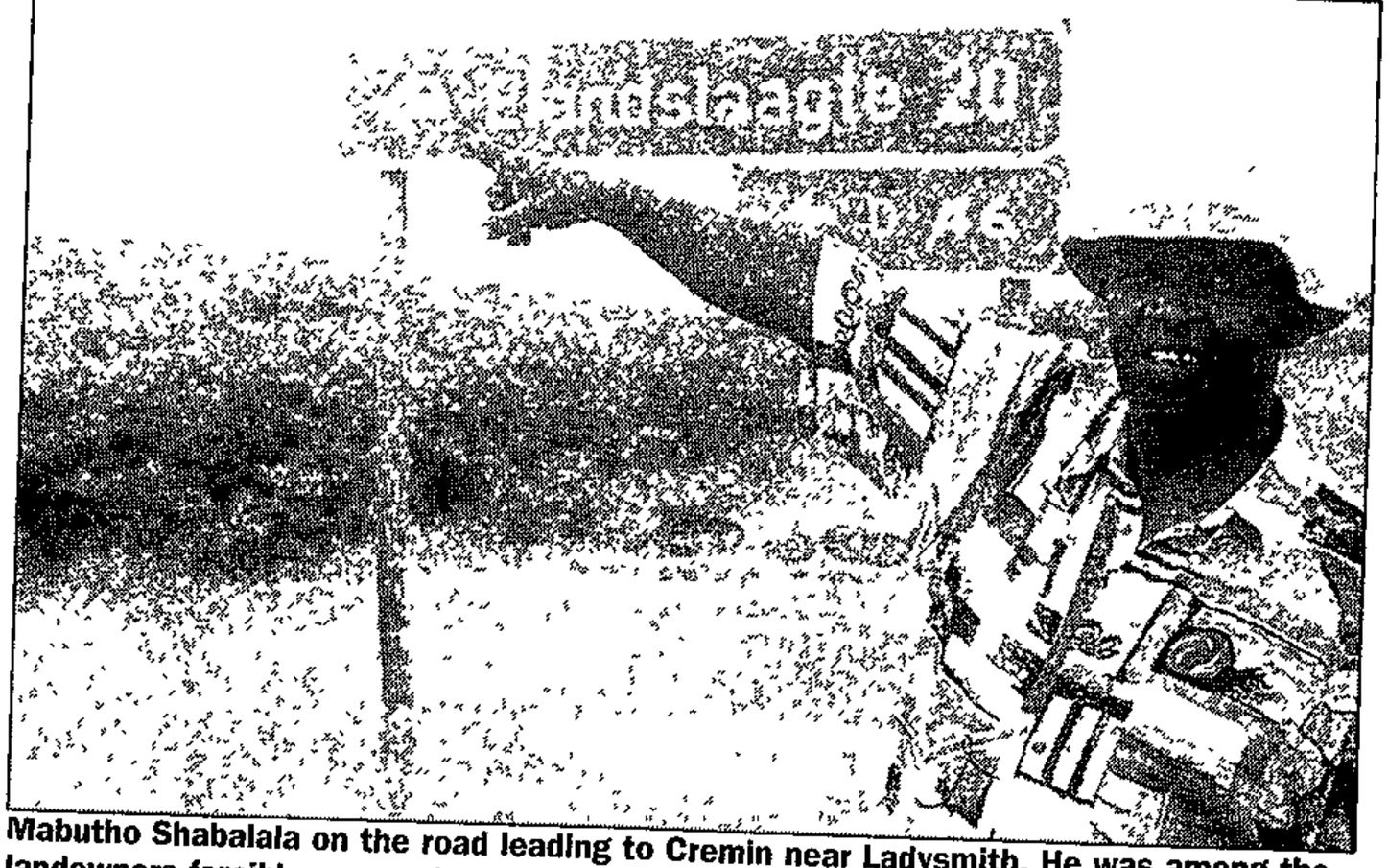
This is Cremin, from where more than 115 landowners were forcibly removed by the former National Party government in 1977

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

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

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

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



Mabutho Shabalala on the road leading to Cremin near Ladysmith. He was among the landowners forcibly removed by the former National Party government in 1977. Cremin has now been restored to its original owners through a Land Claims Court decision.

PIC: LEN KUMALO

Founder member

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

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

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

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

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

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

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

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

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

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

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

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

However, the process of restitution is painfully slow because of protracted negotiations, mediation and Land Claims Court procedures that have to be undertaken before restitution takes place.

Intransigence shown by some landowners currently occupying land that was unjustly taken from its original owners is also hampering the process

As a result of these factors only five of the 23 009 claims received so far have been successfully resolved

Land restituted

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

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

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

Claims where there is agreement between claimants and the landowner that the land can be restituted will be "fast-tracked".

Mpumalanga's explosive land claim

(271) M+G 13-19/2/98

Sharon Hammond

The entire male population of the Bakgaga Bakopa tribe was almost wiped out nearly 140 years ago and the women carried off to Swaziland when Swazi warriors attacked them under instruction from the Boer government. The survivors, who managed to cling to their ancestral home and graves, were forcefully removed in 1962 by the apartheid government.

Today, the tribe is back to claim its land from South Africa's modern-day warriors, the South African Police Service, in the first land-restitution case about to be finalised in Mpumalanga.

But returning Maleoskop, 3km outside Groblersdal, to the descendants of the Pedi chief who first settled there 200 years ago, has not been easy. Almost a quarter of the 4 684ha property is littered with unexploded landmines, mortars and other munitions used during police and other special security force training.

Mechem Consultants, the munitions-clearing experts, will study the extent of the problem next week and determine whether it's possible to clear the land.

The explosives aren't the only problem, however: the land is also less than half the size of Tafelkop, 40km away in Northern Province, where the tribe was forcefully relocated in the 1960s.

The chief of the Bakgaga Bakopa, Kgoshi Boleu Rammupudu II, whose great-grandfather was killed in the battle with the Swazis in 1860, is optimistic. "The land is much better for grazing and as a residential area, because Tafelkop is very mountainous and isolated," explains the former Lebowa minister.

His people are considering leasing the land to the police, who have argued that it would cost R100-million to build a training centre elsewhere. "We want the land back, but we may compromise and consider leasing it to the police, as the government spent a lot of money on it and the police are part of development," Rammupudu explains.

Andries Gouws, project manager at Fundile Afrika, the planning agent for the community's claim, says the chief has indicated he will put aside any income for bursaries. "This is a lovely project. If we sort out all the discrepancies it has the potential to enter financially feasible fields such as tourism."

Exactly 657 families, or 5 942 people, were forcefully removed from Maleoskop in June and July 1962, when the area was declared a "black spot" from which blacks had to be removed as part of the apartheid policy. It is estimated at least 15 000 members of the Bakgaga Bakopa now have a legitimate claim to the land.

Gouws says not all 15 000 will want to settle at Maleoskop, as most hold jobs in Johannesburg and others prefer to stay at Tafelkop. He says the community has a cultural right to the land, and most claimants prefer just having access to it rather than living on it permanently.

The Maleoskop land claim is expected to go to the land claims court next month where it will be finalised.

Meanwhile, the traditionally conservative Groblersdal area is facing three similar land claims, involving as many people, at Kaffirskraal, Brakfontein and Loskop Dam. Gouws says meetings will be held with white farmers to involve them in the land-claim process.

"We don't expect any race wars, because many farmers have shown interest in other land-reform programmes, such as share equity schemes," he explains. — *African Eye News Service*

Thousands to get free land in Cape

ET 16/2/98

(271)

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

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

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

The deal is considered unique.

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

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

"The entire valley is involved There is absolute consensus on this after some very tough negotiating. The bottom line is we want to create a valley of landowners, while at the same time attempting to rectify some of the imbalances of the past," Dr Willem Steenkamp, chairperson of the Franschhoek Chamber of Business, told the *Cape Times* last night.

Role players in the process leading to today's signing of the accord included the business community, municipality, community-based and non-governmental organisations and political parties

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

Steenkamp said the land issue had been under discussion in Franschhoek since South African transformation began early this decade. But the discussion had been "haphazard and very political" until last May, when the accord began taking shape.

In November, pushed by the business community, the town's municipality accepted a proposal that an independent facilitator be appointed, and set a January 26 deadline for the conclusion of facilitation This was funded by the Development Bank of Southern Africa and the Caisse Francaise de Développement.

The cost of providing the land will be borne by a trading trust, to be floated by the Franschhoek Council The trust will take all the town's commercially exploitable land assets under its management, thus becoming a "business entity" as provided for in the Housing Act. The trust will maximise the returns to be derived from managing these assets along business principles.

"Given the high value of real estate in Franschhoek, and considering the strong interest already being demonstrated by investors and developers, it is believed that the trust will be able — through joint ventures with developers — to raise sufficient funds to finance land acquisition and infrastructure development required at the lower end of the housing spectrum," said Steenkamp and town clerk Mr Piet Smit in a joint statement on Friday.

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

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

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

The time-frame for the project is in the order of one year. By the end of this year, Steenkamp said, the town hoped to be in the position to be able to start handing out title deeds. By then, certain vacant land would have been serviced, and other land bought

New legislation to resolve stranglehold on tribal land

BD 16/2/98

271

Wyndham Hartley

CAPE TOWN — The stranglehold over the administration of land in tribal areas held by traditional leaders would be resolved by legislation this year, Land Affairs Minister Derek Hanekom said at the weekend.

The African National Congress called at its December conference for faster reform of land tenure in tribal areas so that people there could qualify for state housing and land acquisition subsidies.

Residents in tribal areas are unable to obtain these subsidies because they do not hold title to the land. As a result, desperately needed development is not taking place.

Hanekom said the land tenure situation in tribal areas was an explosive issue and had to be handled sensitively. He and his department had refused to rush into reform in those areas because mistakes could not be rectified easily.

Legislation recognising the underlying rights of those who lived on the land was being prepared and he hoped it would be brought before Parliament this year. The legislation would be a recognition of land rights which would affect millions of people.

The legislation is likely to avoid simply granting freehold title to those living on the land because it would take decades, if not hundreds of years, to award title deeds to all those living in tribal areas.

Hanekom stressed that the legislation he would bring would have at its heart a contribution to development of these areas.

Legislation increasing individual rights to land in tribal areas is likely to be highly controversial, particularly in KwaZulu-Natal and the Eastern Cape. The Inkatha Freedom Party in KwaZulu-Natal has rural support, through traditional leaders, at the heart of its slight majority in the province and is likely to oppose any changes.

The Congress of Traditional leaders of SA in the Eastern Cape has also announced its opposition to freehold title or anything similar in tribal areas.

One of the fears is that rural people could be exploited by developers and lose their land.

Responding to a question during a parliamentary briefing last week, Hanekom said landowners and farmers attempting to exploit land redistribution needs to get massive prices would not be paid more than the market value. He said government could be forced to use expropriation to resolve deadlocks.

Hanekom said farmers trying to sell their land to communal property associations would not be paid more than the land was worth. This would apply particularly to farms which had a dubious apartheid history of acquisition.

Hanekom's statement follows a case in which a Northern Province farmer, who apparently acquired his land for R800 000, attempted to sell it to a group of people for more than R5m.

The community was prepared to pool all its R15 000 land acquisition grants in order to buy the farm, which was said to have been valued at R1,4m at the time of the sale to the farmer.

Hanekom gave the assurance that all such sales had to be approved by him personally, and he would not approve acquisitions that were above the market value. He said his department would look carefully at all valuations and compare them with the farmer's asking price. There had been some cases where there had clearly been unethical behaviour by valuers. These had been referred to the Institute of Valuers for action.

Franschhoek lands a deal it can be proud of

CT 17/2/98 (271)

WILLEM STEENKAMP

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

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

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

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

bottom line

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

But nobody has illusions about the real hard work ahead this year.

The trust must now be formed, and an economic development plan and the housing plan thrashed out

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

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

Land claimants' representative Benji Fray said: "The point behind the agreement is so every Franschhoeker can have a title deed on his name."

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

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

Indeed.

EWS

Government tackles land redistribution

CT (BR) 17/2/98 (271)

LYNDA LOXTON
PARLIAMENTARY CORRESPONDENT

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

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

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

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

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

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

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

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

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

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

Consteen eviction falls under ambit of new act, says defence

(271) BD 17/2/98

Deborah Fine

MINE owners and the industrial sector are expected to take a keen interest in a matter being heard in the Randburg Land Claims Court after it was argued yesterday that the eviction of hostel dwellers in unproclaimed areas also fell under the ambit of the controversial new Security of Land Tenure Act.

Sixty-four former employees of the Consteen brick factory, near Krugersdorp, were dismissed and evicted from the factory's hostels last month after an illegal strike at the Consteen plant in December. Their rights of residence at the hostel formed part of their employment packages.

In the first court battle involving the newly promulgated act, the workers have claimed that their rights of residence were unlawfully terminated in contravention of the act's provisions. They have asked the court to restore their rights of residence and allow them to reoccupy the hostel.

The act aims to prevent the unfair eviction of people made vulnerable by a lack of security of tenure of their homes and the land on which they live.

The workers have alleged Consteen acted in violation of the act by failing to provide notice of the company's intention to obtain an eviction order, failing to provide reasonable grounds for the eviction, failing to investigate whether alternative accommodation was available for the workers and failing to provide an equitable time period in which the workers could vacate the hostel.

Moreover, Consteen had evicted them before the final, legal resolution of their labour dispute with the firm. The workers are now living in tents on open land near Lanseria Airport.

Consteen has claimed, however, that the dismissed workers were evicted after they refused to vacate the hostels voluntarily, and had attempted to intimidate new workers, management and security personnel. A restoration order would result in a "blood bath" between the evicted workers and the new employees now living in the hostels.

Opposing the workers' restoration application, Gys Rautenbach, representing Consteen, submitted yesterday the act did not include workers residing in company hostels for the duration of their employment on industrial land. The act was meant to refer to labourers living on agricultural land.

Judge A Gildenhuys, ruled, however, that the Land Claims Court had jurisdiction over the matter after Fritz Van Oosten, representing the workers, argued the act applied to all land, excluding land in approved or proclaimed townships. Gildenhuys said he would give reasons for his decision at a later stage.

The matter was postponed until tomorrow to allow the evicted workers to file replying affidavits in response to Consteen's intimidation allegations. This was after Gildenhuys said he would have to take the allegations into account should the court consider a restoration order.

Farmworkers' plight

(271) Star 17/2/98

By Themba Sepotokele

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

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

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

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

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

The court is reviewing the Krugersdorp Magistrates' Court decision to evict the workers from the firm's hostels.

Weapons bedevil tribal land claim

(271) Star 17/2/98

By Hopewell Radebe
Political Reporter

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

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

The tribe was forcefully removed from the area in 1962 in terms of the Group Areas Act and the land now houses the SAPS Maleoskop Training College as well as expanses of commercial farmland.

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

Mpumalanga commissioner Durkjie Gilfillan said the case, to be heard next month, would be the first restitution case to be dealt with in the province.

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

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

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

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

She said there were other valid land claims in KaffersKraal and Brakfontein the commission was addressing.

Hanekom discovers price of rural peace is land

Confrontations loom as land reform enters the explosive arena of tribal land and traditional leadership, writes political correspondent Wyndham Hartley

(271) BD 20/2/98

THE white paper on land policy in SA was tabled in Parliament by Land Affairs Minister Derek Hanekom in June last year

Before, during and after the white paper, Hanekom took on massive interest groups, particularly organised agriculture, in legislating the protection of land rights for tenant labourers and farm workers. But the issue of tenure reform and the land rights of those in tribal areas was not tackled in the same way. Not surprisingly, Hanekom's attitude was "slowly, slowly".

He did create the possibility of groups of people legally establishing themselves as communal property associations so they would have a juristic identity, this would give them access to state assistance for either the acquisition of land or for the building of houses on land they had access to. There was also the Interim Protection of Informal Land Rights Act, which provided some basic protection for those living in communal systems, particularly from chiefs who might have a political agenda. But essentially, the vexed question of land rights in tribal areas remained inconclusive.

Then, last December, a resolution from the national conference of the African National Congress (ANC) raised the temperature considerably. The discussion document before the conference noted that many traditional leaders or chiefs in the former bantustans were co-opted during the apartheid era and had changed from being "the leaders of organised resistance to colonial invasion" to "compliant servants of the conqueror". Tough words.

The resolution eventually adopted that traditional leaders had to transform themselves to attain legitimacy. It suggested that if they wanted to hold public office they should stand for election and it said there was a role for them as custodians of culture and custom.

Many tough veterans of the struggle in the ANC see traditional leaders in pretty harsh terms. Their experience on the ground when they were trying to mobilise against apartheid was that the chiefs were part of the problem. It was no accident that in many of the urban areas in former homelands or abutting homelands, such as in KwaZulu-Natal, there was considerable conflict and violence between the urbanised activists and the traditional communities.

"The tribal authority system was designed to keep the reserves undeveloped to ensure they serve as an institutionally entrenched reservoir of cheap labour. The system does not lend itself to local economic development and the associated job opportunities. The land tenure system acts as a fetter to investment."

These led to a tough resolution, the key phrase of which is: "The collective ownership of the land by the community should, in general, be retained. Land should be administered by the merged tribal authority/local government body on behalf of the community.

"The communal land tenure system should be reformed so as to allow individuals to acquire qualified title or lease-hold rights to plots in a manner which ensures that the land is not alienated from the community as a whole.

"Reforms should create an environment for investment, provide secure tenure as well as reform communal systems."

For Hanekom, the pressure was on. He has acknowledged legislation would be brought to Parliament this year to try to resolve the issue

And the pressure is really on traditional leaders. Delegations from KwaZulu-Natal, the Eastern Cape and the Free State told Parliament this week that the colonial legacy which saw only two types of land in SA, namely private and public, should be scrapped and that tribal land, which belongs to the state, should be given to the tribal authorities.

They are concerned that reform of local government will reduce them to mere figureheads and they will lose their power to administer the land to future rural municipalities. They fear that legal title to the land will go to these municipalities where they, at best, will have ex-officio status and no voting rights. The phrase "merged tribal authority/ local government body" is a cause of considerable alarm.

In the Eastern Cape, an ANC stronghold, there is potential for alienating the Congress of Traditional Leaders of SA (Contralesa) and perhaps losing support to other competing political parties

In KwaZulu-Natal, the problems become even more intractable. BE Mdletshe, from the house of traditional leaders, said he hoped Hanekom would not put obstacles in the way of the provincial government, which is ready to give title to the chiefs.

It must be remembered that, shortly before the 1994 election, all the land of the former KwaZulu homeland was placed in the Ingonyama Trust under the control of the Zulu king. Hanekom and the national department earned the ire of the Inkatha Freedom Party (IFP) by amending the Ingonyama Trust Act so that a board would control the land. Mdletshe charged that Hanekom had been stalling because this board had not yet been appointed. Constitutionally, of course, land is a national competence allowing central government to impose its will on the provinces.

Against this backdrop, it must be remembered that traditional leaders and rural communities make up most of Inkatha's support base in KwaZulu-Natal. Any national reduction of the power of the chiefs to administer land will be like a red rag to a bull. With the political mood in the province now all about peace, open conflict over land reform will be politically unwelcome because of its potential to undo what has been achieved to bring peace to the province.

Of all the unenviable positions in government at the moment, Hanekom's must take first prize.



Farm labourers' right to land remains a contentious issue

Hanekom lauds land judgment

Sowetan 23/2/98 (4) (271)

Court makes ruling that dismissed workers will get hostel accommodation

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

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

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

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

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

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

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

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

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

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

Hanekom also urged occupiers to use the procedures provided by the law to resolve their problems – *Sapa*

Judge rescinds brickworkers' eviction order

Star 23/2/98 (F)(271)

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

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

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

Consteem Brickworks owner George Kok obtained a court order which saw the 64 workers evicted on January 19.

But Geldenhuys ordered Kok to pay for alternative accommodation at the Dyambu hostel between Randfontein and Krugersdorp until the labour dispute was resolved. – Staff Reporter

FAIR LAND PROCEDURES CREATED

Curbs will also protect squatters

ET 20/2/98 (271) (~~350~~)

INTENDED new legislation will protect squatters who have occupied land for more than six months from eviction before new land is available. **JOVIAL RANTAO** reports.

LEGISLATION to curb the invasion of private and public land by squatters, but offering protection to people who have been on land for at least six months, is to be approved by Parliament's housing committee today.

The Prevention of Unlawful Occupation of Land Bill would replace present squatter legislation, amend common law to criminalise unlawful evictions and enable the government to act when it has to do so to protect the public.

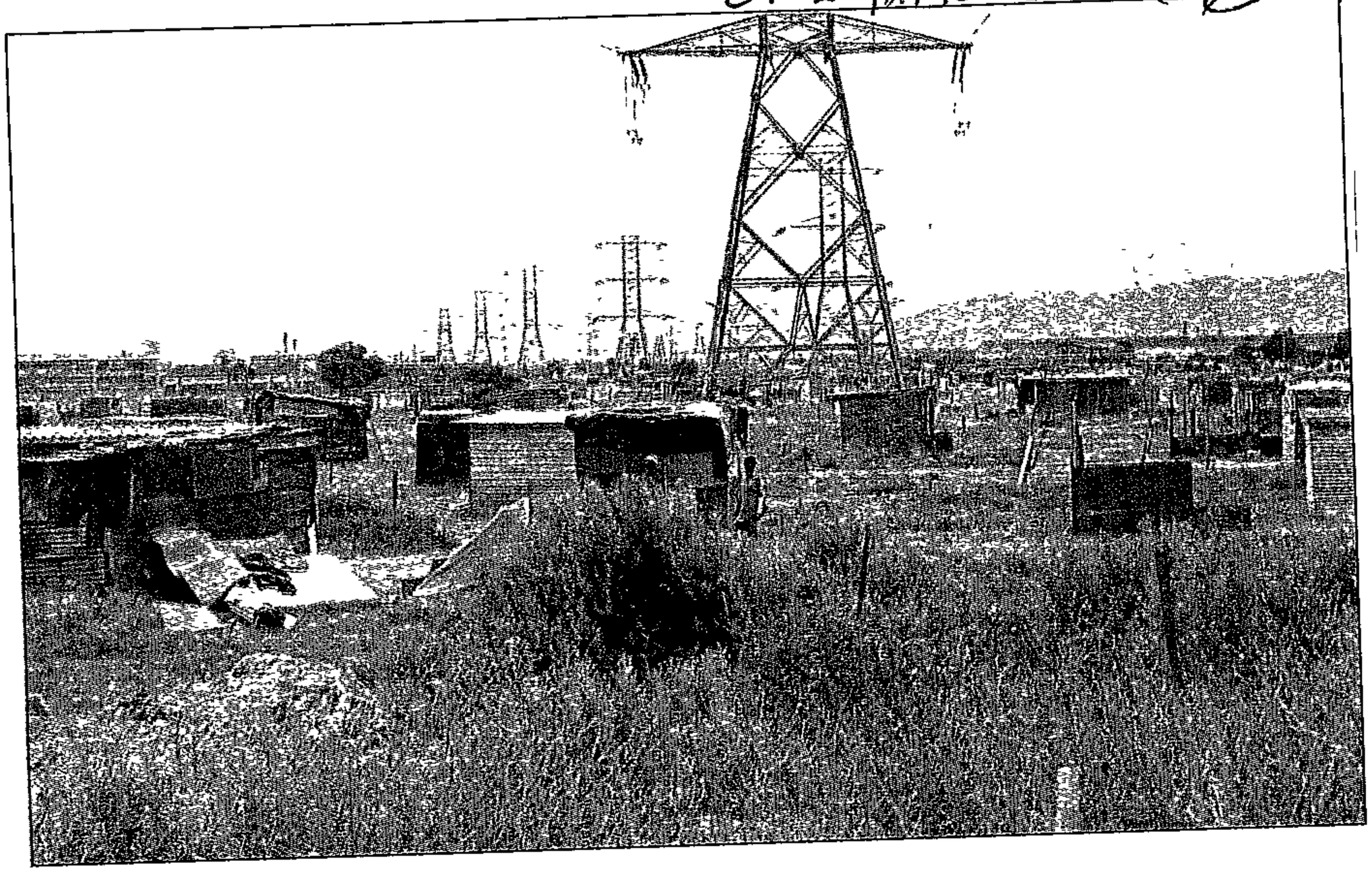
It would also create a new and fair procedure for evicting unlawful occupiers who have been on the land for more than six months, by preventing their eviction until alternative housing is provided.

"If land has been occupied for more than six months, the owner must get a court order before the eviction.

"In considering the application from the landowner, the court must take into account a number of things, which include the availability of alternative land and accommodation," said committee chairman Mr Titus Mafolo.

He added that there was no opposition to the bill.

The provision of alternative accommodation could be done through other housing programmes, land distribution programmes, the Labour Tenants Act, the Extension of Security of Tenure Act and the Development Facilitation Act (which facilitates the rapid release of land).



BETTER DEAL: New laws affecting squatters will be approved today.

Parties in the housing committee have said the legislation could be abused by local authorities and private landowners.

"There's concern that we're giving local government authorities and private landowners the right willy-nilly to evict people without due regard to the process and the Constitution," Mafolo said.

He said the legislation would also protect the homeless and landless from abuse by fraudsters who pretended to be landowners.

"Any person who receives money from people for the occupation of land that does not belong to him will be guilty of an offence," Mafolo said.

Mbeki intervenes in Aventura land claim

BD 25/2/98 (271)

Reneé Grawitzky

DEPUTY President Thabo Mbeki this week intervened to broker a deal with communities laying claim to Aventura land earmarked for privatisation in an attempt to stop them from going ahead with court action to stop the process.

Earlier this month the Land Claims Commissioner and the Legal Resources Centre applied for an interdict to halt Aventura's 100% privatisation on behalf of a number of communities which have laid claim to land held by the company.

The Legal Resources Centre is acting on behalf of the Mashilane and Moletele communities which have laid claim to the land on which Aventura's Blydepoort and Swadini resorts are situated.

A meeting, initiated by Mbeki's office, was held on Monday between the claimants and the affected government departments to try to resolve the matter.

Mbeki's special adviser, Mojanku Gumbi, who chaired the meeting, was unable to comment on the content of discussions but explained the involvement of the deputy-president. She said he had been cited as a respondent in both affidavits in view of his participation in the interministerial cabinet committee on state asset restructuring.

It is understood that at the meeting government put forward a number of proposals to ensure that the claimants and the regional land claims commissioner became more involved in the overall process. The proposals were tabled on the basis that if they were accepted the current litigation would be postponed.

During discussions government questioned the claimants as to why they wanted to stop the privatisation process. Government implied that nothing stopped them from continuing with their land claim after the sale of Aventura had gone through.

The interdict hearing at the Land Claims Court was supposed to be held tomorrow but the Legal Resources Centre agreed to the postponement of the hearing until next week in order to give the parties an opportunity to find a solution.

Public enterprises ministry adviser Kennedy Memani said progress had been made and he remained confident that the matter would be resolved.

The Legal Resource Centre said it had put forward a number of counter-proposals and was awaiting a response from government.

Land battle hots up in naval town

Dispossessed residents angry at delay

(271)
ST (cm) 8/3/98

AYESHA ISMAIL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Wessels said they were paid about R13 700 for their property. "When we were given notice that we had to move, we were not given an option to sell on the open market. We had to sell to the state-owned Community Development.

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

"We went to the Department of Public Works, the Simon's Town municipality, NGOs and the Deeds Office. Almost everybody gave us the run-around," said Wessels.

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

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

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Pyromusic at V & A

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

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

The show will be held on April 3, 5, 8 and 11 and multicoloured rockets will light up the sky to the sound of jazz and rock 'n roll.

Land affairs' allocation to touch 47% in next three years

Louise Cook

THE allocation for land affairs went up by 7% to R685,3m for the 1998/99 financial year, but estimates for the next three years show government plans to speed up land reform by increasing the overall allocation by 47% to R987,4m.

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

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

"The rapidly growing medium-term expenditure framework allocations reflect the increasing pace of implementation of land reform By the end of 1997, 89 land transfers involving 88 000 beneficiaries and 324,4ha of land had taken place

"A total of R183,6m was allocated for the purchase and development of land in redistribution projects this year.

"This represents a substantial decrease on the R316m for 1997/98, but an increase of about 50% on the amount is expected to be spent in 1998/99 "

An amount of R30m was allocated for compensation to victims who lost land during apartheid and R50m for the development of land and support to successful claimants. The restitution commission, which was cash-strapped during 1997/98, would now receive R28,5m for operating costs.

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

Other amounts include R26m for underresourced local authorities in rural areas to set up land development objectives and R115,6m for the upgrading of equipment in the deeds registrar.

Wild Coast development will give people their land

M+G 13-19/3/98 (~~78~~) (271)

Margot Pienaar

The Wild Coast spatial development initiative (SDI) is about more than just employment creation. It is also about creating the opportunity for local communities to become partners and co-owners of viable, multi-million-rand income-producing projects.

Objectively, the Wild Coast SDI implies a reversal for the subsistence farmers and migrant labourers who take their labour to capital in far-away cities. Capital is coming to them, and wants to team up with them in bringing their asset to the table: the land.

This possibility exists because the department's land reform programme recognises the underlying land rights of local people. Were it not for apartheid, they would have been the registered owners of that land.

In terms of the Bill of Rights, a person or community whose tenure of land is legally insecure because of past discriminatory practices is entitled either to tenure which is legally secure, or to redress.

Derek Hanekom, as the minister of land affairs, is the nominal owner of the land on behalf of the government. He intends to transfer it to them in an orderly and transparent manner.

In the meantime, Parliament has passed the Interim Protection of Informal Land Rights Act. In terms of this Act, occupants of land in the former homelands may not be evicted against their will. Neither may the land be sold without their consent.

By the same token, their permission will be required for the granting of secure tenure rights, such as registered leases, to investors on the land.

The SDI supports this approach 100% and has accepted the implication — that for the purposes of negotiations and selecting projects, local communities should be dealt with as if they were private land owners.

Concerns have been expressed that provisions for land tenure security are merely a paper right on the one hand, and that they impede delivery on the other hand. Neither is correct.

Redressing apartheid's legacy of insecure land rights often involves sorting out overlapping rights within communities. The process leading up to the transfer of community land can be time-consuming, because it involves the unravelling of years of apartheid intervention in local structures. This does not mean delivery or investment will be impeded.

Pending the finalisation of land transfer to communities, investors can obtain legal security of tenure through long-term leases which will be registered in their favour by the minister of land affairs as the nominal owner of the land.

Once the land is transferred to communities, they will "step into the shoes" of the minister, inheriting all his legal rights and obligations in the land. For this reason, communities will be intimately involved in the negotiations process to ensure that they are satisfied with all the agreements

Margot Pienaar is an official in the Department of Land Affairs

LAND REFORM

Sons of the soil stake a claim

Chiefs battle on land rights

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Herb Payne

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Dragging land restitution process to be speeded up

Deborah Fine

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

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

The commission and the court were established in terms of the Restitution of Land Rights Act of 1994 which was enacted to provide redress for more than 3,5-million victims who were forcibly evicted from their land after 1913.

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

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

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

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

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

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

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Hanekom makes difficult decision

BD 20/3/98 (271)

Wyndham Hartley

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

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

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

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

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

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

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

Land affairs director-general Geoff Budlender said that the management plan submitted by the Calais farmers stipulated that the farm would be maintained as one unit for agricultural production.

Makuleke community gets its Kruger Park land back

(6)(271) Star 24/3/98

By Melanie-Ann Feris
Environment Reporter

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

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

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

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

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

Makuleke spokesman Livingstone Makuleke said the community's plans were just at the initial stages but already young members of the community were being registered for courses to help in the development of the area.

Commission to review several rejected land claims

(271)
BD 25/3/98

Louise Cook

THE restitution commission would review several earlier decisions to throw out land claims after it transpired that only the Land Claims Court had the power to decide on the merits of compensation paid to claimants in the past.

Several claimants in Mpumalanga — including white farmers who lost land as a result of the former government's homelands policy, and black communities who were removed from their ancestral land — had restitution claims rejected by regional land claims commissioner Dirkje Gilfillian.

The decision for the rejections were based largely on the grounds that the claimants already had received just and equitable compensation from the former government at the time of the removal.

Chief land claims commissioner Joe Seremane said there had been uncertainty about the acceptance and rejection of claims for some time. Earlier attempts by the commission to obtain clarity from the Land Claims Court came to nothing because the claims fell through.

The commission has now established from senior counsel it may throw out only obviously "frivolous or vexatious" claims.

Regional commissioners may not dismiss a claim, but could decline to publish it (in the government gazette), unless the claim was aimed at "harassing" the land owner and "abusing the land claims process".

The SA Agricultural Union (SAAU) said yesterday the decision would delay the restitution process unnecessarily if questionable claims were not rejected early on. SAAU legal spokesman Analize Crosby warned unrealistic expectations could arise and land owners would be forced into costly legal battles to save their land.

The claims to be reviewed were all in Mpumalanga, and involved several farms.

Terre'Blanche will not testify in amnesty case

PRETORIA — Afrikaner Weerstandsbeweging (AWB) leader Eugene Terre'Blanche was not interested in testifying in support of a right-winger seeking amnesty for murder, the truth commission heard yesterday.

Daan Mosterd, acting for applicant Cornelius Lottering, said he had asked Terre'Blanche on Monday night to give evidence. Mosterd also tried to get hold of Hennie Binneman, a former comrade of Lottering.

"Neither of them are interested in testifying," Mosterd said.

Lottering is seeking amnesty for three offences, including the killing of taxi driver Potoko Makgalemele in Johannesburg on August 29 1989. In the same year he committed armed robbery and escaped from custody.

At the time he was a member of an AWB breakaway group, Orde van die Dood (Order of Death) Lottering contends that he was acting on the instruction of his commander, Dawie de Beer, to further the right-wing cause for a separate Afrikaner homeland.

Lottering is serving a sentence of 21 years for his crimes.

After former AWB Brig Dries Kriel testified in support of Lottering on Monday afternoon, Mosterd said he also intended approaching Terre Blanche and Binneman to give evidence

The hearing was adjourned yesterday when neither turned up.

Amnesty committee chairman Judge Selwyn Miller ruled that Mosterd's written argument in support of the application should be submitted by Friday

Kriel accused the AWB leadership on Monday of leaving members serving prison sentences [illegible]

"The people who gave the orders are too cowardly to come and sit here in support of those people in jail," he said.

The amnesty applications of two other right wingers, James Wheeler and Cornelius Pyper, will be heard today.

They were convicted of murder and attempted murder after firing at a minibus taxi on the road between Westonaria and Randfontein on April 27 1994.

Vuyani Papuuyana was killed and his brother Godfrey wounded in the shooting. — Sapa.

Insults led to killings, truth commission hears

DURBAN — The truth commission yesterday heard applications for amnesty from two Inkatha Freedom Party (IFP) members who killed two African National Congress (ANC) supporters after becoming enraged by political insults.

The commission's amnesty committee is hearing applications for amnesty from IFP supporters who have been charged with murders at different times during the years of conflict between the IFP and the ANC in KwaZulu-Natal between 1990 and 1992.

Nimrod Mthembu and Shengu Ngobese were convicted, and are serving jail sentences for the murder of a woman, Zondiwe Khumalo, and a man, Siza Ntsele, at Mapamulo near Stanger in 1991.

Mthembu and Ngobese both told the committee during their applications for amnesty that they were loyal members of the IFP and resented and opposed all attempts by the ANC to gain support in their area.

They claimed to have been acting in the best interests of the IFP by removing the ANC from society.

However, they both conceded they received no orders from IFP officials to do so

Both said they became infuriated by taunts from ANC supporters who referred to IFP supporters as "oklova" and "isitaki"

Asked by committee chairman Hassen Mall to explain what these words meant, Mthembu was unable to do so apart from saying he took them to be derogatory remarks

He said he was able to identify the people who made these remarks as ANC supporters and believed it was his duty to eliminate them from society

Asked if the use of anti-IFP slogans was the only way he identified them, Mthembu replied that Khumalo had opposed the imposition of a dog tax in the area. He said, the tax was imposed by the KwaZulu-Natal government which was controlled by the IFP, so he took her to be an ANC supporter.

The committee is to consider the application and give its decision at a later stage

The rest of the hearings continue later this week. — Sapa.

Tsitsikamma Nature Reserve faces Covie land rights claim

Deborah Fine

COVIE residents in the Western Cape have lodged a land rights claim for about 450ha of prime eco-tourism land in the Tsitsikamma Nature Reserve.

While they have not claimed ownership of the land, they want access to it for grazing purposes and access to the Indian Ocean along the reserve's southern boundary, or monetary compensation.

Western Cape land commission spokesman Franz Zotti said 30 allotments of two morgen each were given to Covie residents in 1884, with grazing and fishing rights on the adjoining common land.

However, the ocean frontage was declared part of the nature reserve in 1974 and fenced off. Covie residents were removed from the area in 1976.

Community granted a portion of Kruger Park

(271)

ARGUS CORRESPONDENT

ARG 26/3/98

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

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

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

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

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

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

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

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

S

Kruger Park: 'remember the landless'

Sowetan 27/3/98

By Victor Mecoamere

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

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

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

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

Environmental Affairs and Tourism Minister Pallo Jordan, and premiers Mathews Phosa of Mpumalanga and Ngoako Ramatlhodi of Northern Province were among the dignitaries

The KNP, the flagship of the South African National Parks, was established in 1898 by the late Paul Kruger, president of the then Zud-Afrikaanche Republiek.

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

"We recall these threads in our history not to decry the foresight of those who established the park, nor to diminish our enjoyment of it," said Mandela. "We do so rather to re-affirm our commitment that the rural communities in and around our parks should also benefit from our natural heritage, and find in it an opportunity for their development"

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

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

LAND CLAIM

Perfect solution to ending a painful past

fm 27/3/98 (271)

Makuleke community compromises with Kruger Park

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

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

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

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

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

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

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

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

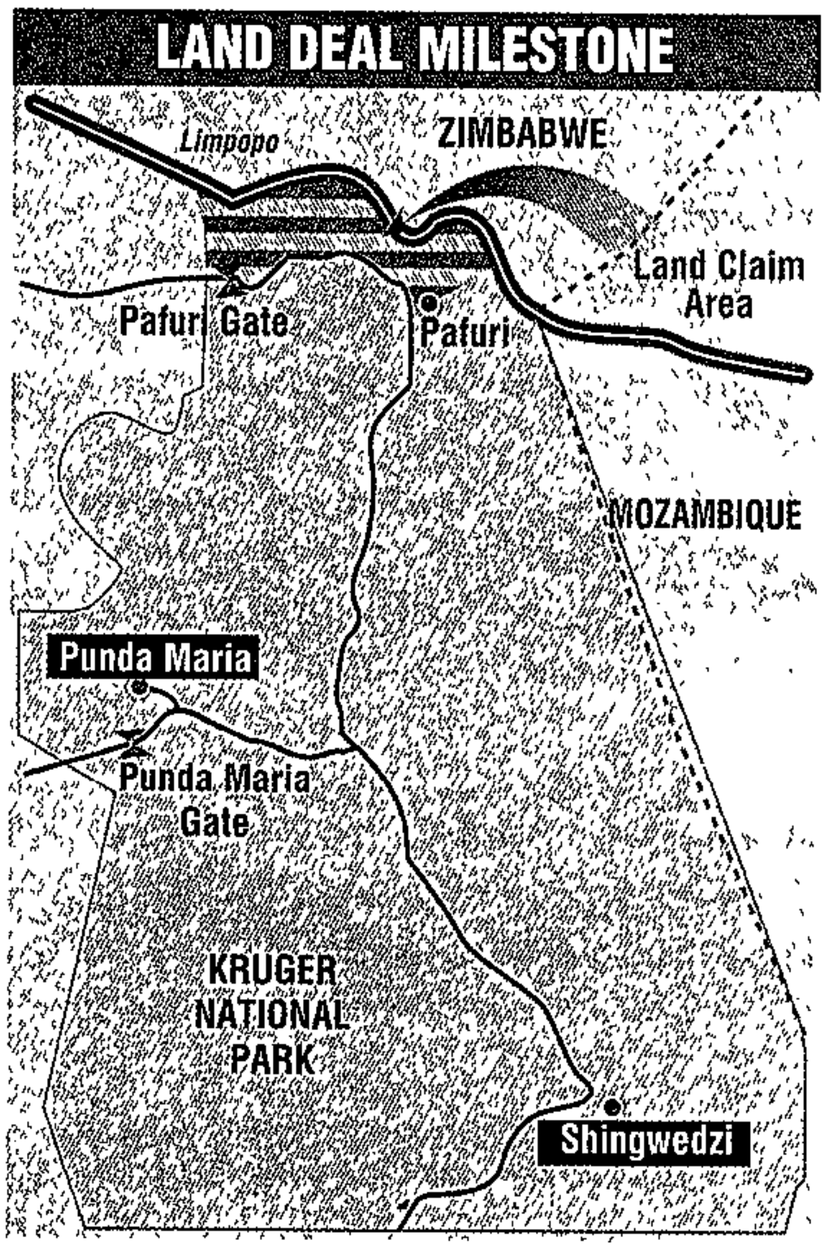
"We think this is a good agreement and the Pafuri area is strategically well positioned for the transfrontier park project," says SA National Parks (SANP) CEO Mavuso Msimang

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

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

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

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



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

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

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

Says Steenkamp "The necessary conservation guarantees have been provided by the Makuleke and the required tourism development guarantees by the SANP"

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

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

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

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

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

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

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

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

Brendan Ryan

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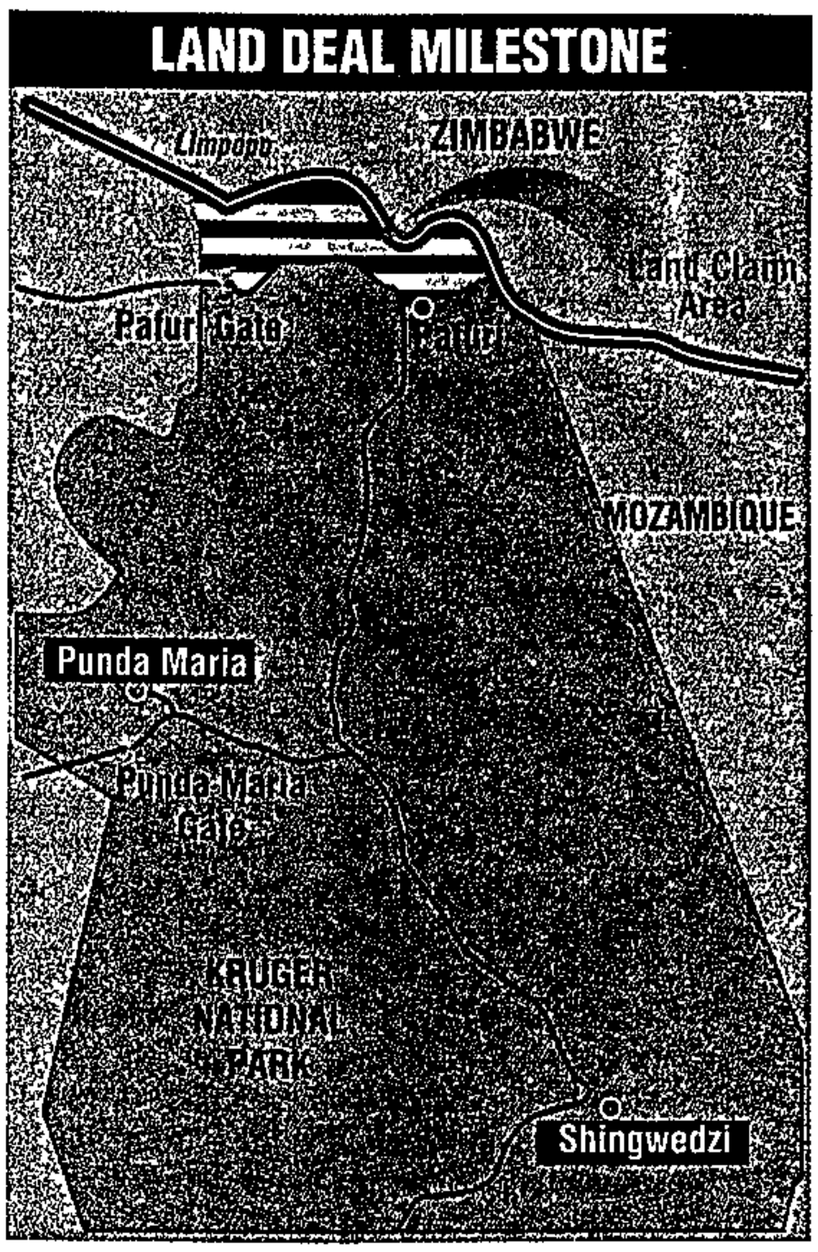

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Brendan Ryan

LAND EXPROPRIATION (271)

TLC territory in dispute FM 3/4/98

And Harry Gwala's land is on the list

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The real difficulty, says Maritzburg TLC CE Ian Cross, is that land tenure in the area is a mishmash of State and privately owned land mixed with land settled by people without title and those living there by common consent.

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

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

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

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

Herb Payne



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No liberation without land redistribution, says Mogoba

The new SA had not yet dawned because the poor still had to get land, PAC president Dr Stanley Mogoba said yesterday.

Speaking at the party's 39th anniversary at the Orlando East Community Hall in Soweto, Mogoba said land distribution was wished away by not being "hauled" in question was not addressed urgently, unsystematically, haphazardly.

He warned that if the land issue was not addressed properly, "the land will call for the poor to take it".

He said without elaborating, "That is happening."

Mogoba said the PAC's economic programme was based on the principle of "self-reliance".

Turning to the PAC's economic policy, Mogoba said: "The land question is the core of all our problems. The land must be returned to the people from whom it was taken by force."

He said the PAC's economic policy was centred around the development of small-scale industries, agriculture and mining.

Mogoba said the PAC would not be the same after the 1999 general elections. It will never be the same because of the mostly young, cheering crowd.

"SA will never be free until we are free," he told the crowd.

Mogoba said he was confident his party would do well in the 1999 general elections. It will be the same party that fought for the liberation of the country.

He said the PAC would be the only party to have a clear policy on land.

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Mogoba

Sophiatown focus of 200 land right claims

Deborah Fine (271) BD 7/4/98

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

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

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

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

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

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

Where this was not practically possible, however, claimants could be provided with alternative land or compensation or a combination of both.

Gauteng to redistribute 18 000ha

Louise Cook

BD 9/4/98 (271)

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

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

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

"Currently, 64 farmers have been settled on 9 760ha of land and a further 74 were settled on 800ha of land near Bronkhorstpruit. By August a further 1 426ha were expected to be available for emerging farmers."

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

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

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

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

Vulamehlo committee chairman Gerhard Neethling said that the idea behind the two-day exhibition for small farmers was to give them a chance to find out about the various services and support available to them. By yesterday — the second day of the exhibition — more than 1 000 small farmers from as far as Kuruman and Gaborone had attended the show.

SOPHIATOWN

The day of reckoning approaches (271) FM 24/4/98

Unwinding a well-known apartheid crime

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

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

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

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

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

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

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

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



Arnold Pronto

Houseproud . . *residents worry about falling values*

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

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

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

According to resident Pieter Fourie, then-owners received compensation averaging £500-£1 000 in the late Fifties New houses, built by the National Housing Commission, were sold for R6 000-R8 000 in the Sixties

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

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

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

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

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

Margot Cohen



Robbie Tshabalala

Trevor Lang . *prices have dropped about a third*



Russell Roberts

Eddy Venter *stands are laid out differently now*

Department plans to proceed with land legislation

(271)

Wyndham Hartley

BD 28/4/98

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

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

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

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

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

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

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

Failed land-restitution process to be addressed

(271) Star 29/4/98

By Anna Cox

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

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

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

Only R28-million out of the Land Affairs Department's R650-million annual budget is allocated for land restitution. This is not enough, say NGOs.

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

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

Trying to trace all direct descendants and spouses in families was another nightmare.

Once all documentation had been found, the claim has to be gazetted, inviting negotiations between the department, the claimants and the owners.

Unresolved land claims are said to be holding up development in many areas. A major reconstruction programme in Alexandra cannot start until 1 300 land claims have been settled.

In Gauteng and North West, which fall under a combined restitutions office, only one claim out of 8 000 has been settled.

But Jean du Plessis, chief director of restitution in the Department of Land Affairs, said the process would be speeded up.

He said the budget had been increased from R19-million to R28-million, and further funds would become available. Also, functions had been decentralised to be more effective.

Claimants would in future have direct access to the Land Claims Court, and new powers would enable the minister to settle out of court under certain conditions, he said.

Potential claimants have until December to file their claims.

ANALYSIS

Redistribution of state owned lands a complex problem

(271)
80 4/5/98

State-owned land needs a healthy dose of commercialisation. Opinion piece by Maritzburg-based freelance journalist Tom Wiltshire-Robbins

IN THE four years he has been land affairs minister, Derek Hanekom has achieved some success in redistributing land to black farmers but we have heard very little about what is to become of state land, much of which is already occupied by black farmers and in some cases has been for centuries

This is not to say that government is doing nothing to reform these lands but that there are crucial issues that need public debate.

The majority of this land is in the former homelands where most of it is communally grazed by livestock, with some of the more fertile plots allocated to individual farmers for crop growing Allocation is haphazard being performed by chiefs or by the community itself (and sometimes by warlords)

The state owned lands are extensive (the former homelands alone account for approximately 13% of SA's landmass) and generally badly farmed — making them a wasted national resource on a gigantic scale

More often than not these fields are tilled on a subsistence basis, unlike white farmers who operate on a commercial (and more productive) basis. This decision has as much to do with tradition as it has to do with migrant labour and the ownership structure of these lands. The former homelands were never created to compete agriculturally with white owned farms People were moved to overcrowded rural areas where they never had a hope of farming seriously and of course the farming was only meant to supplement the remittance payments made by migrant husbands

Unlike white farmers, the homeland farmers never owned their farms, making them cottage industries rather than commercial concerns These farmers also lacked the skills and capital necessary for any successful commercial venture.

However, evidence suggests that before black farmers were moved off their lands they were significant suppliers of produce to mining towns.



HANEKOM

Outside the homelands, private ownership lies at the heart of successful commercial farming, so why are the residents of these lands not simply given the title deeds to land they already occupy? Would this not represent empowerment on a massive scale? Not necessarily

These areas are in a legal mess that would take the world's best public servants, using the best policies available, years to sort out, even before any freehold system could be implemented. Despite living on the land many of these farmers do not have clearly defined legal rights to this land: in land policy parlance this is described as insecurity of tenure.

Apart from it being difficult to transform subsistence agriculture until it is clear who has the rights to what land, this insecurity also discourages farmers from making necessary capital investments. Imagine spending money fencing your land only to find that someone else has the legal rights to it.

But at the heart of security of tenure lies a far more basic and practical issue of what use is it having rights to cropland if these fields are continually invaded by a neighbour's hungry cattle, or if they are taken away by a local warlord? In tribal areas it is up to chiefs to administer these disputes but often they are ineffective law enforcers. Of course legally owning land will strengthen a farmer's right in law, but will the law be enforced?

A second reason to avoid the wholesale handing over of title is that in this rush for commercialisation, the poorest of the rural poor (of which there are millions) could end up with the short end of the stick.

Productivity would probably increase but the resultant small farm size (due to overpopulation) would temper this improvement.

The land affairs department argues that gaining access to title could quickly result in losing access to that very title: loan defaulters could have their land seized by the banks, driving landed people and their heirs off the land, losing an important source of household security. Moreover, large agribusinesses could come in and buy up large tracts of land (a timber corporation for example) leaving farmers landless.

Security could also be compromised. chiefs would lose their power to dispense land (from which they derive their authority to tax), threatening their position, a particularly dangerous prospect in volatile areas such as the former KwaZulu and Transkei.

Despite these disadvantages there are forceful arguments in favour of individual title.

Significant among these is what has become known as "The Tragedy of the Commons". Simply put, there is no incentive for a good livestock farmer to conserve communal grazing if nobody else does. If the farmer owned a plot of grassland, it would be in the farmer's interest to control the number of cattle on the land, making sure it did not become overgrazed, either by reducing the herd, or withdrawing the cattle from one part of the plot to another.

Of course, individual ownership would not guarantee higher productivity and sustainability (given the still prevalent tradition keeping cattle as a form of savings) but it would improve the chances of this occurring.

Internationally the bedrock of successful commercial farming (and most enterprises) has been credit and in farming that credit is often obtained by using property as collateral. It is self evident that farmers, who do not own land, battle to raise capital and that giving people title to the land they already live on would allow them to borrow money for vital capital investment. But here again, farm size could limit the ability to borrow significant amounts of money against property.

As can be seen many of the so-called solutions (on both sides of the debate) to the rural productivity debacle just create new problems for the government and the rural people. However, is there not a third approach that would combine elements of communal farming, the freehold system, the traditional set up and commercial farming interests?

Land could be freed up for some limited form of freehold, inviting commercial farmers and agribusinesses to enter into equity partnerships with communities, injecting much needed capital and skills into these rural areas and allowing for large farms where economies of scale could be taken advantage of. Some schemes between forestry corporations and small scale farmers do exist, but mostly outside the "tribal" areas.

Community members (who will own shares in the scheme) would be forced to offer their shares to locals first, if they wished to dispose of them, before being allowed to sell to outside business interests. This is something the government is encouraging in less traditional areas under Communal Property Associations — a kind of rural sectional title. In areas where traditional leadership is still significant chiefs would have to be given their place in the sun under such schemes

Government priority is to strengthen people's rights to the land, making people more permanent occupiers of land, but not necessarily owners of it.

This is sensible, given the chaotic state of tenure People will be consulted as to which tenure system best suits them across the board from freehold to tribal. Significantly, tribal and communal forms of tenure that "work" will not be interfered with

Some of these areas may be stable but this still avoids the issue of low productivity This issue is too important to allow the difficulties to fester

Economic growth in these areas would contribute to rural wealth creation and indeed have spin offs for city dwellers

For too long the issues of land restitution and the security of farm workers have dominated the land debate, ignoring the more important, but more complex, predicament of state lands. Granted this is not an easy problem for government to tackle but the temptation to do nothing because of the vested interests of chiefs (and because the challenges are so daunting) should be resisted. If the government does not encourage some commercialisation, country folk will be condemned to a life of marginalisation, instead of taking their rightful place in a vibrant rural economy

'WE MUST TRY TO FORGIVE AND FORGET, BUT WE CAN'T, MAN'

Survivors revisit the meadows of pain

(271) CT 4/5/98

NOTHING WAS built on the site of Protea Village after the community's removal, but this may help those seeking restitution. **WILLEM STEENKAMP** reports.

"WHEN we get together like this every year I don't know whether to cry or to laugh."

Thus Mr Geoff van Gussling, a victim of one of Cape Town's forgotten Group Areas Act forced removals, summed up the mood at the gathering marking the 112th anniversary of the Good Shepherd Church, opposite the entrance to the Kirstenbosch National Botanical Garden. It was also the fourth annual reunion of the Protea Village community

The small stone church — linked to St Saviour's Church in Claremont — and three stone cottages now run by the Botanical Society are all that remain of Protea Village, a poor but thriving community on a wedge of land nestled between the posh suburbs of Fernwood and Bishopscourt.

The small cemetery behind the church bears witness to the families who lived there Bruyns, Adonis, De la Cruz and Jacobs are among the names on the weathered gravestones

In 1966, the same year as the District Six forced removals, hundreds of Protea Village residents were moved to Grassy Park, Lotus River, Manenberg, Heideveld and Steenberg Those who had money to buy homes went to Lansdowne and Wetton.

For years many could not bear to return to the church. Today it has a thriving congregation of Protea Village survivors and well-heeled locals.

Mr Alex September, 74, came back about four years ago "It was great to come back. Sad in a way, but . ."

Born in Protea Village, September was baptised in the church that his generation's fathers and grandfathers had spent their evenings building, using rock obtained nearby



NO BURYING THE PAST: Former Protea Village resident Alex September visits the grave of his mother and grandmother in the small cemetery behind the Good Shepherd Church. The church, built of stone by members of the community, and three cottages are all that remain of Protea Village. *PICTURES: GARTH STEAD*

"It was heaven — everything was free," said September His eyes focused on the distance as he spoke of gathering firewood on the mountainside and drawing water at the nearby spring

Then September was moved to a block of flats in Grassy Park, where, from his window, the roofs of the houses "looked like tents"

"It took me three, four years to come to terms with that place."

When the removal was over and the community scattered across the Cape Flats, the then-government pulled down the Protea Village houses

"They destroyed everything," said Van Gussling "We must try to forgive and forget, but we can't, man."

Van Gussling looks down towards the tree-lined meadows where the homes of Protea Village once stood.

"It might have been easier if they had built something, but they did nothing here," Van Gussling said.

This may be just as well. About 70 land claims have been registered by former Protea Village residents Residents in Bishopscourt and Fernwood have embraced their efforts.

"Our committee thinks the Protea Village community deserves the restitution it is owed without delay," Mr Peter Leinberger, chair of the Bishopscourt Residents' Association, said yesterday. "We have formed a sub-committee to assist them."

CAPE TIMES
WEDNESDAY, MAY 6, 1998

REFORM LEGISLATION AMENDED

Subsidies may be used to develop land

(271)

CT 6/5/98

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

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

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

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

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

The bill will serve to bring land reform to some of the areas where it is perhaps most urgently needed

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

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

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

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

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

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

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

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

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

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

Benguela project will unlock wealth

BD 7/6/98 (27IA)

Nicholas Shaxson

WORK has started on the damaged Benguela railroad, which could again become a major export route for mineral and agricultural riches bottled up not only in Angola but in Zambia and the former Zaire.

An Italian company has already removed landmines from 40km of railway near the Angolan coast, and another Italian company, Tor di Valle, is about to start repairing the 1 350km line running from the Atlantic port at Lobito to Luau at Angola's eastern border. The track continues through the mineral-rich Shaba province in the Democratic Republic of Congo, and then to Zambia, which was once reliant on the railway for its huge copper exports that drove its economy.

Before independence from Portugal in 1975, the railway transported up to 1,6-million tons of freight a year from Zambia and Zaire to the sea, as well as passengers and a similar volume of freight from within Angola.

"The material we need has arrived at Lobito, and the first convoy to work on the line should be running this week," said Claudio Insenga, who leads the $500m project in Angola for Tor di Valle.

President Nelson Mandela said during a visit to Luanda last week that he hoped SA would participate in infrastructure projects such as this.

"We are very open to what President Mandela said, and we have always had good contacts with SA companies," Insenga said. However, he was not willing to elaborate.

The Benguela railroad project will be divided into two phases.

Insenga described the first as "partial rehabilitation", which will take three years and enable slow traffic to circulate. Tor di Valle will work its way inland behind the teams removing landmines, repairing damaged track and sleepers and rebuilding the many bridges that were destroyed by the rebel National Union for the Total Independence of Angola (Unita) during the civil war.

Railway services operated by Angolan company CFB (Benguela Railways), which currently carries 20 000 people a day on a 25km stretch from Lobito to the nearby town of Benguela, will expand inland as work progresses.

Work on the second phase will start soon. Moving eastwards behind the first phase at a rate of around 100km a year, the company will replace the entire line, some of which was laid near the beginning of the century.

In 14 years' time, according to the plan, a new railroad will stretch to the border. Beyond the border, the track was in better condition and needs little work, Insenga said.

In an innovative barter deal to recover its costs, Tor di Valle has been granted the exclusive right to exploit 37 500ha of mature eucalyptus forests which were planted along the railway by Portuguese colonialists.

However, problems remain. Although Unita has fulfilled almost all the terms of the 1994 Lusaka peace agreement, it has yet to return to state administration its last stronghold in the central highlands, which lies just to the north of one section of line.

So although the government committed itself under its contract with Tor di Valle to provide security for the work, parts of Benguela and Huambo provinces through which the line still runs are still experiencing scattered attacks and banditry.



Changes to land reform welcomed

BD 8/5/98 (271)

Louise Cook

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

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

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

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

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

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

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

However, land affairs parliamentary portfolio committee chairman Patekile Holomisa said local authorities and municipalities had not been part of the consultative process on the planned changes and might not be sufficiently informed of the potential role they could play in land reform.

Western Cape refuses to carve up farms

BD 8/5/98 (271)

Louise Cook

WESTERN Cape agriculture MEC Lampie Fick yesterday seized control over the size of farms in the province from central government.

He said the province's planning and administration MEC, Kobus Meiring, had already notified Western Cape local authorities, the Registrar of Acts and other stakeholders that the cutting up of farm land — a key element of land reform — would in future be governed by a provincial ordinance on land use planning. The move followed years of fights between Land and Agriculture Minister Derek Hanekom and agriculturalists, including the National African Farmers' Union, who say farms need to be big enough to allow economical and sustainable farming.

A further complaint was the use of farm land for large groups of landless people to live on.

The provincial department's move was seen as a reactive step against central government's plans to scrap the Prohibition of Subdivision of Agricultural Land Act in the next few weeks. The act disallowed cutting up of farm land without the consent of the minister, but last year the land affairs department proposed a land zoning system which was expected to take three years to get off the ground.

The idea was that small farms would be allowed in terms of the zoning, but that the use of the land — residential, farming or other uses — would be specified.

In June last year the national agriculture department's resource conservation directorate was processing about 200 applications a week for farm subdivisions after revised regulations allowed the surveyor-general, instead of the minister, to approve subdivisions.

Yesterday Fick said Pretoria would no longer be allowed to cut up farm land in the province.

Rural development, he said, was a provincial function in terms of the constitution.

"Of the 18 recent subdivision applications rejected by the provincial department, Pretoria approved all 18," he told the legislature.

Agriculture in the Western Cape contributed 23% of the national farming output and 58% of all farm exports. Fick said his budget, which had been reduced to R68m from R111m three years ago, prompted the need for a "new organisation" for which he planned to seek approval from the provincial cabinet in the next few months.

Sources said the plan was to "privatise" the department, but inside sources said a development council might be set up.

Cape land claims bodies move to speed up process

271

Deborah Fine

BD 11/5/98

THE Western and Northern Cape Land Claims Commission has begun a "rolling action on delivery" programme to speed up the processing of claims, Cape land claims commissioner advocate Wallace Mgoqi said yesterday.

All of SA's five land claim commissions have been criticised recently for the slow pace at which claims were being processed and referred to the Land Claims Court for final decisions.

Mgoqi said that 7 276 claims were registered to date at the commission's Cape Town offices, of which 1 408 had been validated and a further 1 159 listed in the Government Gazette.

The Cape commission had also appointed facilitators to engage the land affairs department and other involved parties to attempt to negotiate amicable solutions in a further 120 claims.

He said 27 claims in the Goodwood and Simonstown areas would be referred to the Land Claims Court this month to "speed up things".

Most claimants in the Goodwood area were seeking financial compensation for being evicted from their land under the former apartheid administration, while the Simonstown cases represented claimants seeking the restoration of largely undeveloped, state-owned land.

He said judgments made by the court in these cases would set precedents which would lead to the resolution of many cases.

The Cape commission would further accelerate the finalisation of claims by referring cases to the court in which claimants were of an advanced age or where large numbers of people were affected by the resolution of the claim.

Cape communications officer Franz Zöttl said the commission had set up two special task-teams to investigate claims in District Six, as well as other cases involving 290 National Housing Board properties.

Claimants countrywide have until December 31 this year to register their claims.

Thrilled



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

District 6 residents get ownership

CT 11/5/98 (271)

ERIC NTABAZALILA

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

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

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

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

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

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

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

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

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



DELIGHTED: Anwah Nagia praised bank.

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

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

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

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

Redistribution of land set to be speeded up

(2471)

Star 12/5/98

By Vuyo Mntuyedwa

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

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

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

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

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

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

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

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

State land redistribution 'slow, unsatisfactory'

CT 12/5/98 (271)

VUYO MNTUYEDWA

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

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

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

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

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

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

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

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

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

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

A provincial technical committee would consider applicants and submit them for approval to the director-general of land affairs.

Farmers loath to release land

(271) BD 13/5/98

Louise Cook

PRETORIA — Farmland transfers form only 1,1% of government's land reform programme, despite several state-run initiatives to change the status quo in which white farmers still hold the bulk of agricultural land.

These findings follow research into land reform released yesterday by the National Land Committee, which represents landless communities.

Indications were that at least 1-million hectares of state land were immediately available to satisfy people's hunger for land, but this was not being released by government departments and local authorities.

In addition, where state land was released for land reform, a R15 000 settlement grant from the land affairs department was sometimes made available to pay the state back for its land, a policy termed "pointless and silly" by one researcher.

Other land committee analysts at the workshop found that nearly 67,7% of people in rural areas still had no tenure security. Many of these poverty stricken, landless people did not qualify for the department's settlement grant, analysts said.

One study found that altogether 23,6-million hectares were needed to meet the demand for land. Of this, 9,3-million hectares could come from under-used commercial farms, senior researcher Sam Bonti-Ankomah said.

"To remedy the problem there should be a ceiling of 1 242ha on farm sizes in SA and the R15 000 settlement grant should not be used when state land, which should be given away free to the most needy, is involved."

Patekile Holomisa, the chairman of the land affairs parliamentary committee, backed this view, saying that one of the most basic problems with land reform was still government's targeting of privately-owned land on a "willing buyer-willing seller" basis.

Land and Agriculture Minister Derek Hanekom has so far insisted on this approach, despite calls for expropriation of private land.

Hanekom said that land reform was speeding up. In the first quarter of this year alone, more than 50 000 people had obtained land through the redistribution programme.

Volkstaat Council 'must go'

Farouk Chothia (6) BD 13/5/98

CAPE TOWN — Constitutional Development Minister Valli Moosa indicated yesterday that he wanted the Volkstaat Council to be dissolved later this year, but said a commission to protect language and cultural rights was to be established.

Council chairman Hendrik Robbertze said in reaction that the desire for self-determination among Afrikaners could not be ignored.

Moosa told Parliament's constitutional development committee that the council was "part of the politics of transition". No funding had been allocated beyond September.

However, no decision on disbanding the council would be taken without consulting political parties across the spectrum, Moosa said.

Moosa said he would table proposals during the present parliamentary session for the formation of a commission for the promotion and protection of the rights of cultural, religious and linguistic communities. The commission would be formed only after consultation with other parties.

The council's vice-chairman, Ernest Pienaar, said a meeting with Moosa would be held on Tuesday to urge him to continue funding the council so that it could continue research on "territorial" self determination for Afrikaners.

Cape land claims court rolls into action

(271)

ST 17/5/98

Test hearings will lead to speedy resolution of hundreds of cases

AYESHA ISMAIL

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

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

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

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

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



Wallace Mgoqi

"In my referral I am asking the court to restore the land to the Simon's Town claimants," said Mgoqi.

"I'm elated by what is happening. It is coming to fruition after months and months of hard work and dedication.

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

"In these cases the claimants got monetary compensation because the land is in private hands," Mgoqi said.

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

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

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

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

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

More than 7 000 cases have been lodged with the Commission on Restitution of Land Rights since May 1995.

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

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

"I sympathise with this and urge all parties to work together to maximise the potential of restitution," he said.

Tax incentive to donate land to needy

CT (BK) 21/9/98 (271)

CHRISTO VOLSCHENK
ECONOMICS EDITOR

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

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

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

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

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

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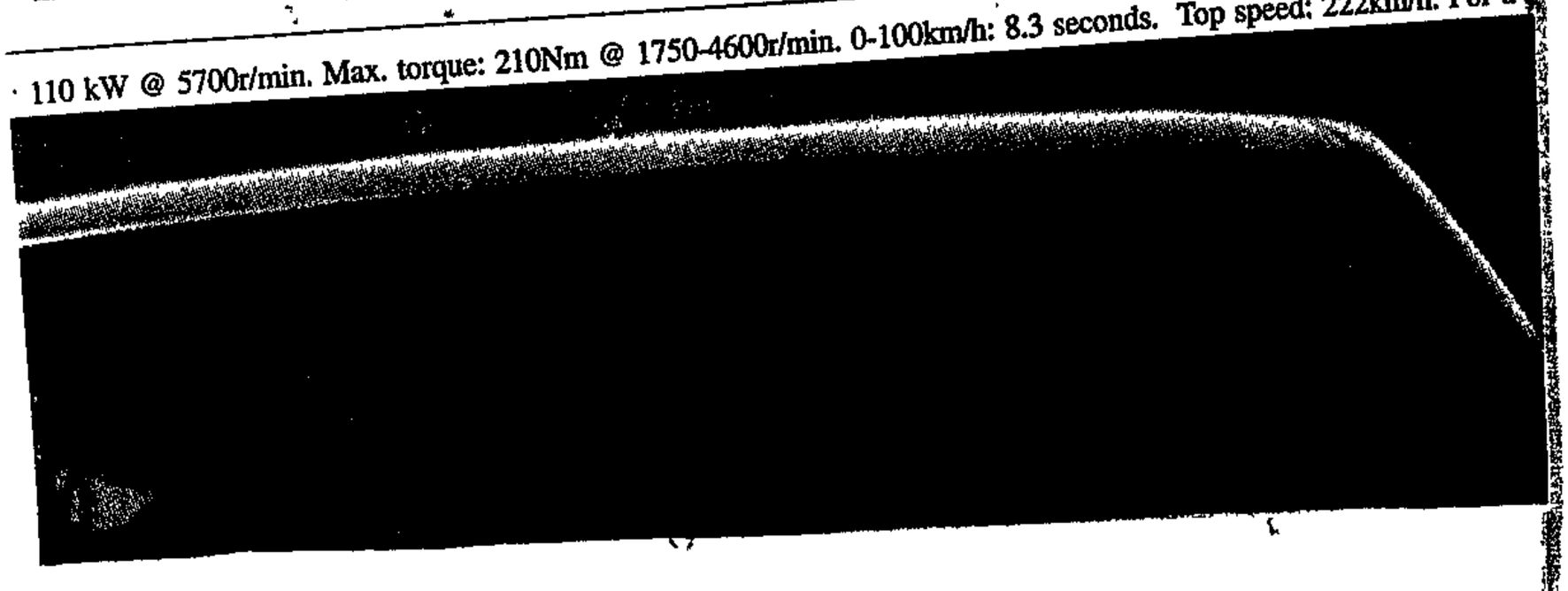
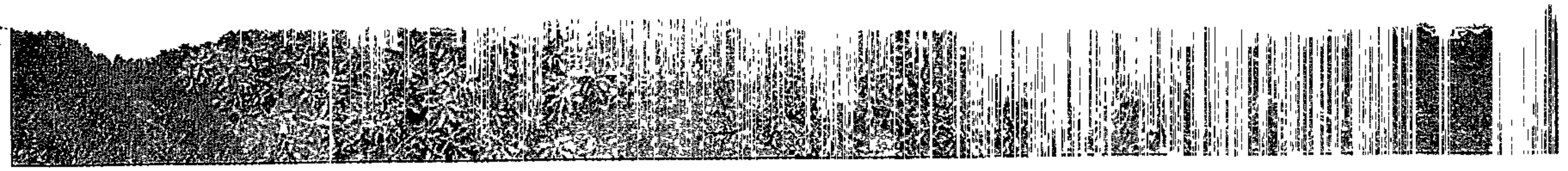




PARADISE FOUND: the Elandskloof Valley tucked away in the Kouebokkeveld Mountains east of Citrusdal

Pictures: ANDREW INGRAM

Bitter feud blights land of their dreams

(271) ARG 23/5/98

Aletta Titus cuts a lonely figure as she stands in front of her house, looking over the valley she loves so dearly.

For more than 30 years, she longed for the day she would be able to set foot here again.

Like so many other Elandsklowers, her nightmare started in 1962 when Elandskloof – until then a mission station run by the Dutch Reformed Church – was sold to a white farmer and the community was forced off the land.

During the intervening years, many former Elandsklowers were forced to squat on white farms in the vicinity. But Mrs Titus never lost sight of her ultimate goal: to return to the place of her birth.

Then, in December 1996, that dream became a reality when the Government's land restitution programme restored the land to the Elandskloof community and the first 30 families moved back home.

But today, scarcely 18 months after that heady Christmas of 1996, the magic is gone.

Mrs Titus looks up at the mountains that tower above the valley. She knows every one of the kloofs by name.



HOPEFUL: Katrina Dirks thanks the Lord for bringing her back to her birthplace

Turning towards me, but avoiding eye contact, she says: "I am sorry I came back."

Once a leading figure in the fight to reclaim their land, Mrs Titus and four others resigned from the committee running the affairs of the Elandskloof Property Association in March.

Calling themselves the Elandskloof Women's Pressure Group, they brought a motion of no-confidence against the rest of the committee, giving a long list of reasons.

The Department of Land Affairs appointed a mediator to try to reconcile the parties, but the meeting broke down when the members of the pressure group walked out.

David Mayson, the facilitator for the Surplus People's Project, a non-governmental organisation that has worked with the Elandskloof community for 10 years, says a number of reasons are behind the division within the community.

The main reason, though, is the slow progress developing the proposed 300-plot Elandskloof village. The Government apparently cannot decide who should pay for the community's sewerage system.

Although the Department of Water Affairs insists a proper sewerage system is installed to ensure the nearby river is not polluted, it does not allow money received for water services to be used for sanitation.

The Elandskloof community – backed by the Department of Land Affairs – say that if they must pay

Continued on following page



UNHAPPY: Aletta Titus and granddaughter Maryke Mrs Titus resigned from the committee running the affairs of the Elandskloof Property Association

From previous page

for the sewerage system out of their housing subsidy, they will have no money left to build decent houses.

Lauren Waring, the restitution officer at the Department of Land Affairs, says the department has written to Water Affairs officials asking them to reconsider their position. They have been asked to make extra money available for an adequate sewerage system or to allow the community to use a cheaper alternative.

"We are still waiting for an answer," says Ms Waring.

And while Government departments dither, the tensions in the Elandskloof community threaten the land restitution process.

Mr Mayson says: "If money was made available tomorrow for these projects, the level of division within the community would decrease substantially. But right now the lack of progress has become a focal point of these divisions."

Property Association chairman Samuel Carolus, the man facing the brunt of the criticism, agrees: "The whole community is unhappy. They are angry because nothing happens."

Yet he realises that even if the development was going exactly according to plan, Elandskloof's problems would not be over

The biggest challenge in the years ahead is to forge a community from a disparate group of people, some of whom don't even know each other.

He cites the church as an example

"When we left Elandskloof 30 years ago, we were all members of the old Dutch Reformed Mission Church. But many people have since joined other denominations.

"Resolving this problem of many churches with only one building is not going to be easy "

Near the church, in the fading autumn sun, sits 76-year-old Katrina Dirks in front of the makeshift shack she shares with her husband Jan, aged 80.

Notwithstanding the continuing internal strife, Mrs Dirks laughs often – and heartily.

"My house," she says, pointing to the wooden structure behind her, "stands on the spot where my father's donkey kraal once stood."

She laughs "Here I sit, in the donkey kraal. But you see over there, that's where I'm going to build my new house – there where I was born."

She lays her hand on my arm

And, speaking for all those who believe that returning to Elandskloof was not a mistake, she says "I thank the Lord that things are going better now. Daar's weer hoop (There's hope again)."



First tribalism, then vicious colonial conquest, neo-colonialism and apartheid dispossessed them of their land; these, South Africa's first inhabitants and now her most stressed.



"We are people who have had our hands cut off. Now we must wait for the hands of others to help us."

THESE are the words of the San people of Schmidtsdrif, community researchers say is the most highly stressed in South Africa.

The community of 4 000 people, comprising the two San groups, the !Xu and the Khwe, has been living in limbo in tattered tents in dusty Schmidtsdrif near Kimberley since being settled there temporarily by the former South African Defence Force in 1990

The community's poignant story illustrates the plight of the San people in Southern Africa.

Augustino Victorina, leader of the !Xu, and Robert Derenge, leader of the Khwe, were born in Angola, where their people had lived for generations As in most countries, they were a minority group

During the apartheid era, when the SADF was fighting a bush war in Angola and Namibia, the San's tracking skills were in demand The army offered them jobs as trackers and many joined up.



All reports by Environmental Writer

MELANIE GOSLING

drunkenness and prostitution."

The community could not put down roots because a Tswana-speaking group had won a claim to the land.

"Even if we wanted to go back to Namibia we could not because we are not welcome there," said Derenge

TEARS FOR THE LOST PAST: A San woman at Schmidtsdrif, who has been drinking wine from a 20-litre plastic container, weeps as she chants and dances, trying to contact her ancestors. Researchers say the Schmidtsdrif San are the most highly stressed community in South Africa. (Top) Their language has been one of the main casualties of the San's land dispossession. Elsie Vaalbooi, one of the Kalahari San, is one of only 11 people who can speak their language. Her son, Petrus, wants to learn his mother tongue.

PICTURES: KIM LUDBROOK

Southern Africa.

Augustino Victorina, leader of the !Xu, and Robert Derenge, leader of the Khwe, were born in Angola, where their people had lived for generations As in most countries, they were a minority group

During the apartheid era, when the SADF was fighting a bush war in Angola and Namibia, the San's tracking skills were in demand. The army offered them jobs as trackers and many joined up

Some say an offer of employment to members of the poverty-stricken group was a chance they couldn't refuse in a war that wasn't their own. Others say the SADF threatened the San that if they did not join the SA side, they would die

Many were hardly more than boys — Derenge was 17 and Victorina 14 — and they were paid, fed and housed for something they did not even regard as a skill.

"We do not learn tracking," said Victorina "It's in our blood."

After Namibian independence, life would have been untenable for the !Xu and the Khwe under a government whose guerrilla fighters they had helped track down The SADF brought them to South Africa, where they were given South African citizenship and settled on army land at Schmidtsdrif

The community had already endured trauma and in Schmidtsdrif things did not improve For many, South Africa was the third country in which they had lived in just over a decade.

"Their traditional leadership structure had been destroyed, their community support structures were gone, they were put in tents in long straight lines instead of their traditional village clusters," said Roger Chennells, a trustee of the South African San Institute.

"The army put a bottlestore up in the middle of the settlement, the proceeds of which were meant to be used to uplift the people What it did was lead to

MELANIE GOSLING

drunkenness and prostitution "

The community could not put down roots because a Tswana-speaking group had won a claim to the land.

"Even if we wanted to go back to Namibia we could not because we are not welcome there," said Derenge.

The Department of Land Affairs bought land near Kimberley, a farm called Platfontein, for the San. It was up to the Northern Cape government to use R5 million from central government to install services and build houses To date, not a sod has been turned and it is difficult to pinpoint why

Now that the South African San may get development funding from the British government, the Northern Cape government is negotiating a development proposal with them.

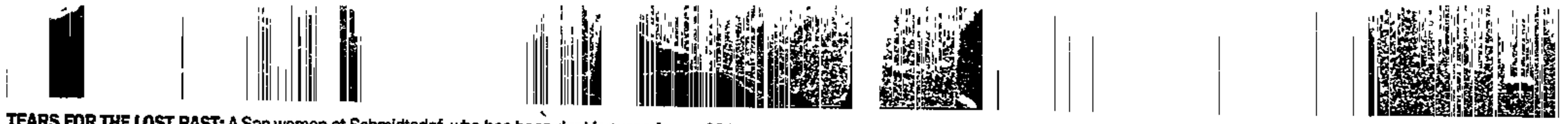
But the !Xu and the Khwe are cautious. During their eight years in South Africa, they have been to countless meetings and heard countless promises that they will be settled in proper houses

Each time, when they return to their communities, they are asked. "Now will we get our houses?" Each time they must answer "Not yet."

"Some people no longer regard us as leaders," said Victorina. "They say all we do is go to meetings and talk. Things are happening in our community that we never knew before. Rape among our own people, teenage pregnancy The people are despondent (*moedeloos*) "

Derenge's eyes have a haunted weariness "Our life has changed The life we had has gone. We need to move on to our own land, where our souls can rest and we can be free from worry."

He looks down at his hands "Some of us wonder if that will ever happen."



TEARS FOR THE LOST PAST: A San woman at Schmidtsdrif, who has been drinking wine from a 20-litre plastic container, weeps as she chants and dances, trying to contact her ancestors Researchers say the Schmidtsdrif San are the most highly stressed community in South Africa (Top) Their language has been one of the main casualties of the San's land dispossession Elsie Vaalbooi, one of the Kalahari San, is one of only 11 people who can speak their language Her son, Petrus, wants to learn his mother tongue

PICTURES: KIM LUDBROOK

Return the San to their land

CT 26/5/98

(271)

"We're not people of war or fighting. That's why we ended up squashed into this tiny corner." — Dawid Kruiper

THEIR history has been fraught with land dispossession, discrimination and persecution, first under African tribalism, then European colonialism and now modern governments.

They are the San, Southern Africa's "First Nation", people who have inhabited this region for thousands of years and before anyone else

Today they are a fragmented and marginalised people Many have lost not only their land but also their language and much of their culture.

In Namibia, the government is trying to drive 6 000 Bushmen from their ancestral land in the Caprivi In Botswana, the government has moved about 800 people from the Central Kalahari Game Reserve, where archaeological evidence shows they have lived for at least 8 000 years.

Land is not enough to save the San. They need help to live as a (self-supporting) community.

The international community is waking up to the plight of the world's First Nation people In 1994 the United Nations declared this the Decade of Indigenous Minorities.

The San are also beginning to assert themselves Two years ago they formed the Working Group for Indigenous Minorities in Southern Africa (Wimsa) In 1996, the South African San Institute was formed.

In South Africa, things have begun to look up for the San The southern Kalahari San, who instituted a land claim in the Northern Cape, have been told they will get land in the Mier district near the Kalahari Gemsbok Park.

SA National Parks has said it agrees in principle to the San's having some access rights to the park where they once lived.

The Department of Land Affairs has given land to the 4 000 San living in tents at Schmidtsdrif The Northern Cape provincial government, which has blocked the San's resettlement for years, has finally come out in support of their being moved.

Although access to land is important, it is not enough to save the San. They need help to begin living as a community again, to work out how to support themselves and to ensure their development is sustainable To do so they need money

Now they are in line for a major development boost — an R8-million funding programme from Britain's Department for International Development (DFID) over the next three years.

Philippa Haden, seconded from the DFID to the Department of Land Affairs last year at the request of Minister of Land Affairs Derek Hanekom, has been instrumental in negotiating the funding with the British government

Haden, whose brief was to work on issues surrounding San land claims in South Africa, realised that there was a need to look beyond the land reform process to long-term development.

She organised a workshop in Kimberley last week where San and government representatives met to discuss how community-based organisations and government departments should work together to ensure that the benefits of land reform were sustainable.

DAWID KRUIPER, traditional leader of the southern Kalahari San, draws deeply on his cigarette, eyes screwed up against the smoke.

"We're not people of war or fighting That's why we ended up being squashed into this tiny corner "

With his high cheekbones and wrinkled yellow skin, he looks like everyone's idea of a "pure" Bushman.

Kruiper is the leader of the //Khomeni clan, a group of about 500 people and the last surviving indigenous San in South Africa. His mission is to get back some of the land his people lost. It is also to uplift and preserve his people's culture, which has crumbled under the impact of land dispossession and political marginalisation.

Kruiper is the son of the late Regopstaan, the //Khomeni patriarch whose father and mother fled Namibia in 1899 to escape a German hunting posse. In those days, Bushmen were hunted like game Regopstaan's mother was pregnant with him when they fled the massacre and, when he was born, he was named //Am//Op, meaning survivor

Dawid was born in what is now the Kalahari Gemsbok National Park, at a settlement around a wind pump called Hou Moet His early years were partly nomadic and he lived much as his hunter-gatherer ancestors had done for thousands of years.

When the park was proclaimed in the 1930s, the San had to leave the land of their birth The //Khomeni became fragmented, with severe effects for their culture, perhaps the biggest of which was the loss of their language They now speak Nama, the language of the Khoi pastoralists, or Afrikaans

"Regopstaan moved around, sometimes on the Botswana side, sometimes this side But where the park is now, that was the heart of our land."

Being nomadic, the San did not see build up empires or kingdoms, they loved the land with a passion.

When Kruiper speaks of the Kalahari, of its red dunes and thornveld, his face lights up.

"When I think of it, I'm there with the place You can't compare it with silver and gold, a person loves it so much."

Kruiper is proud of his people's ability to live off the land, a skill he wants to pass on to the younger generation

"You can throw me into the park with nothing All you can give me is some tobacco, not even matches, and I will live there for a year We know how to live off the trees and the bushes — *veldkos*.

"And the tsamma melons!" He breaks into a grin. "They're lying as big as this on the ground."

Asked about the future of his people, Kruiper becomes sombre.

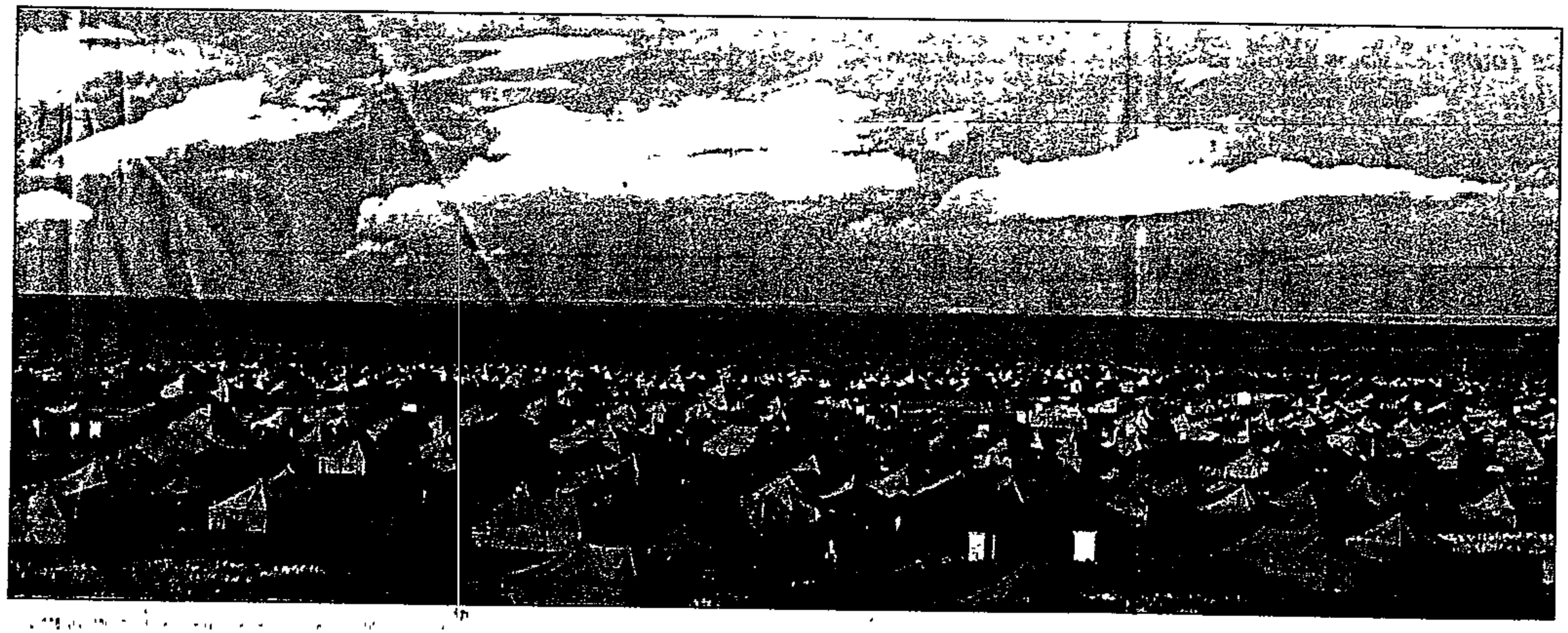
"We are people of skins and bones and plants A small child can recognise the spoor of her mother among all others. We can tell people how to use plants for sickness. I want to show this to our children.

"If I can't go on with my traditions, if I can't pass it on to the next generation . when I think of that, then I feel utterly alone "

Petrus Vaalbooi, chairperson of the Kalahari's San Association, is sad about the loss of his language, !Kabee. Linguists thought it extinct, but Vaalbooi's mother, Elsie, still speaks it and is one of 11 speakers left Vaalbooi wants linguists to write it down, so his people can learn it again, but it is doubtful it will ever again become a living language

Although his people live mostly in poverty, and he is one of the few who can read and write, Vaalbooi is optimistic about the future of the Kalahari San.

"In the past everything was dark for us Now, with the new government



'Land reform won't reduce poverty'

(271)

Sowetan 27/5/98

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

Speaking at the land reform symposium at Grahamstown's 1820 Settler's Monument, Erasmus told delegates that as only 13,7 percent of South African land was arable, it was very limited and, therefore, a very valuable resource.

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

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

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

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

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

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

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

He said the EPAU could "add value to the land reform process in South Africa". – *ECN*.

Land wrangle in playgrounds of the rich

(271)

M+G 29/5 – 4/6/98

Ann Eveleth

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

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

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

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

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

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

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

Shangaan-Shiluba, the second company, is linked through its membership to the More Family Trust, which owns a different piece of the Sabi Sands. It wants to build a Shangaan cultural village on the Huntington community's land. It has promised the community part-ownership, continued access to the land and at least 55 jobs.

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

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

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

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

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

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

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

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

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

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

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

Another tribe seeks to recover land in the Kruger Park

Star 30/5/98 (271)

By JEAN LE MAY

Tribal chiefs who were forcibly ejected with their people from the southern half of the Kruger National Park in 1924 are lodging claims with the Land Claims Commission for the return of the land. The area involved lies between the Sabie River and the southern border, and is said to include Skukuza camp, which is also the administrative centre.

Durkje Gilfillan, regional land claims commissioner for Mpumalanga and Northern Province, confirmed to the *Saturday Star* that claims for large areas in the Skukuza and Gomondwane regions were being processed. But Gilfillan stressed that the right to conservation was entrenched in the South African constitution.

"It is absolutely wrong to conclude that if land is returned to dispossessed tribal people, then the Kruger National Park will disappear," she said. "For example, the agreement with the Makuleke people (in the north of the park) is tightly drafted and will probably serve as a model if any other land claims succeed. The agreement lays down that they will get some of the benefits, but that the area will certainly be retained as a conservation area.

"A joint management body will be responsible for the overall management, but conservation will still be managed by the National Parks Board."

The agreement also stipulates that no mining, farming or permanent residence will be allowed within the area without the permission of the National Parks Board.

Sensitive issue

Fanyana Shiburi, general manager (corporate affairs) for the National Parks Board, said he was aware that claims for land in the southern half of the Park were in the offing, but that no official comment could be made at present.

A spokesman for the public relations directorate of the Parks Board, who refused to be named, said land claims in the Park were "an extremely sensitive political issue and are being handled with kid gloves".

The new claims come after a successful bid by the Makuleke community, who were removed from their land in the northern Pafuri area in 1969 and who have regained their land after protracted negotiations with the Parks Board.

The *Saturday Star* has established that the tribal communities making the current claim were removed without compensation in 1924 by the famed warden, Colonel James Stevenson-Hamilton, who was named "Skukuza"–meaning "someone who sweeps away". They were moved first to the state-owned Ten Bosch farm, between the Kruger Park's southern boundary and the main railway line to Komatipoort. In 1954 they were forcibly removed for the second time to the Nkomazi area within the former KaNgwane homeland.

Involved in the present negotiations are Chiefs Lugedlane, Hoyi and Siboshwa, all descendants of chiefs who were "swept away" by Stevenson-Hamilton.

Sources involved in the negotiations said there was a great deal of ill-feeling towards the authorities, "who had driven people from their homes without compensation".

"There is great deal of poverty and unemployment, and people are bitter that more attention is given to the needs of animals than to the needs of people," one said.

At the time of the first removal, the area was part of the Sabie Game Reserve, which was amalgamated with the Singwetsi Game Reserve in 1926 to form the world-renowned Kruger National Park.

Biltong

Although the Kruger Park is celebrating its centenary this year on the grounds that the Transvaal Volksraad proclaimed the Sabie Game Reserve in 1898, there is little historical fact to connect President Paul Kruger to it. It has been suggested that his name was dredged up as a political stunt in 1925. Stevenson-Hamilton admitted as much, writing to a friend: "I wonder what the old man, who never in his life thought of wild animals except as biltong, would say if he could see himself depicted as the saviour of South African game."

Bushmen on the spoor to nowhere

The Khomeni want to go home but does it still exist, asks BOBBY JORDAN

ST 31/5/98

WHEN the animals start acting weird, something big is about to happen, say the Khomeni Bushmen Should the gemsbok start strutting around on two legs or the giraffe roost in a camel-thorn tree, then you can bet your last desert melon that a mighty rain is on its way — big enough to drown the setting sun

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

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

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

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

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

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

The Khomeni leader, Dawid Kruiper, believes all these strange occurrences are a sure sign that the really big something he's been expecting will happen any day now. He says his people are about to return to their proper way of life back in the Kalahari, where they belong.

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

He would look out of place anywhere else. Short with bandy legs, his thin frame and skin as wrinkled as an elephant's, he is the picture-perfect image of a Bushman darting between the thorn trees with a quiver of poisoned arrows over his shoulder. Instead, he squints into the sun, waiting cross-legged in the sand near the fence of the park for something to happen.

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

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

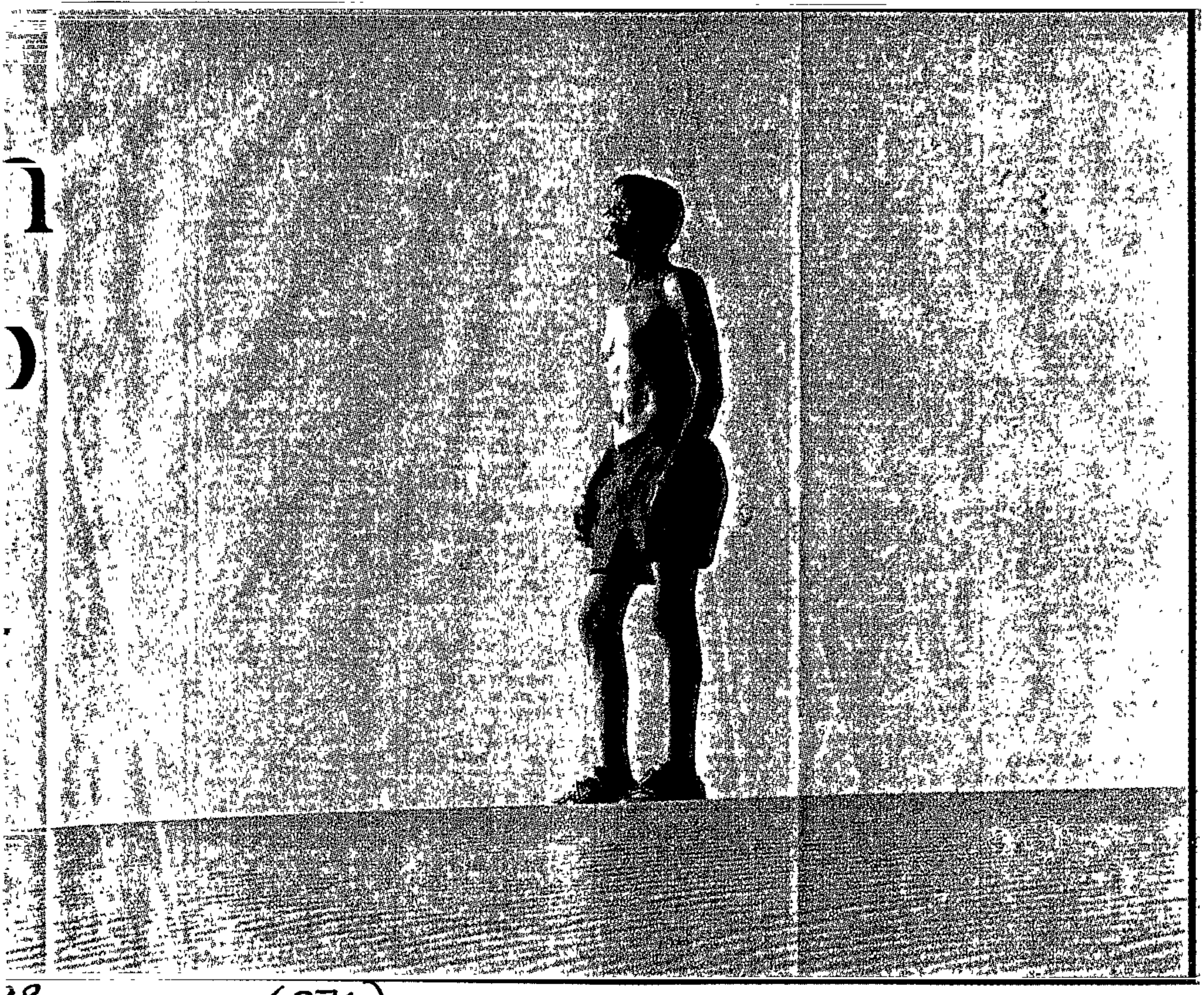
Kruiper said he couldn't wait much longer to get back into the park — where he was born 64 years ago and where his father, Regopstaan Kruiper, and his forefathers practised traditions dating back to the time when, as they say, things happened that no longer happen.

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

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



Last year, they collected enough funds to build a small grass shelter decorated with family portraits and memorabilia, courtesy of the South African San Institute. The institute is part of a worldwide lobby working to entrench the rights of indigenous people — particularly people such as the San, who enjoyed a distinct cultural identity, living in the Kalahari in relative isolation until fairly recently.



(271)

SANDS OF TIME: Dawid Kruiper (above) left the tourist trap of his tribe's home in the Cederberg (left) to live outside the Kalahari Gemsbok National Park

Pictures: RICHARD SHOREY

But while there's little doubt about their troubled past — hunted and shot for sport by white settlers or conscripted into the defence force as expert trackers — their present status is a political hot potato.

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

But just how distinct are Kruiper and his family, sitting under their grass shelter, from everyone else sitting around in the rainbow nation waiting for the promise of a better life?

Kruiper no longer hunts regularly — only the occasional honey badger after dark. During the day, he still smokes his fair share of *Boesmantwak* while fastening skin lids onto bottles of multi-coloured Kalahari sand to sell by the roadside.

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

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

About 200m away, their Mier neighbours sleep indoors in small, electrified houses, surrounded in all directions by hundreds of kilometres of Kalahari.

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

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

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

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

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

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

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

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

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

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

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

It's likely he'll have to wait a few more years until those footprints again lead into the Kalahari Gemsbok National Park.

Kruger Park land returned to Maluleke 23 years after forced removals

Star 1/6/98

(271)

By Matthew Burbidge

The Makuleke peoples' land in the Kruger National Park was returned to them over the weekend – 23 years after they were officially declared squatters and forced off their land.

The Makuleke lodged their land claim in 1996, realising the fears of some conservationists that the Kruger Park would begin to disintegrate.

The 25 000ha-land claim was signed over to the community at a ceremony in Ntlhaveni in the Northern Province on Saturday and will increase the size of the park by 5 000ha. The community has been granted exclusive rights to the land and have entered into a conservation management partnership with the Parks Board.

The community plan to build a game lodge on the land, which lies in the fertile Pafuri Triangle in the northern part of the park. The revenue from the lodge will be used to develop the Ntlhaveni community.

Some of the Makuleke community will be trained as rangers and others will work at the lodge, which is expected to be planned along similar lines to the Mala-Mala Game Reserve.

Land Affairs Minister Derek Hanekom said the Makuleke would enhance the value of the park by allowing tourists to experience the diversity of South African culture.

He said the claim set an important precedent in the light of the land claim by the San to parts of the Kalahari-Gemsbok National Park.

Clan reclaims tribal land in Kruger Park

(271) Sowetan 1/6/98

By Khathu Mamaila

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

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

A spokesman for the 8 000-strong clan, Mr Lamson Makuleke, told *Sowetan* they were forced from their land in 1969.

Authorities resettled them in Ntlhaveni village about 60 kilometres from their original land

"We are aware that the land is now part of the park As a people we discussed the most effective way of claiming our land but finally agreed that it would not be in the best interest of everybody to go back and live in the Kruger National Park We agreed that although that is our land, we do not have to disrupt the thriving eco-tourism industry in that area.

"After a marathon of negotiations we reached an agreement with the South African National Parks Board that we will jointly manage the land. Our young people are now studying nature conservation and business management so that our participation in the control of the area can be effective

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

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

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

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

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

Hanekom defends land reform policies

(271)

Louise Cook

BD 3/6/98

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

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

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

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

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

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

Lyne asked whether people could manoeuvre subsequent grants from government and what the status was of money paid for development when beneficiaries withdrew from a project.

Plea to solve Crossroads crisis before it escalates

People have the right to complain

ARG 4/6/98 (271) ~~271~~

MOSES MTHETHELELI MACKAY
STAFF REPORTER

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

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

Her call comes amid bitter conflict between Crossroads Women's Power and the councillors for the area, Depoutch Elese and Melford Gwayi.

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

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

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

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



At the crossroads: Rhoda Kadalie

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

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

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

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

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

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

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

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

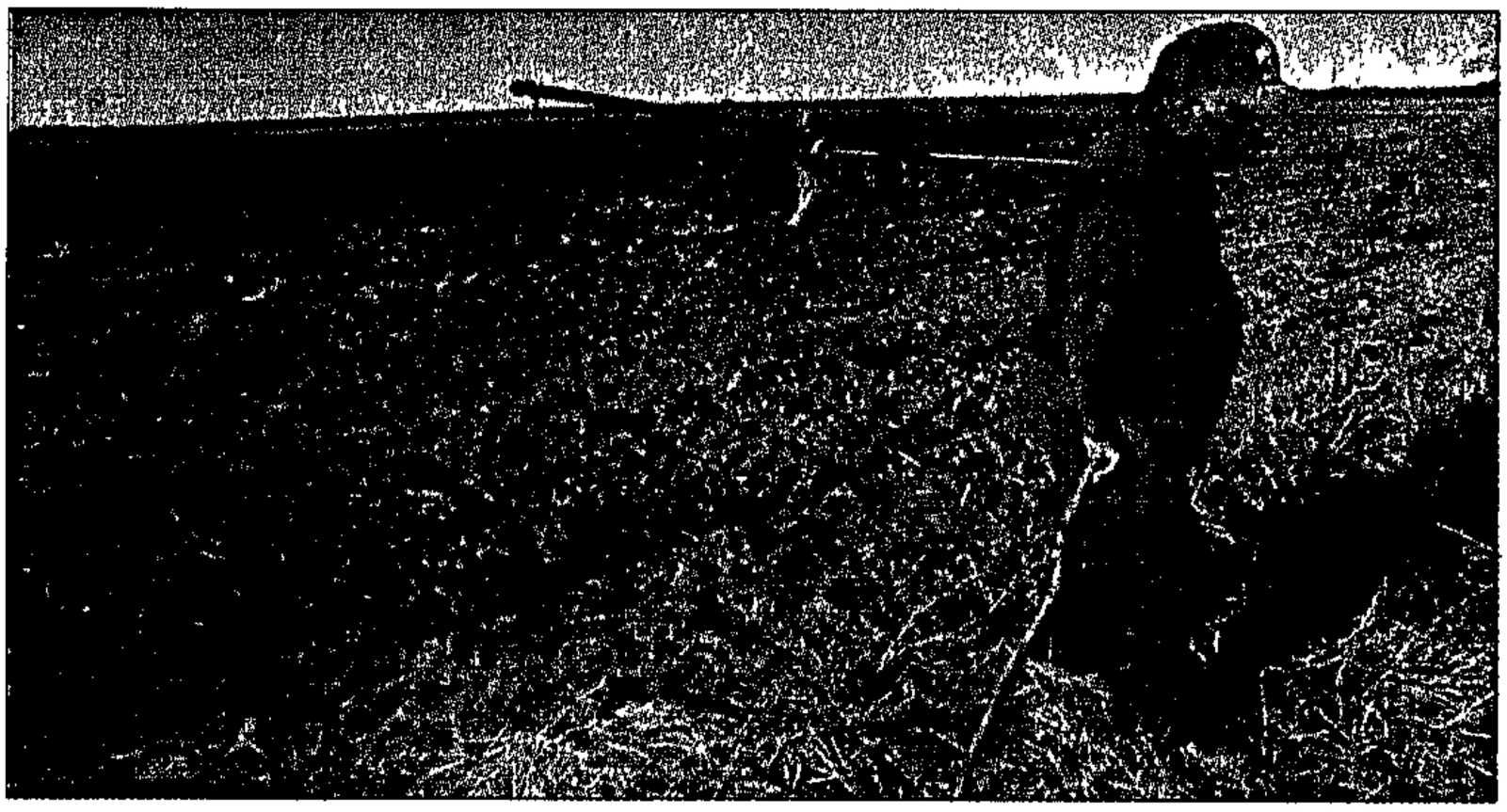
She said there was a long history of resistance in Old Crossroads and she hoped that within the new Government, these problems would be sorted out before they escalated.

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

Land reform targets are far, far away

(271)

Ann Eveleth M+G 6-11/6/98



This land is my land: Less than 1% of South Africa's total farmland area has been redistributed to poor, black, rural households

The Government cannot achieve its land reform targets within existing legislative, procedural and resource limitations, according to the findings of a multi pronged research project conducted by the National Land Committee.

Market-based restrictions, misconceived legislation, narrow legal definitions and a lack of co-ordination between different government departments are some of the obstacles identified by a series of hard hitting research papers released last month by the committee's NGO affiliates

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

But more than three years after the enactment of these laws, less than 1% of South Africa's total farmland area has been redistributed to land reform's target group — poor, black, rural households, said redistribution researcher Samuel Bonti Ankomah

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

While Minister of Agriculture and Land Affairs Derek Hanekom has pointed out that land delivery is picking up pace this year, Bonti-Ankomah predicted that the 30% target would never be met within the market-based approach to which land reform is currently tied

"The market based approach is not appropriate for South Africa because of the huge historical imbalances due to land dispossessions and the constant inequalities of incomes," he said

Bonti Ankomah suggested that the increased demand created by land reform could itself be driving up the price of land, thus further limiting the resources available for redistribution

The average price per hectare had risen an average of 2% annually in real terms during three years of land reform — from R643 per hectare in 1994 to R873 per hectare in 1997 By contrast, land prices generally fell between 1990 and 1994, and rose only about 0,7% a year in the preceding decade

These high land prices made it impossible for individual rural households to access significant portions of land with their R15 000 grants, forcing beneficiaries to group together in communities with varied and sometimes incompatible interests, he added

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

"The redistribution of farmland in ex-homelands, the disposal of vacant state land, and the expropriation of unutilised, underutilised and indebted farms are very popular options. Land ceilings may also be used to meet the required farmland demand [And land taxes] can be a source of revenue for the redistribution programme," said Bonti Ankomah

At least 1,3 million hectares lay idle in 1991, about 48 farmers on 35 487ha had defaulted on loan payments to the Land Bank in 1996, and the state owned an estimated 25,4-million hectares of land, suggesting these programmes could free substantial land for redistribution.

But other researchers said the provision of vacant state land for land reform had not yet gained priority status within government. Land Research Unit researchers Chris Wood and Teresa Yates blamed "confusion" within government over the definition of state land, a lack of co-ordination between government departments and the insistence of some public landholders on selling land to the highest bidder for the state's failure to use its land effectively for land reform

'The market-based approach is not appropriate for South Africa because of the huge historical imbalances'

The South African National Defence Force, and the Department of Minerals and Energy were generally loath to part with land The Departments of Public Works and Public Enterprises had a policy of selling land to the highest bidder, while the Department of Agriculture and municipalities owning commonage tended to lease their available land to commercial farmers, said Woods and Yates

Similar confusion and resistance marked the process toward land tenure reform, with Association for Rural Advancement researcher Donna Hornby arguing that the 1995 Land Reform (Labour Tenants) Act was "misconceived" and had led to increased insecurity for rural dwellers

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

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

The Act, a predecessor to the 1997 Extension of Security of Tenure Act, had an "underlying, hidden intention" to eradicate labour tenancy However, "labour tenancy is not a backward, apartheid specific practice, but a rational and viable component of a multiple livelihoods strategy on the part of the poor as well as a rational labour strategy for small farmers unable to compete with other highly capitalised farmers," argued Hornby, who called for amendments to recognise the permanency and value of the practice

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

And 34 months and millions of rands into the restitution process, researcher Zohra Dawood argued that the programme had "made little tangible difference" to the millions of South Africans dispossessed by apartheid-era removals

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

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

Other issues include the effect of budget cuts on restitution, a fairly legalistic framework, and dependence on the free market The Commission on the Restitution of Land Rights and the Department of Land Affairs were also burdened by the "large and unexpected numbers of claims being lodged"

■ The Commission on the Restitution of Land Rights, Department of Land Affairs and the National Land Committee launched a R2-million "Stake your claim" communication campaign this week in a bid to inform people who lost land under apartheid of their rights and help them file restitution claims before the new December 31 1998 deadline The campaign will use radio programmes and the Commuternet taxi network to help spread the word

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Court returns Vryburg land to deprived community

(271)

Louise Cook

BD 10/6/98

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

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

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

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

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

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

Meanwhile, Land and Agriculture Minister Derek Hanekom has urged any would-be claimants to submit claims before the December deadline.

La nd valuations by passed in a bid to sp eed up restitution

Louis e Cook BD 12/6/98 (271)

WEST ERN Cape land claims commissioner Walla e Mgoqi, fed up with waiting for the land affairs department to provide valuations o n several properties to which there are cl aims, sent the cases to the Land Claims Court without the required valuations in a bid to speed up restitution.

Mgo qi said yesterday there were "extensive de lays" in the preparation of valuations for the land affairs department and the situation could no longer continue.

Mos t land claims go the restitution commissio n before they are sent on to the court. The co mmission's brief is to ensure all aspects, including land values, are investigated an d properly documented for the court. Chief land claims commissioner Joe Seremane said that eight of the 10 claims sent to the co urt this week lacked valuations.

Th e incomplete claims all came from Good wood in Cape Town where the claim ants had been ejected from the land in term s of the now defunct Group Areas Act. They had to move to other areas and often face d poorer living conditions.

V aluations were also delaying the process in other provinces, the chief commissio ner's office in Pretoria said yesterday.

H owever, Jean du Plessis, the chief director at the land affairs department, said valu a tions were complex, particularly in case s where past values going back many yea r s had to be determined. "We welcome any initiative designed to expedite the process and if this strategy works, we certainly back it," he said.

D u Plessis said in most cases valuations were needed to facilitate out of court settlem ents. It was vital that the state paid the righ t amount for the land and discussions bet ween the land affairs department, public works and the commission would go a lor g way to resolve the problem.

Meanwhile, in another claim before the co urt, a quarry is at the heart of the dispute be tween a KwaZulu-Natal family and the D urban city council. The family lost the la nd in the old Cato Manor area outside D urban and was prevented from starting u p a quarry while the new land owner — the co uncil — went ahead with the operation.

Seremane said the claim would lead to g uidelines from the court on several impor t a nt issues like mineral rights and the pre s ent and past valuation of the rights.

The family is refusing financial compensation and wants the original land back and co mpensation for all stone taken out so far.

Aged women join R18-bn land battle

Griquas tackle De Beers empire

(271)
ARG 18/6/98

FAROOK KHAN
ARGUS CORRESPONDENT

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

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

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

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

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

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

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

He was surprised to hear about his relatives in Durban.

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

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

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

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

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

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

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

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

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

'Squatters have my land'

M+G 26/6 - 2/7/98 (271)

Ann Eveleth

Mothinya Molakeng (53) quit his job as an agricultural extension worker in 1994 to farm the land from which the former government brutally evicted his and 124 other families in 1978. He is still waiting.

The commission on land allocation, set up in the dying days of the National Party's reign, agreed in 1993 to restore his community's ownership of Doornkop farm, in the Ventersdorp district of the former Transvaal's highly arable "maize triangle".

Last year Minister of Agriculture and Land Affairs Derek Hanekom also approved the restoration But Molakeng is still waiting, ekeing out a living in Mabopane township near Pretoria, a way from the dusty township of Ruigtesloot, north of Hammanskraal, where the army and police dumped them 20 years ago.

"We were prosperous on that land [at Doornkop]. We ploughed maize, sorghum, sunflowers, beans and chickens there. Then, at 9am, Wednesday, November 30 1978, our house was bulldozed flat by police and defence force reinforcements from Potchefstroom. They came in six trucks and made sure our house was removed in half an hour. They dumped us in Ruigtesloot — this barren, sandy place which is so small you can hardly plough," he recalled.

Molakeng's father died in 1994, waiting for restitution. His brother, who owned another of Doornkop's 135 plots averaging 8,5ha each, also died before he could return to the land. The claimants formed a steering committee, which has met 40 times to reclaim its land

Molakeng is the committee's secretary, and has lived a "nightmare" over the past four years, which he has spent trekking from Mmabatho to Braamfontein to meet officials he believes hold the keys to his land.

"The government said we could have our land back. But when I first visited there in 1994, I found a Mr Terreblanche grazing his cattle there. The next time I went back, I found the North West Department of Agriculture had dumped squatters there They brought them in with government transport, put up a pre-fabricated school and clinic, dug boreholes, laid pipeline, brought in tractors, implements and seeds.

"In early 1995, the agriculture MEC approved a grant of R3-million for these squatters to farm our land. The squatters said the government had done away with land ownership in Doornkop. A headman there said anybody who had R400 to give him can settle there. Now they have R106 000 in the bank," said Molakeng.

North West agriculture MEC Rev Johannes Tselapedi had not responded to queries at the time of publication. But Molakeng said the problem started with Tselapedi's ousted predecessor, Rocky Malebane-Metsing.

Department of Land Affairs Director General Geoff Budlender said the provincial agriculture department "had no authority" to settle people on the farm. However, some of the so-called squatters were also land claimants, tenants of the farm owners similarly evicted at the time of the Group Areas removal. "We couldn't just dispossess [the tenants]," he added.

Budlender said this problem had been sorted out, with the identification of alternative land and approval of settlement grants for these claimants.



Mothinya Molakeng: He and his family were forcibly removed from Doornkop 20 years ago. PHOTOGRAPH: RUTH MOTAU

But a new problem had arisen. The land, like all "state land" outside the former homelands, is controlled by the Department of Public Works.

On June 2, regional public works official Thuys van der Walt told Molakeng that he and his fellow claimants would have to "buy back our land, this time from the government," said Molakeng. "These people are dragging their feet. And they keep shifting the goalposts For four years we have been fighting for this land and this is the first time they tell us we must buy back the land our fathers purchased in 1949," he claimed.

Van der Walt said this was because the old commission on land allocation had "recommended that the people must buy back the land with a limited option period," after which the land could be sold on the open market.

Although Budlender said these old recommendations were "irrelevant because they were made under a different framework before the new Constitution", the Department of Public Works insists that such recommendations stand until they have been replaced by new recommendations.

But the department's director of state property holdings, Andre Meyering, said his department had not yet been notified. "The matter was first brought to our attention in April this year by the provincial office of land affairs. Our regional office responded correctly," he said.

Molakeng and other Doornkop claimants plan to air their grievances during a march on the North West government offices in Mmabatho next month.

AFRICA

Land reform to go ahead 'regardless of donor aid'

BD 2/7/98 (271)

Michael Hartnack

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

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

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

Msika further fanned controversy over last November's public listing of 1 500 farms for takeover, declaring much of the total 5-million hectares was being held by its white owners "for speculative purposes" and hence would not be eligible for compensation.

A million hectares would be redistributed each year, the first settlers moving within a fortnight.

Unless overseas donors came up with extra money, the government would pay only for development such as dams and barns, Msika said.

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

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

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

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

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

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

The first 12 of 110 farms totalling 239 206ha were ready for resettlement, starting a nationwide programme to benefit 100 000 families.

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

"This is a matter of sovereignty and the responsibility of the Zimbabwean people through their government."

Msika said some farms would be given to black Zimbabweans for large-scale commercial agriculture while others would be broken up into three models of small units, dependent on the ecological region.

Constitution will be tailored to ease land transfer

(271) DD 15/7/98

Michael Hartnack

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

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

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

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

Mugabe said a land reform conference would convene with the aid of the European Union in September. While Zimbabwe would welcome donor support, "we should always rely on the resourcefulness of our own people". Observers took this as a reference to the recent threat by ruling party chairman Joseph Msika not to pay full compensation if overseas help continued to be withheld on the grounds that redistribution was not transparent and benefited mainly the political elite.

Zimbabwe's constitution has been extensively modified by 14 amendments since 1980, notably those in 1987 abolishing the senate and white representation, providing for 30 seats nominated by government and creating an executive presidency.

Mining houses face land claim

BD 23/7/98 (271)

Louise Cook

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

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

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

The Baphalane claim to have lived on the land at Northam in what is now the Northern Province since the early 18th century, acquiring title to the farm Schilpadsnest in 1917.

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

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

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

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

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

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

'Great progress in land redistribution'

MTG 24-30/7/98 (271)

Derek Hanekom

Ann Eveleth's article "Land reform targets are far, far away" (*Monitor*, June 5 to 11) ignores the remarkable progress we have made in the past four years and the complexity of land-reform processes.

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

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

And the pace continues to accelerate: in the first quarter of this year, more than 50 000 people obtained land through the redistribution programme. A further 250 projects are in progress. In total, the more than 500 projects involve the transfer of nearly three million hectares of land.

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

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

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

While 23 000 land claims have been made, the Stake Your Claim campaign will ensure that after December 31 1998 no new claims will be accepted. And while we will have to work very hard to resolve these, it will bring closure to a painful chapter in our history. This will be a significant achievement for our new democracy, given that New Zealand and Australia are still grappling with the issue decades later.

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

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

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

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

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

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

Derek Hanekom is minister of land affairs and agriculture.

(270)

WINDOW ON AFRICA

Land issues still rankle decades on

(271)

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

Star 24/7/98



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

Four decades after independence, the question of who will own the land has, rather anachronistically, resurfaced across much of southern and eastern Africa.

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

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

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

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

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

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

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

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

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

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

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

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

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

But that was essentially a fraud, and now that the real decisions about land are being faced, these countries deserve greater attention and support from the region's multilateral organisations.

'Church has role in land reform'

(271)

Louise Cook

BD 28/7/98

CHURCHES that own land should fully disclose the amount of land they owned, chief land claims commissioner Joe Seremane said yesterday.

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

"The churches through the SA Council of Churches ... were very active in attempting to assist communities resist forced removals (under the previous government) and through their programmes, assisted communities already relocated."

Churches could also monitor, support and encourage the land reform programme, he said.

Former Sophiatown landowners hope to get their properties back

(271)

Star 18/8/94

By BUNTY WEST

Playing with his school friends in the orchard of his Sophiatown home is one of the most cherished memories David Pooe has of his childhood.

Now a pensioner, he is one of about 250 former landowners who could get their properties back under the Restitution of Land Rights Act.

They have until the end of December this year to place their claims.

Pooe was just a small child when his family moved from Doornfontein to Sophiatown in 1923. His father Ephraim built their home at 100 Gold Street, bought the adjoining property and later acquired two other properties in the township.

In 1960 his widowed mother Aletta and the family were moved to Diepkloof Zone 1, where his mother died. She received just £1 500 (in those days less than R750) in compensation for the properties her husband had worked hard to pay for.

Pooe always held on to the hope that one day he could get back one of his parents' properties so that he could die quietly in his old Gold Street home, and the Restitution of Land Rights Act could help him do it.

With only his sister Emily still alive, he feels his chances are good and would rather have the property restored to him rather than the alternative option of adequate compensation.

At 3pm today he is holding a meeting at his home to discuss, with other possible claimants, how to go about placing their claims, and would like as many people to attend as possible. His address is No 2336 Orlando East and his phone number is (011) 935-6514.

A Department of Land Affairs official said the present owners of properties in Sophiatown were not involved in the claims process, because any claims by former owners would be against the state, not them.

Guidelines have been set down by land affairs, and each existing property owner will receive a copy soon. They say landowners are prohibited from selling, exchanging, leasing, subdividing, rezoning or developing the land without giving one month's written notice to Gauteng's land claims commissioner, Emma Mashinini. For information, her office can be phoned at (012) 324-5800.



COULD BENEFIT FROM NEW ACT: Pensioner David Pooe hopes to die in his old Gold Street home

Receiver agrees to drop land donors' tax for some

(271) BD 13/8/98

Louise Cook

A RECENT change to the tax law could see a dramatic increase in land-for-free type offers from parties wanting to contribute to land reform and assist disadvantaged communities and farmworkers, sources said yesterday.

Up to now, these offers have been limited to a few cases in the western Cape owing to tax policies which hit donors for a steep donations tax based on the market value of the land.

Land Affairs director-general Joeff Budlender confirmed yesterday that his department recently managed to persuade the Receiver of Revenue to grant exemptions under certain circumstances and to change the legislation accordingly.

In terms of the new dispensation, once the land has been valued to determine its market value, a donor married in community of property would now be exempted from donations tax for the first R50 000 of the value of the land. He would be taxed at a rate of 25% on the balance between the market value and R50 000. The same formula would be used for a donor married out of community of property, but the exemption would apply to the first R25 000. For companies, the concession applied to the first R5 000.

The most recent case of land being given away was a western Cape wine farm, Nelson's Creek, where the owner donated 8,7ha to 16 families to start up their own wine production. A few years ago, Premier Foods wanted to give away several fisherman's cottages to a fishing community living in the houses.

Land affairs senior planner Herman Havenga said the deal eventually fell through owing to tax implications at the time.

Fair Valley, another wine estate that contributed in cash to land redistribution a few years ago, would have been heavily taxed if government's settlement grant of R15 000/household was not partly used to cover the tax. However, the drawback was that the beneficiaries received a lesser amount, Havenga said.

The amendment to the Tax Law Amendment Act was backdated to April 1994 and anyone who has paid the tax, could now have their payment reviewed.

Future donors would qualify for exemptions if the planned project was approved by the land affairs ministry, if it was found to be a genuine attempt to boost redistribution and if the change of land ownership involved transfer of full title to the land.

Receiver of Revenue legal spokesman Christell Meyer said sufficient precautions had been taken to stop people from abusing the concession. It was not yet clear on the amount government would sacrifice in future taxes as this would depend on the extent of donations, she said.

LAND REFORM

ALL THE KING'S MEN

The new Ingonyama is born

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

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

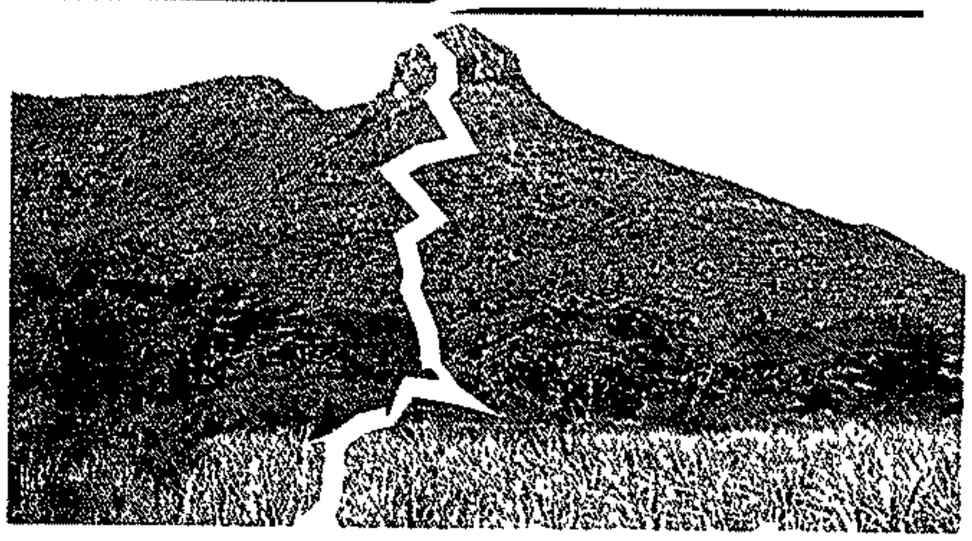
In terms of the new Act, King Goodwill Zwelithini will still head the trust, but will be assisted by an eight-member committee appointed by the Land Affairs Minister Derek Hanekom — in consultation with the KwaZulu-Natal premier The committee sits for the first time on August 17

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

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

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

» Compromise narrows the divide in Shakaland «



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

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

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

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

The beneficiaries of the new Act are the land occupants who now have security of tenure and the right to decide on the structure of land ownership **Herb Payne**

Observatory

Valkenberg area: people want Khoi to be consulted

ARGT 18/8/98 (271)

Province eyes commercial value

JENNY VIALL
STAFF REPORTER

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

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

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

The meeting was the first public forum to discuss the future of the area, which is about 250ha in extent and has three main landowners: the City of Cape Town, the Western Cape Province and Transnet.

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

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

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

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

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

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

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

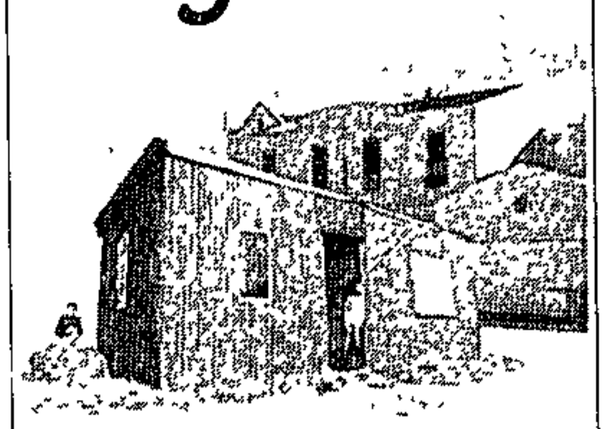
At the meeting, the council presented its "conceptual proposal", which suggests that the edges of the park be clearly defined by a strip of high-density housing overlooking the park, with footpaths leading into the park.

This would mean using the sports fields at Malta Park for housing as well as building more houses to the south of Maitland Garden Village. The council proposal also includes an extension of Berkley Road in Maitland to cross the site and join up with Liesbeek Parkway

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

■ If you want to be part of the process, or have comments, contact Desiree Shepherd 400 2399.

Neighbours



Send your neighbourhood news and notices to Peter Goosen at 488 4311, fax 488 4075 or e-mail nhood@ctn independent.co za

between the years 2000 and causing hysteria. — Sapa-AP.

Holistic strategy: Page 14

Computers for schools left to rot

BD 19/8/98

Stephane Bothma

PRETORIA — Computers worth R16m which were ordered for Northern Province bridging schools — many of them held under trees and without any electricity — have become the focus of a high court dispute between three computer suppliers and the provincial MEC for education.

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

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

He is being sued by Telcotec, Mago Business Systems and Advanced Systems Technologies for payment of nearly R16m.

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

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

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

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

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

Community evicted through 'racist' Land Act

(27)

Pule Molebeledi and Siyabulela Qoza

BD 19/8/98

THE 1936 Land Act, which resulted in scores of people losing their rights to land now occupied by the SA National Defence Force's Lohatla battle school in the Northern Cape, was racist and discriminatory, advocate Wim Trengove argued yesterday in the Land Claims Court in Randburg.

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

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

The rights of the communities were continuously eroded from 1976 until the final eviction of their members in 1993.

Trengove described as "far fetched" a suggestion by the defence department that the last community to be removed from the reserves, the Khosis, voluntarily surrendered its rights by unanimously agreeing to relocate to Jenn Haven.

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

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Agricultural union unaware of land release talks

Louise Cook (271) BD 20/8/98

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

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

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

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

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

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

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

Lohatla land dispute postponed

(271) BD 20/8/98

Pule Molebeledi and Siyabulela Qoza

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

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

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

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

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

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

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

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

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

Van Rooyen said it was dangerous for the communities to live in the area at present and that their presence there would inconvenience the school.

Commission's view of land claim disputed

(271) DD 21/8/98

Louise Cook

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

The claim was accepted initially by the regional commissioner for Mpumalanga and published in the Government Gazette in March, but commissioner spokesman Tony Harding said yesterday it subsequently materialised that the claimants had received £7 600 pounds, not £760, when the land was auctioned in 1948.

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

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

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

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

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

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

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

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

yesterday ... Mthembu said his department ...

Hanekom issues orders to accelerate land restitution process

BID 26/8/98 (271

Louise Cook

LAND and Agriculture Minister Derek Hanekom has ordered a complete review of the land restitution programme to bring about a "dramatic acceleration" of the rate of resolution of land claims.

He told staff members of the restitution commission, land affairs department and the Land Claims Court in an open letter dated July 31 that at the present rate of delivery "we will not meet our targets ... and are at risk of losing the support and patience of claimants and landowners".

It has taken three years for the restitution commission and the Land Claims Court to finalise nine claims.

More than 26 000 claims have been lodged so far and with the deadline for submission of claims coming up at the end of the year, it is likely the total number of claims will be far greater than 30 000.

Hanekom's letter stated: "The review has one purpose — to find ways of resolving claims more quickly without compromising on the integrity of the process. The process has proven to be extremely complex, both legally and procedurally.

"While the resolution of cases has increased over the last few months, the pace is still unsatisfactory."

Hanekom appointed a special review committee headed by his advisor, Alan Roberts, and allowed 12 weeks for the completion of the investigation. The other team members are government outsiders.

A source close to the minister said the review was prompted by lobbyists pushing for faster land reform. There was also a "dire need" to speed up delivery in view of the election looming next year.

Targets set out in a white paper on land policy in 1996 allow three years for the lodging of claims, five years for processing and finalisation and 10 years for implementation — in total a maximum of 18 years.

However, at the delivery rate, government would fall behind by at least 10 years.

The source said one factor that had caused serious delays was tension and a power struggle between the land affairs department and the restitution commission. This allegation also surfaced last year when the department introduced amendments to the Restitution of Land Rights Act to "fast-track" the process and the commission complained about not being consulted.

But yesterday land affairs director-general Geoff Budlender dismissed the suggestion that there was any tension.

Budlender also said it was unlikely that the land affairs department and the commission would amalgamate.

Meanwhile, the Land Claims Court, set up in 1995, said the number of cases before the court had grown systematically. The court deals with land claims, labour tenant cases and land occupiers facing eviction. So far this year, 92 cases went before the court compared with 31 two years ago.

The restitution review is expected to be wrapped up in October.

A commission into ... a commission

(271) ARG 27/8/98

ARGUS CORRESPONDENT

Pretoria – It has finally happened. The state has appointed a commission to investigate ... a commission. Or, at least, find out why, of 26 325 land claims, only nine have been processed so far.

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

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

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

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

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

The review has one purpose – to find ways of resolving claims more quickly without compromising on the integrity of the process.

Farmers, too, are criticising the red tape in the restitution system, saying they are burdened by legal costs, while claimants are entitled to free legal aid.

Philip du Toit, legal adviser to the Agricultural Employers' Organisation, cites numerous problematic cases – and points out that in some instances farmer's lives are endangered because of the emotions stirred up by the land restitution issue.

The Department of Agriculture and Land Affairs had employed more than 2 700 staff and spent R316-million since 1994, said Mr Du Toit.

And yet tens of thousands of land claims were still waiting to be processed.

Wallace Ngoqi, regional land claims commissioner in the Northern and Western Cape, has indicated that one of the reasons for the delays is the inability of the Department of Land Affairs to provide valuations for property people need to be compensated for.

But the main reason was that the restitution process was a legalistic one, he said.

"It's driven by the Land Claims Court and we all know that courts move inherently slowly."

A spokesman for the commission said: "The commission is on record as saying that, yes, the process is too slow. But it must be realised that this is a very involved and complex process. It can take years just to finalise one claim."

The findings of the review team are expected to be released to the minister by mid-October.

Task team to speed up land restitution

(271)

By Joshua Raboroko

LAND and Agriculture Minister Mr Derek Hanekom has appointed a small task team to review the land restitution programme in an attempt to dramatically accelerate the resolution of land claims.

The team, to be assisted by staff in the office of the minister, started its work in July and will complete it by the end of next month, Hanekom said yesterday.

He had instituted a comprehensive review of the entire process of restitution, including the functions of the various role players in that process.

The role players include the Commission on Restitution of Land Rights, the Ministry of Land Affairs and the Land Claims Court.

Hanekom said the purpose of the investigation was to analyse the restitution process and the institutions introducing it, and on that basis to recommend the procedural institutional, legal and other changes necessary to effect a "dramatic acceleration" of the rate at which land claims were resolved.

Sources said it has taken three years for the Commission on Restitution of Land Claims and the Land Claims Court to finalise nine claims.

The sources said more than 26 000 claims had been lodged so far and with the deadline for submission of claims being the end of the year, it is likely the total number of claims will be far greater than 30 000.

Hanekom said so far 19 restitution cases had been finalised and 155 311 hectares of land had been given back to a total of 27 738 people.

In addition, he said, there were presently 50 cases at different stages of intensive negotiations.

Four significant agreements, which would affect 30 000 hectares and more than 18 000 people, had already been signed and were awaiting approval by the Land Claims Court.

Restoration

A number of other cases were close to final agreement. A final settlement of a claim could take the form of restoration of land, financial compensation, or an alternative remedy agreed upon between the parties.

Hanekom said the total amount used for restitution purposes in the 1996-97 and 1997-98 budgets was R46 million, adding that restitution was a key to reconciliation affecting countless South Africans.

The role players in restitution had made an impressive start to a long, hard journey.

The review was intended to make the process quicker and more effective.

Reports shows gaps in reform paper

(971)
BD 1/9/98

Louise Cook

PRETORIA — A special report adopted last week by the parliamentary portfolio committee on land affairs stated that the major stakeholders in land reform felt there were gaps in the white paper on land policy that should be addressed.

The stakeholders — banks, landless communities, claimants, tribal authorities and organised agriculture — testified at public hearings before the committee earlier this year that the white paper was "in general a good document". However, it had shortcomings, both in the document and in the implementation of policy, concerning issues like the 1913 cut-off date for land claims, the December 1998 deadline to submit claims and the alleged auctioning of state land.

According to the report, the parties told the committee there was a need for new tenure legislation and for the state to return tribal land held in trust to traditional authorities.

Some participants said the Johannesburg-based Land Claims Court should become a travelling court to make it more accessible.

The report said that the banks' biggest problem was that the different forms of communal tenure made it difficult to lend to land owners.

In cases of nonpayment, financiers would be unable to or face severe restrictions in exercising a right to evict, the banks said.

All the parties agreed that government's R15 000 land settlement grant was inadequate.

The grant was introduced to facilitate land redistribution to the poorest of the poor, but this led "to people having to pool money together....on a piece of land which cannot sustain that number of people."

The report also suggested that the land affairs department failed to respond to offers of land donations, but this could not be confirmed yesterday.

It said one offer came from the Catholic Church in Bethlehem in the Free State and another was on farmland near Maritzburg.

The report said the assistance required from land affairs was not forthcoming. The Free State farm went into overdraft and the diocese was unable to meet the costs.

Sophiatown claims are invalid insists NP leader

(271) Sowetan 2/9/98

MOST, if not all, land claims against current property owners in Sophiatown were invalid, according to Gauteng National Party leader Mr Johan Kilian.

Addressing property owners in the area on Monday, Kilian said the law only allowed for land claims where land was taken without fair compensation.

He said investigations at the Deeds Office revealed that all former owners of property in Sophiatown were "duly compensated" when they were removed by the apartheid government in the early 1960s.

Proof existed that the owners of these properties were paid out at rates higher than the going rate for properties in neighbouring Westdene. "These people were properly compensated," Kilian said.

The old Sophiatown, on the western outskirts of Johannesburg, was bulldozed in the early 1960s to make way for the all-white suburb of Triomf. Most of the evicted families were moved to Soweto by the Native Resettlement Board, a statutory body set up under the National Party government of Hendrik Verwoerd.

Triomf is an Afrikaans word meaning "triumph". The suburb has been renamed Sophiatown.

Kilian told residents there was no danger they would be removed from their properties. He said the claims were mostly for compensation from the Government and the onus of proof would rest with the claimant, who would have to prove that he or she was not properly compensated.

According to Sophiatown resident Peter Fourie – who has researched the issue – 86 claims by former residents of Sophiatown or their descendants have been gazetted since February this year.

The claims affected 174 current property owners in the new Sophiatown or Triomf, as residents still refer to it. Fourie urged present residents to apply to the Land Claims Commission for the claims against their properties to be withdrawn. – *Sapa.*

Projects worth millions to be suspended

(271)
Sowetan 9/9/98

By Joshua Raboroko

PROJECTS worth millions of rands are to be suspended in Alexandra township, east of Johannesburg, because property owners fear their land will be expropriated in the process.

The Alexandra Land and Property Owners Association (Alpoa) wants developments to be temporarily suspended so that the Land Claims Court can settle their disputes.

Alpoa media liaison officer Mr Keke Koalepe said yesterday more than 2 000 families had claimed their land back after it was seized by the apartheid regime.

However, he said, their claims had not been processed. Greater Johannesburg's Eastern Metropolitan Local Council (EMLC) wanted to upgrade and develop the township.

Property owners feared that the process might affect their land, and have urged the council to suspend the projects worth millions of rands.

Unfortunately the projects could be suspended at the time when the community desperately needs them.

The projects include the improvement of infrastructure, roads, sewerage and drainage systems, street lights and the building of schools, houses and recreational facilities.

In a letter to the Gauteng Land Claims Commissioner Mrs Emma Mashinini, Koalepe said should such projects get off the ground without consultation, the rights of a large number of families would be violated.

To avoid such an eventuality, Koalepe urged the commissioner to intervene by talking to the EMLC.

Researcher in the Land Claims Commissioner's office Mr Humphrey Mashiane said more than 1 066 land claims had been received from Alexandra and some had been gazetted.

Process delayed

He said the process was delayed because the department engaged consultants who did not speed up the process. However, the Government would hurry up the process.

Mashiane said the EMLC after consultations, agreed to withhold some of the projects.

Alpoa will hold a meeting at the Alexandra Technical College from 9am on Sunday.



Land Claims Court judges Alan Dodson, Shenaz Meer and Antonie Gildenhuys. PIC: CLAIRE KEETON

Consulting blocks land restitution

(271) Sowetan 9/9/98

By Claire Keeton
Feature Writer

THE restitution of land to those dispossessed by racially discriminatory laws in South Africa is being delayed, ironically, by the post-apartheid commitment to consultation as well as by bureaucratic red tape

Although a swifter process of restitution would ease the deprivation of some, it would impact on the rights of those communities that now occupy the land.

"Everyone has a fundamental right to be heard," said Land Claims Court judge Alan Dodson in an interview with *Sowetan* together with fellow judges Shenaz Meer and Antonie Gildenhuys.

Dodson explained that the court must balance the rights of communities occupying land with those making a claim to it when making a restitution order.

"Procedurally we have to look at those affected then and those affected now: both have rights All the complexities have to be taken into account," said Dodson. "It is not a simple case of deciding in favour of one party or another."

Restitution invariably means dealing with events that took place years ago and affected a large number of people, many of whom have since been displaced from their land

Unique powers

Established in 1996 with the status of a high court, the Land Claims Court has been proactive in tackling these complexities, using its unique powers to conduct informal proceedings and to convene hearings.

"We are very conscious of the (slow) pace of restitution, and instead of waiting for cases, we have taken a number of initiatives to try and speed up the process," said Meer.

"We have held pre-trial conferences on a regular basis to look at the most effective and expeditious way of resolving a case and removing obstacles. Another aspect is that we've called (our own) witnesses to the court.

"We've also held workshops with the commissions

"We've tried within judicial constraints to be as accessible as possible"

This process of consultation is also integral to the work of the Land Claims Commission and affects the pace of its work too

Officially called the Commission on the Restitution of Land Rights, it is a body with regional offices, and must assess all claims for settlement, investigate and prepare valid claims and present a report to the court.

This involves not only notifying interested parties, but practical details like title deeds, boundaries, surveying and valuation. The commission's investigations have been hampered, however, by few staff members, skills and resources relative to the number of claims

And valuations by the restitution section of the Ministry of Land Affairs have been a protracted process.

But the ministry's director of restitution Jean du Plessis said this problem had now been addressed by the establishment of a panel of service providers to provide prompt evaluations.

When all preparations are done, the claims are either settled by the commission and approved by a court order, or they are taken to trial at the court if there is a dispute

"Every settlement must fulfil legal requirements ... we can't rubber stamp a nice agreement that is presented to us," said Dodson, explaining why there have been referrals backwards and forwards between the commission and the court.

Most of the nearly 27 000 cases lodged with the commission have not even reached the court. At this point only 12 claims, giving land back to 10 000 people, have been finalised

Meer said that the court welcomed the recent appointment of a review panel to investigate the reasons for the delays and accelerate delivery

During a meeting with the panel last week, the judges encouraged them to have terms of reference which were as wide as possible.

It seems clear that the panel, chaired by ministerial adviser Alan Roberts, needs to look at the law governing restitution: the Restitution of Land Rights Act (No 22 of 1994).

In its attempt to be inclusive and equitable, the law has failed to define key criteria which govern the implementation of restitution.

"Among the problems we are faced with is that the Act has no clearly defined criteria – for example, who are direct descendants (with a right to claim) or what formula is used to arrive at an amount for fair compensation," said Meer

"We have encouraged the ministry to look at the legislation as part of its review. The legislation could be improved."

On the other hand, deputy chief land claims commissioner Advocate Wallace Mgoqi has appealed to the court to establish precedents to allow similar cases to be dealt with administratively rather than through the court.

Court researcher Heidi Barnes said that some countries, for example Germany, dealt with restitution administratively after reunification in 1990.

South Africa's commitment to transformation led to a decision for restitution here to be a public rather than an administrative process.

"The legislation is aimed at righting wrongs. We must look at equity and justice, and can make orders that are far reaching We're even allowed to give an order to monitor the implementation of restitution," said Meer.

Glaringly inadequate

A small settlement grant provides for the development of the land after restitution, but it is glaringly inadequate for sustained development.

A recent amendment to the Act allows claimants, if they wish, to come directly to the court without going first to the commission. If they choose to do this, however, they must do all the investigative and preparatory work for their claims themselves

"The commission and court are completely independent of each other," said Dodson, responding to criticism that they duplicate work. "There is never any area in which we overlap"

He pointed out that the court's responsibilities extend far beyond restitution "We are not just dealing with land claims. We deal with all land reform legislation and disputes arising from it, which gives us jurisdiction in a significant number of cases."

Their jurisdiction includes the Land Reform (Labour Tenants) Act of 1996, which protects farm workers against arbitrary eviction, and the new Extension of Security of Tenure Act, which affects illegal occupiers of land

It appears that the court is able to manage these responsibilities along with restitution; it is the commission that needs to be supported and streamlined

"The stumbling block (in restitution) has not been the capacity of the court," Gildenhuys said

District Six owner fears housing 'slum'

GLYNNIS UNDERHILL
SPECIAL WRITER

When a Cape Town computer analyst bought a house in District Six last year, he was assured his property would not be affected by the proposed redevelopment of the area.

Today, fears about the fate of his R200 000 home are growing.

The resident, who does not want to be named, has been trying unsuccessfully to get reassurance he will not be evicted when the area is redeveloped.

On Sunday, a historic deal to be signed by the District Six Beneficiary and Development Trust, Land Affairs Minister Derek Hanekom and the City of Cape Town is expected to speed up the development.

In what Anwah Nagia, chairman of the trust, has described as "the deal of the century", vast tracts of Government-owned land will be made available in District Six for an integrated development, with the emphasis on affordable housing.

A major concern of the homeowner is that the value of his house will plummet when an estimated 45 000 people move in.

"Bringing all these people into the area will destroy the values of houses here. They will create a slum."

Mr Nagia said yesterday every piece of land in District Six was subject to restitution. However, there was no desire to evict people.

Putting District Six together again

'Restore the dignity of our suffering,' cry evicted residents of former vibrant community

ARG 12/9/98 (271)

GLYNNIS UNDERHILL

A vision of District Six as "a community of the future" will be outlined at the signing of a historic deal between evicted residents, the Government and the City of Cape Town tomorrow

The signatories will pledge to recognise the pain and suffering of the community and to re-establish the vibrancy of District Six in its redevelopment.

Major land claimants like Abdul Gaffoor Ebrahim, whose father owned nine properties and two shops in District Six, have also thrown their weight behind the deal, which will pave the way for the speedy redevelopment of the area.

"Nowhere in history have landowners been prepared to sacrifice their land a second time in the interests of the broader community.

"I am hopeful that the Government is committed to restitution and will carry out its moral duty by delivering on its promises. But landowners must be fairly and justly compensated," said Mr Ebrahim.

More than 45 000 people – families of tenants and landowners who were thrown out under the despised Group Areas Act in the 1960s – are now expected to return to affordable housing in District Six.

Cape Town municipality and the provincial government have been at loggerheads with former residents over the valuable inner-city land.

But now the three parties will commit themselves in writing to work towards healing the damage caused by apartheid, putting to rest years of wrangling.

Plans to create an inner-city community, with emphasis on the most affordable housing, will be developed and discussed at workshops.

Mr Ebrahim said the international community was watching events unfold in District Six and was witnessing this "sorry chapter" in our history come to an end.

"This will be a victory for the victims of apartheid," he said.

A set of principles will be agreed on at the meeting, including dispute mechanisms.

The valuable vacant District Six land still in the hands of the Western Cape provincial government and the Cape Town City Council is expected to be placed in a trust.

About 45ha of vacant land, some of which is in private hands, is believed to be available for redevelopment. Negotiations over the land will take place with private owners

Wallace Mgoqi, regional land claims commissioner, said the common vision found by the different parties for District Six constituted a breakthrough.

"It is a milestone in the protracted struggle which has been going on since the commencement of the claim," he said.

Money for the redevelopment would be sourced from the Government as well as from local and international donors, said Mr Mgoqi.

Anwah Nagia, chairman of the District Six Beneficiary and Redevelopment Trust, said fears that the area would become a slum were completely unfounded.

"Nobody wants to encourage the building of a slum in District Six. We are not into building houses that are uninhabitable.

"We will be looking at erecting affordable housing, not sub-economic housing," he said.

The plan was to present claimants who wished to return to District Six with title deeds to property, he said.

However, Mr Nagia said he did not believe that white landlords – whom he felt had been well compensated when they left the area and had not been forcibly removed – should be given priority in the redevelopment.

Mr Nagia, a former resident of District Six, said he personally would not lodge a claim as he already owned a house in Walmer Estate and he would prefer to see those less fortunate being given homes

Many former residents are not sure whether the spirit of District Six can be recreated after so much pain and suffering. The area was reduced to a windswept landscape after residents were forcibly evicted in terms of the Group Areas Act.

Mr Ebrahim said. "That's the million-dollar question.

"But we believe restitution must also be about restoring the dignity of our suffering."

He said his father, Jamallodien Ebrahim, died a heartbroken man after he was thrown out of District Six, where he owned nine houses and two shops

Mr Ebrahim said he hoped to see the restitution of this land if possible, but he would be prepared to consider accepting alternative state land in the area or financial compensation instead.

Another alternative would be for stakeholders to be given shares in the rebuilding of District Six, he suggested.

Mr Ebrahim was 24 when his family was thrown off their land and moved into a two-room flat in Gatesville. From being a businessman running his father's general dealer company, he became "a beggar" overnight.

"Landowners have to be given fair and just compensation As shopkeepers, most of us lost not only our businesses but our livelihood.

"I became a beggar and it was only because of the support of my family that I survived," he said.

Mr Ebrahim said he saw the signing of the three-way agreement between representatives of evicted residents, government and local authorities as a breakthrough in the restitution process.

"It shows we can work together to make this happen. Government must remedy past violations of human rights.

"We all suffered substantial losses when our land was stolen – we got peanuts for our land and property," he said.

Another land claimant, Abdul K Ahmed, said he hoped the Government would not make a mockery of the restitution process

"It must carry out its moral duty to the victims of forced removal and ensure that former landowners are justly and equitably compensated," he said.

Mr Ebrahim said Mr Nagia, who also heads the District Six Civic Association, was the right person to drive the community redevelopment in District Six.

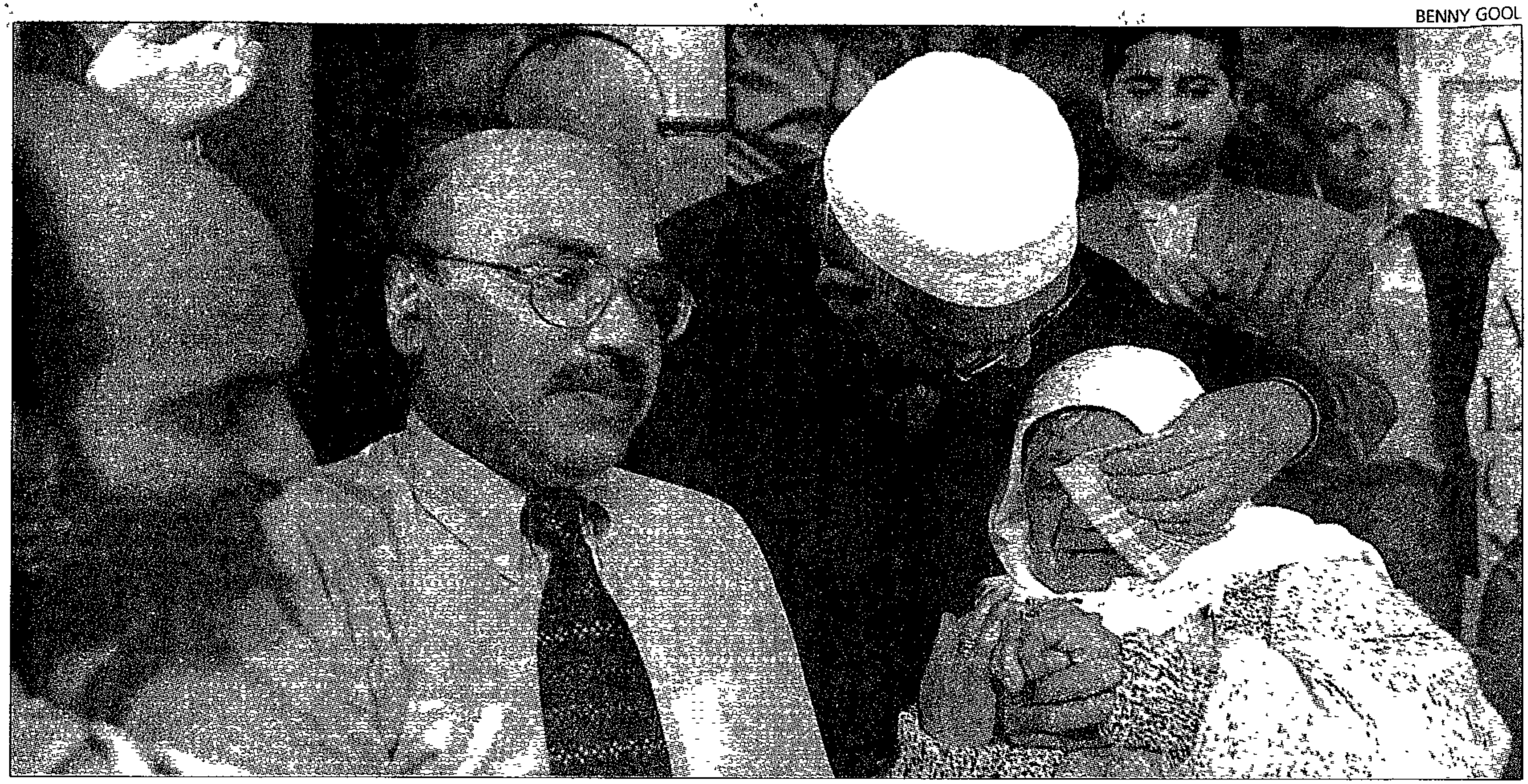
"He has always tried to bring everybody together and to understand all the disputes He is one of the old fighters of District Six," he said



HEAL OUR PAIN: Abdul Ebrahim, a District Six land claimant, with family members Mohamed and Abdurahman They want the dignity of victims of forced removals to be restored

Picture: LEON MULLER

BENNY GOOL



Former District Six resident Mrs Fatima Benting (83) wept yesterday as she witnessed the signing ceremony marking the redevelopment of District Six.

A new day dawns for District Six

Star 14/9/98 (1) (271)

By André Koopman

Key role-players, including the Government, city council and District Six Beneficiary Trust, signed a record of understanding yesterday to launch the District Six Redevelopment Process in the city centre.

Thousands of residents packed the District Six Museum to witness the signing of the document in an emotional and moving ceremony.

The battle to reclaim the land was long and hard, "but we won", said former resident Tahir Levy, who was obviously pleased.

Nomaindia Mfeketo, chairperson of the Cape Town City Council executive committee, said the occasion was historic and significant as it marked the process of healing the wounds and legacy of racism.

The record of understanding marked an important breakthrough in once stalled negotiations between the community and the municipality and provincial government.

The two government bodies had applied to have land in District Six set aside for an integrated redevelopment project. The move had been opposed by the District Six Beneficiary Trust, led by Anwar Nagia. The Land Claims Court ruled last month that residents should drive the redevelopment of the area.

Judge Siraj Desai, who oversaw the signing ceremony yesterday, praised Nagia for opposing efforts to develop the land since the early 1980s.

Mfeketo said District Six must be redeveloped for those who were displaced and must be reintegrated into the city.

District Six had occupied a very special place in the hearts of Capetonians, said Nagia. The "magic" of District Six was that the former government had thought that those who had been forcibly removed to the Cape Flats would "lie down", but instead they "rose in their thousands" in the fight to reclaim their land.

Signed, sealed – but now to deliver District Six

(SEP) (271) ARG 14/9/98

CHANTEL ERFORT
STAFF REPORTER

Former residents packed the District Six Museum to see the signing of an historic agreement which will lead to the redevelopment of the area.

The agreement was signed by representatives of the City of Cape Town, the District Six Beneficiary and Redevelopment Trust and Minister of Land Affairs Derek Hanekom.

Judge Siraj Desai presided.

Among members of the District Six community present was one of the oldest living former residents, Fatima Bendey, 83.

Ms Bendey was emotional when she signed the documents and had to be helped to her seat when she broke down in tears of joy.

The signing means more than 45 000 people who were evicted in the 1960s (or their families), will be able to return.

Facilitator Elaine Clarke said: "Those forcibly removed from the land will be the chief beneficiaries of the Land Restitution Act. We have to start redevelopment to make it possible for the people to go home.

"District Six belongs to all of those who were forcibly removed, not only those who owned the land."

The redevelopment of District Six will be a costly process funded by the Government and local and foreign donors.

The chairman of the District Six Trust, Anwah Nagia, vowed to force the Government to deliver on its promises.

"I don't want to see another District Six family member die before a brick is laid in the new District Six."

Mr Hanekom expressed his dedication to the project.

"People are still dumping their rubbish on the land. I think it's an insult to the people of District Six, the people who own the land."

He called on former residents to commit themselves to the hard work that lay ahead during the restitution and redevelopment processes, saying only they could make it a success.

"Without dreams, we are nothing," he said. "But a dream without vision and action is also nothing."





SIGN TO THE FUTURE: Former resident of District Six Fatima Benting, 83, wept as she signed the District Six redevelopment document as a witness yesterday Judge Siraj Desai, who oversaw the signing, is on her left. PICTURES: BENNY G.

District 6 ... the joy of returning home

(271)

Spirit kept alive by people

CT 14/9/98

THE WOUND on Table Mountain called District Six has started healing with a plan to redevelop the area regarded as salted earth by many Capetonians after apartheid bulldozers destroyed the community of 45 000. **ANDRE KOOPMAN** reports.

KEY roleplayers — including the government, city council and District Six Beneficiary Trust — signed a record of understanding in the city centre yesterday to launch the District Six Re-Development Process

Thousands of residents packed the District Six Museum to witness the signing of the document in an emotional and moving ceremony The battle to reclaim the land removed in 1966 was long and hard "but we won", said former resident Tahir Levy

Chairperson of the Cape Town city council executive committee, Nomaindia Mfeketo, said it was an "historic occasion" which would start "healing the wounds and legacy of racism" The record of understanding marked an important breakthrough in negotiations between the community, the municipality and the provincial government.

The two government bodies had applied to have land in District Six set aside for an integrated redevelopment project The move had been opposed by the District Six Beneficiary Trust led by Anwar Nagia The Land Claims Court ruled last month that residents should drive the redevelopment of the area Judge Siraj Desai, who oversaw the signing ceremony yesterday, praised Nagia for opposing efforts to develop the land since the early 1980s

Mfeketo said "District Six must be redeveloped for those who were displaced and must be reintegrated into the city The redevelopment process should serve as a model for the rest of South Africa."

District Six occupied a very special place in the hearts of Capetonians, said Nagia The "magic" was that the government thought that those who had been forcibly removed to the Cape Flats would "lie down" but instead they "rose in their thousands" to reclaim their land.

Nagia and Land Affairs and Agriculture Minister Derek Hanekom, who had been at loggerheads over redevelopment plans, adopted a conciliatory tone with Hanekom candidly admitting the difficulties that the principal partners had experienced. Hanekom thanked Nagia and the beneficiary trust for their efforts saying, "without you we would not be here today"

Referring to acrimonious exchanges between himself and Nagia, Hanekom quipped he had "nothing to do" with Nagia's missing tooth. Nagia said they had both realised that restitution, not personalities, were important and that "mudslinging" made no sense.

Hanekom said District Six represented the success of the land restitution process to which the government was committed and which was enshrined in the Constitution Hanekom called for the speedy implementation of a redevelopment plan "Within six months let's have a comprehensive settlement."



GOING HOME: Former resident Mams Theysen celebrates. ● See Page 5

FORMER District Six residents were in a nostalgic but celebratory mood yesterday, congratulating all the parties involved for launching the development plan. As they pointed out their former homes in pictures on the museum walls, they were heard discussing plans to return "home"

Fatima Benting, 83, wept as she signed the document as a witness. "I cried because I was so happy to think that my children can have a better life and go back to where they came from," she said afterwards. She wept again as she spoke of the significance of District Six as a cauldron and repository of Cape Town culture.

Another former resident, Tahir Levy said to loud applause "You can take the people out of District Six but you can't take the spirit of District Six out of the people."

The forced removal of the people of District Six, mostly to the Cape Flats including Manenberg, Mitchells Plain, Bonteheuwel, Guguletu and Langa was "like a knife through our hearts", Levy said. "My mother cried when they moved our old coal stove out of her kitchen and that broke her It broke up our whole family and our community because we were all dispersed and moved to sandy soulless places like Manenberg"

Benting said she would be happy if her children and grandchildren would return to District Six Her mother, Motjie Moegi, "died heartbroken" when the family were forced to leave their home in 1968. "I miss the comfort we had there. We were close and united. We were one community and there was no need to put bars our windows We could walk a visit each other late at night a we could even walk to town"

She was interrupted by Yasm Abrahams, 52, who was born District Six but forced to leave Grassy Park She asked Bentin she remembered her grandmoth Benting, after a bit of reminisc exclaimed "Oh I remember yo grandmother You are from t Konfyt Abrahams, you used to konfyt."

Abrahams expressed a ke desire to return to District Six was born and bred there and roots are there," she said.

Mams Theysen, 65, now of V halla Park, said after dancing to t music outside the museum: "Y know what I miss most about D trict Six? The people "

SALDRU - A Directory of disable personpower and resources in Western Cape

Skyscrapers ruled out as District Six rises to the challenge

(86) (271) ARG 15/9/98

GLYNNIS UNDERHILL
SPECIAL WRITER

Although 45 000 people are likely to live in the new District Six, it is unlikely to be in skyscraper blocks of flats.

Its eventual shape would depend on the wishes of those who would live there, said the chairman of the District Six Beneficiary and Redevelopment Trust, Anwah Nagia.

"I've had dozens of calls about District Six. The truth is we don't have any plans and we will workshop all ideas to reach agreement," he said.

More than 45 000 people – families of former tenants and landowners – are expected to be accommodated in the project, giving rise to concerns about skyscraper blocks of flats.

Cape Town city manager Andrew Boraine said high-density living did not mean high-rise living.

The City Bowl was already high-density, but not high-rise. In Oranjezicht and Woodstock there was high density, but there were small plots, terraces of houses and one- or two-storey homes. "We have no plans for a high-rise development."

Mr Boraine said the planning for District Six should be driven by the community.

"Any work the Cape Town Municipality has done should be regarded as pre-planning. We have collected technical data, like the land available and the existing service connections. What would be erected on top has not even been looked at. We will work in harmony with the community.

"In its next budget, the Cape Town Municipality will include municipal infrastructure and community facilities in District Six," said Mr Boraine.

Years of conflict over land restitution in District Six ended with the signing of a historic agreement between the central government, the City of Cape Town and evicted residents at the weekend.

Mr Nagia, who also heads the District Six Civic Association, said he would be guessing if he had to envisage how District Six would eventually look. "We have no plans whatsoever and we have to create a contextual framework for the development process, including the size and how we will accommodate 45 000 people.

"But everybody should remember that this figure includes a few people in each family that has applied for restitution," he said.

A District Six redevelopment committee would be formed soon to drive the process.

The land negotiations herald a hopeful chapter in the history of District Six, one of the bitter symbols of apartheid.

The area was reduced to rubble after people were forcibly removed under the Group Areas Act in the 1960s.

Mr Nagia said: "We want to race against the clock to redevelop the area. We don't want one more person to die before the first brick is laid. But how it will eventually look, we just don't know right now."

PARLIAMENT

Call for state land to be handed over

(271) BD 16/9/98

Wyndham Hartley

CAPE TOWN — The National Land Committee (NLC) put pressure on the national land reform programme yesterday by calling for the property clause in the constitution to be scrapped and for all state land to be released to individuals immediately.

In a submission to the national assembly's land affairs committee, the NLC challenged the government to speed up its process of assigning full ownership rights to people living in the former homelands and to give vacant state land to rural black people without charge.

The NLC also challenged the "market based approach" being used in the land reform process and claimed it was inadequate to achieve the redistribution of 30% of the land to disadvantaged black people.

It said other nonmarket mechanisms such as expropriation should be used. Only once the 30% redistribution threshold was reached and the playing field was level then market forces should again the allowed to "fully function" it said.

The land affairs department has been under considerable pressure since the African National Congress (ANC) took office in 1994 to give freehold title to those living on land in the former homelands or on trust land which was scheduled for incorporation into the homelands.

A resolution from its conference last December asked for the legislation providing for title in tribal areas to be speeded up.

The granting of title will inevitably wrest the power of land administration from traditional leaders For this reason, the legislation is unlikely to be pushed through until after next year's election.

The idea will be to minimise the loss of votes in places such as the ANC stronghold in the Eastern Cape.

It also urged the use of a land tax and said a capital gains tax on compensation payments following land expropriations should also be imposed.

Govt urged to transfer land faster

(271)

KERRY CULLINAN

ET 17/9/98

THE government should expropriate farms without paying market-related prices to speed up its land redistribution programme, which has transferred only 0,2% of land to dispossessed communities.

This proposal was put to Parliament's portfolio committee on Land Affairs yesterday by the National Land Committee (NLC), which argued that the government's market-based approach to redistribution was "not appropriate for South Africa".

The NLC also proposed that "in order to minimise the cost of expropriation, the government should repeal the property rights clause in the Constitution". According to this clause, no one may be deprived of property.

Alternatively, said NLC researcher Sam Bonti-Ankomah, the Government should "amend the Expropriation Act to allow land owners to be compensated at the productive value of the land, rather than the market value".

Committee chairperson Chief Patekile Holomisa said the NLC's proposals had the sympathy of ANC members on the committee.

"It is our view that, given our history, land reform should be exempted from market forces," said Holomisa.

However, he said that while the property clause was a "potential impediment", there was "not enough evidence to blame it for the lack of land reform".

"The clause does say that the market value of property must be considered when paying compensation, but it also says the manner in which the land was acquired must be considered."

Meanwhile, the Democratic Party has "condemned and rejected" the NLC's proposal that the property clause be scrapped.

Hanekom defends property clause

Star 18/9/98 (271)

By Kerry Cullinan
Star Parliamentary Bureau

Cape Town – Land Affairs Minister Derek Hanekom has dismissed a call for the property clause in the constitution to be scrapped as "stubborn frivolousness", and confirmed the Government's commitment to a market-based approach to land reform.

The Government remained convinced that paying landowners market-related prices for properties for dispossessed communities was the wisest approach, Hanekom said yesterday.

Hanekom added that the property clause in the constitution had not hampered a single land claim, as alleged this week by the National Land Committee (NLC).

"Besides, the property clause does allow us to expropriate land as a last resort. But there is more than sufficient market opportunity for my department to buy land without resorting to expropriation," said Hanekom.



Wise approach ... Land Affairs Minister Derek Hanekom.

He also dismissed the NLC's suggestion that the state should pay farmers for the "productive value" of the land rather than market-related prices. He conceded that some farmers, once they were aware that the Government was backing community attempts to buy their farms, increased their prices.

"An independent evaluation has to take place which checks the price against recent sales in the area," said Hanekom. "I see no sense in going through a long process to determine the productive value. Sometimes the productive value will be higher than the market value if, for example, there have been land invasions."

He added that "land reform is not pushing up the prices". The NLC, a coalition of rural organisations, was "in danger of losing its reputation as an organisation conducting credible research", Hanekom added.

Electoral Bill past final hurdle

KERRY CULLINAN
POLITICAL CORRESPONDENT

THE Electoral Bill, dogged by technicalities and controversy, faced its final parliamentary hurdle yesterday when there were not enough MPs in the National Assembly to discuss it.

Kisten Rajoo, who was chairing proceedings, had to order the bells to be rung for one minute to summon absent MPs to their seats in order to make a quorum.

The bill was referred back to the assembly to ratify amendments made to it by the National Council of Provinces (NCOP).

The portfolio committee on Home Affairs then tightened up the NCOP's proposal on temporary identification certificates.

These certificates will be issued to people who want to register to vote and who have applied for a barcoded ID but have not yet received it.

The DP and the NP recorded their objections to the bill, which has now been sent to President Mandela to be signed into law, after a gymnastic journey through vociferous support for and opposition to the barcode ID system.

HANEKOM DEFENDS PROPERTY CLAUSE

23 areas win state land transfer

CT 18/9/98 (271)

THE NATIONAL ASSEMBLY yesterday approved the transfer of 1,7 million hectares of state land to 70 000 people living in former "coloured reserves". **KERRY CULLINAN** reports.

THIS is the biggest transfer of state land to South Africans citizens ever, and involves 23 communities in the Western, Northern and Eastern Cape and the Free State.

They have about 18 months to decide how the land should be owned and administered.

"Residents can decide to transfer the land to their municipality, to a communal property association, any other legal entity or to individuals," said Land Affairs Minister Derek Hanekom.

"If the land is transferred to a municipality, the land will still be used communally for the benefit of the people living on it and not for all residents of the municipality.

"It cannot be sold without the consent of its inhabitants."

Areas affected by the Transformation of Certain Rural Areas Bill include Kranshoek adjoining Plettenberg Bay, Genadendal, Saron, Richtersveld and Thaba Patchoa.

Land Affairs director-general Geoff Budlender said that with this move, about three percent of the total land mass has been transferred to dispossessed people over the past three years.

Hanekom said the land transfer was the result of three years of consultations with residents in the 23 areas.

ANC MP Jacobus van Wyk added that this consultative process needed to continue, as residents need support while they discuss how the land should be owned and run.

The bill was supported by all parties, and has been referred to the National Council of Provinces.

Meanwhile, Hanekom has dismissed a call for the property clause in the Constitution to be scrapped as "stubborn frivolousness", and confirmed government's commitment to a market-based approach to land reform.

Paying landowners market-related prices for properties for dispossessed communities is "the wisest approach", he said yesterday.

Hanekom asserted that the property clause in the Constitution has not hampered a single land claim, as stated this week by the National Land Committee (NLC).

"The property clause allows us to expropriate land as a last resort. But there is more than sufficient market opportunity for my department to buy land without resorting to expropriation."

He also dismissed the NLC's suggestion that the state should pay farmers for the "productive value" of the land rather than market-related prices.

He conceded that some farmers, once they were aware that government was backing community attempts to buy their farms, increased their prices

"But an independent evaluation has to take place which checks the price against recent sales in the area," said Hanekom.

"I see no sense at all in going through a long process to determine the productive value.

"Sometimes the productive value will be higher than the market value if, for example, there have been land invasions."

The minister charged that the NLC, a coalition of rural organisations, was "in danger of losing its reputation as an organisation conducting credible research".



COMMITTED: Derek Hanekom

Land reform under way

Under the new Act 23 communities throughout South Africa will have access to previously state-owned land. **Ido Lekota** surveys developments.

Sowetan 22/9/98 (27)

ONE of the major challenges that the black majority Government faced on taking power in 1994 was redressing the loss of land by victims of apartheid.

Land grabbing by the ruling minorities had forced indigenous landowners to become either labour tenants or squatters on private land, or on state land without any prospect of ownership.

In the Government's drive to redress the situation it has – through the Ministry of Agriculture and Land Affairs – embarked on various programmes aimed not only at making land accessible to previously excluded communities, but also at providing security of tenure that will benefit communities

This has led to Parliament passing legislation giving the department teeth while embarking on programmes of redress One such law is the Transformation of Certain Rural Areas Bill, which was passed last week.

In passing this new Bill, Parliament has set in motion the biggest transfer of state land to 23 communities in the Western and Northern Provinces, Eastern Cape and the Free State.

According to the ministry this move will change the lives of at least 70 000 people.

Introducing the Bill in Parliament, Agriculture and Land Affairs Minister Derek Hanekom explained that its objective was to "transfer the trusteeship of the land from the minister to legal entities decided upon by the residents that will best serve their interests".

"The Transformation of Certain Rural Areas Bill forms part of the department's tenure reform programme and will have the effect of transferring 1,7 million hectares of state land to the people," said Hanekom

"In terms of the Bill we are giving residents living on the 1,7 million hectares of state land, formerly the coloured reserves, the right to decide on the ownership and administration of the land they have been living on all their lives."

This Bill repeals the Rural Areas Act of 1987 which governed the administration of the so-called coloured reserves.

These areas are occupied by descendants of indigenous people of South Africa who had managed to retain certain rights, despite the ruthless dispossession of land

With the passing of the Population Registration Act of 1950, most of the residents of these areas were classified as coloureds.

The management of the land and mineral rights in these areas was then vested in the former Coloured Persons Representative Council and later in the House of Representatives under the old tricameral system

According to the new Bill residents "could decide to transfer the land to a democratically elected municipality, to a communal property association, to any other legal entity, or to individuals"



A new land Bill will offer security of tenure to communities like these dismissed farm labourers.

PIC KHATHU MAMAILA

Hanekom indicated that a range of principles would apply in cases where the land is transferred to the municipality, to ensure that the municipality acts as a trustee on behalf of the community.

The land, for example, would be used communally for the benefit of the people living on it, and not for all the residents of the municipality as a whole The municipality also could not sell the land without the consent of the inhabitants

The Bill states that the Minister of Minerals and Energy Affairs must ensure that any deal granting mineral expropriation rights to any company benefits the residents of the area

This may include payment of rent to the community or the development of equity partnerships where possible

Hanekom said the Bill was the culmination of a process which started three years ago, involving the department and the residents in the affected areas

"A rural areas committee consisting of the department, the provincial government's officials responsible for administering the Rural Areas Act and non-governmental experts in the field was established to facilitate the consultation process and develop policy on the legislative framework," he said

The committee then developed a policy position in consultation with the affected communities

"This extensive and inclusive process with people who have never had a say over their own affairs and who have never been consulted on issues affecting them, has resulted in the Bill," said Hanekom

"In the next two years the communities of Concordia, Richtersveld, Steinkopf, Komaggas, Rietpoort, Leliefontein, Ebenezer, Pella, Mier, Eksteenskuil in the Northern Cape, Saron, Mamre, Pniel, Genadendal, Suurbraak, Slangrivier, Friemersheim, Haarlem, Zoar, Kranshoek in the Western Cape, Enon in the Eastern Cape, Oppermansgronde and Thaba Patchoa in the Free State, will become owners of their own land"

These communities have 18 months to decide what form of ownership they want

Hanekom described the transfer as a major step in redressing the racially skewed ownership of land in South Africa.

On the other hand, he is the first to admit that a mammoth task still lies ahead in addressing land ownership in the former homelands

Central to this is the question of communal ownership of land with the traditional leaders as the trustees

This has led to complications where residents cannot, for example, secure bonds to buy or develop their properties because they do not have title deeds

Draft legislation is in place but there is still a need for further negotiations with the various stakeholders, according to Hanekom.

"There is a need for consent by the larger communities The interests of the traditional leaders, for example, are not the same as those of civic associations"

The issue of land ownership in the rural areas is a political hot potato which has so far created tensions between traditional leaders and the Government's tenure reform programme. In general, the traditional leaders feel that changing the communal ownership of land would erode their powers as the stewards of traditional systems of access to land

Hanekom denied last week that the Government was delaying passing legislation in this regard in view of the coming election

The sands of time run out for San of Kalahari

CT 23/9/98

AS REPRESENTATIVES *of government and minority languages, cultures and religions gather at a summit in Midrand tomorrow, the last vestiges of the Kalahari's San (or Bushman) community congregate in the far Northern Cape to elect a new council to manage their return to a portion of their ancient homeland. Special Assignments Team* ***ROGER FRIEDMAN*** *and* ***BENNY GOOL*** *report, in the first of a two-part series that continues tomorrow.* (271)



ROOTS: In the Kalahari Antas Kruiper and brother Buks teach Chris Nissen to dance. Nissen leads a government-appointed task team to develop a framework for a commission for the protection and promotion of language, culture and religion

HUNTED, hounded and harassed off their land, their language, traditions and culture on the brink of extinction, time is running out for the San of the Kalahari.

Scattered, unemployed, poverty-stricken and in many instances enslaved by alcohol, they see their future as inextricably linked to a return to their land.

But the land claim process is slow, and they have been forced to postpone the celebration they had planned for tomorrow, Heritage Day.

Roger Chennels, the Stellenbosch lawyer representing the Kalahari San in their quest for land restitution, is confident they will have reason to celebrate by the end of the year. "Land claims have their own rhythm and timing. It is part of the process of a community rebuilding cohesiveness," he says.

Chennels is negotiating, on behalf of the community, for ownership of 25 000 hectares bordering on the Kalahari Gemsbok National Park, and for land use rights over half of the park itself. The negotiations are delicate. According to Chennels, the park, the Mier local authority and the San are all "playing hard-ball".

Minister of Land Affairs Derek Hanekom will be there, as will Minister of Arts, Culture, Science and Technology Ben Ngubane, Deputy Minister of Provincial and Local Government Nozizwe Madlala and Deputy Minister of Arts, Culture, Science and Technology Rosemary Capa. Also attending will be Commissioners for Cultural, Linguistic and Religious Communities, in Midrand, Gauteng. Members of the Tamil, Hindu, Muslim, Jewish, Griqua, AmaNdebele and Afrikaner communities — among other interest groups — will also be there.

The conference, which follows debates in Parliament, provincial legislatures, subsequent public debates and the calling for submissions, will determine a framework for the commission, required under sections 185 and 186 of the Constitution. The process is being driven by Constitutional Development Minister Valli Moosa, who appointed Masakhane Campaign national head Chris Nissen to head a task team to lay the foundations.

Visiting the Kalahari San last week, accompanied by the *Cape Times*, Nissen explained: "It is not like saving the whales. Our history will be incomplete without affording the dignity and respect — even apologies — to the San community for what has been done to it. One of the commission's greatest challenges will be to restore the dignity of communities like the San, the Northern AmaNdebele and the Phuti, a language spoken in north-west Transkei," Nissen said.

The scattered Kalahari San, the South African San Institute, there are three Khoe-San languages spoken daily by communities in South Africa.

They are Nama, spoken by about 6 000 people, and !Xu and Khwe, spoken by about 4 000 recent immigrants from Namibia and Angola. The !Xu- and Khwe-speakers were recruited by the South African Defence Force to fight Swapo and later resettled at Schmidtsdrif, near Kimberley.

There are three other languages — the original tongues of the Kalahari San — which are spoken by fewer than 20 people each and not used for

TOMORROW: Same

also born out of the earth. I am also one, born out of one earth, Bushman," explains the youngest sister, /Una Katrina Rooi.

"We ended up here because of the white people. When we were staying in the Kalahari, Mr Bain came from Johannesburg and took us all from Tweerivieren. I was very young then. He took all the Bushmen to Johannesburg, Cape Town and Natal. There he put my mother and father on show. When we came back to Upington we were dropped off at Witdraai (between Upington and Tweerivieren). The next week we heard that our houses at Tweerivieren had

bush and make myself a house to sleep under. Then, tomorrow, I will continue to walk again until it is dark, when I will take another bush for a house. Until I arrive home."

!Kabee-speaking Oom Andries Olyn from Raaswater — also near Upington — believes nothing is achievable in the absence of a clearly defined goal. Once his people are given their own land, a crucial next step would be the establishment of a school on the land.

"We need a school so that our children and grandchildren can learn things that we parents never had time to teach them. The language must come above the ground — it must no longer be underground," says Olyn, the only known !Kabee-speaker.

"Yes," says Kalahari San traditional leader David Kruiper.

"I am the leader — but the leader of what? What can I do? My people become beggars, vagabonds and th They are without land. They must by the roadside and beg for five cent rand.

"The leader is also poor, he drinks alcohol. The leader has pu land claim and one of these days w win back our democratic right didn't know about democracy recently the leader has heard of it."

negotiations are delicate. According to Chennels, the park, the Mier local authority and the San are all "playing hard-ball".

Minister of Land Affairs Derek Hanekom said yesterday that the negotiations were complex, involving much more than the mere transfer of land. He likened the Kalahari San negotiations to those of the Makuleke community in Mpumalanga, which recently took ownership of 20 000 hectares in the Kruger National Park and an additional 5 000 hectares outside. Under that agreement, the park remains the conservation authority over the land, even gains an extra 5 000 hectares of land to conserve, but the community owns the resources, including eco-tourism resources.

"From the beginning I recognised the legitimacy of the San's claim. It is clear they lost their land rights and access to resources during the process leading to the creation of the park. The challenge now is to come up with a creative package to achieve the community's long-term viability," Hanekom said.

The Kalahari San are among the many groups to be represented at tomorrow's Consultative Conference on the Proposed Commission for the Promotion and Protection of Linguistic, Cultur- [illegible] to restore the dignity of communities like the San, the Northern AmaNdebele and the Phuti, a language spoken in north-west Transkei," Nissen said.

The scattered Kalahari San community is arguably the most vulnerable in the country, viewed as the dregs of society, its people eking out their lives in tiny pockets across the Northern Cape. Outcasts in their own land, they are at the very bottom of the social pecking-order in predominantly Coloured townships in Upington, Mier, Rietfontein, Loubos, Keimoes, Olifantshoek, and outside the Kalahari Gemsbok National Park in a miserable place called Welkom.

Others have been reduced to costumed exhibits for tourists to gawk at in the Cederberg, many days' walk from the red sands their mothers and fathers called home. They speak Afrikaans, the languages of their ancestors are all but dead.

According to Nigel Crawhall, a Canadian sociolinguist documenting almost-extinct languages under the auspices of drif, near Kimberley.

There are three other languages — the original tongues of the Kalahari San — which are spoken by fewer than 20 people each and not used for daily communication. These are N/u (and its close relative !Kabee) spoken by =Khomani San elders; Gri (Xiri) spoken around Kimberley, and Koranna (!Ora) spoken by at least one man at Riemvasmaak.

TOMORROW: Sarie Bezuidenhout, who describes herself as Coloured, explains that Basters and Coloureds are the same people, only 'Basters came out better'

"These languages are considered to be extinct as the languages are no longer passed from generation to generation," Crawhall said.

At a place near Upington, three elderly N/u-speaking sisters and their cousin, who live in abject poverty, tell how they lost all. The women are old; they do not know in which year they were born.

"I was born under a tree in Tweerivieren (now in the Kalahari Gemsbok National Park). My father's mother was a Bushman and he was a Bushman. He was born out of the earth. He learned Hottentot-language because we lived with them. My mother's mother was To[illegible]ane Nlak[illegible] ne put m[illegible] mother and father on show. When we came back to Upington we were dropped off at Witdraai (between Upington and Tweerivieren). The next week we heard that our houses at Tweerivieren had been burned to the ground.

"My father asked the policemen, Sergeant Gagiano at Witdraai, why our houses had been burned. He kicked and beat my elderly father to death. Four constables carried my father's body into the jail.

"My mother came to ask why they had killed my father. The sergeant said he did not want to see Bushmen today, not tomorrow and not next week. He said he never wanted to see the Bushmen again. So my mother turned around and we went."

The sisters and their cousin are adamant that the only way to save their culture, language and traditions is to return to the land where they feel they belong.

"Then we can live nicely again, in the veld, without worrying about Boer or Baster," says the middle sister, /Abaka Koper.

The eldest sister, Keis Brou, adds: "I would go back tomorrow if I could. Though I know it is far and I am old, I will walk home. Tonight I will take a [illegible] own land[illegible] — leader David Kruiper — [illegible] crucial next step would be the establish- "I am the leader — but the leader of [illegible] didn't know about democracy b[illegible] recently the leader has heard of it."



GOOD BOOK: When Chris Nissen visited three of the last surviving N/u-speakers and their Nama-speaking cousin near Upington last week, their discussions were preceded by Ou Willem van Rooyen's reading from his battered Nama bible.



STILL SMOKING: /Abaka Koper dreams of smoking her pipe in the faraway Kalahari

"IF WE don't get our land soon, we may as well take all our people and push them into a kraal with the animals. The next day they will only be bones because the vultures would have picked away all the flesh. The day after that the bones will be old, then they will be scattered by the animals, and finally they will disappear altogether, eaten by the hyenas. But before that day comes I will leave this country."
— Kalahari San traditional leader DAVID KRUIPER



THREE GOOD WOMEN: Griet Bott, Keis Brou and /Una Rooi live in poverty in a township near Upington. Bott, a cousin, speaks Nama, while the two sisters speak N/u (or =Khomani). Only 15 known N/u-speakers survive in South Africa

Land celebration in North West

By Joshua Raboroko

FAMILIES who were forcibly removed from their land by the former regime in the Diratsegae district, North West, will commemorate the day in Rustenburg today .

The occasion will coincide with other Heritage Day celebrations that will be held in Mpumalanga and the Eastern Cape, where communities have been called on to mark land reform as a milestone on the country's route to democracy.

The focus of today's celebrations will be in Rustenburg, where about 156 families of the Diratsegae community will be handed title deeds to their properties as a result of claims lodged with the land restitution commissioner

'Black spot'

Department of land affairs spokeswoman Ms Dumisa Seshabela said that in 1959 the Bakwena Ba Modimosana Ba Maaka community lost their land as a result of the former apartheid government's Black Resettlement Act of 1954.

The area was declared a "black spot" and the community removed to Brakkuil and Taaiboskuil, about 109km away.

After the Restitution of Land Rights Act was established in 1994, the tribe lodged a claim for the restoration of their land, said Seshabela

She added that the Government would spend R4 million to help the community develop the land to its former potential.

Kli'fontein handed back to its people

Methodist Church gives up 70ha

ARG 28/9/98

(271)

CHANTEL ERFORT
STAFF REPORTER

After being owned by the Methodist Church for 134 years, 70ha of land have been handed back to the people of Klipfontein mission station near Philippi.

Klipfontein is home to almost 600 families and the official return of the land has ended a long-standing feud between them and the Methodist Church of Southern Africa.

In 1864, the land on which Klipfontein stands was acquired by the church.

In the decades that followed, people grew dissatisfied because, although they occupied the land it belonged to the church. Then, in 1989, the community took the church to court for the return of the land on which they had lived for generations.

In 1996, the church started negotiations with the community and the legal case was dropped. The result was yesterday's handover.

Among speakers at the ceremony were Welfare and Population Development Minister Geraldine Fraser-Moleketi and presiding Bishop of the Methodist Church Mvume Dandala.

Ms Fraser-Moleketi, who grew up in the close-knit community, reminisced about her years at Klipfontein or "Kli'fontein" as it is known to residents

"Today, I am speaking not only as the national minister of welfare and population, but as a child of our beloved Klipfontein," she said.

Sydney January, a member of the community for 45 years, was overwhelmed when he watched official proceedings that would result in the land on which he lived becoming his own.

"I can't describe my feelings. We struggled for years and years to get this land. Now, we can develop it. We have a place for the children."

Handing over the official documents to executive trustee Samuel van Wyk, Bishop Dandala said: "We are committing ourselves to building a community with a culture of hard work."

Diratsegae have farm land returned to them

BD 29/9/98 (271)

Louise Cook

THE Diratsegae, a community exiled from their Rustenberg farm land 40 years ago, are the latest recipients of government's land settlement programme. About 171 families from the community had their land returned at the weekend.

The land affairs department said yesterday it had bought the land back from a variety of owners in order to transfer it to the community.

The Diratsegae were forcibly removed in the late 1950s in terms of the previous apartheid government's "black spot" policies.

"The white-organised farming community in the area began lobbying for the removal of the community as it was the only black-owned land surrounded by white farmers The actions of the white farmers were in keeping with the discriminatory laws of the then apartheid government," the department said in a statement.

The land consisted of two farms of 3 952ha and would be developed in terms of a business plan drawn up by the chief of the community in consultation with other parties.

A land affairs department spokesman said the claim was the nineteenth to be finalised, totalling 15 311ha of land restored to 27 738 people so far.

Meanwhile, a farmer from Ermelo in Mpumalanga, Bart Harmse, said yesterday a land claim on his farm, which was eventually withdrawn after two years by the provincial restitution commission, left him financially ruined and his farming operation in tatters.

The claim was cancelled when detailed research showed that it had no merit, but Harmse said he was unable to obtain production credit from banks while the claim was being processed and his farming enterprise could not be developed in that time.

The law stipulates that once a claim is published in the Government Gazette, the land owner is prohibited from making improvements to the property without the consent of the minister.

Hanekom fires Seremane

MG 6-12/11/98 (271)

Ann Eveleth

Minister of Agriculture and Land Affairs Derek Hanekom sacked chief land claims commissioner Joe Seremane this week after he "irreconcilably" alienated colleagues and attacked a crucial review process aimed at speeding up land restitution.

The decision follows seven weeks of drama that threatened to tear apart the Commission on the Restitution of Land Rights and set back efforts to jump-start the slowest of the government's three land reform programmes.

The furore peaked last week when five regional land claims commissioners cast a vote of no-confidence in Seremane after he invited the media to a meeting aimed at resolving the crisis This prompted Department of Land Affairs Director General Geoff Budlender to write to Hanekom recommending Seremane's dismissal because he was "no longer a fit and proper person" to head the commission.

Alternatively, Budlender argued, Seremane was no longer able to carry out the functions of his office due to the breakdown of his relationships with other restitution role-players.

Hanekom forwarded this letter to Seremane last Friday, giving him four days to respond Seremane's terse reply warned that he was seeking legal advice, as he believed any move to sack him without a formal inquiry would contravene the Act governing the commission.

"I wish to protest in the strongest terms against the general import of your letter and the actions you contemplate," he wrote.

Seremane told the *Mail & Guardian* he would not allow Hanekom "to gerrymander me in 96 hours", complaining that he was given insufficient time to respond to the letter.

But restitution insiders say efforts to negotiate Seremane's "peaceful" exit from the embattled commission began long before Budlender wrote to Hanekom The move ended in failure when Seremane allegedly demanded a golden handshake of R2-million — about six years of his current salary

Pressed for comment on this, Seremane said: "I don't know that If I don't know that, how can I say if it is true or not?"

Seremane has frequently described the commission as a "Cinderella" body, blaming its poor delivery rate — it has settled only 10 of the 26 000 claims on its books — on budgetary constraints.

Seremane sparked the public row on September 18 when he broke ranks with other restitution role-players to air his grievances about the power struggles at the heart of the restitution delays during a presentation to the National Council of Provinces (NCOP) standing committee on land affairs.

Commissioners say they had agreed not to publicly criticise each other until a review team appointed to identify bottlenecks in the restitution process completed its work.

But Seremane lashed out at several of his colleagues, and questioned the integrity of the review team during his address to the NCOP. This presentation, and Seremane's alleged refusal to discuss the matter with his fellow commissioners, blew the lid off the tensions that had been growing in the commission for more than a year, say commissioners.

The National Land Committee, the NGO that prompted the review process, accused Seremane of jeopardising the integrity of the review process, which they regarded as the "last chance" to get restitution working

Seremane's outburst came shortly after the review team's first report-back on its initial findings. Those findings, included in the final report released this week, were sharply critical of Seremane's leadership style, as well as that of Hanekom and the chief director of restitution in the Department of Land Affairs, Jean du Plessis.

Asked whether this had motivated his NCOP presentation, Seremane said: "I no longer see the wisdom of talking about this thing "

The report, not surprisingly, highlights "increasing alienation" between Seremane and regional commissioners over the past 18 months.

Pointing to a "leadership crisis" within the commission, the report says: "According to the regional land claims commissioners, the leadership of the chief land claims commissioner has been marked by a passive approach and a refusal to use his power and authority proactively to deal with problems; the lack of a facilitative, consensus-building and co-ordinating management style; a high degree of administrative centralisation; [and] a high degree of defensiveness about problems in the functioning of the [commission], and a tendency to see the pointing out of problems as evidence of persecution."

National Land Committee director Brendan Pearce welcomed the review findings, which he said were an "important intervention with the possibility of saving the restitution process. The findings also further support the fact that Seremane is not the man for the job," he added.

Seremane's deputy, Western Cape and Northern Cape commissioner Wallace Mgoqi, said this week that Seremane's refusal to discuss his NCOP submission with regional commissioners was merely the latest symptom of a long-simmering problem.

Mgoqi said the fallout in the commission began last year when Seremane rejected a call by regional commissioners for him to replace his communications officer, who they felt had performed poorly

"The Act provides for majority decision-making in the commission, with the chief land claims commissioner holding the casting vote. But [Seremane] acts like he has veto power," said Mgoqi.

Regional commissioners wanted greater decentralisation of power to their offices, where claims are processed.

But Seremane was not the only individual singled out in the report. The department's chief directorate of restitution "laid itself open to accusations of a high-handed and unconsultative style", the report says Hanekom had exacerbated the problems by failing to act "proactively at an early stage".

The report locates the source of these problems in the "underlying structural level and the way in which the idiosyncracies of personal style or organisational culture have interacted with broader systemic factors".

These factors included a "blurring" of roles and responsibilities between the commission, the department and the Land Claims Court, as well as a lack of clear lines of authority and accountability for the restitution process.

The report recommends several improvements to processing restitution claims, including a shift away from the current court-bound process to an administrative process in which many land claims can be mass-processed without involving the court.

It also recommends a process to "stream" claims into three categories for easier prioritisation, an increased role for claimants in decision-making processes; and a plan to focus capacity on processing claims on an area basis to provide for better planning and budgeting



The Land Claims Court will this week receive its first urban claim in Gauteng, involving former residents of the Highlands township near Pretoria who were forcibly removed from their homes in 1961. At the announcement of the claim yesterday by the provincial commission on restitution of land rights were Peter Mhangwani and Emma Mashanni, left, from the Gauteng Land Claims Commission; chairman of the Highlands committee, David Marupen, top, and George Seckle, right, and Ivan Seckle, background. Picture ROBERT BOTHA

Newlands owners to retain their homes

BD 6/10/98 (271)

Louise Cook

PROPERTY owners in the upmarket Pretoria suburb of Newlands will retain their properties following action by land claimants, but residents in neighbouring Garsfontein are less certain of their fate.

In the case of Newlands (formerly Highlands), the group of 48 claimants who are mostly descendants of the original land owners, lodged claims with the land restitution commission more than a year ago.

However they confirmed at a media briefing in Pretoria yesterday that "there was no way" they would perpetuate the forced removals of the past.

The claimants opted for financial compensation from the state instead, but a dispute about the compensation due to them will see the case go to the Land Claims Court in the next few weeks.

The original owners of Newlands were ejected in the early 1960's from the area which today is a trendy suburb situated around the Menlyn shopping mall in eastern Pretoria.

"The issue is, where would we have been today if we were not shifted? No money can measure the losses suffered in terms of businesses that had to be started over from scratch, the loss of entrepreneurial skills and the emotional harm," said George Seckle, the secretary of the Highlands claimants committee.

The court would be asked to rule on whether the state's valuation of R1,20/m² for the properties in 1961 was accurate. The claimants believe it was worth more than they were paid.

Regional land claims commissioner Emma Mashinini said it was impossible to say how long it would take for the court to rule on the matter

She said negotiations about the claims for Garsfontein, formerly known as Eastwood, had not started At the beginning of last year, Eastwood land claims committee chairman Kenneth Sibiya said the claimants would refuse any other form of compensation.

"Land owners and claimants have the opportunity to state their case in the Land Claims Court," Mashinini said.

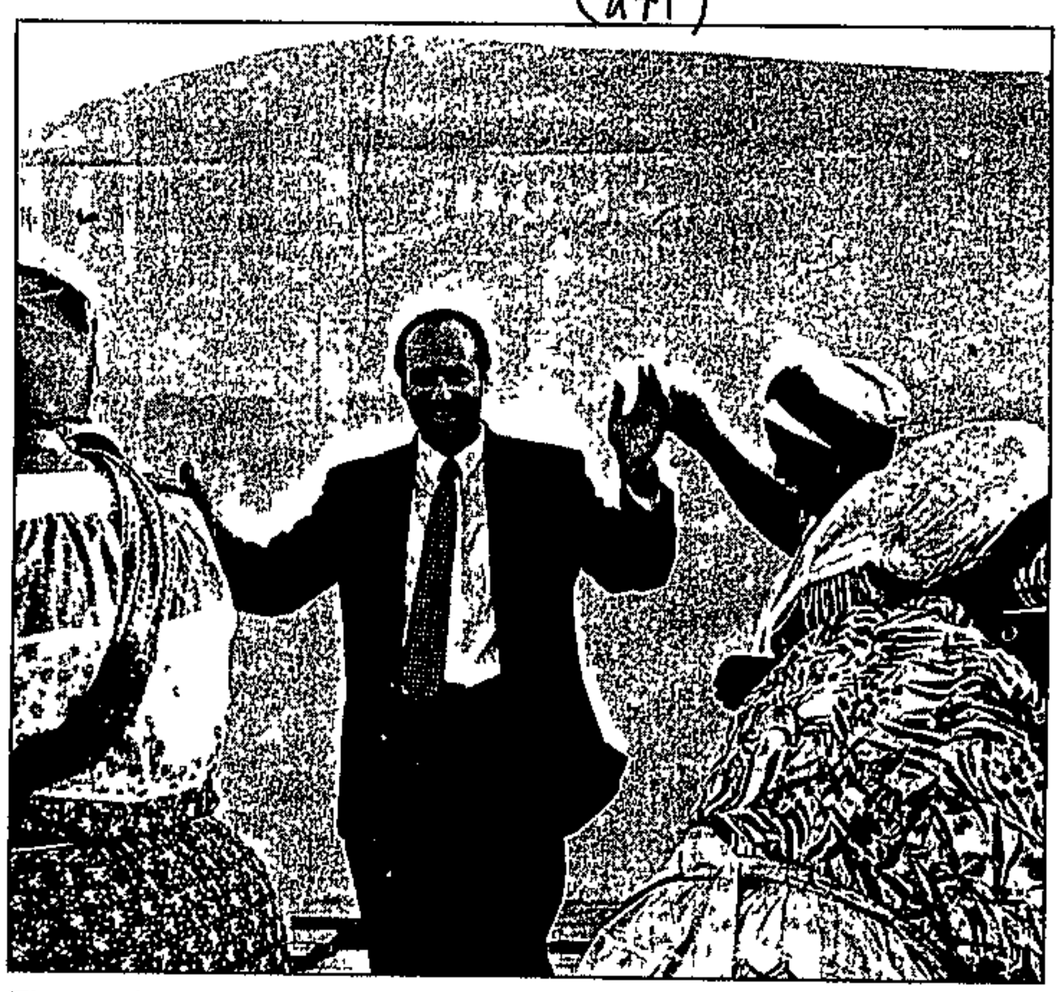
However she conceded that to qualify for legal assistance, an applicant first had to pass the Legal Aid Board's means test, a requirement that generally went in the claimants' favour.

Seremane's extraordinary attack on Hanekom

M+G 16-22/10/98

(271)

The chief land claims commissioner says he is being made 'a sacrificial beast' as his remarks in Parliament embarrassed his minister, writes **Wally Mbhele**



'The most lovely guy': Joe Seremane on land affairs minister Derek Hanekom (above), who Seremane feels has taken sides against him

Chief land claims commissioner Joe Seremane broke his silence this week over tensions that have gripped the Commission on the Restitution of Land Rights, saying that Minister of Agriculture and Land Affairs Derek Hanekom had "a queer way of settling conflicts"

The commission is close to collapse after Seremane walked out of an urgently convened meeting last week, in which, he says, commissioners and Hanekom accused him of embarrassing the minister at a joint sitting of the parliamentary portfolio committees on land affairs and agriculture.

Seremane told the *Mail & Guardian* that he "expects to be made a sacrificial beast The bearers of bad news are always the ones who have their heads cut off, and this is a feeling I have "

But Hanekom's adviser, Alan Roberts, says the intention of the meeting was "not to make a judgment but to conciliate between the commissioners

"[Hanekom] believed that the meeting, in the spirit of transparency, would provide an opportunity for all parties to put their concerns on the table and resolve the crisis," he said

The root of the problem is the slow delivery of land to restitution claimants Of the 26 000 claims received by the commission, it has managed to deliver only nine

Seremane's criticism of the minister and the Department of Land Affairs in Parliament on September 18 angered Hanekom. The minister's position against Seremane was strengthened when Seremane's deputy, advocate Wallace Mgoqi, wrote a letter to Hanekom urging him to oust the chief land claims commissioner

Seremane said this week "If justice is done, it's fine, but if there's any element of injustice, I'm not going to accept it lying down If you can't protect other people's rights and yours too, whose rights are you going to protect?"

Seremane said the restitution process is a national programme and "not a party programme. It does not make sense to make it an electioneering tool This is a national programme that belongs to all parties "

He said his falling-out with Hanekom had its roots in his responses to questions from members of the portfolio committees "I said I rarely see the minister I am lonely. I said I think he is equally lonely because we rarely meet

"If we do make an appointment, it's certainly going to be cancelled If the other commissioners are honest, they will tell you this. A one-hour meeting is not enough Even if it happens, it happens after a long time."

Seremane said he found Hanekom "to be the most lovely guy What I expressed are mere irritations and I have the right to express myself How often has the minister been to this office of mine? I've never seen him once I doubt if he knows what this office looks like."

The situation improved a little this year, Seremane said "He gave us a set of dates for meetings but 50% of them were not realised I said there must be frequent and sustainable interaction amongst all

"It surprises me that my utterances at Parliament have been taken like I said them in a foreign country I was saying that to a partner in a spirit of transparency

"I did not have to embellish it or window dress it I am now being taken to task for having not rehearsed my presentation Yes It is true I'm going through a phase where the daggers are out against me "

Seremane said he complained about the lengthy procedure that needs to be followed when the commission requests resources from the Department of Land Affairs

"It's rather rigid and complicated It's almost like the commission is an appendage of the department. This results in some awkward and negative ramifications That has caused a strained relationship between us to the extent that there's friction between the two institutions."

'What I expressed are mere irritations and I have the right to express myself'

Seremane found the most frustrating and embarrassing issue to be his budget He likened the commission to Cinderella. "It goes cap in hand to ask for resources it can use It's totally dependent on the mercy or veto powers of the department

"I've told commissioners to be very careful when dealing with the department because they're dealing with people who are projecting either favouritism or racial bias. I've said none of my black commissioners get assistance as fast as my white commissioners

"For that I'm called a racist. I'm not the creator of South Africa We have this racial background and it's still there That's why we still have transformation forums What are we transforming, after all? A racist kind of mentality exists in this country where people continue to find it difficult to carry directives from a black person "

Seremane says Hanekom told him at a commissioners' meeting last week that he did not see the two of them working together again.

He said he found it strange that Hanekom hoped to resolve the conflict by taking sides "He should have called me first and made me account for my utterances I took strong exception to the process that removes my right to being heard, that prejudices me even before we've started "

He said he hoped an inquiry into his report to Parliament would be instituted to settle the matter "In the meantime, I'll continue doing my work until told to stop."

Seremane accused Mgoqi of "an obsession for power I don't know who sent that letter [Mgoqi's] to me. I immediately phoned my deputy who is requesting my dismissal. I used the phrase that 'there's no honour amongst thieves' This is tantamount to treachery

"I told him he lacks a backbone, he should have confronted me 'What went wrong with your thinking?' I said. He just kept quiet."

Seremane said his confrontation with Mgoqi happened before Hanekom convened the meeting of commissioners

"Without listening to my side of the story, he [Hanekom] agreed with everything my deputy said about me To him, my side of the story were press cuttings that he'd collected about my address to the parliamentary joint committees."

Seremane launched a stinging attack on the other commissioners and accused them of lying "The problem with some of them is that they have no backbone In the corridors, they express those same views, they support them But they are used to operating like a mob

"It is surprising they didn't come to me to express reservations about my address to the committees My deputy was sitting right next to me. He was the next to speak after me We went out and nobody said anything."

Roberts said the minister called a meeting of the commissioners in good faith after receiving a letter from Seremane's deputy representing all the regional commissioners, "which clearly reflected a serious crisis of leadership within the commission.

"He did cancel a meeting with Seremane in view of this letter because by then a meeting had already been set up and he chose not to meet with either of the commissioners alone."

A response from Hanekom to last week's *M&G* story on the issue said "Tensions in the commission came to a head recently with Seremane's remarks before the parliamentary portfolio committee, from which commissioners distanced themselves "

Hanekom said "It is my responsibility as minister to ensure that it is resolved and we are trying to find a way of doing this amicably."

Hanekom to let go of 'coloured reserve' land

(271) M+G 16-22/10/98

Ann Eveleth

IN THE ACT

A new land law is set to overturn decades of paternalistic land relations between the state and more than 70 000 people living on former "coloured reserves" in the Western Cape and surrounding provinces. But similar legislation for former black homeland residents is still bogged down in "consultations".

Department of Land Affairs Director General Geoff Budlender said the Transformation of Certain Rural Areas Act, gazetted in September, would put an end to the "paternalistic relationship" inherited by Minister of Land Affairs Derek Hanekom in terms of trust laws dating back, in some cases, to earlier than the Union government.

This Act — one of four new Land Affairs laws adopted in recent months — will transfer title deeds for 1,7-million hectares of land to 23 communities across the Western Cape, Northern Cape, Eastern Cape and Free State. The Act paves the way for the repeal of the Rural Areas Act of 1987 (a modern rewrite of the colonial Mission Stations and Communal Reserves Act of 1909) within 18 months as each community decides who should benefit from the new land rights.

Affected township land will be transferred to local authorities, which will then transfer the title deeds to individual residents. Surrounding commonage land will be divided up between local municipalities and communal property associations who forward successful land use proposals to the community.

The acquisition of title deeds opens access to credit facilities not normally available to trust land beneficiaries, allowing for development investment. In this way, title deeds are seen as a key element of tenure reform.

Lack of title deeds has long plagued the development aspirations of millions of former black homeland residents as well, but Budlender said draft legislation to change this status — tentatively known as the Land Rights Bill — was still under negotiation and was unlikely to become law until after the July 1999 general elections. "It's much more complex and requires a lot more consultation," he said.

The Provision of Certain Land for Settlement Amendment Act, adopted in July, streamlines the 1993 Act which forms the legal framework of the government's land redistribution policy to allow Hanekom to expropriate land directly, instead of the longer previous route through the minister of public works

Although Hanekom has not exercised this power once in the past four years, Budlender said the threat of expropriation had helped to settle some difficult redistribution purchases at a reasonable price. The amendment Act also expands the 1993 Act to include a wider range of uses for redistributed land. While the original Act referred primarily to settlement land, the amendment — reflecting the lessons of four years of land reform — makes it easier for redistribution beneficiaries to use their land for farming, commonage and share equity schemes.

The amendment Act further changes the name of the 1993 Provision of Certain Land for Settlement Act to the Provision of Land and Assistance Act, and cuts the time-lag for approval of the government's R15 000 settlement grants by removing the onerous requirement that the minister give 21 days' notice in newspapers before he could designate any land for redistribution. Now the requirement only applies to cases where redistribution will substantially change the use of the land in question.

National Land Committee land rights and advocacy director Abie Ditlhake said his organisation had made a "direct contribution" to the Amendment Act, but argued that further redistribution law reforms were needed to deal with the "arbitrary subsidy amount, ambiguities around the definition of beneficiaries, and the amount of the subsidy currently spent on consultancies".

Two other laws, the Land Affairs General Amendment Act and the KwaZulu Land Affairs Amendment Act, herald a series of technical changes to correct legislative loopholes, including those created by the conflict between the 1993 Constitution and earlier laws enacted before its adoption.

The 1991 Upgrading of Land Tenure Rights Act, for example, allowed deeds of grant or leasehold rights to be converted into more secure ownership rights in all areas except the former homelands. The Land Affairs General Amendment Act extends this provision to the whole country. This puts an end to the untenable situation where some people could change their land tenure rights to qualify for state housing subsidies others could not.

The Land Affairs Amendment Act also closes a number of loopholes in legislation governing restitution, redistribution and tenure reform.

The KwaZulu Land Affairs Amendment Act merely legalises a de facto situation in which the KwaZulu-Natal Department of Local Government and Housing has continued to identify and allocate township sites for development, said Budlender. The KwaZulu Land Affairs Act of 1992, which makes provision for township development, became a national competency under the 1993 Constitution. The amendment Act officially returns these powers to the provincial government.

Land claim accord may put pressure on SANDF

Louise Cook

THE first land claim on military property was wrapped up last week when the Land Claims Court ratified an agreement between the state and the Mosita community at Mafikeng, ordering that land belonging to the SA National Defence Force (SANDF) be transferred back to the community.

This claim in the North West province on a former military training base at Mafikeng brought the total number of claims finalised so far to 10 and means the SANDF could now come under pressure to wrap up the long-outstanding claim on the Lohatlha training base near Kimberley.

A claim by different groups in the Northern Cape, one of the first to be lodged, targeted parts of the Lohatlha base. The claim was still not settled despite the personal intervention of President Nelson Mandela a few years ago because of a study finding it would be too costly to remove land mines.

However, in the Mafikeng claim last week, the SANDF agreed that the original land from which the people were ejected in the 1960s could be given back. The court ordered that, with the exception of gold, silver, platinum and precious stones, the community also had the right to mine minerals.

A spokesman for the North West and Gauteng restitution commissioner's office said yesterday the basic accord between the parties was thrashed out some time ago.

Yet delays occurred because of a "battle in the wording of the settlement terms, particularly (over) issue of mineral rights". The order gave the community priority access to state resources to develop housing and other infrastructure on the land.

Meanwhile, regional restitution commissioners accepted new claims in Durban on land belonging to the University of Natal, the Manor Gardens Primary School and a sectional title development called Sherwood Park. A Telkom property in East London and 37 properties in Hankey, Eastern Cape, were also the subject of claims.

Army to return ancestral land

Star 22/10/98 (271)

Settlement of claim still leaves the defence force with seven others to sort out

ANDREAS VLACHAKIS

By Raphael Banda

A cherished dream will soon come true for the Barolong Ba Mosita community in the North West when they make an emotional return to their ancestral land from which they were forcibly removed by apartheid to give way to the military

"It is precedent setting as a settlement agreement," said Heidi Barnes, a researcher at the Land Claims Court, which a few days ago granted an order for the restitution of military land to the 3 000-strong Mosita community who had been resettled in Vryburg

It is the first time that victims of forced removals have taken back land now being utilised by the military.

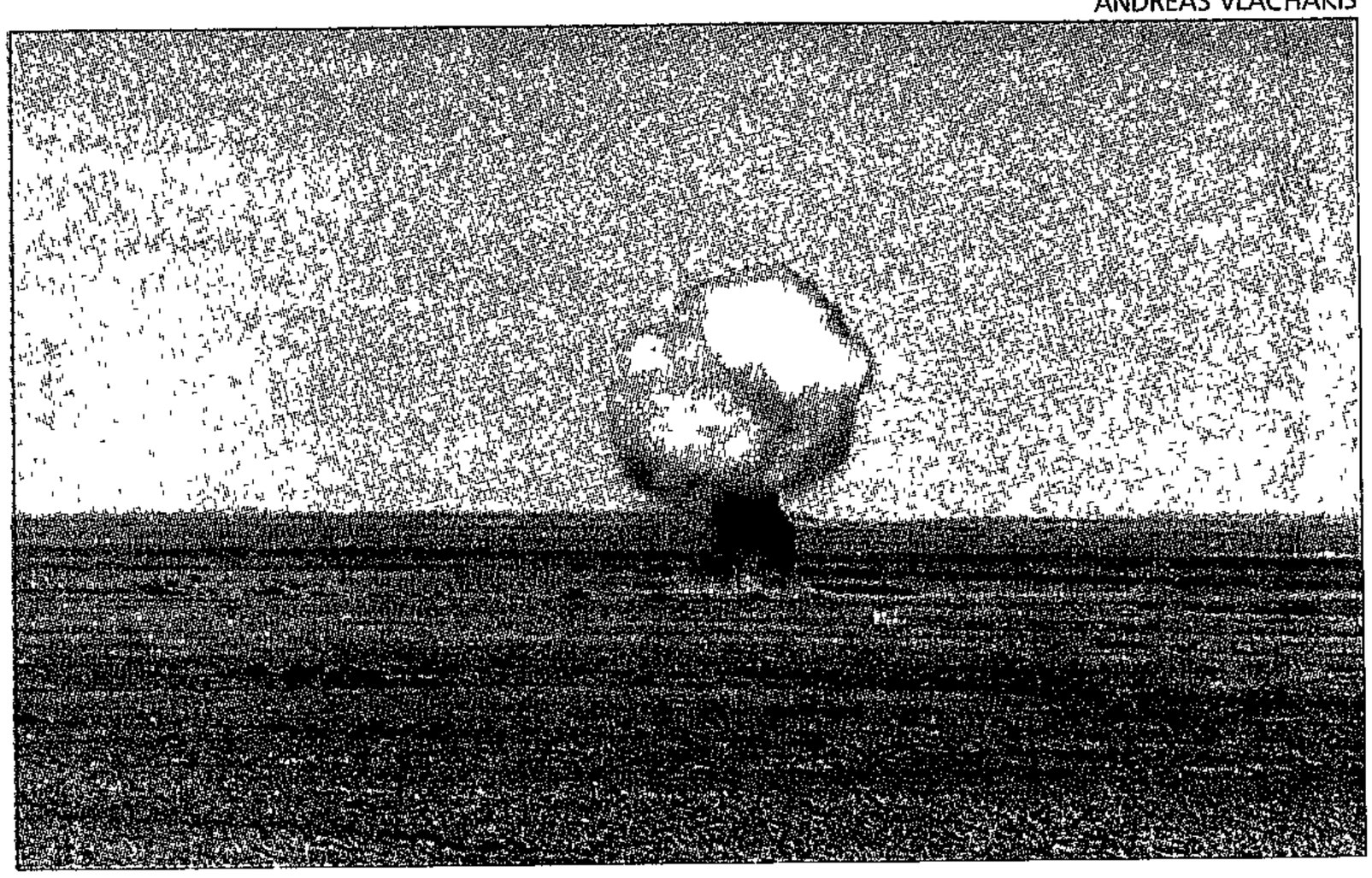
The court granted mineral rights for the land to the Mosita community, and it has ordered that they be given access to state resources for the development of housing and other infrastructure on the land.

The settlement of this claim leaves the army with seven other claims to sort out, some of which it is contesting and others in which settlement agreements are in sight

One such claim is at Lohathla in the Northern Cape, where three communities are seeking the return of their land where the army established an army battle school in the1970s

"It's not feasible to give the land back," said Franz Zottel, spokesperson for the Western and Northern Cape Commission on Restitution of Land Rights.

The case, which the army is contesting, has been referred to the Land Claims Court and was postponed in August to allow the parties to reach an out-of-court settlement



Up in smoke ... munitions are destroyed in this file picture at Lohatlha in the Northern Cape – one of the military bases which may be returned to its original communities.

The military argues it has built infrastructure worth more than R200-million on the land, and wants the Khosis, Gathlose and Maremane communities to be settled on alternative land – a proposal which the communities reject.

According to a feasibility study conducted last year, the land is contaminated with explosives and military authorities say lifting the explosives will be a costly exercise.

In another complication, some of the Khosis community had resisted being removed and claim they were effectively dispossessed when the military established the battle school.

The Land Affairs Department says the claims of the other two communities will depend on the resolution of the Khosis case, which is expected to be dealt with by the court in January.

The military has been using most of the land now claimed by communities around the country for training.

At Wallmanstahl near Pretoria, a mobilisation centre was established and authorities say the infrastructure is also worth hundreds of millions of rands.

Brigadier-General G J Cordier of the Defence Department said no agreement had been hammered out for the return of the land, but "we have already decided that a portion of the land be given back".

A former German settlement, the military is contesting 1 500 individual claims to the land.

In another claim, military authorities say they have reached a settlement with the Schmidtsdrift community near Kimberley for the return of land now used by the army for training. The matter still has to be finalised by the Land Claims Court.

Cordier said the army was looking for alternative land for their training base, which would cost about R7-million.

Defence Minister Joe Modise has meanwhile approved some of the Makuleke community's claims to military land in the Madingo Corridor in the Northern Province and the army has also decided to give back land – which is vacant – in Simonstown near Cape Town.

Dispossessed communities are also seeking the return of land used by the army for training at Boshoek in Dundee in KwaZulu Natal and authorities say a claim for military land in Roodewal in Pietersburg, which is a bombing range, will be lodged soon.

Land claims commissioner looks set to lose job

Louise Cook

AN "IRRETRIEVABLE break" in trust between chief land claims commissioner Joe Seremane and Land and Agriculture Minister Derek Hanekom pointed yesterday to changes in the status of the Pretoria office of the restitution commission and the possibility that Seremane might be relieved of his position.

Reacting to the furore over the slow restitution process and attacks by Seremane, Hanekom said the lack of trust was not conducive to delivery.

The process has so far seen only 10 of about 26 000 claims finalised, partly because of cumbersome legal technicalities.

Hanekom said: "I have a duty to resolve the crises to ensure that restitution is effective. I am considering how best to do this.

"My own concerns ... have been about the process itself and, to be frank, about the role of the office of the chief land claims commissioner."

A source said there were indications that the future of the Pretoria head office, headed by Seremane, could come under review when a special investigating team appointed by Hanekom reported back next month.

The investigating team was appointed some months ago.

A study reveals the way in which poor people were placed far away from their workplaces and urban areas and are still there, writes Cecilia Russell

From apartheid – a way forward

How 23/10/98 (271)

Winterveld, near Pretoria, provides a conundrum for post-apartheid planners.

The densely settled informal settlement situated about 40km from Pretoria defies the logic of new ideas in planning which emphasise the densification of urban settlements and the compacting of cities so that poor people can live in close proximity to their work.

According to a study released yesterday by the Centre for Development and Enterprise, Winterveld is just one of about 60 "displaced urban areas", with a population of about four million people

They are a distinctive result of apartheid planning which created cities where the poorest need to travel the greatest distances to their place of work.

During the 1970s and 1980s areas like Winterveld, Botshabelo and Bushbuckridge burgeoned

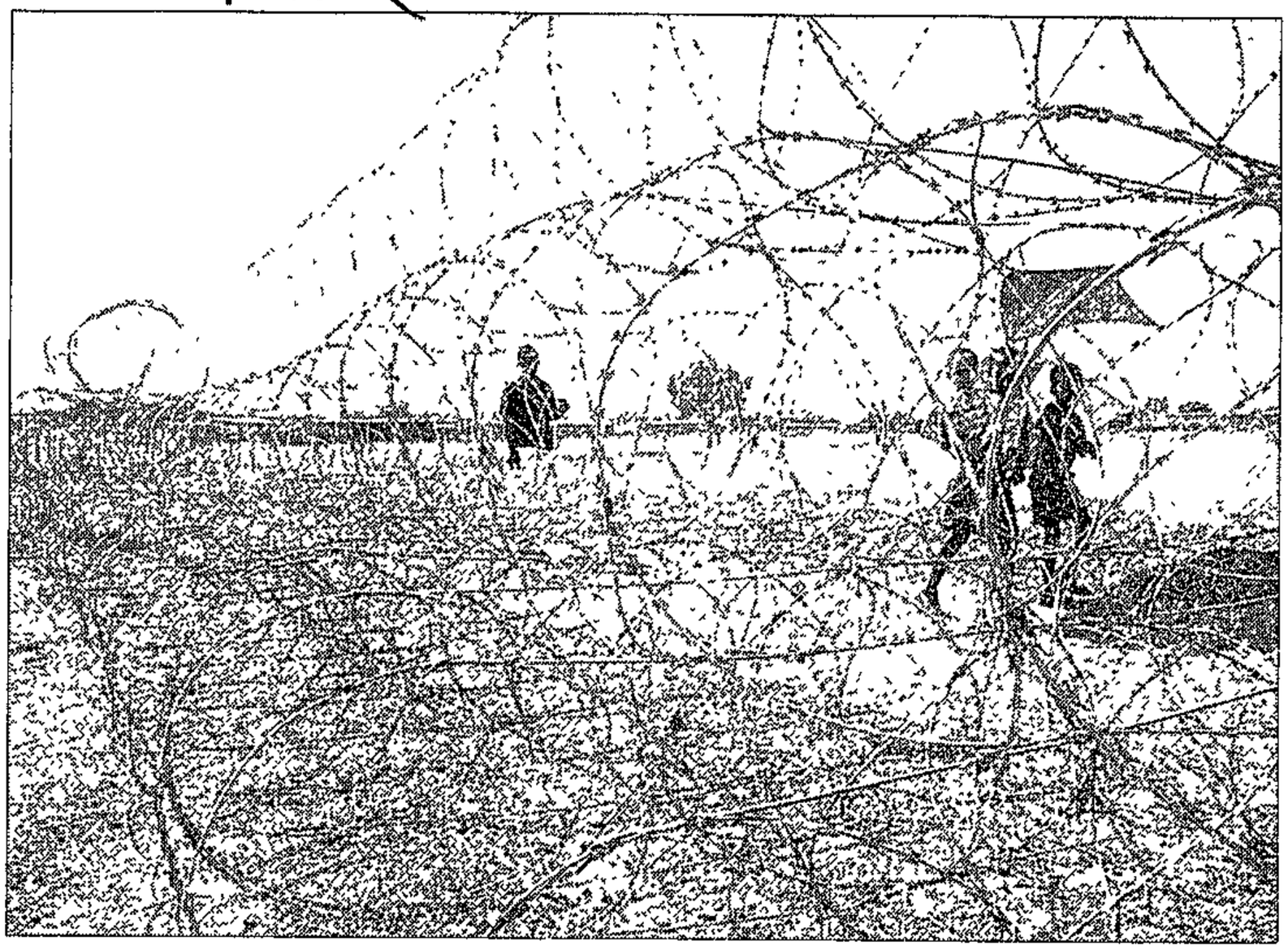
The huge settlements, strained at the apartheid-created homeland borders, as they filled with people who were either the victims of forced removals or needed to escape the relentless poverty in rural areas.

The areas lacked, and still lack, economic, commercial or industrial infrastructure but despite the demise of the Group Areas Act, which meant that the people could move closer to town, many people choose to stay

The study estimates that only about one fifth of the respondents indicated they wished to move.

"Living in these areas is very expensive, in both personal and financial terms, this is particularly so because of long-distance commuting... On the other hand, many people now choose to make such journeys, and not all displaced urban settlements impose public and private costs that are significantly beyond those in the metropolitan areas," the report says.

The reason people continued to live in the areas could be because of a trade-off between the high commuting costs, lower residential costs and the fact that residents had invested significant sums of money in their homes (average around R11 000), CDE argues.



That's our home ... despite the long distances they have to travel, people don't want to move.

The study found that while the income of people living in displaced urban areas was slightly lower than blacks living in urban areas, people living in these areas were considerably better off than people living in rural areas.

But there are still many anomalies which need to be addressed, the CDE argues

Winterveld, for example, is administered by the North West Province, but most of its residents are dependent on Gauteng and Pretoria in particular for their livelihood.

Likewise Botshabelo should be incorporated into the Bloemfontein metropolitan, the CDE argues.

"It is unlikely that most of Botshabelo's remaining residents will move away, or that it will become an effective autonomous municipality ... If Botshabelo is to avoid becoming a "welfare" municipality, ... the demarcation board will need to seriously consider including Botshabelo in a Bloemfontein metro," the CDE recommends.

By doing this, the grants from national government would be used effectively and the area between Botshabelo and Bloemfontein could be "planned coherently, with a probable mix of small-scale farming, market gardening, service industry and related entrepreneurial activity benefiting the region"

But beyond these individual recommendations, the CDE argues it is essential, in a climate of scarce resources and a possible threat of a decrease in the subsidisation of public transport, that an urbanisation strategy is developed for the displaced urban areas:

"One suggestion is that policy proposals should try to meet a goal economists describe as *pareto superiority* – that is to make as many people as possible as much better off as possible while making none worse off than before."

The CDE action plan for the policy development for these areas includes:

- That policymakers should recognise and build on the lessons of the apartheid past. Decision-makers cannot ignore the primary relationship between economics and residential settlement, nor should they ignore the voices of ordinary people;
- A national register of displaced urban settlements should be compiled and a classification developed which recognises that no displaced urban area is a town in its own right;
- An urbanisation strategy which would include reliable statistics on migration and urbanisation which makes choices about urbanisation and the "where" of development should be developed.

This should include a realistic rural development programme.

Regardless of the policy, CDE says it is essential not to view displaced urban places as "towns in their own right, and planning for their future will require continual reference to their linkages to adjacent towns and cities and a recognition of their contexts within wider settlement systems"

City needs its old heart sparked into life

Planners see District Six, the soul of the city, as key to rebuilding and uniting Cape Town

(271) ARLI 24/10/98

JERMAINE CRAIG

The Cape Town Municipality wants to use the District Six redevelopment to unite a divided city and revive its ailing central business district.

This is the view of the council's new executive committee chairman, Saleem Mowzer, who believes the newly integrated council can break down age-old barriers and bring fairness to a previously unfair administration

District Six, on the slopes of Table Mountain and on the doorstep of the city centre, was once a vibrant multiracial hub of activity where people of all creeds and colours mixed, oblivious to draconian measures aimed at preventing racial integration

Then with the advent of the Group Areas Act, the bulldozers came in 30 years ago and blacks and coloureds were scattered to desolate areas of the Cape Flats and the city's soul was scattered with it.

Now years later, the approval of the District Six redevelopment has set tongues wagging and given the council a chance to bring unity to a community

Mr Mowzer's eyes light up when he talks about how the redevelopment could link up District Six with the CBD, Culemborg, the Waterfront, Woodstock and Salt River – all nearby, but divided.

There are no plans on the table for the District Six project at this stage, but it is clearly seen as a big opportunity for the city.

"The District Six redevelopment is critical in terms of integrating the city Cape Town is a deeply divided city where racism is still rife. In the coming months it is going to be a key challenge, spearheaded by the mayor Nomaindia Mfeketo, to look at bringing together all the people of our city We believe District Six could become a model area where people of all cultures, races and different social backgrounds can come together and be good neighbours in a way

"We also see the project as an opportunity for the regeneration of the CBD We need to create that vibrancy that existed before, that must be projected and taken forward. It is no use talking about it any longer

"We need agreement with all stakeholders and good expertise so we can start working on the planning framework," Mr Mowzer said.

However, he said uniting a divided city was but one of seven strategic priorities the council would be focusing on, with the 35-year-old former high school teacher at the political helm.

Mr Mowzer, a commited African National Congress activist since his days on the student representative council at Belgravia Senior Secondary, said that under the previous apartheid administration the city's resources were spread very unevenly with blatant favouring of former white areas.

"At the moment we have an inequitable system of service delivery skewed in favour of white areas. This is evident when you see that things like garden refuse collection and street sweeping only take place in white areas and 80% of the parks and forests budget is concentrated in former white areas.

"This needs to change and I am optimistic that we will be able to meet the challenge of bringing about equal and fair services to all," Mr Mowzer said.

The council has identified Manenberg, Hanover Park, Kewtown, Langa, Guguletu, Brown's Farm and Crossroads, areas where about half of the population live below the poverty line, as the areas in dire need of upgrading.

"We need to look at how we shift resources to look at the provision of housing, proper facilities and amenities to those communities." Mr Mowzer said.

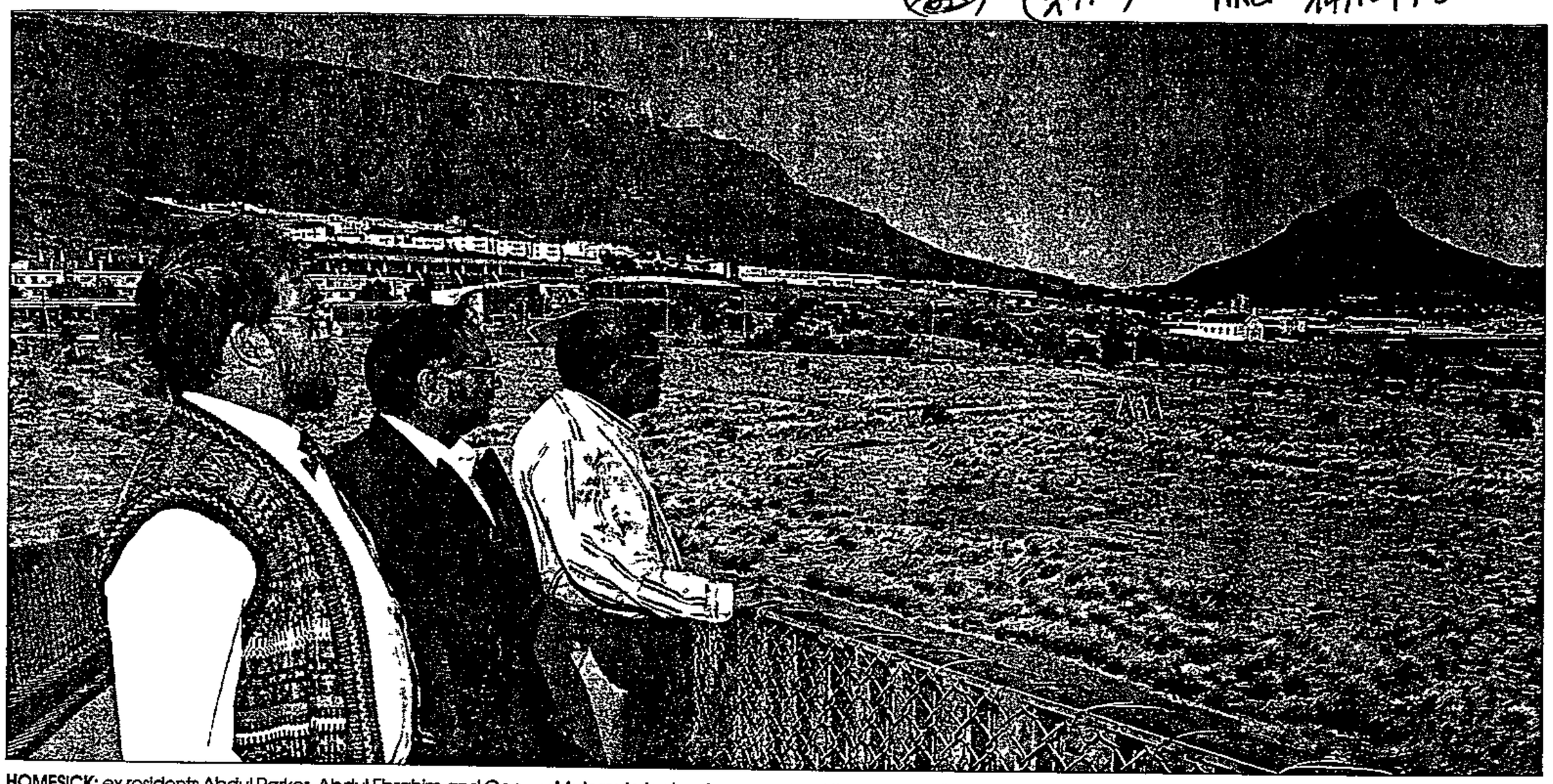
The issue of crime and providing housing for the thousands of city families without a roof over their heads is also high on the agenda of the council.

The city is to take part in a number of crime prevention projects as part of a United Nations-sponsored Safer Cities programme.

Special emphasis will be given to tourist areas such as the Waterfront and the CBD.

Projects such as the upgrading of the Athlone and Green Point stadiums and the construction of a world-class convention centre in the city are also high on the list of priorities for the city.

It is a momentous task, but one which the city's team of local government leaders feels it can come to grips with.



HOMESICK: ex residents Abdul Parker, Abdul Ebrahim and George Makupula look out over the land they once called 'home'

'Lack of funds' may be blamed for slow delivery of land

(271) ARG 24/10/98

GLYNNIS UNDERHILL

Only 10 out of the 28 249 land restitution claims lodged in South Africa have been finalised over the past three years, according to the latest figures released by the Commission on Restitution of Land Rights.

The commission's annual report, which due to delays will only be tabled in Parliament in mid-November, is expected to blame the slow delivery of land to claimants on the lack of available funding and resources, and the complexity of the process.

While chief land claims commissioner Joe Seremane has accused Land Affairs Minister Derek Hanekom and his department of impeding progress by causing delays in the release of funding and resources to the commission, their dispute appears far from resolved.

Tensions are running high and a meeting called this week to settle the dispute failed to resolve the issue.

Meanwhile, the lack of available funds has become a harsh reality for the dedicated District Six Restitution Unit, set up by the commission in April to speed up the processing of land claims in Cape Town's best-known forced removal area.

The unit's head, Rhoda Kadalie, said it was currently operating without a budget, which had become a "nightmare" for staff.

She said the budget of R1,3-million promised by the Department of Land Affairs when the unit was launched, never materialised.

"We are working under difficult conditions. We have no database. We don't have a budget – not a cent. It is proving a nightmare to work under these conditions," she said.

Ms Kadalie said the unit was apparently making considerable progress in speeding the land claims process but work was being severely hampered by a lack of funds.

Terence Fife, regional deputy director of the Department of Land Affairs, said the R1,3-million budget for the unit was paid to the regional Land Claims Commission, which had to decide how to use it.

"The budget was given for this dedicated unit and it is now completely outside our control," he said.

Mr Fife said he believed the earlier problem over the salaries of unit staff, who were not paid for two months, had resulted from an administrative delay. The situation had required mediation and had been resolved, he said.

Franz Zöttl, media officer for the regional land claims commission, confirmed the R1,3-million allocated for use by the District Six Restitution Unit was being used for their salaries.

All regional land claims commissions were under-resourced, he said.

There were only 25 staff to process 8 597 claims for the Western and Northern Cape, he said.

Mogamat Kamedien, assistant director of administrations in the regional commission, said the unit should look to the commission for all its running costs.

"All support services are supplied by us," he said.

Ms Kadalie said 1 500 claims had been lodged by former residents of District Six but as more than 60 000 people were forcibly removed from District Six, the District Six Task Team needed to reach as many people as it could.

None of the land claims have yet been heard in the Land Claims Court but the unit is looking at four test cases, which it intends taking to court.

back to claimants

Officials lose confidence in land claims boss

Sowetan 2/11/98

REGIONAL commissioners of the Commission on Restitution of Land Rights have unanimously passed a motion of no confidence in chief land claims commissioner Mr Joe Seremane, calling for Land Affairs Minister Derek Hanekom to intervene urgently.

The five commissioners said in Johannesburg last week they had lost confidence in Seremane's ability to provide effective leadership and to represent the views of the commission.

This followed an aborted meeting last Thursday between the commissioners and Seremane. The five walked out after they discovered that Seremane had called the media to what they expected to be a closed meeting.

They said the meeting was called to discuss the leadership crisis, as well as the commission's position on the Ministerial Review of the Restitution Process.

"Due to the sensitive nature of these issues, all of us were of the understanding that the meeting would be confidential," they said. "However, to our surprise we discovered that Mr Seremane had invited the media to be present throughout our deliberations."

The commissioners said this was another example of a "disturbing pattern of autocratic behaviour" by Seremane.

"After maintaining silence over the leadership crisis within the Commission on Restitution of Land Rights in the belief that the matter could still be resolved internally, we are left with no choice but to make our position publicly known," they said

Last Thursday Seremane issued a statement calling for a full and independent inquiry into the disputes.

"I will not accept anything less than a comprehensive independent inquiry. This, I believe, should include whether utterances and actions of the minister and certain commissioners were proper or not."

The conflict between Hanekom and Seremane stems from an address in September by Seremane to a joint sitting of the parliamentary portfolio committees on land and agriculture in which he had harsh words for Hanekom.

"I wish to state that the sentiments expressed are mutual. I have long lost confidence in a lynch mob. Do your damnest, the heavens won't fall," Seremane said. – *Sapa*

Land restitution report will be ready this week

(271) BD 3/11/98

Hostility within the restitution commission has not been dealt with, writes **Louise Cook**

THE eagerly awaited review report on hitches in the land restitution programme will be handed to Land Affairs Minister Derek Hanekom this week, according to Alan Roberts, a special advisor to the land affairs ministry.

However, whatever recommendations come out of the report, they are not likely to mend the "irretrievable break" in trust between Hanekom, the five regional restitution commissioners and the land affairs department on the one hand, and chief restitution commissioner Joe Seremane on the other.

Roberts said the review team, appointed by Hanekom to look at the reasons for the hitches, had no mandate to deal with the war of words which escalated into open hostility within the restitution commission last week.

Last Thursday, Seremane called his regional team members a "lynch mob" after a commissioners' meeting fell apart when representatives of all the provinces walked out in protest against the media's presence.

The three-member team was appointed by Hanekom in July to find out why only 10 land claims out of about 26 000 had been finalised since the start of the restitution process four years ago and to make recommendations on streamlining the process.

It is understood that the team was working on finishing touches to the report at the weekend before forwarding it to the minister.

In addition to Roberts at the head, the team comprises University of the Western Cape political scientist Andries du Toit and human resources and business consultant Peter Mukari.

Roberts would not elaborate on the content of the report, but a source close to the process said the investigation found a "serious shortcoming" in the law: it was vague on who the chief commissioner, in this case Seremane, should report to.

The Restitution Act did not spell out whether the head of the commission, a senior position that carries responsibilities in the tricky area of land reform, should report to Parliament, the minister or the director-general of the land affairs department.

Should a legal void of this nature come out of this week's report, it could partly explain the clash that has been simmering since Seremane addressed the land affairs portfolio committee in Parliament some weeks ago. That the tensions have taken four years to erupt in public would indicate that even Seremane has shown restraint.

He told the committee that Hanekom had ignored certain of his recommendations and that there was a lack of contact between himself and the minister. Hanekom subsequently responded: "I have a duty to resolve the crises to ensure that restitution is effective. I am considering how best to do this. My own concerns ... have been about the process itself and, to be frank, the role of the office of the chief land claims commissioner.... Mr Seremane attempts to undermine the review team and its credentials. His remarks in the portfolio committee, and his remarks on his own commissioners, are extraordinary."

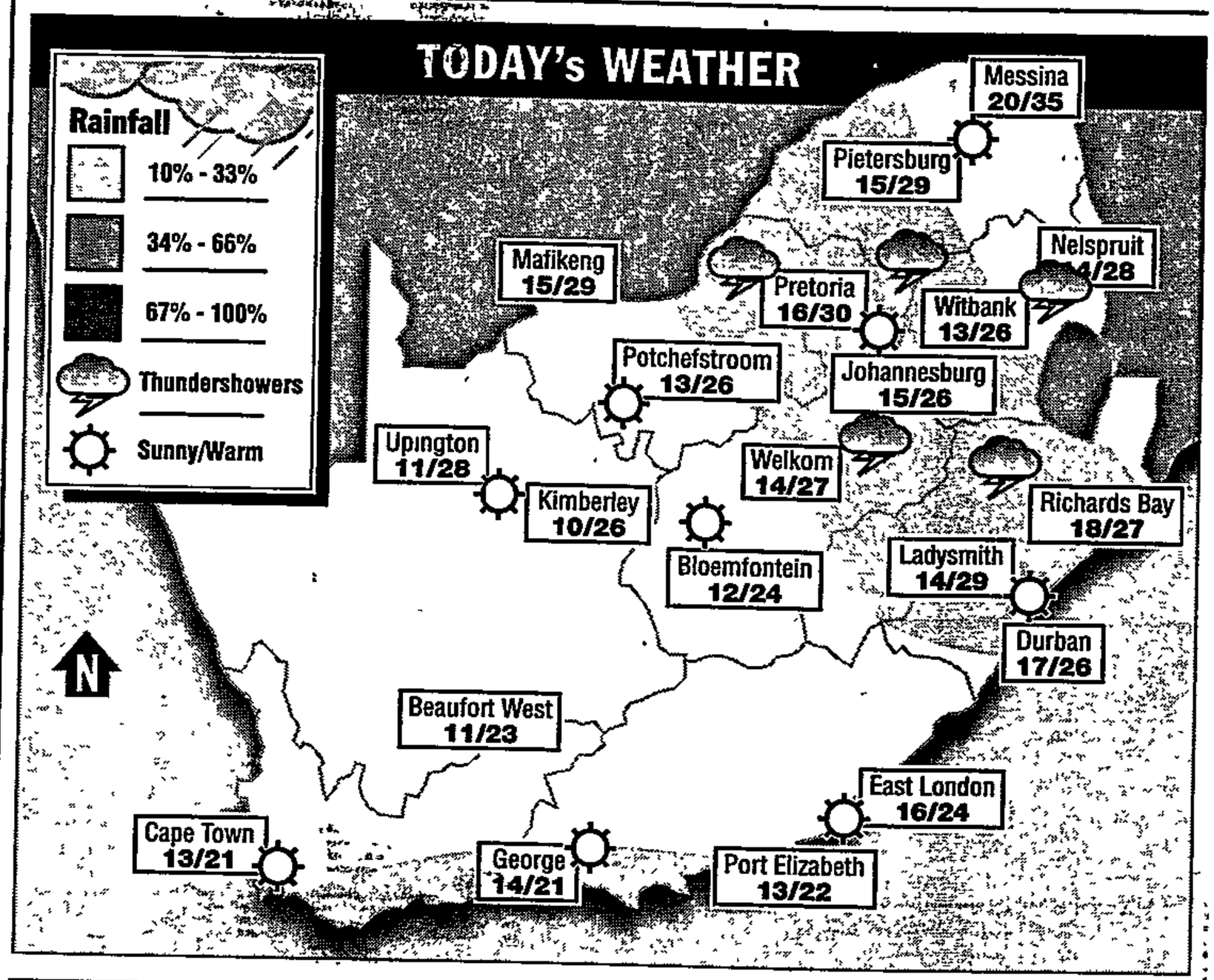
The National Land Committee, a nongovernmental organisation for the landless, also came out against Seremane, accusing him of putting his own interests before those of landless people.

It would appear that Seremane has been guilty of stepping out of line at times, but this may be a direct result of mounting frustration as claims flooded the commission's offices countrywide at a faster rate than the provisions of the Restitution Act, the commission's budget or the most dedicated official could handle.

This week's report is unlikely to go so far as to question the need for a specific land restitution process, although this has been raised in the wider context of apartheid victims who may not have lost their land but nevertheless suffered and do not have a formal restitution body to address their needs.

The notion of scrapping land restitution in favour of redistribution becomes less outrageous when one considers that most claimants are not the original land owners but their descendants. For the Restitution Act to provide them with the option of insisting that the original land be returned to them, even if others are now settled there, seems to many to be unnecessarily provocative.

However, Seremane, the minister and other key drivers of restitution in the land affairs department and the land committee remain committed to restitution.



GLOBAL WEATHER

Top land claims official told to go immediately

BD 6/11/98 (971)

Louise Cook

PRETORIA — Chief land claims commissioner Joe Seremane's contract was terminated with immediate effect yesterday.

Land and Agriculture Minister Derek Hanekom announced the move as part of a package of changes to land restitution to "unleash speed" in the claims resolution process.

The changes, recommended by a special restitution review team headed by ministerial adviser Allan Roberts, include the integration of the restitution commission — up to now an autonomous body — into the land affairs department.

It also recommends that the land affairs director-general be accountable for restitution, the Land Claims Court deal only with disputed claims and the scrapping of settlement agreements going to the court for ratification.

Hanekom said Western Cape regional commissioner Wallace Mgoci would be acting chief commissioner until a permanent appointment was made.

He said the situation with Seremane had become "untenable" and blamed the media for "distorting" the issue. "I have unfortunately come to the conclusion that Mr Seremane is no longer able to hold the office of the chief land claims commissioner."

Seremane fell from favour some months ago when, addressing the land affairs portfolio committee, he accused Hanekom of ignoring key recommendations on restitution. The minister said yesterday Seremane failed to consult his regional commissioners before addressing the committee.

Hanekom also released a draft report by the review team appointed in July to probe problems with the restitution process. It said metropolitan governments had been able to "walk away from any onerous responsibility" in dealing with restitution claims. There was a "crisis" resulting from factors such as suspicion between the land affairs department and the restitution commission, the fact that the minister did not act more "proactively" at an early stage, strong white male representation within the top management of the department and a "high degree of defensiveness" within the commission.

The land affairs department's leadership had been "tripped up by the very systemwide absences and problems it has sought to overcome". Commission staff tended to identify with claimants.

Hanekom said the report confirmed his suspicion that the slow delivery lay within legislative and institutional shortcomings. Only 10 claims out of about 26 000 had been finalised in the past four years, but the 10 claims had taken a "huge" amount of research and work.

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LAND FOR AGRICULTURE

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HEAT'S ON HANEKOM

Release land or face squatters

FM 6/11/98

Agriculture & Land Affairs Minister Derek Hanekom is, according to farmers' unions, in a race against time to make State-owned land available for the creation of a black commercial farming sector, or have the land laid to waste by squatter invasions

More than 30% of the 500 000 ha of government land suitable for agriculture in KwaZulu-Natal alone has already been taken over by squatters Yet there seems to be no progress in addressing the issue other than to serve eviction notices to between 20 and 50 black State farm tenants in the Matatiele Ongeluksnek area

It is bizarre, says KwaZulu-Natal Agricultural Union (KwaNalu) director Steve Shone, for government to be putting people off State land that is being used productively when there is so much pressure for better utilisation of land.

A spokesman for the Department of Land Affairs' directorate of State land management says there is a programme to isolate unencumbered State land in all provinces for the development of a black agricultural sector Some of this land has been made available to black farmers for lease since 1994 There is also a farm development pilot project at Bucklands in the North-West province. Other land will be released to give farmers a tenure stake as it becomes available.

"We are trying to investigate all State land to ensure it is contractually clear and not, for example, subject to restitution claims Though the process is slow it must be done before decisions can be taken on how best to dispose of the land," he says.

Land Affairs' Eastern Cape principal planner Dali Matta says no legitimate tenant farmers are being evicted anywhere in the country "A Heath special investigation unit probe has, however, shown that some so-called black emerging farmers leasing former SA Development Trust land are on invalid leases and have been served notices to vacate," says Matta.

Northern Cape, Eastern Cape and Transvaal agricultural unions have also expressed concern about agonisingly slow progress in re-allocating fallow State land for more productive agricultural purposes They all refer to the SA National Defence Force land that has been left vacant as a result of defence cut-backs.

Herb Payne

Fired land claims boss vows to act

(271) Sowetan 6/11/98

By Ido Lekota

CHIEF Land Claims Commissioner Mr Joe Seremane has vowed to take legal action against Land Affairs and Agriculture Minister Derek Hanekom who fired him yesterday.

Yesterday the conflict between the two came to a head when Hanekom announced Seremane's immediate dismissal.

Hanekom said in a statement: "After careful consideration I have taken the decision to terminate the contract of the Chief Land Claims Commissioner I have done so following procedures as required by the Labour Relations Act. It has not been an easy decision for me to make but I sincerely believe it is in the interests of the restitution process.

"I have unfortunately come to the conclusion that Mr Seremane is no longer able to hold the office of the Chief Claims Commissioner. I have today informed him of my decision to terminate his contract with immediate effect."

Seremane told *Sowetan* that he would "definitely" take legal action against Hanekom because the Minister had "totally disregarded the Labour Relations Act".

He claimed Hanekom had disregarded the law by publicly announcing his dismissal before informing him. He also disputed Hanekom's claims that he was sent a letter yesterday informing him of his dismissal.

Seremane said he heard the news of his dismissal over the radio and through friends yesterday while on his way to Kuruman in the Northern Cape on the Land Commission's business.

He said Hanekom had based his decision to fire him on calls made by, among others, Department of Land Affairs director-general Mr Geoff Budlender. The Minister had informed him of Budlender's calls two weeks ago and asked him to respond to the allegations made against him.

Seremane said he had gone to the commission's offices at midday yesterday to deliver a letter in which he was asking for more time to consider the matter, but was not informed of his dismissal.

He said his dismissal did not come as a surprise because he was not a "yes man".

Seremane and Hanekom have been embroiled in a conflict following the commissioner's public objection about the slowness of the land restitution process.

Seremane also raised objections about the fact that his commission received funding from the Department of Land Affairs. He recently told the parliamentary committee on land affairs that his commission could not continue going "cap in hand" to the department for funding.

Yesterday Hanekom indicated that moves were under way to integrate the commission with the Department of Land Affairs so that the restitution becomes part of the overall land reform programme.

Seremane's spokesman, Mr Thys Human, said that in his letter to Seremane last week Hanekom had told Seremane that the allegations against him included that he did not consult his fellow commissioners on certain things, and that he did not inform them about what he was going to tell the parliamentary portfolio committee on land affairs

"This apparently embarrassed them," Human said.

He said the director of the secretariat to the commission and head of Seremane's office in Pretoria yesterday also received a letter from Hanekom's office, informing him of the Minister's intention to dismiss Seremane.

The letter requested the director to track down Seremane, who was on his way to Upington, and then "in a smooth and compassionate manner, assist him to vacate his office today".

Human said the director was also informed of the immediate closure of the commission's head office. Commission staff would be incorporated into the Land Affairs Department

Fired land claims boss spills beans

Star 7/11/98 (271)

By GLYNNIS UNDERHILL

Former chief land claims commissioner Joe Seremane, who was fired by Land Affairs Minister Derek Hanekom this week, has taken part in a television documentary dealing with the execution of his brother Timothy Seremane in the ANC's Quatro camp in Angola.

The documentary is certain to embarrass the ANC as it focuses on its camps, the scene of some gross human rights violations according to its own admissions in several commissions of inquiry and the final Truth and Reconciliation Commission report.

The TV programme *Issues of Faith* has apparently been scheduled for screening on SABC2 on December 6 and 13.

Seremane recently travelled to Angola to be featured in the documentary and to try to shed some light on the execution of his brother, who was allegedly accused of being an apartheid spy.

While the TRC did not call the ANC leadership to account publicly for the deaths in its camps, Seremane has been vociferous in his call for transparency on the circumstances that led to his brother's death.

Meanwhile, Seremane has said Hanekom's decision to dismiss him would be challenged in court.

The former land claims chief, a Pan Africanist Congress activist detained on Robben Island, heard about his dismissal on a radio broadcast on Thursday, after Hanekom held a news conference at Johannesburg International Airport.

No consultation

Hanekom said at the press conference that Seremane had been dismissed because there was irreparable damage to the relationship between himself and his fellow commissioners.

In a statement Seremane said: "I do not believe the minister has applied his mind properly regarding his decision to dismiss me, totally disregarding the very Labour Act he purports to uphold."

Human said the allegations against Seremane included that he did not consult fellow commissioners, and he did not inform them about what he was going to tell Parliament's committee on land affairs.

Dismissed land claims chief to go to court

(271)

Sibonelo Radebe

FORMER chief land claims commissioner Joe Seremane is to take the land and agriculture ministry to court for what he claims was an unfair dismissal.

Seremane said that reasons for his dismissal put forward by the ministry were a "plethora of distortions and outright lies". The real reason could be political, he said.

Seremane was dismissed last Thursday by Land and Agriculture Minister Derek Hanekom, who said the dismissal was part of a move to "unleash speed" in the claims resolution process.

The dismissal followed a report by the restitution review team which concluded that administrative inefficiencies contributed to the slow delivery in land restitution. Seremane accused Hanekom of shifting to him the blame for the failures of his ministry.

He demanded a commission of inquiry to look at the work of his former department and the behaviour of Hanekom and other officials in the department.

"Only then will it become clear that this is another shocking instance of the blame game played in this country," said Seremane.

He said the true reason for his dismissal was the criticism he levelled at Hanekom in a report presented to the joint sitting of the Parliament portfolio committees in September. The report accused Hanekom of ignoring recommendations on land restitution. Seremane said his criticism claimed the restitution review commission was biased, a factor which he said contributed to his dismissal.

He said the review team had a hidden agenda of enhancing the political image of Hanekom on the eve of the elections.

Seremane said he would lay a complaint with the labour court for an insufficient period of notice before dismissal. He said Hanekom "dismissed me within two hours of my plea for an extension".

BD 10 | 11 | 98

Govt violating land restitution law – Seremane

The Government was quietly changing the process of land restitution in violation of the Restitution of Land Rights Act, axed Chief Land Claims Commissioner Joe Seremane claimed yesterday.

"That will mean that when amendments are laid before Parliament ... it will be a matter of just putting a rubber stamp on what has already been done in practice," he told reporters in Pretoria.

Seremane was sacked on Thursday. The reasons cited included his alleged refusal to take part in a review of land restitution. He earlier criticised the review, saying it would turn land restitution from a transparent process into a clandestine one.

Officials yesterday said the proposed changes would eliminate the need for land claims to be ratified by the Land Claims Court.

Seremane contended this would amount to waiving land rights for claimants, leaving the discretion on alternative compensation to officials. This was open to abuse, he said.

"What you and the public are not fully made aware of is that the adaptation of the restitution process started today with an implementation workshop here in Pretoria."

A spokesperson for the Department of Land Affairs confirmed that a workshop was being held to examine ways of putting some of the recommendations of the review team into effect.

He declined to elaborate, saying there were no plans to disclose details of the meeting to the media at this stage.

Meanwhile, Seremane vowed to challenge his dismissal in court. He said his sacking by Agriculture Minister Derek Hanekom was unfair and unjust. His lawyers would indicate whether the matter would be challenged in the High Court or Labour Court. – Sapa

Star 10/11/98

(271)

Fired land claims boss threatens legal action

Sowetan 10/11/98 (271)

By McKeed Kotlolo and Ido Lekota

FORMER Chief Land Claims Commissioner Mr Joe Seremane, who was fired last week, has threatened legal action against Land Affairs Minister Derek Hanekom for unfair dismissal

He also denied that he was offered a golden handshake of about R2 million.

Seremane, who only received his dismissal letter, dated November 5, yesterday, told the Pretoria Press Club that he had already obtained legal advice on the matter

His expulsion allegedly came after a request by his deputy, Advocate Wallace Mgoqi, in a confidential letter to Hanekom to oust him after a parliamentary speech in which he criticised the minister and other commissioners

Seremane said his office, with 15 staff members who would be re-deployed, would be closed.

"I shall certainly take the matter to court I shall tell the court that Hanekom dismissed me within hours of my plea for an extension of time to state my case and in spite of several pleas to him to institute a full-blown inquiry into the whole matter"

Seremane, who described Hanekom as a "bully and hard farmer who would tell you to pack and go", said the minister and his "cronies" would "not stand the full glare that a public inquiry would have brought on their distortions of truth and illegal and unethical actions"

He charged "Joe Seremane and his head office are no longer there to prevent some people from buying grand and expensive new furniture for their offices"

Spoilt brats

"Like spoilt brats they insisted on leather-bound diaries with gold inlay lettering or misused and abused the commission's vehicles and equipment, not to mention continuing insistence on higher salaries and more perks like only travelling business class."

The conflict between Seremane and Hanekom reached a peak last month during a briefing of the parliamentary committee on the restitution process.

There Seremane raised concern about the slowness of the process and said it was untenable that the commission depended on the Ministry of Land Affairs for funding.

Seremane also said the ministry was staffed mainly by white males

However, Seremane's concerns were not well-received, especially by the Minister It was felt that he was undermining the restitution process.

Seremane was accused of a "lack of facilitative, consensus-building and coordinating management style and a high degree of defensiveness about problems".

Some of the recommendations made by a review team on the restitution process are that the commission be integrated with the ministry and become accountable to its director-general, Mr Geoff Budlender

Empowerment initiative helping thousands of rural poor

Star 11/9/98 (271)

By Ryan Cresswell

Queues are forming outside Land Bank branches in some small towns as rural residents take advantage of a black empowerment initiative that is helping thousands of disadvantaged people get access to credit and land for the first time.

Land Bank management presented their 1997 annual report and the 1998 interim report in Pretoria yesterday. The report showed a profit of R242-million so far this year, compared with R132-million for the same period last year.

Chairperson designate Bonile Jack said the Land Bank had been "mandated" by the Government to help empower the rural poor and that this was becoming a major function of the organisation.

"I recently had a meeting with the African National Farmers' Union and was told that disadvantaged communities believe the Land Bank is moving in the right direction," he said.

Since April more than 10 000 people have taken advantage of a micro credit scheme which allows the poor to start with a loan of R250 and then build up in steps to a total of R18 000. These "Step Up" loans require a deposit of 20%, and the interest rate is 2% a month.

Several thousand people have also taken out a 15% bond for first-time buyers of up to R250 000 that was only recently launched. About R50-million has been lent to emergent entrepreneurs whose loan applications would never have been granted in the past.

The new scheme is being funded by R100-million allocated from reserves, and R300-million more for this year which will come from the Agricultural Credit Board.

Managing director Dr Helena Dolny said places like Vryburg in Northern Cape now had queues of eager black borrowers outside Land Bank offices. The Vryburg branch already had 800 new black customers.

She said although R50-million was a fraction of the R4,5-billion lent by the bank, the amount that went to emerging entrepreneurs and farmers would grow quickly over the next few years.

Dolny also said white farmers took out very large loans and thousands of emerging black entrepreneurs took out small ones, so it was hard to say what percentage of the total loan figure emerging farmers would end up with.

The bank has about 25 000 long-term borrowers.

Dolny said there had been some concern the bank would curb lending to commercial in favour of emerging farmers, but this idea "should be dispelled".

▶ **More details** *Business Report*

Sacked chief lashes land claims chaos

Six of 10 000 (271) settled

ARGT 11/11/98

Former chief land claims commissioner Joe Seremane, fired by the Minister of Land Affairs last week, has released a damning review of the progress of land restitution in South Africa.

In the 1998 annual report of the Commission on the Restitution of Land Rights, which has now been tabled in Parliament, Mr Seremane did not gloss over the slow pace of delivery to land claimants.

Instead, he revealed his growing unhappiness over the hamstrung commission's relationship with the Department of Land Affairs, which controlled its administrative functions and budget

He said just six cases had been finalised in the Land Claims Court in 1998 – although 10 218 cases were submitted.

Nine cases were pending, and another five had been submitted but referred back for various reasons.

"There is very good reason for a great deal of concern at the low level of cases being finalised," he said.

The slowness was because of "a total lack of real capacity to handle this deluge of claims".

Even more startling, he said, was the inability in "responsible circles" to realise "that only expansion of such capacity on a huge and almost mind-boggling scale will solve the problem".

"The present stop-gap, almost ad hoc measures, are not going to work."

Mr Seremane said the few settled claims had had a positive impact on the lives of hundreds of households and thousands of people, representing a "flicker of hope".

He said early in the year it had been agreed that some kind of fast-track procedure would be devised to finalise more cases.

"Unfortunately, the process of mutual consultation apparently stopped there," he said, because the commission was not consulted about changes to the Restitution of Land Rights Act submitted to Parliament.



CLYNNIS UNDERHILL
SPECIAL CORRESPONDENT

Referring to the commission's budget, Mr Seremane said R10-million had been allocated – only after a fight. It had been cut from R14-million the previous year. This meant a serious lack of resources.

"Staff find it increasingly difficult to cope with the volume of work.

"Bottlenecks are created once the claims reach the research stage as the researcher must carry the workload of two and, in some cases; three people," Mr Seremane said.

More funds would mean more researchers could be employed and the process speeded up.

The slowness of valuations of properties was also a problem. The process of appointing valuers was controlled by the Department of Land Affairs and not by the commission.

"In some cases, a valaution has taken as long as a year."

Delays had also been experienced in the formulation of policy on what constituted just and equitable compensation at the time of dispossession.

As yet a formula for compensation had not been finalised.

Swift and brutal axing of Seremane, page 10

Seremane's axing swift and brutal

(271) ARG 11/11/98

Existing rift with Hanekom

GLYNNIS UNDERHILL
SPECIAL CORRESPONDENT

The axing of Chief Land Claims Commissioner Joe Seremane from his top-level post was swift and brutal.

A letter from Minister of Agriculture and Land Affairs Derek Hanekom to Lucas Molaudzi, director in Mr Seremane's office, told him of the decision to fire him with immediate effect last Thursday.

"Please provide him with a smooth and compassionate exit and the support he needs to pack up his office today," the letter said.

The offices of the Chief Land Claims Commissioner would be transferred to the offices of the Department of Land Affairs, said Mr Hanekom in the letter, now in the possession of Cape Argus.

"Staff from the Department of Land Affairs will be mandated to work jointly with you to bring about a smooth removal of files and equipment and the negotiated deployment of staff. "I trust that the entire process will happen as quickly as possible so as to ensure the delivery and support of services to the regional Land Claims Commissions and not to create a break in the restitution process, which is of paramount importance."

The fact Mr Seremane claims he heard about his dismissal first from the radio says much about the dissent between himself and Mr Hanekom.

The rift became obvious to insiders after Mr Seremane delivered his introductory remarks to the parliamentary portfolio committee on land affairs and the select committee on agriculture and land affairs on September 18.

Mr Seremane told the committees he felt the commission had a "Cinderella" status. The slow pace of land claims cases had caused anxiety and impatience "verging on anger", he said.

He referred to the forthcoming report by the review team, appointed by Mr Hanekom to look at the slow delivery of land restitution, as "a witch-hunt exercise".

In a possible presentiment of what was to happen to him, he added: "Perhaps this should suffice lest one fall victim of the consequences that often befall a bearer of bad tidings."

Mr Seremane said he had proposed to the review team that the commission be given full control of its administration and budget, so that it no longer fell under the Department of Land Affairs.

Last week Mr Hanekom told a press conference he was firing Mr Seremane as there was irreparable damage to the relationship between him and his fellow commissioners.

He also released the findings of the restitution review process, which was set up amid growing frustration over the slow delivery of land restitution.

Among other issues, the review team had recommended that the commission should be integrated into the Department of Land Affairs to eliminate problems of duplication, different interpretations of roles, unclear lines of accountability and confused policy.

The review team felt this would deal with the lack of integration of restitution into the land reform programme – a lack that had had a negative impact on its potential to realise development and economic empowerment opportunities for claimants.

The review team said the restitution process had suffered from the emphasis on a judicial process and the requirement that each and every case be ratified by the Land Claims Court.

"To this end, it recommended that there be a shift in emphasis to a more administrative process which would allow for the mass processing of claims, in particular those where compensation only is required," said Mr Hanekom.

Use would be made of a range of alternative dispute resolution mechanisms to resolve conflicts, he said.

The Land Claims Court would still play a role in adjudicating claims that could not be resolved through dispute resolution, and as a court of review or appeal for dissatisfied parties.

Land redistribution pace increased — Hanekom

BD 12/11/98 (271)

Louise Cook

PRETORIA — The pace of land redistribution had picked up, with 277 projects affecting 35 358 households in their final stages of transfer, Land and Agriculture Minister Derek Hanekom said.

Hanekom said in his keynote address at the National African Farmers' Union annual congress in Potgietersrust, Northern Province,, that the performance of the programme exceeded expectations.

However, he conceded that large groups of people on a single piece of land redistributed to them tended to run into problems.

Redistribution — as opposed to restitution, which is based on land claims — is government's land reform programme aimed at the poor and landless.

Redistribution is based on each family receiving a R15 000 settlement grant from the land affairs department. In most cases, beneficiaries pool their grants to acquire land.

"What is especially gratifying is the increasing number of joint venture projects and share equity schemes.

"These projects, including the high-profile wine estate projects in the Western Cape and Inala Farms in Mpumalanga, are three-way partnerships between government, large commercial farmers, agribusinesses and land reform beneficiaries," he said.

In another development the land affairs department decided to give priority to the disposal of state land

The land disposal programme focused on about 750 000ha of former SA development trust land, not all of which was available.

Other state land in the programme was held by the agriculture and public works departments, he said

"The department ... has been investigating the status of the land with regard to contractual obligations, leases and invasions to find out what is available for disposal," Hanekom said.

Hanekom has been criticised in the past by landless community leaders as well as commercial farmers for not disposing of state-owned land.

In Gauteng, farm land belonging to the province is subject to a tailor-made farmer settlement programme in terms of which successful emerging farmers buy the land after proving their farming skills over a number of years of leasing.

However, other provinces have lagged behind. In the Eastern Cape, emerging farmers leasing land from the provincial government have been threatened with eviction after their leases expired.

They claimed attempts to buy the land have come to nothing.

Hanekom said disposed state land could be subdivided to allow for individual ownership of smaller units.

300 evicted families get farms back

(271) CT ARG 16/11/98

GLYNNIS UNDERHILL
SPECIAL CORRESPONDENT

In a major land restitution breakthrough, 12 farms in the Kuruman district of the Northern Cape will be returned to 300 families who were forcibly evicted under apartheid laws.

The regional land claims commission, which falls under acting chief land claims commissioner Wallace Mgoqi, held protracted negotiations with the farmers who owned the land.

The sale of the farms to the State has not been without controversy. At first the farmers refused to sell, but they have now agreed a year after negotiations began. The case was referred to the Land Claims Court in 1996 due to the apparent refusal of the landowners to enter negotiations.

Last year the claimants, who were evicted in 1959, appointed an attorney and the Land Claims Court ordered the parties to negotiate.

Three of the farms belonged to the State and will be given back to the community. The farmers are selling to the State for amounts ranging from R700 000 to R1,3-million, according to regional land claims commission fieldworker Tsogang wa Tsogang.



Land man: newly appointed acting chief land claims commissioner Wallace Mgoqi

"The evicted community suffered extreme hardship as they were relocated to two small overgrazed plots and much of their livestock was lost. The farms they will move back to have great agricultural potential, including maize and dairy," he said.

"One of the farmers will just take over from where the other farmer left off and will continue producing yoghurts and dairy products."

Most of the families involved were moved to land 30km from the Kono land in the Kuruman district.

Mr wa Tsogang said one of the farmers selling his land to the State was a black farmer, who had bought a farm in the apartheid era after forming a friendship with a local farmer.

The black farmer's own family had also been forcibly removed from land in the region but today he owned eight farms around the country, said Mr wa Tsogang.

"He agreed to sell his farm to the State in the interests of the broader community, which will help benefit hundreds of families," he said.

Mr wa Tsogang admitted that pressure had been put on the farmers to sell their land but said the Restitution of Land Rights Act made provision for expropriation in a case where the broader community would benefit.

The community was looking forward to the day when they would be resettled on their land, he said.

Mr Mgoqi said the State had a commitment to ensuring that the farmers who were returned to their land were able to make a living.

"There is a very strong view that land reform would be futile if restitution is not linked to sustainable development. Otherwise it would be an empty promise," he said.

Families return after 33 years

(271) Star 29/11/98

After 33 years of exile, the people of Bethany in the Free State will finally return to their home after the Land Claims Court ordered that the land be returned to them.

The Bethany community, 60km south of Bloemfontein, were evicted in 1965 under the Native Trust and Land Act, in terms of which missionaries situated in white areas had to be removed to black areas.

More than 100 families were forced to move to Thaba Nchu, but in 1995 they lodged a claim against the state in terms of the Restitution of Land Rights Act.

To facilitate a smooth return to the land, the state has bought a section of the farm from the current owner on behalf of the claimants.

The Commission on the Restitution of Land Rights said the land would be held by a democratically elected communal property association. It also said a number of projects had been identified to enhance sustainable land use and generate income for the families.

Agriculture and Land Affairs Minister Derek Hanekom said: "Now that the community has their land back, the real work of re-establishing their lives and rebuilding the community begins."

■ Hanekom is to visit various land reform projects in Mpumalanga today and tomorrow to assess their progress. – Staff Reporter

Land-reform grants drive commercial farms

(271) Star 24/11/98

BY JUSTIN ARENSTEIN

Nelspruit – Rural communities in Mpumalanga are increasingly using their land-reform grants to establish profit-driven commercial-farming ventures that are run and managed by professionals, Land Affairs Minister Derek Hanekom heard yesterday.

Grants were in the past used to buy land purely for resettlement purposes, and seldom led to large-scale upliftment for communities.

Hanekom toured a number of the new commercial projects yesterday, including a 200-household community at Solane near Malelane, where families used a R3-million grant to buy a prime 300ha farm.

The Solane community opted to remain in its village, Vlakbult, and will instead use the farm and a linked R1-million production loan for large-scale sugarcane and citrus cultivation.

"Land reform isn't about chopping high-potential agricultural land up into small plots for resettlement any more. It is increasingly about taking fertile but fallow land and putting it under production," the department's regional senior planner Chris Williams said.

"That's why land reform programmes are so much more important in rural areas than housing projects. Houses don't generate income for rural families, but agriculture provides both income and employment."

The new farm of the Solane Farmers' Association is only 20km from the giant TSB sugar mill near Malelane, and already has a water quota for 80ha sugar and 20ha citrus.

TSB has undertaken to provide backup training and technical support for the farm's sugar projects.

Williams said the Department of Land Affairs also hoped to establish semi-commercial food gardens and cattle grazing on the farm.

The farm employs only 80 Solane community members but is expected to generate regular profit dividends for the rest of the beneficiary community and will employ more people once it is firmly established.

The project also represents Mpumalanga's first successful attempt to transfer government grants directly into a trust fund account set up for rural communities by their attorney.

Government land-reform grants are usually transferred to provincial governments, where they are difficult to access, because provincial authorities are unable to guarantee that the funds will be available when needed.

Hanekom is scheduled to visit other Land Affairs projects in Mpumalanga today, including a small labour-tenant community which has been evicted by a farmer near Delmas. – African Eye News Service

Court decision revives project

(271)

Louise Cook

THE protracted R1,4bn Cato Manor urban renewal development near Durban could go ahead again after the Land Claims Court ruled against a group of about 100 claimants last week who accused the state and the Cato Manor Development Association of breaking agreements previously before the court.

The court ruled that the claimants — who sources said had been misled by lawyers — must pay the R500 000 legal costs on behalf of the land affairs department, the regional restitution commission and the Cato Manor Development Association.

The claimants are part of a larger group who want the original properties from which they were ejected about 40 years ago in terms of the Group Areas Act. However, the feasibility of restoration versus monetary and alternative compensation is still under investigation.

Cato Manor Development Association CEO Clive Forster said the project could now "hopefully" continue unimpeded. "A huge amount of taxpayers' money went into the defence of the case. The association is determined to recover this money," he said.

The wrangle, brought before the court earlier this year, was one in a series of legal jams bogging down the project and scaring off potential investors over the past two years. The project is aimed at providing 30 000 low-cost housing units, clinics, schools and an industrial node by 2003.

BD 24/11/98

In 1996, the developer for the Durban Metropolitan Council, the Cato Manor Development Association, brought an urgent application before the Land Claims Court to stop claimants from claiming back original parcels of land. In April last year, a settlement agreement provided for restoration of land "where possible".

Forster said 226 feasibility studies and 68 mediation cases had been completed, showing the claimants had no base for their complaints before the court.

Regional restitution commissioner Cherryl Walker said the commission was committed to trying to find the best settlement for land claimants, one that "acknowledges fully the history of the area".

Agribusiness lends a hand

(271)

Louise Cook

PRETORIA — The Land Bank and the Agricultural Business Chamber agreed yesterday to set up a task team in the new year to map out ways in which agribusinesses could assist black farmer empowement and land reform.

The Agricultural Business Chamber is a body similar to the SA Chamber of Business (Sacob), but focuses exclusively on its agribusiness members who have a combined turnover of about R23bn a year The sector makes up the largest proportion of the Land Bank's commercial client base with about R16bn currently on loan to agribusinesses.

Land Bank MD Helena Dolney said after the meeting that the bank was keen to enlist agribusinesses in developing its commercial portfolio further and to map out ways of improving black farmer empowerment

Black empowerment in rural areas is one of the prime tasks of the bank in terms of the Strauss Commission recommendations about two years ago.

The bank had brokered a deal with the land affairs department to boost land redistribution to black farmers. The bank would give the first option to buy repossessed land to the department, thereafter to black entrepreneurs and joint venture farming operations.

Agricultural Business Chamber chief director Johan van Rooyen said unless there was a strong link between land reform and "some form of farming activity", land reform was likely to fail. There was room for cooperation between the chamber and the Land Bank.

BD 25/11/98

Rush on land claims expected as compensation deadline looms (271)

Louise Cook BD 3/12/98

PRETORIA — With the deadline to lodge land claims only three weeks away, land affairs director-general Geoff Budlender said yesterday he expected the current 36 000 claims to grow to between 40 000 and 42 000.

Budlender said he expected urban claims, which made up 80% of the total number of claims — submitted for monetary compensation rather than the return of the original land — to be finalised within the next two to three years

Government embarked on an active publicity drive over the past six months to make the public aware of the coming deadline to lodge claims, as restitution was the only constitutional right that expired within a specified period.

"We bought trouble for ourselves by actively promoting the claims process, but since the review team's recommendations on streamlining restitution, we are confident that the process will improve. We had an extremely clumsy structure due to the restitution act and the constitution requiring that there should be a separate body in the form of the restitution commission to deal with claims. This will be changed now."

A special review team released a report to Land and Agriculture Minister Derek Hanekom last month proposing that restitution becomes administratively rather than legally driven, the land affairs department and restitution commission amalgamate to eliminate tension between the two bodies and that settlement procedures rather than court verdicts are used to deal with claims. Only disputed cases would go to court.

Budlender said the new methods would go far to cut down the cumbersome process. Commissioners would be empowered to settle claims for up to R25 000 where claimants alleged they did not receive just and equitable compensation for their properties in the past.

Twenty-five claims benefiting between 60 000 and 70 000 people had been wrapped up since 1995 and 284 thrown out due to invalidity, Budlender said.

Redistribution, the other land reform programme by which government gives settlement grants to beneficiaries to obtain land, would be speeded up in cases of small projects.

He said large projects involving hundreds of people tended not to run as smoothly as smaller projects. With the end of the financial year approaching, more land transfers could be expected due to the department not wanting to lose money allocated for this year.

In the past few years expenditure on redistribution increased by about 50% a year. Budlender expected to spend R137m out of an allocated R240m on land reform in the current financial year.

200 000ha of land returned to rightful owners

MORE than 200 000 hectares of land have been returned to their rightful owners under the Government's land restitution programme since 1994, the Ministry of Land Affairs announced yesterday.

Director-general Mr Geoff Budlender told reporters in Pretoria that 25 claims involving 11 358 households and 224 897 hectares of land had so far been resolved.

Budlender said 36 485 claims had been lodged since 1994, of which 3 915 had already been investigated, and were in the process of being completed while 284 claims were rejected.

Budlender said he expected the total number of claims to reach just over 40 000 by the end of the month, the deadline for people who had been dispossessed of land in the past to seek restitution.

Of the claims received so far, 80 percent were in urban areas and 20 percent for rural land.

Sixty claims were currently before the Land Claims Court, 200 would be submitted to the court before the end of the year, and 100 were being resolved through out-of-court settlements, Budlender said.

Turning to land redistribution, he said 19 623 households had received 188 677 hectares of land since 1994 for communal projects.

Redistribution involves state land, or land bought by the state from private owners, being transferred to needy beneficiaries.

Budlender said the average number of households per project had dropped from 285 in 1994 to 90 during the first 10 months of this year.

The number of hectares per project had also decreased, from 3 746 in 1994 to 899.

This was part of a deliberate policy to scale down the size of projects to ensure their viability and sustainability.

"Projects with large households are difficult to put in a sustainable environment," he said. "Large groups of people find it difficult to manage common enterprises."

Larger projects did not benefit the needs of the community concerned or of the country in the long run. "They only address the short-term needs of the beneficiaries." – *Sapa*.

I want my land back

Simon's Town man says he's tired of waiting in 8 000-strong queue

ST(CM) 6/12/98

YVETTE VAN BREDA (271)

BILL Kindo will be having the saddest Christmas of his life — the first one in 51 years without his wife Amelia, who died in June.

The only other Christmas he remembers with such sadness was in 1970 when they and their nine children were forced to leave their family home in Simon's Town.

Kindo, 76, is heartbroken that his wife will never return to live in the naval town with the sea views and beaches she dreamed of.

He also fears that after five years of battling to reclaim their land, he may not realise that dream either.

"We've been promised our land and thought we would be back in Simon's Town last Christmas, but Christmas came and went and now Amelia is dead and I will spend this Christmas alone," Kindo said this week.

Kindo is one of 18 elderly land claimants who are furious at the slowness of the restitution process.

He and fellow claimant Vernie Wessels have threatened to invade the land and "live in a tent or a hut" if it is not returned to them by the end of this year.

Elizabeth Davison, of the Land Claims Commission, said this week that the 18 had been chosen from 63 claimants as their claims appeared to be simple. The Simon's Town land they wanted back was state-owned and vacant and there was no dispute.

However, the flood of claims and the amount of research needed for each claim had hampered the restoration process.

Since lodging their claims in 1995, two other claimants, Henry Thomas and G D Erispe, have died and another claimant recently turned 80.

"We have been promised our land for years after starting the claiming process five years ago and still nothing has happened. I cannot see why they simply cannot give the land back," said Kindo.

Their dissatisfaction has highlighted the slow delivery of land restitution and the problems facing the commission and the Department of Land Affairs in the face of thousands of claims.

The problems were highlighted by the recent sacking of former chief land claims commissioner Joe Seremane, who, in a damning annual report before Parliament, revealed that only six of more than 10 000 land claims cases had been finalised by the Land Claims Court this year.

In a recent ministerial review, the five regional commissioners were given wide-ranging powers to settle claims under their jurisdiction, but the move still awaits rubber-stamping by Parliament.

Admitting that the process was frustrating for claimants, the deputy director for the provincial Department of Land Affairs' restitution policy, Zohra Dawood, said the system would improve once there had been an adjustment to the powers and duties of officials following the ministerial review.

The Western and Northern Cape had about 8 000 claims and the 18 Simon's Town claimants were asked to be patient in the face of this, said Dawood.

In the case of the 18 claimants a valuator had been appointed and once "this historic valuation" was done, probably early next year, the parties could enter into negotiations prior to a pre-trial before the Land Claims Court, she said.

"We had to negotiate with the navy for the land and now we are negotiating with the Department of Public Works, which owns all state land, to give us the land. The Land Claims Court is in recess and when it resumes there should be a pre-trial conference," said Dawood.

In 1967 Kindo was paid R9 000 for his house and land which his family had owned since 1862 and he was forced to move to Grassy Park.

"They told us the land would be used to build administration offices for the navy, but all they did was bulldoze our houses and the heartbreak is that they never ever used the land," said Kindo.

"We got this encouraging letter from (Land Affairs Minister) Derek Hanekom and we all planned a party there last year, but still nothing has happened and another Christmas is here.

"This will always be home," said Kindo, when he and Wessels visited their former property this week.

They recalled the days when they and all their relatives lived close to the naval dockyard and never had to lock doors it was so crime-free.

"That was before we were all dispersed to matchbox houses and had to travel miles to work here," said Wessels, 59. "One can never equate value to suffering. Most of the old people died of broken hearts after being moved from Simon's Town."

During the 1960s and '70s more than half the Simon's Town population was removed under the Group Areas Act.

"All it took was my mother's signature to move us out, but now it's taken me seven years of fighting and we still don't have our land back," Wessels said.



I WANNA COME HOME: Bill Kindo and Vernie Wessels at the Simon's Town site where they lived some 30 years ago Picture: RICHARD SHOREY

I want my land back

Simon's Town man says he's tired of waiting in 8 000-strong queue

YVETTE VAN BREDA (271) ST(CM) 6/12/98

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Dispossessed urged to claim

By Joshua Raboroko

ORGANISATIONS representing millions of people who have been dispossessed of their land through apartheid since 1913 have urged them to lodge claims for the restoration of land today.

The Commission on Restitution of Land Rights, the Ministry of Land Affairs and the National Land Committee will celebrate the 15th anniversary of the Universal Declaration of Human Rights by urging the disposed to claim their land.

They would celebrate with the rest of the world the principles of dignity and equality inherent in all human beings.

They will also remember and accept that everyone was entitled to rights and freedom as set out in the Universal Declaration of Human Rights

The organisation said: "We remember, too, the practices of colonialism and apartheid that stripped black South Africans of their rights to own land and houses in the country of their birth

"And we condemn the practices of apartheid that separated white and black, neighbour from neighbour, through the forced removals of millions of people from 'white areas' in our town, cities and countryside".

They said democracy was the door to basic human rights and if not exercised, such rights would only exist on paper.

Forced removals and land dispossession violated the human rights of millions of people who have been given the deadline of December 31 to reclaims their land.

In the face of this situation, the National and Civil Society Initiative for Rural Development has been launched to mobilise around their needs and priorities

A series of provincial activities, workshops and conferences have been planned for each province to highlight the problems of the disposed during next march

The ministry has employed 600 people to expedite one of apartheid's contentious legacies – the land question It expected to process 200 claims before the end of the year

So far the ministry has resolved 25 claims representing 11 358 people and involving no less than 224 897 hectares of land.

Commission did not have opportunity for any input

(A71)

Louise Cook

THE Restitution Commission found itself at the end of last year with an amended Restitution Act to which it had no meaningful input, ousted chief land claims commissioner Joe Seremane said in the commission's annual report.

Seremane, who was sacked by Land and Agriculture Minister Derek Hanekom last month, said the amendments to the legislation had been passed without the commission being given adequate opportunity to comment. The report said an amendment to the act which gave claimants direct access to the Land Claims Court rather than going through the commission was likely to run into difficulties, but there was not enough time to suggest changes. In addition, fast-track procedures brought into the restitution process last year had not been properly cleared with the commission.

"A claim can be investigated by the commission and extensive efforts made in negotiating and mediating between different parties to obtain a settlement, a great deal of effort can be expended in drafting a report to the court, only for all this work to be seemingly swept away in a single administrative action by the minister and the (land affairs) department."

A review team appointed by Hanekom some months ago recommended that the land affairs department and commission merge to cut out duplication of work.

Seremane appealed to the Commission for Conciliation, Mediation and Arbitration (CCMA) to intervene on the grounds that his dismissal was unfair. Hanekom is scheduled to appear before the CCMA next week and will defend his decision.

BD 11/12/98

San dream moves a step closer

Hanekom promises 25 000 hectares of Kalahari

(271) ARG 17/12/98

ANDREA WEISS
POLITICAL REPORTER

The promise of 25 000 hectares of land means the long wait for a home is nearly over for a group of San, or Bushmen, who live outside the Kalahari Gemsbok National Park.

Details of a further 55 000 hectares to be managed on a contract basis inside the national park are still being negotiated.

Land Affairs Minister Derek Hanekom travelled to the Kalahari on the eve of the Day of Reconciliation to discuss the agreement with the San leaders "in principle".

The agreement will give them somewhere permanent to live and the opportunity to develop tourist facilities of their own.

The group, many of whom were born inside the national park before it was proclaimed, have been living in a settlement known as Welkom, sandwiched between the Botswana border, the national park and a formerly coloured farming area called Mier.

Farmers in the Mier area have been opposed to the San claim because they fear it will affect their own landholdings.

Mr Hanekom's meeting with the San on the eve of the Day of Reconciliation was celebrated with a gemsbok braai.

The details of the agreement are that about 25 000 hectares of private and state land to the south of the park will be bought and made available as compensation for the San community.

In addition, a further 30 000 hectares of private land next to the Mier commonage will be bought through the Department of Land Affairs's redistribution programme to add to the Mier area and to deal with the needs of people there.

The agreement is described by the department as a "milestone" in the 18-month negotiation period as it is the first time that a settlement option has been accepted by all parties concerned, albeit in principle and with some details still needing refinement.

Mr Hanekom's visit was intended to keep the process on track, to listen to concerns of the San leadership and also to meet members of the Mier local council.

Discussions on the finer details will start in early January with Stellenbosch attorney Roger Chennells acting for the San community.

■ In another development on the Day of Reconciliation, Northern Cape Judge President Johan Kriek ordered that R500 bail should be granted to Jakob Malgas, a member of the San community, who had been jailed for nine months for the theft of a goat.

Malgas had applied for bail pending the appeal hearing.

The South African San Institute is appealing against the nine-month sentence on the basis that it is cruel and excessive punishment.

The institute argues that San people respond to prison in much the same way as aboriginal people in Australia by becoming depressed and even suicidal.

Malgas, who has been serving his sentence in the Upington prison, was refused bail even though leave to appeal against the sentence was granted.

Malgas's defence was that he had been only transporting the goat on his donkey cart and that he had not been party to its theft.

A decision by an Upington magistrate to refuse him bail meant he would have served his sentence by the time his appeal was heard, making the reason for the appeal academic.

Kimberley advocate Rassie Erasmus, instructed by attorneys Chennells Albertyn, acted for Malgas.



LAND LEGACY: Sanna Kruiper, Andries Silikat, Toppie Kruiper, Tina Kanseb, Hannes Kruiper, Segraan Kruiper and Jan Koper in the sands of the Kalahari. Soon they will own their dunes, hunting grounds and farmland.

Project seeks to rehabilitate Mier dunes

THE central activity of the Mier Land Care project unveiled yesterday by Land Affairs Minister Derek Hanekom is the labour-intensive rehabilitation of the region's dunes and interdune sandveld, which should provide short-term job opportunities for unemployed members of the Mier community, including the Bushmen.

The Mier project is one of more than 10 community-based initiatives aimed at rehabilitating or protecting natural resources.

It is part of the Department of Land Affairs' Land Care Initiative.

This has many similarities to the Department of Water Affairs' successful Working for Water Project.

Long-term benefits of the Mier project will be derived from the increased output of livestock farming that will result from rehabilitated and carefully managed dunes, and from the establishment of a seed-growers' industry in the community.

Similarly, the cultivation of the grapple plant, a highly sought-after medicinal plant which occurs naturally in the area, could provide new agricultural opportunities.

The dunes of Mier have become severely degraded through heavy grazing and fire, resulting in the invasion of non-productive long-life shrubs and the depletion of perennial seed grasses. Some dunes have become mobile because they lack vegetation cover.

The dune rehabilitation project will involve the removal of non-productive shrubs, the use of these harvested shrubs to stabilise mobile dunes, and the propagation of seed grasses to be planted on the dunes.

"This year we have R25 million available from the government's poverty fund. Next year we will apply for more than that.

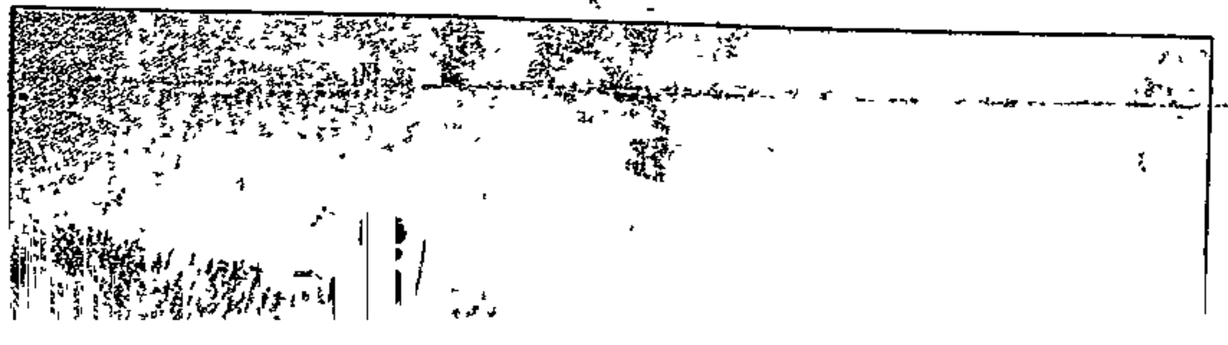
"This initiative has the potential to employ more people than Working for Water.

"Our emphasis will be on job creation and on rehabilitating the environment for the creation of sustainable jobs," Hanekom said.

The Mier project has sufficient resources to pay for 11 600 days of work.

San rejoice over their promised land in Kalahari

(271) CT 17/12/98



KALAHARI GEMSBOK PARK: *There was good news and more good-news for the long-suffering people of the Kalahari this week. Special Assignments Team*





San, at R10 a day.

But now there is hope.

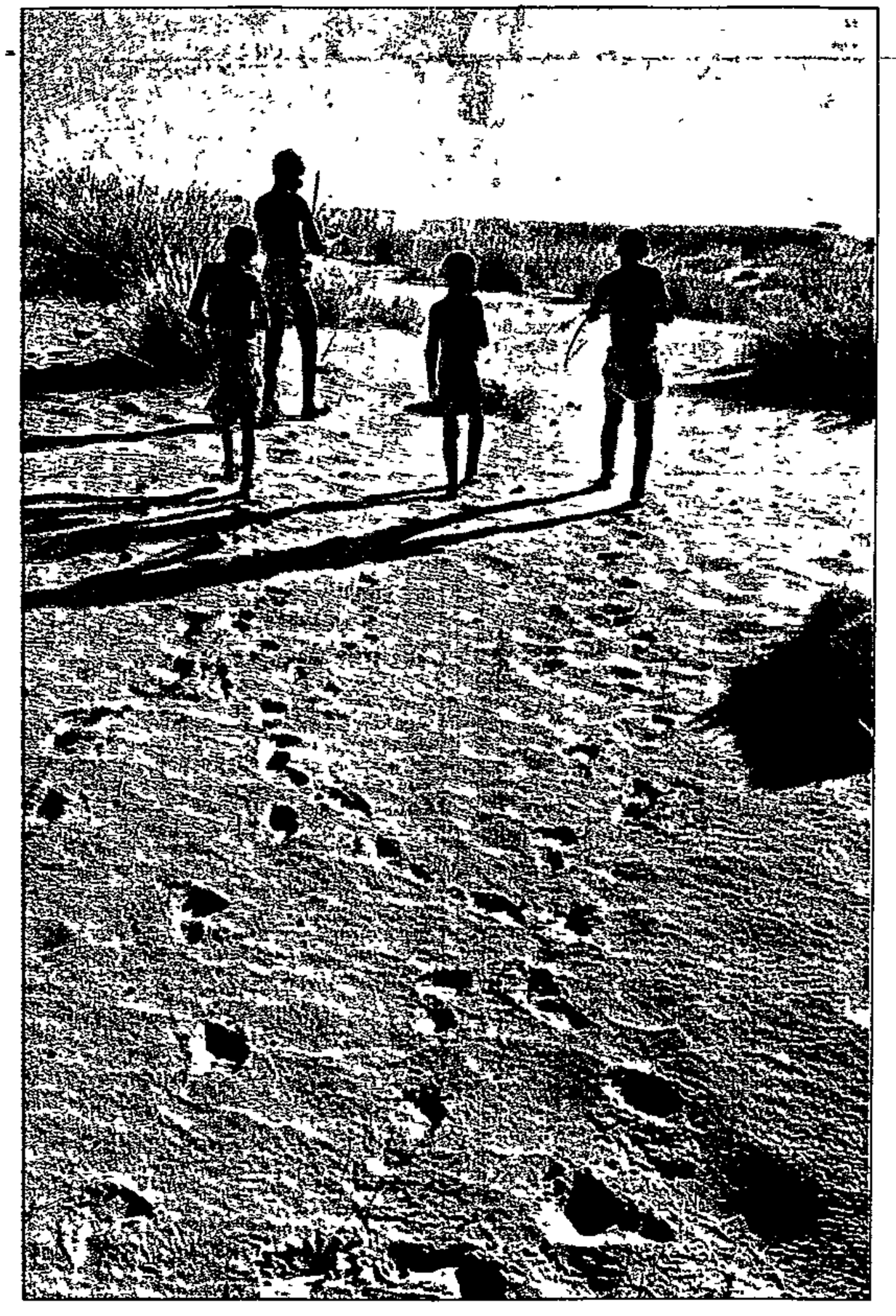
"The Bushmen will walk among the lions again," said traditional leader Dawid Kruiper. "We will hunt again with our dogs and our bows and arrows.

"On the day when we walk onto our land we will leave all our

"I don't believe that land will solve all the problems of the San, but at least we will have a future, and a life. By the end of March we will be the owners of our own land," Vaalbooi said.

The Khomani/Southern Kalahari San Land Claim has been a torturous 18 month

- About 25 000 hectares of private and state land to the south of the park is close to being bought as compensation for the San community.
- About 30 000 hectares of private land adjacent to the Mier commonage will be bought



FOOTPRINTS TO A FUTURE: The road ahead looks rosier for the Kalahari San.

KALAHARI GEMSBOK PARK: *There was good news and more good-news for the long-suffering people of the Kalahari this week. Special Assignments Team* ***ROGER FRIEDMAN*** *and* ***BENNY GOOL*** *report.*





ON TUESDAY, the San community living at Welkom outside the National Kalahari Gemsbok Park braaied a gemsbok to celebrate a series of breakthroughs in its quest for land.

There was much to be happy about, including South African National Parks' in-principle agreement to relinquish control over 55 000 hectares of prime land in the Kalahan Gemsbok Park.

Then, yesterday, Minister of Agriculture and Land Affairs Derek Hanekom presided over the launch of a dune rehabilitation project with government funding to employ about 50 local people for the next year

Together, the two initiatives could profoundly change the socio-economic landscape of this semi-arid but culture-rich region, where remnants of South Africa's indigenous San people — or Bushmen — presently constitute a landless underclass.

It is a region of creeping desertification, the result of a combination of scarce natural resources and bad farming practices. A region of grinding poverty. Only piecemeal work is available to the Welkom San, at R10 a day

But now there is hope.

"The Bushmen will walk among the lions again," said traditional leader Dawid Kruiper "We will hunt again with our dogs and our bows and arrows.

"On the day when we walk onto our land we will leave all our bitterness, our fighting and our struggles behind. On that day we will not be able to walk far All we will do is look and think. It will be our land."

Kruiper was speaking after Hanekom had reminded the community on Tuesday night of a promise made about three years ago "Uncle Dawid, I made a promise to your father, Regopstaan Kruiper, that you would get your own piece of land I will stand by that promise"

As chunks of gemsbok sizzled on the fire beside him, chairperson of the Southern Kalahari San Association, Petrus Vaalbooi, enthused: "I feel very positive now A year ago I wouldn't have said this. But from the words I hear now I believe we have nearly crossed the bridge.

"I don't believe that land will solve all the problems of the San, but at least we will have a future, and a life. By the end of March we will be the owners of our own land," Vaalbooi said.

The Khomeni/Southern Kalahari San Land Claim has been a torturous 18 months in the negotiating First, South African National Parks refused to entertain the possibility of giving up land under its control

Then objections were raised by elements in the Mier community, a former coloured reservation area which borders the Kalahari Gemsbok Park. A group of 53 Mier farmers are presently pursuing a court order forcing Hanekom to transfer land promised to them by the former government.

The in-principle agreement being celebrated on Tuesday includes:

- South African National Parks will make 55 000 hectares of land in the park available to the San and Mier communities to be used as a contract park, the details of which must still be negotiated.
- About 25 000 hectares of private and state land to the south of the park is close to being bought as compensation for the San community
- About 30 000 hectares of private land adjacent to the Mier commonage will be bought through the Department of Land Affairs' redistribution programme to add to the Mier commonage and deal with their land needs.

"I'm quite satisfied that this package is going to be settled by agreement of all parties," Hanekom told the *Cape Times* yesterday "I needed to satisfy myself, having listened to the facilitator and department officials, that the main affected party — the San — were firmly on board.

"They expressed great excitement about it, saying the agreement went further than they expected. A formal signing agreement is anticipated for February or March.

Kruiper said "My heart will rest. I will tell my people that they are not to mess up the land It will be ours for future generations."

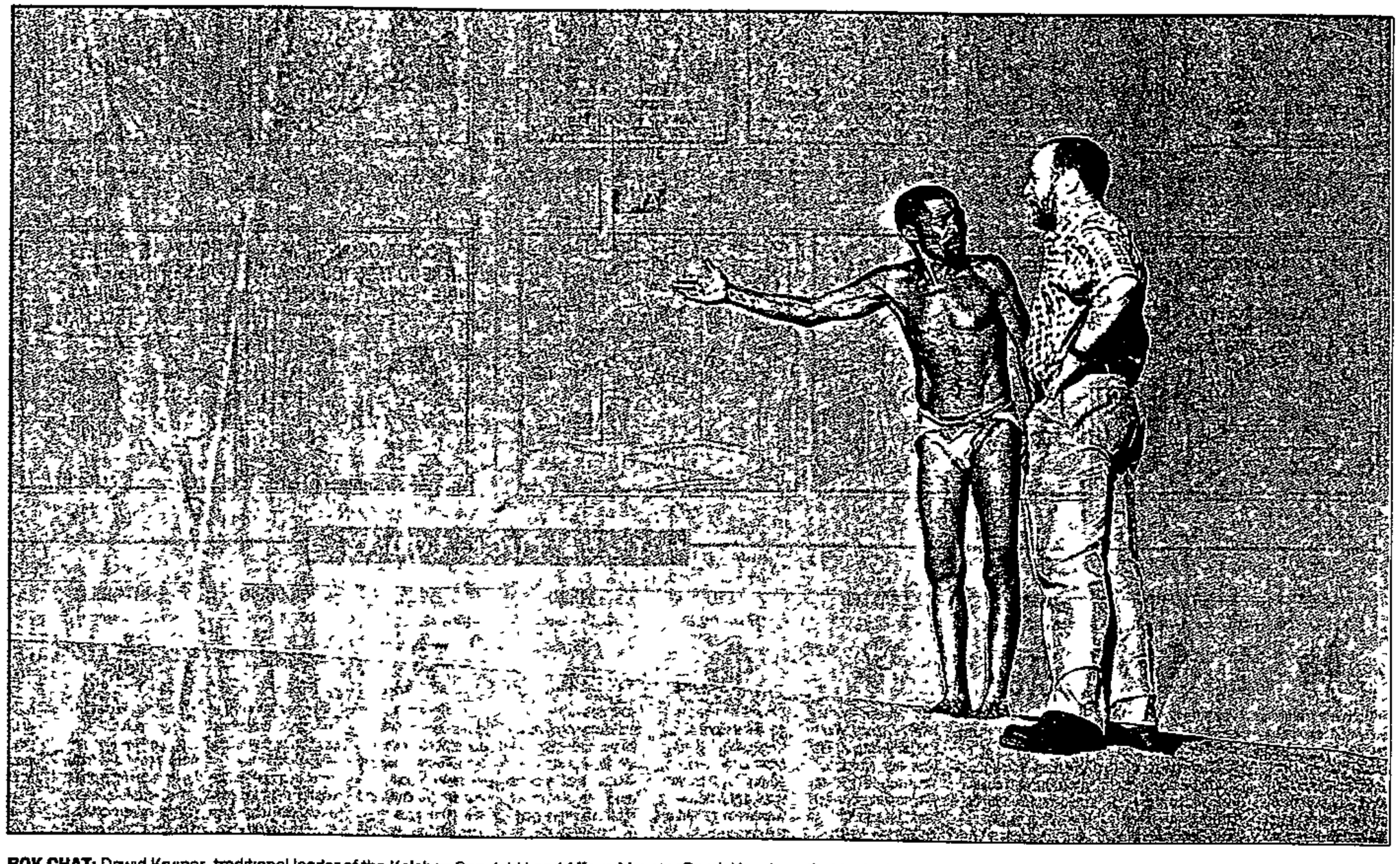
From pillar to post for the Bushmen

THE nomadic San inhabited what now constitutes the Kalahari Gemsbok Park since before the turn of the century The park was proclaimed in 1931, with the San allowed to settle unhindered within its boundaries

But these rights were later removed when the San were perceived to have acquired "Western lifestyles and habits" Then the SA National Parks Board began making representations for the removal of the San

There were several proposals, from 1937, to resettle the San community on compensatory land outside the park. In 1973, the last proposal was rejected by the San, so they were reclassified as "coloureds" and settled in Mier, the former coloured reserve south of the park.

Today the Bushmen are living in pockets all over the Northern Cape Their traditional centre is at Welkom, a few kilometres south of Twee Rivieren, the entrance to the park Their land claim was lodged in the names of 500 people



BOK CHAT: Dawid Kruiper, traditional leader of the Kalahan San, told Land Affairs Minister Derek Hanekom that he last ate gemsbok about 20 years ago. The San believe gemsbok meat is extremely powerful, symbolic of strength, vitality and endurance

Unfair dismissal claim to go to Labour Court

Louise Cook and Sapa BD 18/12/98 (271)

FORMER chief land claims commissioner Joe Seremane, sacked last month by Land and Agriculture Minister Derek Hanekom, will take his complaint of unfair dismissal to the Labour Court following yesterday's failure of the parties to reach an agreement at the Commission for Conciliation, Mediation and Arbitration.

Seremane's lawyer Lukas Coetsee said yesterday Hanekom did not appear at the hearing, held in Johannesburg, but that the matter had been delegated to land affairs director-general Geoff Budlender. No agreement was reached between Seremane and Budlender, he said.

Budlender was unaware of Seremane's decision to approach the Labour Court.

However, he said that after listening to Seremane's representation at yesterday's hearing, he was satisfied that the dismissal had been fair and was therefore not in a position to concede to Seremane's demands.

Hanekom was being charged with unfair dismissal by allegedly contravening the Labour Relations Act.

Chief commissioner Mohammed Jajbhay presided over proceedings at the hearing.

Coetsee claimed Seremane was unfairly dismissed because no hearing was held to supply the reason for his axing.

"He was only told to supply reasons why he should not be dismissed. No evidence against him was presented to a formal hearing."

Seremane would apply to the Labour Court to have his dismissal declared unfair, for an apology for the way in which he was treated, and for compensation for his loss of income since he was fired in November.

Seremane claimed he was sacked because of criticism he had levelled against the minister and the land restitution process.—Sapa

Claim your land, dispossessed told

(271)

By Joshua Raboroko

LAND Affairs Minister Mr Derek Hanekom is to discuss problems of people forcibly removed from Sophiatown at a meeting at Diepkloof Hall, Soweto, at 10am on Saturday.

A representative of displacees, Mr David Pooe, urged all dispossessed people from Sophiatown, Newclare and Vrededorp to apply for land claims or compensation.

Pooe said that Gauteng Land Restitution Commissioner Mrs Emma Mashinini had received about 300 claims from former residents of Sophiatown. However, he said, about 1 700 people had owned properties in those areas.

The minister's visit to Soweto comes shortly after a final call to the public to submit their claims before December 31.

Communities that lost land rights due to apartheid laws have until the end of December to submit their claims.

A statement from Hanekom's office said the form restitution to be taken would depend on the circumstances of each claim.

Restore land

Alternative compensation would apply if the claimants preferred it, or if it was no longer feasible to restore the actual land.

Claimants would be involved in negotiating the settlement.

Pooe said it was essential that former Sophiatown residents attend the meeting because they would have to make important decisions.

While the initial progress had been slow, the review of the restitution process, as commissioned by Hanekom, had yielded recommendations that would make the process quicker and less complicated.

A committee was established to advise as well as to look at various options the dispossessed people of Sophiatown could opt for.

Pooe may be contacted at (011) 935-6514 or fax (011) 935-2157.

Claims may be submitted at a satellite welfare office at the corner of Sauer and Jeppe streets, Johannesburg.

Meanwhile, the Tsakane Simunye Civic Organisation is calling a meeting for Tsakane, Geluksdal and Langaville residents at Tsakane Stadium at 8am to discuss land restitution problems.

Former residents of Brakpan Old Location are urged to lodge claims for loss property and land.

People may lodge claims at the Dutch Reformed Church, Tsakane, on weekdays between 9am and noon

Beeld 18/11/94

Ire raised as Swazis pursue SA land clams

BD 2/12/98 (271)

Claire Pickard-Cambridge and Sapa

SWAZILAND's campaign to claim large swathes of land in Mpumalanga and northern KwaZulu-Natal has triggered a furious response from some affected communities.

The claim, pursued by the late King Sobhuza II and since pursued by King Mswati III, apparently refers to former Swazi territory annexed and given to SA during the colonial era when Swaziland was a British protectorate.

Although the claim is a long-standing one, temperatures rose recently when the chairman of Swaziland's border adjustment committee, Prince Khuzulwandle, accused SA of refusing to co-operate with Swaziland in resolving the border dispute.

The SA authorities have repeatedly dismissed the claims.

A spokesman for Mpumalanga premier Mathews Phosa, Oupa Pilane, said yesterday the Swazis were demanding "at least half of Mpumalanga" Villagers living near the border of Swaziland had told Phosa on Sunday that they "would rather take up arms and die than be incorporated into Swaziland".

He said Phosa consulted regularly with "people's forums" in the province and knew that the citizens of the former KaNgwane homeland — which now makes up about half of Mpumalanga — had long opposed Swazi claims to their land. Locals from the village of Steenbok, on the Swazi-Mpumalanga border, were especially upset by the claims and had been most vociferous in rejecting the claim.

"As far as the SA government is concerned, the land claims are long dead and buried. Rather than focusing on border disputes with SA, we feel the parties should look more closely at constructive issues such as job creation and economic co-operation," Pilane said.

Swaziland is claiming vast areas of land, including Mpumalanga and Ingwavuma in northern KwaZulu-Natal. According to Pilane, the Swazis are also claiming a section of Mozambique near its border with Swaziland Mozambique has opposed the claims.

It is understood that most African governments recognise there is not much they can do about their borders which were confirmed in terms of an Organisation of African Unity Charter in the 1960s.

SA foreign affairs spokesman Marco Boni said yesterday that if the Swazis were unhappy about specific issues they should raise these formally with the SA government rather than approaching the media.



Trade and Industry Minister Alec Erwin, right, and European Union commissioner Joao de Deus Pinheiro, left, failed to resolve an impasse in trade negotiations between SA and the EU. Picture TYRONE ARTHUR

Aventura land claim issue settled

BD 2/12/98 (971)

Robyn Chalmers

COSATU's investment company, Kopano ke Matla has settled two verified claims on Aventura-owned land by entering into 99-year leases with communities at the Blydepoort and Swadini resorts.

Settling verified land claims was a key aspect of the recent bidding process for the former state-owned holiday resort company. Kopano Ke Matla beat a number of rivals with a R93m offer for Aventura and a plan to turn the loss-making company around by attracting blue-collar and upmarket local and international tourists

Industry officials said a deal had been struck with the Legal Resources Centre, representing the Mashilane and Moletele communities, which had laid claim to the land on which the two resorts are situated.

In terms of the deal, officials said Aventura would lease the land from the communities for 99 years.

Trustees would be appointed to ensure that communities received payment, skills transfer and training

The claims on Aventura properties threatened to scupper the deal earlier this year after the Land Claims Commissioner and Legal Resources Centre applied for an interdict to halt the privatisation. Intervention by Deputy President Thabo Mbeki and a court agreement between the claimants and the public enterprises ministry allowed the sale to go forward.

Officials said a further prerequisite of Kopano's bid was to conclude a management support agreement.

This support was bought from Dansk Folkeferie, a Danish labour-union holiday company.

In terms of this agreement, 12 Danish managers would be seconded to Aventura to bolster the domestic management team.

A new CEO has been identified following the departure of Alan Louw and should be appointed by next month.

Kopano's business plan was based on the creation of affordable holidays for blue-collar South Africans and foreign visitors in a similar income bracket. It also aimed to ensure that Aventura's existing, largely middle income, client base was retained.

Officials said five profitable resorts had been identified for upgrading to serve a domestic client base and to attract an international and domestic clientele. Aventura's 15 resorts operated at a pretax loss of almost R2,5m in the year to August from a R2m profit previously, but the company predicts a return to profitability within two-to-three years.



MERRY CHRISTMAS: Winifred Henry receives a cheque for nearly R70 000 from Land Affairs Minister Derek Hanekom and Acting National Land Claims Commissioner Wallace Mgoqi to compensate her for the expropriation of her family home in Vasco under apartheid's forced removals policy. About 9 000 other restitution claims have been lodged in the Cape

GROUP AREAS COMPENSATION

Granny's joy after 35 years

ET 24/12/98 (271)

IT WILL be a Christmas to remember for an Elsie's River woman who was forcibly removed from her Vasco home 34 years ago. This week she became the city's first beneficiary of the land restitution process. Special Assignments Team **ROGER FRIEDMAN** and **BENNY GOOL** report.

THE story of how the Henry family were forced to sell their home to the apartheid government for less than it was worth because they were deemed to be the "wrong" colour is an all-too-familiar one in Cape Town, where hundreds of thousands of residents were shunted out of "white" areas in the 1960s, 70s and 80s.

Although it is probably impossible to adequately compensate people who suffered such trauma, this particular story has a happy ending. It is an ending that may provide festive-season cheer for about 9 000 other Western Cape families who have entered land restitution claims.

On Tuesday, an overjoyed Winifred Henry, 83, was visited by Minister of Land Affairs Derek Hanekom and Acting National Land Claims Commissioner Wallace Mgoqi, who presented her with a cheque for nearly R70 000 to compensate for the home she was forced to give up.

This amount was calculated by determining the real value of her Wiener Street home in 1964 (R4 500), subtracting the amount paid by the state (R2 000), and then multiplying the difference by a Consumer Price Index factor of 27,97.

When she entered her land claim, Henry did so with one condition. That the present occupants of her old home in Wiener Street should not be removed from the property and thus have to endure the same hardship her family did.

Her claim was settled administratively — through a process of negotiations rather than through the Land Claims Court. It was the first case in the country to be dealt with in this manner.

Dealing with other cases in this way should significantly speed up the process. Once they had entered into negotiations, it took the Henry family and the Department of Land Affairs just three weeks to settle the claim.

"There are going to be hundreds of settlements early next year," Hanekom told the *Cape Times*.

"Like most victims of the Group Areas Act, the Henrys received less than the market value for their land. They did not receive just and equitable compensation," he said.

Mgoqi said: "This particular case serves to kick-start what in a sense is going to be a rolling action of delivery in 1999."

So far the government has settled 27 claims representing 247,597ha and benefiting 13 928 families. The Henry case was only the second urban land claim to be settled nationally. The first was in the Eastern Cape.

"By December 17, the department had received close on 9 000 claims from the Western Cape, and 36 000 nationally. Eighty percent of them are urban claims — not only Group Areas Act claims but also, for example, from victims of so-called slum removals," Mgoqi said.

The Henry claim was one of about 700 lodged by former residents of the Goodwood area.

The usually bedridden widow Henry was sitting in her lounge, surrounded by family and friends when Hanekom and Mgoqi dropped in with the cheque and an arrangement of flowers.

Asked by Hanekom what she planned to do with the money, she responded: "I've got children and grandchildren, and I will give them something. I don't think I need anything for myself anymore."

Henry does not have fond memories of her family's dispossession, which began in September 1959 when her husband, Charles Henry, received notice from the Group Areas Development Board that their house had been included on a list of "affected property", and giving them 18 days to lodge objections.

"I remember those days. It was a sad business to move from there. It was this apartheid business. I wasn't angry, I would say I was troubled. I have never been able to go back to that house," she said.

"We moved here, over the railway line, to Elsie's River. We owed nothing on the old house but we had to go and borrow money to build this one. It took us 15 years to complete our new home."

Farmer to give 14 families free title deeds

Sowetan 24/12/98 (27)

By Justice Mohale

TOMORROW will be an unforgettable Christmas – a day to remember for 14 families who have lived and cultivated a farm at Broederstroom, near Brits, for more than a century.

The owner of the farm, Mr Roger Roman, told *Sowetan* yesterday that he would be presenting the families with free title deeds as a goodwill gesture.

This will enable the beneficiaries to become the rightful owners of the land. However, he said the whole exercise had been arranged against the will of the Hartebeespoort Local Council (HLC).

"Anyway I do not need the council's permission before I provide my neighbours with a decent place to live," he said.

Roman, a business consultant, said he bought the 13-hectare land four years ago, for R280 000. Just after he took over as the new owner, he held talks with the families on how the land could be used productively.

He has been on a hunger strike for five weeks in protest against the council's decision to block the proposed land transfer to the poor.

Roman said although the land legally belonged to him he could not evict the families because they had a moral right to continue living there.

However, he added that if he had evicted the families from the farm, it would have meant he had acted against the provisions of the Extension of Security of Tenure Act, which stipulates that long-term occupiers of land should not be evicted as long as they do not damage the property.

Three months ago, Roman's plan and vision of a non-racial neighbourhood reached a high point when the HLC sent him a petition condemning the proposed transfer of the land.

He said things also came to a head when the neighbouring farmers formed a resistance committee to oppose the transfer of the land.

"The council and the neighbouring farmers have threatened to take legal action against me if the project goes ahead," Roman said.

Council officials could not be reached yesterday for comment.

● **See picture on page 3.**

Gift of land brings joy to fishing village

Years of insecurity finally at end

ARG 28/12/98 (271)

CAROL CAMPBELL
SPECIAL WRITER

A magnificent gift has changed the lives of the people of Steenberg's Cove, a little fishing village on the Cape West Coast, sowing seeds of hope in an impoverished community.

The gift, 10ha of land worth R1,8-million, is from the Stephan family, as familiar to that rough coast as "kreef and water" say the locals.

The frenzy of building activity the family's donation has inspired is a true South African story of generosity, good luck, determination and sharing. Occasionally it is also about frustration and almost losing hope.

The community in Steenberg's Cove once worked for the Stephans at their fish factory, which was closed in 1959 when the family turned their attention to agriculture.

Even after the Stephan family left, their former employees continued to live on their land – insecure tenants with nowhere else to go.

This insecurity manifested itself in a deep sense of hopelessness which weighed heavily on one of the town's more well-known sons, former National Party minister Abe Williams.

He knew the community needed security of tenure to give them some direction and so initiated negotiations with Harry Stephan, the family's representative, to find a solution to the fishing family's problems

For five years the men talked. They found they had much in common and a deep friendship grew



LEON LESTRADE

Singing for joy: fisherman Oom Christie and his wife Aunty Dielie Solomons in the bathroom he built himself

Then the government changed and much of the old bureaucracy which stood in the way of the project the family had in mind for the village fell away.

Dr Stephan founded the Centre for Democracy in Southern Africa, an organisation aimed at developing disadvantaged communities, in order to upgrade communities like Steenberg's Cove

> ***'One little boy couldn't stop staring at the electric light in his parents' house'***

"The key to the new South Africa," he said, "lies in empowering the communities of South Africa and that is exactly what I wish to do through the Centre for Democracy in Southern Africa."

He then arranged for the land to be handed to the New Housing Company, a non-government organisation which would manage its subdivision and development.

"We didn't want money for the land; the only condition was that former Stephan workers and their families would be given priority when the plots were distributed," he said.

The villagers were overjoyed. They formed a committee and, from then on, every decision about the future of Steenberg's Cove had their blessing.

The plots would be divided into equal stands and allocated by pulling names from a hat Those living in existing cottages could stay in their homes and either build on or demolish the old structures.

"It was theirs to do with as they pleased," said Dr Stephan.

The streets, the people decided, would be named after the old Stephan boats· Mississippi, Oregon, Kentucky, Mexico and Tennessee.

Doreen van Wyk, from the New Housing Company, helped the community apply for government housing subsidies.

With the money they put in street lights, new roads, electricity, water and upgraded the sewerage system.

"One little boy couldn't stop staring at the electric light in his parent's house. "He kept saying: 'Daddy look, look at the light'," said Ms Van Wyk.

Now 128 new homes are in the process of being built and the 95 existing cottages are being upgraded.

Oom Christie Solomons, 64, a fisherman for 39 years who began his career on the Stephan family's boats, decided to learn how to become a builder. Judging from the finish of the new inside bathroom and toilet he has added to his house in Mississippi Street, he is quite a good one too.

"It went skew a few times so I knocked it down and started again," he chuckled.

At first, when Oom Christie, who is almost blind, learnt his rented house was to become his own he hired a "real" builder do the extensions.

The man was "a con artist" who had no idea what he was doing and the old fisherman had to smash down the unstable walls three times before he sacked the builder.

"I could just feel the walls were not right," Mr Christie said.

He felt desperate, especially since most of his money was finished, but he refused to be beaten. With five neighbours he formed a building group and every day he went on to the building sites where new houses were going up, to learn the craft.

"Sometimes I stood and watched all day. I asked questions and as the builders built, they explained what they were doing."

Soon his bathroom was up – built with his own hands. "We are on house number three now."

The men work at night and on weekends, determined to make the most of the chance they have been given.

"Some people are just sitting back and waiting for things to be done for them but I can tell you, you have got to do things yourself now. There is no more manna from heaven and, if there is, it's going to come very late."

The story of Steenberg's Cove doesn't end there. The people needed bricks to build and Jack Loubser, a retired Afrikaans businessman from Bellville, stepped in to help.

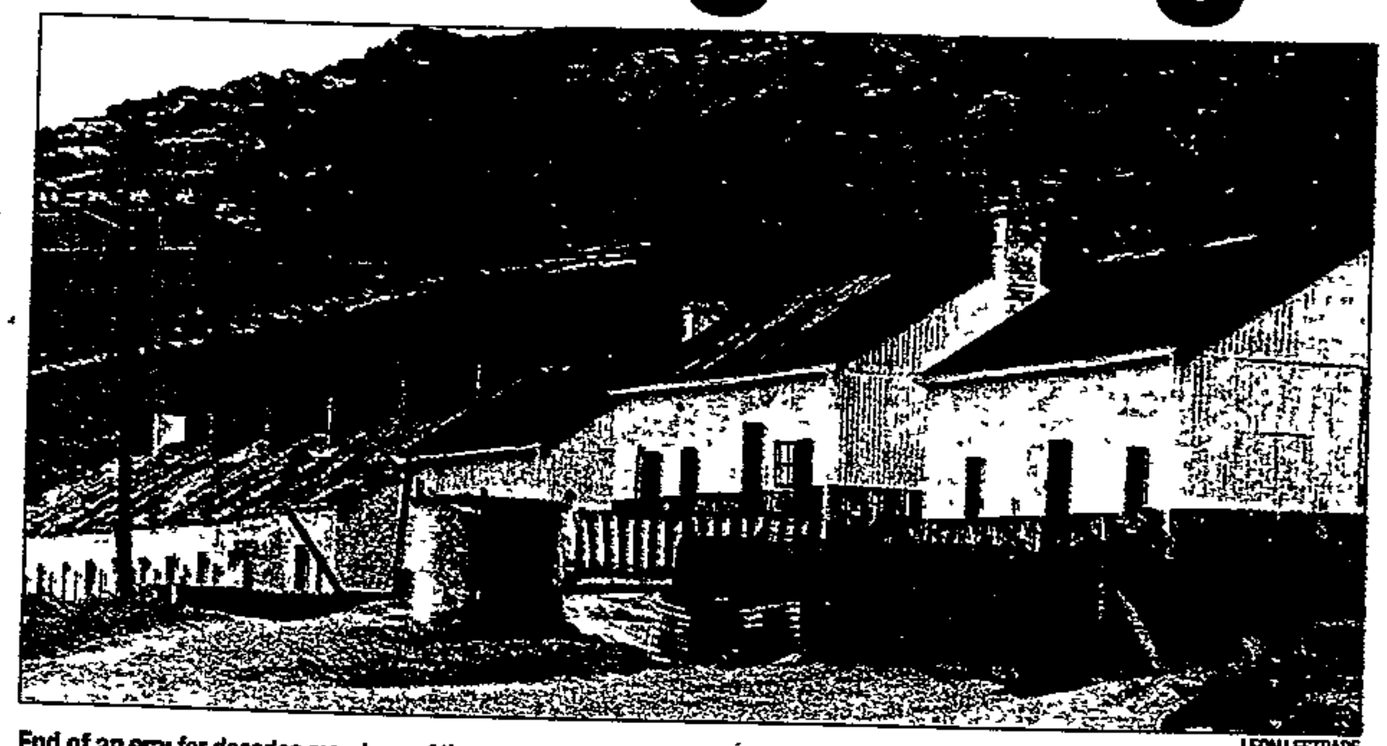
"I was voted on to the community housing committee through my involvement with the New Apostolic Church and my role now is to supervise the making of blocks," Mr Loubser said.

In the Stephan's old fish factory Mr Loubser and four men from the community churn out 400 bricks a day – it takes 1 450 to build a house – which they sell for R2 each.

Although the men are paid Mr Loubser draws no salary.

The village now needs a clinic and a community hall but these will come.

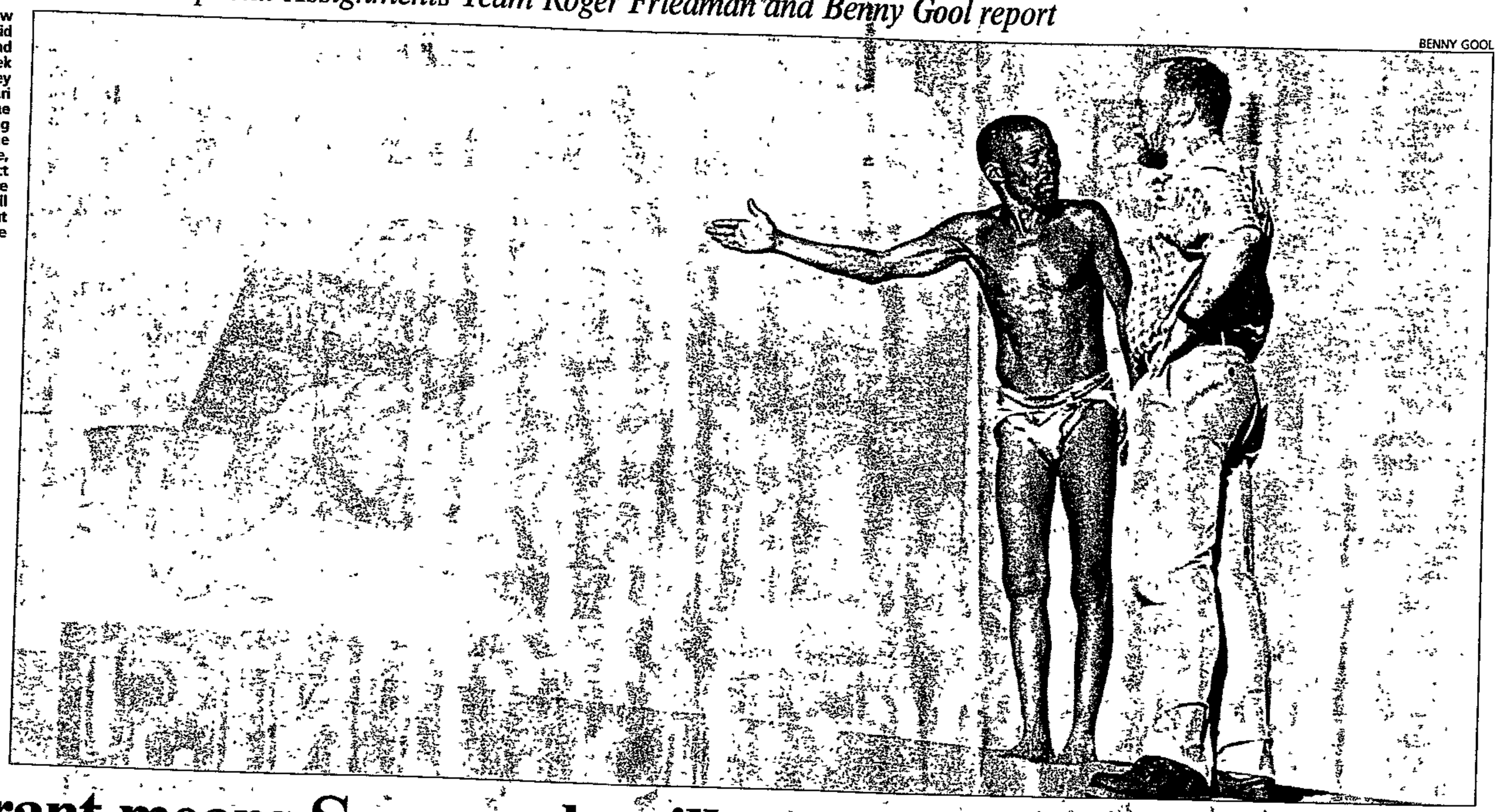
What the people of Steenberg's Cove have after a lifetime of hard work is hope and that, says Mr Williams, "is a future".



LEON LESTRADE

End of an era: for decades members of the community of Steenberg's Cove have been insecure tenants in rented homes. Now a generous gift has made them landowners

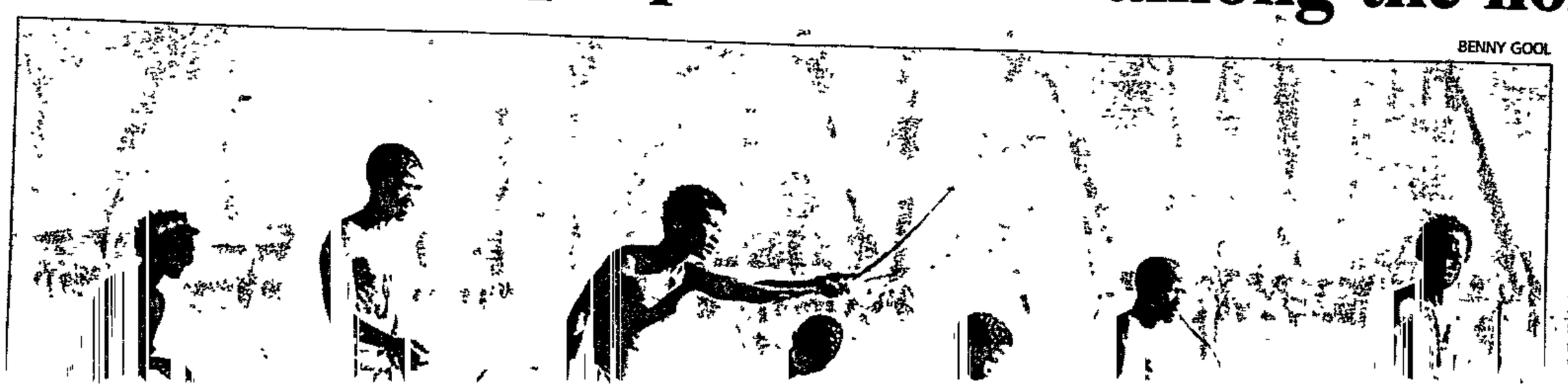
There was lots of good news for the long-suffering people of the Kalahari last week. Special Assignments Team Roger Friedman and Benny Gool report



BENNY GOOL

Poised for a new future ... Dawid Kruiper and Minister Derek Hanekom survey the Kalahari landscape, the scene of exciting plans for the San people, including a project to rehabilitate dunes which will employ about 50 people

Land grant means San people will walk among the lions again



BENNY GOOL

The San community living at Welkom outside the National Kalahari Gemsbok Park recently braaied a gemsbok to celebrate a series of breakthroughs in its quest for land.

There was much to be happy about, including South African National Parks' in-principle agreement to relinquish control over 55 000ha of prime land in the Kalahari Gemsbok Park.

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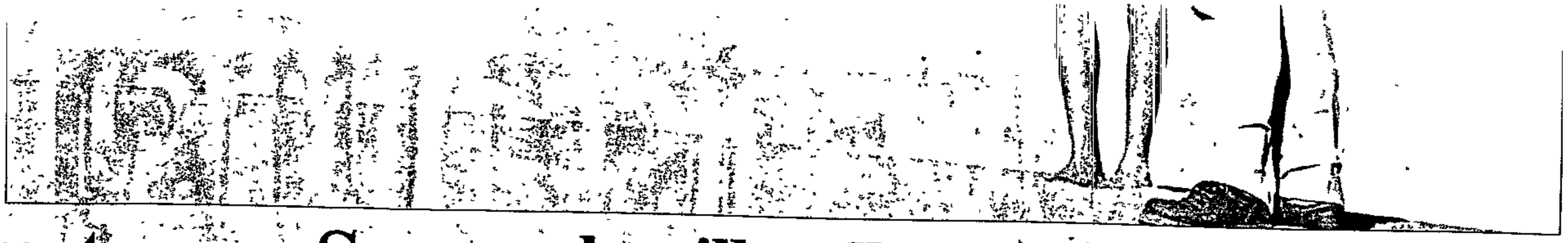
Together, the two initiatives

ennial seed grasses. Some dunes have become mobile because they lack vegetation cover.

The dune rehabilitation project will involve the removal of non-productive shrubs, the use of these harvested shrubs to stabilise mobile dunes, and the propagation of seed grasses to be planted on the dunes.

"This year we have R25-million available from the Government's poverty fund. Next year we will apply for more than that," Hanekom said. "This initiative has the potential to employ more people than Working for Water. Our emphasis



Land grant means San people will walk among the lions again

BENNY GOOL



Caring for the land ... the San will own their dunes, hunting grounds and farmlands, making it easier for them to escape insecurity and poverty.

The San community living at Welkom outside the National Kalahari Gemsbok Park recently braaied a gemsbok to celebrate a series of breakthroughs in its quest for land.

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It is a region of creeping desertification, the result of a combination of scarce natural resources and bad farming practices. A region of grinding poverty, only piecemeal work is available to the Welkom San, at R10 a day.

But now there is hope.

"The Bushmen will walk among the lions again," said traditional leader Dawid Kruiper. "We will hunt again with our dogs and our bows and arrows.

"On the day when we walk onto our land we will leave all our bitterness, our fighting and our struggles behind. On that day we will not be able to walk far. All we will do is look and think, It will be our land."

Kruiper was speaking after Hanekom had reminded the community of a promise made about three years ago: "Uncle Dawid, I made a promise to your father, Regopstaan Kruiper, that you would get your own piece of land. I will stand by that promise."

As chunks of gemsbok sizzled on the fire beside him, Petrus Vaalbooi, chairperson of the Southern Kalahari San Association, enthused: "I feel very positive now. A year ago I wouldn't have said this. But from the words I hear now I believe we have nearly crossed the bridge.

"I don't believe that land will solve all the problems of the San, but at least we will have a future and a life. By the end of March we will be the owners of our own land," Vaalbooi said.

The Khomani/Southern Kalahari San Land Claim has been a tortuous 18 months in the negotiating. First, South African National Parks refused to entertain the possibility of giving up land under its control.

Then objections were raised by elements in the Mier community, a former coloured reservation which borders the Kalahari Gemsbok Park. A group of 53 Mier farmers are currently pursuing a court order forcing Hanekom to transfer land promised to them by the former government.

The in-principle agreement celebrated recently includes

- South African National Parks will make 55 000ha of land in the park available to the San and Mier communities, to be used as a contract park, the details of which must still be negotiated.
- About 25 000ha of private and state land to the south of the park is close to being bought as compensation for the San community
- About 30 000ha of private land adjacent to the Mier commonage will be bought through the Department of Land Affairs' redistribution programme to add to the Mier commonage.

"I'm quite satisfied that this package is going to be settled by the agreement of all parties," Hanekom said. "I needed to satisfy myself, having listened to the facilitator and department officials, that the main affected party – the San – were firmly on board.

"They expressed great excitement about it, saying the agreement went further than they expected. A formal signing agreement is anticipated for February or March.

Kruiper said: "My heart will rest. I will tell my people that they are not to mess up the land. It will be ours for future generations."

The central activity of the Mier Land Care project unveiled by Hanekom is the labour-intensive rehabilitation of the region's dunes and interdune sandveld, which should provide short-term job opportunities for unemployed members of the Mier community, including the Bushmen.

The Mier project – part of the Department of Land Affairs' Land Care Initiative – is one of more than 10 community-based initiatives aimed at rehabilitating or protecting natural resources.

This has many similarities to the Department of Water Affairs' successful Working for Water Project.

Long-term benefits of the Mier project will be derived from the increased output of livestock farming that will result from rehabilitated and carefully managed dunes, and from the establishment of a seed-growers' industry in the community.

Similarly, the cultivation of the grapple plant, a highly sought-after medicinal plant which occurs naturally in the area, could provide new agricultural opportunities.

The dunes of Mier have become severely degraded through heavy grazing and fire, resulting in the invasion of non-productive long-life shrubs and the depletion of perennial seed grasses. Some dunes have become mobile because they lack vegetation cover.

The dune rehabilitation project will involve the removal of non-productive shrubs, the use of these harvested shrubs to stabilise mobile dunes, and the propagation of seed grasses to be planted on the dunes.

"This year we have R25-million available from the Government's poverty fund. Next year we will apply for more than that," Hanekom said. "This initiative has the potential to employ more people than Working for Water. Our emphasis will be on job creation and on rehabilitating the environment for the creation of sustainable jobs."

The Mier project has sufficient resources to pay for 11 600 days of work.

The nomadic San inhabited what now constitutes the Kalahari Gemsbok Park since before the turn of the century. The park was proclaimed in 1931, with the San allowed to settle unhindered within its boundaries.

But these rights were later removed when the San were perceived to have acquired "Western lifestyles and habits". Then the South African National Parks Board began making representations for the removal of the San.

There were several proposals, from 1937, to resettle the San community on compensatory land outside the park. In 1973, the last proposal was rejected by the San, so they were reclassified as coloureds and settled in Mier, the former coloured reserve south of the park.

Today the Bushmen are living in pockets all over the Northern Cape. Their traditional centre is at Welkom, a few kilometres south of Twee Rivieren, the entrance to the park.

Their land claim was lodged in the names of 500 people, including Sanna Kruiper, Andries Silikat, Toppie Kruiper, Tina Kamseb, Hannes Kruiper, Segraan Kruiper and Jan Koper. Soon they will own their dunes, hunting grounds and farmland. The road ahead looks rosier for the Kalahari San.

(271) Star 29/12/98

Land in their Christmas stocking

Sowetan 29/12/98 (27)

By Justice Mohale

CHRISTMAS comes once a year. For 14 families who have been tenants on privately owned land in Broederstroom, North West, Christmas this year was unforgettable

Former trade unionist and now business consultant Mr Roger Roman stunned them with the good news that he was going to divide his 13-hectare farm into parcels of land for each family.

This means that since Christmas the families have free tittle deeds, effectively making them co-owners.

Roman acquired the farm four years ago, for R280 000 and it is now worth more than R500 000.

Just after he occupied the land, Roman realised that the only way for the land-owners and landless tenants to live together in harmony was to share it

"The land issue is a very hot one and it needs to be resolved amicably in order to avoid the chaotic situation that has been prevailing in Zimbabwe. Peace will never be achieved as long as the majority of people who were forcibly removed from their ancestral land under the notorious Group Areas Act are not given back the land or are compensated for it," he said.

Roman said when he bought the farm he found that black tenants were living in appaling conditions. There was no proper sanitation, infrastructure or clinics in the vicinity.

The entire farm is covered with long grass and thick vegetation and this makes the area prone to snakes Like the Biblical Good Samaritan, Roman approached the community and outlined his plans for developing the land.

His vision was to see the land developed and its long-term occupiers given the right to own it.

But, Roman's plans and vision of a non-racial neighbourhood have cost him dearly.

The real battle began in October when the Hartbeespoortdam Local Council (HLC) informed him in a letter that it disapproved of the development plans for the farm.

The letter read: "It came to our attention that you are supplying informal housing on your farm which is causing health nuisance You have allowed people to live in conditions which are in contradiction with the health by-laws.

"Therefore, the council had given you 30 days to make proper supply of water to the occupiers of the land, erect adequate toilets, ensure no dumping of refuse on the farm"

But Roman told *Sowetan* last week that the council's letter was just a ploy to compel him to evict the tenants

"I can't provide them with all the basic essential services but at least I offered them the portions of land whereas the HLC failed to help the poor community," Roman said

He claimed that there was a group of black people (council employees) who were dumped next to a big sewerage farm and who had no chance to own the land

If things go as planned, the families will be able to apply for the R15 000 low-cost Government housing subsidy And Roman has vowed to help them fill in the application forms for the loans

White farmers in the vicinity have also ganged up against him in an effort to block Roman's plans.

He claimed that last week he was physically assaulted by a white computer technician when he went to fetch a computer.

Two weeks ago, the animosity towards Roman reached boiling point when about 60 white farmers held a closed meeting to discuss ways of blocking the project At this meeting the farmers formed a resistance committee aimed at blocking the handing over of the free title deeds to the families.

Subsequently, the farmers drafted a petition and handed it to the chief executive officer of the HLC, expressing their objection to developments on the farm

It read: "As landowners, ratepayers and residents of Broederstroom area, we undividedly reject the transfer of land ownership to the so-called long-term occupiers of the land, as proposed by Roman The establishment of low-cost houses will lead to the devaluation of our property."

However, Roman said he believed that some day he would live in a society where his neighbours had proper shelter and security of tenure In terms of the Extension of Security of Tenure Act, long-term occupiers of land should not be evicted as long as they did not damage the property.

"I am giving them the land as the beginning of the process of national reconciliation. The law stipulates that landowners should not evict tenants who lived and/or cultivated the land for more than 10 years " Roman argued.

Although, the land legally belonged to Roman, he said he could not evict the families because they had the moral right to continue living there.

Roman has been on a hunger strike for five weeks in protest against the council's decision to resist the transfer.

However, HLC mayor Mr Pieter Rautenbach insisted that Roman should make a formal application for the transfer of the land.

People rush to lodge land claims before cut-off

PRETORIA — South Africans wishing to regain land unjustly taken from them by former governments were flooding the offices of the Commission on Restitution of Land Rights prior to tomorrow's cut-off for claims.

The commission said in Pretoria yesterday that some of its regional offices were receiving more than 1 000 telephone calls a day

Spokesman Evelyn Bramdeow said 33 265 restitution claims had been received by December 17. "By now, we can safely say that we have very nearly reached 40 000, if not more."

Of these claims, about 4 000 had been accepted and were being investigated, the commission said.

So far, 27 claims involving 247 597ha of land and benefiting 13 928 households, had been resolved.

The commission said the next five years would be spent researching and processing the claims lodged. "It is an understandably complex process and claimants are therefore encouraged to be patient and tolerant."

Acting chief land claims commissioner Wallace Mgoqi said the number of households which had regained their land so far was heartening.

The system of processing claims would change from next year, becoming more administrative and less of a "heavily judicial process". More decision-making powers would be vested in the commission.

This was expected to speed up the resolution of land claims. — Sapa.

BD 30/12/98 (271)

Flood of claims for land on eve of deadline

Star 30/12/98 (271)

A flood of land claims has poured into the Commission on Restitution of Land Rights, ahead of tomorrow's deadline.

The commission said some of its regional offices had received more than 1 000 calls yesterday alone.

Department of Land Affairs director-general Geoff Budlender said they expected the number of claims to reach 40 000.

The original deadline for land claims was March 1998, but this was extended because of the lack of claims. The trickle of those applying to regain land, from which many were forcibly removed, has since become a torrent.

Budlender said it was highly unlikely that the deadline would be postponed again.

He said the department had intensified its communications and information campaign over the past few months to ensure that everybody was aware of the new deadline.

Budlender said his department would approach Parliament to expedite the land restitution process. "It is going to take a few years to finalise the claims. It can't take three years to reverse all this (dispossession over decades)," he said.

The system of processing claims would change from next year, becoming more administrative and less judicial.

Currently, all claims have to go through the Land Claims Court, but in future, more decision-making powers would be vested in the commission. This was expected to speed up the resolution of land claims.

But Pan Africanist Congress secretary-general Ngila Muendane condemned the Government for the deadline.

"This is further dispossessing and disempowering our people, and will only fill people with anger and frustration," Muendane said. – City Reporter

▶ Report and picture Page 2

Land claims coming in thick and fast

(271)

Sowetan 30/12/98

SOUTH Africans wishing to regain land unjustly taken from them by former governments are flooding the offices of the Commission on Restitution of Land Rights with claims prior to the December 31 cut-off date

The commission said in Pretoria yesterday that some of its regional offices were receiving more than 1 000 telephone calls a day.

Commission spokeswoman Ms Evelyn Bramdeow said 33 265 restitution claims had been received by December 17. "By now, we can safely say that we have very nearly reached 40 000, if not more," she said

The commission advised the public to make use of its toll-free telephone number 0800-11-10-21, which would be open from 8am to 4.30pm on working days, and until 9pm tomorrow – the closing date for applications.

It said people wishing to lodge restitution claims could submit their application forms after hours at collection boxes at all its offices.

Collection boxes had also been placed at municipal offices, police stations and offices of the Ministry of Land Affairs. Of the 33 265 restitution claims received by December 17, about 4 000 had been accepted and were being investigated, the commission said.

So far, 27 claims involving 247 597 hectares of land and benefiting 13 928 households, had been resolved.

The commission said the next five years would be spent researching and processing the claims lodged.

"Each restitution claim ... presents its own unique difficulties which must be dealt with from the lodgement stage through to the stages of validation, research, negotiation, and finally settlement," it said.

"It is an understandably complex process and claimants are therefore encouraged to be patient and tolerant."

Year of delivery

Acting chief land claims commissioner Mr Wallace Mgoqi said the number of households which had regained their land so far was heartening. "This imbues us with optimism that 1999 will be a year of delivery."

The system of processing claims would change from next year, becoming more administrative and less of a "heavily judicial process".

Presently, all claims have to go through the Land Claims Court, but in future more decision-making powers would be vested in the commission. This was expected to speed up the resolution of land claims. – *Sapa*

New legislation aims to speed up claims

(271)

With the land claims deadline at hand, last-minute applications could boost the final claims figure to almost 40 000.

BD 31/12/98

THE SA land affairs department planned to table legislation next month to accelerate the processing of land restitution claims, land affairs director-general Geoff Budlender said yesterday

With today the cut-off date for the submission of claims, a last-minute flood was expected to swell the number of claims to nearly 40 000.

Twenty-seven claims have reportedly been resolved to date.

Budlender said claims were currently received, investigated and, if verified, gazetted through a court process.

The legislation would shift the focus to an administrative process involving negotiation and agreement between claimants, the government and land owners. Courts would still be used to arbitrate.

Budlender said the new law would also integrate the land restitution commission into the department of land affairs.

To date, the commission had conducted its own investigations before handing each claim over to the department for processing. This had resulted in duplication of effort.

He said the department would be looking for quick judgments by the courts on how to calculate appropriate compensation for claimants who had been dispossessed of their land but who did not want the land returned to them.

Setting such a precedent, he said, would speed up similar compensation claims.

Of claims made, 80% were for land in urban areas, and experience had shown that the "majority" of urban claims would be for compensation and not for the land itself.

Budlender emphasised, however, that the speed at which claims were processed would be limited by the department's R400m budget, which had to be split between land restitution and land redistribution.

The restitution programme was handicapped by a shortage of staff members to process claims. Budget constraints prevented the department from hiring more than the 200 staff members already employed nationally, he said.

Budlender said the finalisation of restitution claims would take up to four or five years. However, he expected the new measures to lead to a "substantial improvement" in the speed of processing.

Reuter reports that thousands of black and coloured South Africans who lost land through forced resettlements during the apartheid era queued patiently yesterday to register restitution claims.

Long-since widowed elderly women and middle-aged men hoping to right historical wrongs for deceased parents crammed land affairs bureaus countrywide clutching precious claims forms.

A three-year deadline for claims was extended until midnight today, prompting a last-minute flood of applicants in the dying hours of the year.

process

writes **James Eedes**

There was excitement among claimants in Johannesburg, but it could be years before their cases are heard, and then disappointment is possible.

Double claims for the same plot of land run as high as 15%, meaning someone is bound to lose out, and even if an application is successful, the claimant is unlikely ever to set foot on the soil.

Jacob Hailela's father's land is now a steel factory. He will probably get cash as compensation instead.

Ronnie Stevens, a provincial government director responsible for the transfer of houses and restitutions, believes the process could see a R10bn transfer of wealth over the next five to 10 years.

'More time please, Mr Hanekom'

CHRIS BATEMAN (271) CT 31/12/98

A WELLINGTON farmer and NP member of the provincial legislature, Pierre Jeanne Gerber, called yesterday on Land Affairs Minister Derek Hanekom to extend today's land claims deadline "by at least six months".

"How can he expect to fix in $4^1/_2$ years what's been happening for the past 85 years? While I take my hat off to the efforts they've made, how can you have such a short claims time, especially in the Western Cape where it's more complicated," Gerber asked.

The Wellington farmer recently handed over two pieces of former Group Areas-zoned land he owned to communities in Calvinia with Archbishop Desmond Tutu agreeing to act as a patron of the trust.

Gerber said state properties in the Cape had been sub-divided, rezoned and developed while many Capetonians owned title deeds — often in contrast to elsewhere in the country.

"That's not even accounting for the lack of sophistication and literacy of some of the applicants and their lack of access to legal advice," he argued.

A spokesperson for Hanekom was unavailable for comment last night.

The Commission on Restitution of Land Rights, which is handling the land claims, warned in a statement this week that the deadline would not be extended.

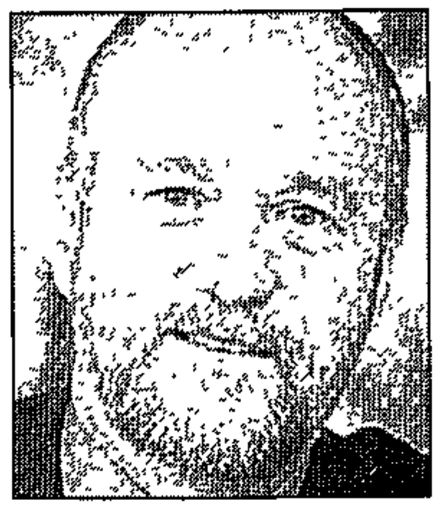
Meanwhile, claimants streamed to Land Affairs offices throughout the country as today's deadline approached.

Altogether 2 000 Capetonians have lodged applications over the past fortnight.

Widowed elderly women and middle-aged men hoping to right historical wrongs for deceased parents crammed Land Affairs bureaux clutching precious claim forms.

From Monday, queues at the Land Claims office in Strand Street grew by 100 people a day.

Anwar Adonis, local deputy director of administration in the department, said that since the process began in 1995, over 11 000 Western Cape claims had been made while daily applications were up this week by nearly 60%.



URGED TO ACT: Land Affairs Minister Derek Hanekom

On Monday 155 claims were made; on Tuesday 255 and by 3pm yesterday, 343.

He said most local claims came from District Six (over 2 000), Goodwood (800), Simon's Town (900), Ndabeni (600) and Paarl (400).

So far, the government has settled 27 claims nationally, representing 247 597ha and benefiting 13 928 families.

Reuters reports that Ronnie Stevens, a Gauteng director responsible for the transfer of houses and restitutions, believes the process could see a R10 billion transfer of wealth over the next five to 10 years.

The commission has received 65 000 claims since it was set up in 1995.

Also, **PATRICK LEEMAN** reports that KwaZulu-Natal has submitted most of the land claims, according to a statement by the commission. By yesterday, 10 000 of the claims were from this province

Prospective claimants may phone a toll-free number, 08-0011-1021, today from 8am till 9pm with queries.

RESETTLEMENT

1999

Dispute over sugar farms turns bitter

Descendants of white Zulu chief accuse squatters of torching land

PREGA GOVENDER

AN UGLY land dispute has pitted the descendants of the legendary first white Zulu chief, John Dunn, against hundreds of squatters who have invaded land given to him a century ago by King Cetshwayo.

The battle is causing a slump in sugar production in one of South Africa's most prosperous sugar cane areas as fields go up in smoke.

More than 60 beleaguered heirs of Dunn — the son of an 1820 Scottish settler and adviser to Cetshwayo — farming on 2 520ha of land in Mangete on the KwaZulu-Natal North Coast, claim 90 percent of their land is lying fallow because of the conflict.

Dunn's descendants have title deeds to the land, but the embattled farmers of "Dunnland" say they have lost millions of rand through dozens of arson attacks.

They say the fires are the work of squatters who want to drive them from the land. The squatters say the land belonged to their ancestors and should be returned.

Dunn, who was given land rights in the Tugela area, married 48 Zulu women and had 117 children. The land is also the subject of a claim being handled by the Land Claims Commission.

KwaZulu-Natal's MEC for housing and agriculture, Narend Singh, visited the area recently in an attempt to resolve the impasse.

"Two provincial ministers will meet the Mangete Landowners' Association in two weeks' time. What is worrying is that productive agricultural land is being used for settlement," he said.

Pat Dunn, a member of the third generation of Dunns who returned to South Africa two years ago after leaving in 1971 because of apartheid, blamed squatters on the farms for the drop in production.

She said: "Aside from invading land, they let their livestock graze in sugar plantations, damaging crops. They have also been using intimidatory tactics against farmers. My farm was torched three times this year — on one occasion I lost more than 25ha of cane."

Dunn, deputy chairman and spokesman of the association, said farmers had been forced to employ private security guards.

"What is amazing is that people from all over South Africa are suddenly laying claims to land here. It's nothing more than land grabbing."

But George Ndlovu, who is building another hut on one of the Dunns' farms to accommodate his 25 children from his four wives, said he had returned to the land of his ancestors and would oppose any moves to evict him. Ndlovu claims his grandfather lived on the farm many years ago.



NOT BUDGING: George Ndlovu has 25 children and four wives Picture: MICHAEL WALKER

In a letter to Dunn, Inkatha leader Mangosuthu Buthelezi said that, as a descendant of Cetshwayo, he found it "unacceptable that the descendants of John Dunn should be robbed of their rightful inheritance".

According to the minutes of a meeting between the Dunns and the chief of the Macambeni tribe, Nkosi Khayelihle Mathaba, the chief told his subjects that no new buildings were to be erected.

However, Mathaba said he did not regard the people who had settled on the land as squatters: "Their ancestors are buried there — the land is rightfully theirs. It's nonsense that they are burning farms. No one has been arrested and there's no proof."

ST 3/1/99 (271)

Appeal to extend land claim cut-off deadline

Sowetan Reporter

THE Alberton Old Location Land Restitution Committee has sent a last-minute letter of appeal to the Land Claims Commission in Pretoria asking for an extension of the December 31 deadline for land claims submissions.

The committee's spokesperson Mr Caswell Khanyile said yesterday it had been decided to ask the commission for an extension in order to allow many of the members, whose properties had been destroyed during the 1990 to 1994 political violence, more time to make submissions.

The official cut-off date for the submission of land claims with the Land Claims Commission was December 31 last year

Thokoza, which is now home to thousands of former Alberton Old Location residents, was the battleground for running and bloody fights between members of the African National Congress and the Inkatha Freedom Party

During the strife at least 4 000 people lost their lives and many properties were destroyed.

Khanyile attributed the slow response to the fact that most of the people who had been forcibly removed from Alberton Old Location in 1958, as a result of the Group Areas Act, were now residents of Thokoza.

Khanyile said his committee had decided to request further time after a drive to enlist the support of displacees had produced only 239 of the expected 520 families

However, the committee's letter is dated January 4, and it is not clear if the appeal will succeed.

8

Over 50 000 land claims flood in

(271)

Sowetan 8/1/99

By Malcolm Ray

THE pace of land restitution since the enactment of the Restitution of Land Rights Act in 1994 has picked up as people dispossessed since 1913 scrambled to stake their claims ahead of the deadline for applications

Although no accurate figures were available at the time of writing, it is estimated that more than 50 000 claims countrywide were received by the Ministry of Land Affairs' Land Claims Commission.

The lion's share of the claims are from Gauteng and North West, commission spokeswoman Ms Emma Mashinini said this week.

The flood of claims follows the failure of the initial March 1998 deadline to attract a significant number of applications

According to figures released by the ministry, between November 1994 and March last year only 24 516 individuals and communities had submitted their claims and seven claims had been finalised by the Land Claims Court

Despite the resounding success of the registration process, the challenge of implementing restitution claims is expected to be onerous

"Most simply filled in the application forms in a hurry to meet the cut-off date without providing proof of claim to the land," Mashinini said

"Untangling these claims within the limited (five-year) timeframe laid down by the Restitution Act in the absence of legal records will not be easy We will have to rely on lengthy oral testimony by people to land courts to prove or disprove their claims," Mashinini said

But there are strong reservations by rural lobby groups about the process

Brendan Pierce, the National Land Committee director, said: "Something has to be done to accommodate people in the far-flung rural areas who did not meet the deadline"

"We fear the strictly legal and administrative focus of the commission and land courts will further exclude people who cannot prove dispossession after 1913 from the ambit of the Restitution Act," Pierce said.

The South African Agricultural Union welcomed the principle of restitution. Union legal officer Ms Annelize Crosby said the deadline for claims will "hopefully create certainty for landowners who have sustained losses because of the volatile agricultural market".

Farm settlement scheme reviewed

(271) BD 15/11/99

Mass land settlement projects — 'Derek's dumping grounds' — could face the axe, writes Louise Cook

PRETORIA — Land and Agriculture Minister Derek Hanekom and senior management of the land affairs department will decide next month on the future of mass land settlement projects.

The rumoured possibility of the projects being scrapped is bound to disappoint landless communities, but the farming community is all for it — black and white farmers commonly refer to the projects as "Derek's dumping grounds". Should the mass settlement projects be formally scrapped, Hanekom is likely to delegate authority to provincial land affairs directors to approve smaller partnerships and share equity settlement projects

At present, all redistribution projects need the personal approval of the minister

However, Richard Levin, chief director of implementation and co-ordination at land affairs, says the R16 000 grant normally given to evicted farm labour households so they can settle on alternative land, is not in the balance

Levin confirms with Hanekom and land affairs director-general Jeoff Budlender that large group land settlement projects have not been effective and probably are not sustainable. He says projects undertaken since 1994, in which government has settled large numbers of people comprising 250 households or more, tended not to meet the department's basic project criteria of providing SA's landless with land to live on, cultivate for farming purposes or to create jobs.

"This is not a major policy shift (as stated in weekend newspaper reports) but rather an implementation or programme shift," Levin said. Explaining the new sentiment, Budlender said in December that although the new approach meant it would take longer for people to benefit from government's redistribution programme, the department favoured quality over quantity.

One of the key problems with large group settlements is the failure of a host of land reform beneficiaries to move onto the land. Levin says in several cases where the state bought white commercial farms for large groups of people, they did not move onto the land but tried to farm by "remote control" This lack of a hands-on approach has often resulted in projects underperforming or failing, Levin says

Another key problem is that large groups frequently lack cohesion and struggle to reach consensus. "We find that there are often problems in setting up a proper management structure for the legal trusts or communal property associations."

Communal property associations function along similar lines to the body corporates of sectional title housing developments in urban areas.

Asked if the contemplated changes to the redistribution programme had been influenced by pressure from organisations such as the National African Farmers' Union and the SA Agricultural Union, Levin says the land affairs department is "certainly" taking the agricultural viability of land more seriously. In the past, differences on the issue of land use caused friction between the government departments of land affairs and agriculture, and resulted also in tension between predominantly black organisations such as the National African Farmers' Union and the National Land Committee, a nongovernmental organisation representing landless communities.

The committee declined to comment on the possible scrapping of mass settlement projects until it met Hanekom and senior officials. A meeting was scheduled for yesterday at which it would raise concerns over talk that grants to evicted labourers might be scrapped.

Levin says reports that the department will stop all financial support for the resettlement of evicted farm workers are wrong, but the National Land Committee wants this confirmed by Hanekom in person Minutes of a land affairs department meeting in December, at which the issues were discussed, stated that "off-site, non-Esta (Extension of Security of Tenure Act) resettlements" would in future fall under the housing department.

In terms of the act, legally evicted farm workers do qualify for state assistance to resettle elsewhere, but landless communities and farmers alike fear that government wants to shift the burden of financing alternative accommodation to the farmer.

National African Farmers' Union acting CEO Joe Kotsekuane says· "We have always disagreed with settling people without knowledge, skills or resources in large groups. That is just dumping and destroying our very scarce agricultural resource base."

Levin said if mass settlements were formally scrapped next month, preference would be given to subdividing commercial farms bought by the state into viable, small-scale farms.

Several highly successful but smaller redistribution projects have been run along share equity and partnership deals, whereby government, farm labourers and the private sector all have a stake in the farming enterprise and share the profits.

Conquest of Roman, the hunger striker

MTG 15-21/1/99 (271)

Belinda Beresford

A landowner's public battle to give half of his farm to black families has spurred other farmers to follow his example and face head-on the simmering issue of land redistribution in South Africa.

Roger Roman's plan to give away his land to its black inhabitants has caused conflict with his neighbours and local council. Last November he embarked on a fast in an attempt to get the Hartebeespoort municipality to agree to his plan.

His arguments have sparked interest among white farmers anxious to avoid conflict with the government over the sensitive issue of land ownership. At least two other farmers in the area have approached the Department of Land Affairs to discuss similar plans.

Next week Roman plans to hand over title deeds for up to half his 13ha property to the Po Land Community, a group of 11 families who have been living on the land for generations.

Roman presents his plans as a pragmatic business decision. He says that although his land has been valued at more than half-a-million rand, it is unsaleable with the families in residence.

When he bought the property at a bargain price in 1995, it had been on the market for three years because of the black inhabitants. Some of the families on the land have been there for 150 years: the oldest inhabitant is a 97-year-old man who was born on the property.

Roman says he is caught in a catch-22 situation. Under current legislation people legally living on land have residence rights. So he cannot legitimately evict the people on his land, nor can he sell with the families in residence.

"So if I cut the land out then the value of the balance goes up and I can sell. From a financial point of view [I'm] better off," he explains.

Roman says there are other advantages to his scheme. The black families are friendly neighbours, which adds to his security. Owning the land will give the community the ability to claim the R16 000 government housing subsidy to build houses instead of shacks.

Ownership also gives an incentive to people to maintain the area, and to prevent squatters from invading their land. It also provides people with an asset to sell, mortgage or rent at will, pulling them more into the formal economic world.

Roman says all three parties involved in land distribution — landowners, landless and the government — need to work together. "If the landowners and landless sit back and expect the government to deliver, it won't work."



Roger Roman: 'If the landowners and landless sit back and expect the government to deliver, it won't work.' PHOTOGRAPH: MAGRIET THERON

He also called for landowners to recognise the financial constraints facing the government. "We don't have the financial capacity or resources for the government to give anything like compensation. But if the emotive issue of land ownership is not resolved, the government may one day be pushed by political pressures to seize land without giving compensation, as has happened in Zimbabwe."

Land affairs chief director for redistribution, land rights and development Lala Steyn says there is growing awareness of the importance of the issue of land ownership and redistribution.

Steyn says the department has received many inquiries from farmers around the country looking for proactive ways to address the issue. There have also been many cases of people selling land to black inhabitants at prices considerably below market value as a goodwill gesture, she said.

As an encouragement to landowners, the South African Revenue Service has agreed to waive donations tax on land given away for redistribution purposes. The first farm donated to black inhabitants was the Nelson's Creek wine estate in the Cape, where the black owners now bottle their own wine.

According to the land affairs department, as of January 12, 310 land redistribution projects involving 36 819 households and 419 389ha had been approved.

While Roman is anxious to put forward the pragmatic arguments for giving away land as an incentive to other landowners, he himself is being more altruistic. When the title deeds to the land are handed over, he will probably have given up more than half his land.

Some will be held freehold by individual families, similar to a sectional title block, with the rest being communal to provide facilities such as a school. Inhabitants will also have to agree to a code of conduct covering such things as management of water, maintaining the area and looking at possible joint ventures such as making a tourist venture out of the old gold mine.

The Po Land Community is planning to build environmentally sensitive housing, with solar heating and biodegradable toilets instead of the ubiquitous long drop. The houses are being designed with two stories and the possibility of adding a third once finances allow.

Roman's scheme has caused strong feelings. He alleges he has been manhandled twice by inhabitants of the area opposed to his plans, and has been threatened with legal action by the council.

However, Hartebeespoort mayor Pieter Rautenbach says the town council is "very much in favour" of Roman's plans. Rather, the council was concerned about the way the issue had been handled.

He said the council had passed a resolution "in favour of small cluster villages for poor people around the dam" in 1996. However, the council had complaints with the way Roman had handled the issue, specifically since he had not applied to subdivide his land, and there had been complaints about the breaches of health by-laws.

Roman has also complained that the council has been housing its workers in unsanitary conditions on land next to a sewage works.

Rautenbach said the families on the area were illegal squatters. The council had suspended eviction proceedings at the request of local and national government and had repeatedly asked for money to buy land for the 58 families.

In an echo of Roman's arguments, Rautenbach said the province simply did not have money to buy the land needed. In the meantime the council is looking at providing housing on council land and renting it to municipal workers. This would affect about 19 families, but Rautenbach said the council did not have enough land to provide for all families on the sewage site.

In unconscious acknowledgement of Roman's arguments that private landowners need to work with the state, the mayor said the council is considering a business plan to force developers to provide housing for people who will work on the new, upmarket housing estates being built in the area.



SAD MEMORIES . . . Jeremiah Tshabalala wants an adequate "reward" so that he can rest in peace ■ *Pic: MIKE MZILENI*

Pay us for the loss we've suffered

CP 17/1/99 (271)

Elderly ex-residents of Chatterston plead for a sympathetic ear from government

By MATEFU MOKOENA

As the government pledges itself to re-address the injustices of the past, old men and women who were robbed of their land want satisfactory recompense before they go the way of all flesh.

One such person is 80-year-old Jeremiah Tshabalala of Duduza on the East Rand who, together with other families, was forcibly removed from Chatterston township in the early 70s.

"My plea to the government is that it rewards me appropriately to satisfy my heart and make me rest in peace.

"If my house was still in good condition, I would rather reoccupy it. But now it is no longer the house I used to live in, it is in bad condition."

Tshabalala said he and his family left their beautful house because the then Nigel Town Council told them the area was meant for coloureds

The council led them to believe it would demolish the houses and build new ones for the coloureds, but it did not.

They were paid amounts ranging from between R200 and R1 500 for their houses.

Tshabalala said he lived in Chatterston for 27 years and was given R1 000 for his house.

Chatterston was renamed Alrapark after the black families were moved out to four-room municipal houses in Duduza township.

However, these houses were too small to accommodate all their property and Tshabalala said he had to add another two rooms and built backyard rooms.

Amos Vilane (70), a Chatterston residents' committee member, said he was given R3 000 for his seven-room house and a site.

He was forced to sell some of his property because his new house was too small.

The Mofokeng family have sad memories of their removal. Their father Johannes died of a heart attack immediately after the eviction.

Sighing deeply, Mofokeng's son Isaac recalled: "My father used to talk about his house now and then. You could see his heart was troubled.

"He would keep on saying 'The whites have robbed me after I spent so much power and money on my house'. He did not even want to go near Alrapark."

Mofokeng was paid R1 000 for his six-room house and a garage.

Religious buildings were not spared The African Methodist Episcopal Church (A.M.E.) mission house was turned into a shop.

The church's eldest member, Florence Nkosana (79), says she does not remember how much they were given for the mission house.

Church elders who would have known about the transaction have all passed away.

By Nkosana's estimate, they would have been able to build a new church house if they had received a fair payout.

Since that did not happen, church members had to dig deep into their pocket to build their new church house.

Among the people City Press spoke to was Esther Morajane, who said she was given R600 for her four-room house and two backyard rooms.

Steve Zimu, co-ordinator of the Chatterston resident's committee, said they have lodged claims with the Commission for the Restitution of Land Rights.

"We hope the commission will reward us appropriately," he said.

The acting chief executive officer of Nigel Town Council, Jacob George, agreed that people had been removed from Chatterston to Duduza township.

However, he was not aware that they had lodged claims with the Commission for the Restitution of Land Rights.

Concerning the title deeds of municipal houses, he said the council was in the process of registering these houses at the Deeds Office in Pretoria.

"So far 751 applications have been approved. Tomorrow we will be submitting another 2 897 applications," said George.

Rich but sad past may yield a rich harvest (271)

CP 17/1/99

Plans abound for contested Eastern Cape land

GRAHAMSTOWN – For many of the estimated 20 000 people living in the rural Mpofu district near Seymour in the Eastern Cape, redistribution and restitution of land means resolving a long history of pain and suffering

There are 50 restitution and 21 redistribution claims pending in this massive 80 000 ha block of land, which experienced mass expropriation by the Ciskeian regime in the 1980s – an act which left thousands of dispossessed farm workers living a subsistence existence.

To members of the Tamboekiesvlei Farmers Union, the 1980 expropriation was but one part of a rich history that stretched back nearly 180 years to the 1820s, when newly-arrived European settlers clashed with Xhosa warriors.

It was then that a "coloured" man, Mr Christian Gruppe, was granted the farm Tamboekiesvlei in the Mpofu area for assisting the colonial government in suppressing a Xhosa uprising

ANC National Member of Parliament Herman Loots grew up on Tamboekiesvlei and is one of many descendants of the original Gruppes who still live in the region.

He says people are "very excited" about the prospect of getting their land back, but will remain "sceptical" until the process is completed.

This is hardly surprising.

The people living on the land have survived the invasion of white farmers, who were allowed into the area in 1834 and 1851 because the "Hottentot" community had not supported the colonial forces with as much enthusiasm.

Then in 1905 a law was introduced which required all land to be registered.

Gruppe's descendants, who had been left land but had never registered it, fell prey to an unscrupulous lawyer who charged 100 pounds to register each descendant's land.

When many of them could not pay, their land was seized and sold to white farmers

As with the expropriations of the 1980s, many of the farmers packed up and left, but some refused to leave the land which had been in their family for generations Those who left are now returning from areas such as East London and Port Elizabeth, says Loots.

The entire area has development potential for livestock and agriculture in term of citrus cultivation, lucerne and tobacco.

As Department of Land Affairs Project Manager Vivian Loest told ECN, resolving the land claims will provide a huge impetus for development.

He said tenders were in the process of being granted to decide how to get the best possible return from the land and how to best train people to farm.

Tamboekiesvlei also has big plans to maximise productivity.

With plans to farm the land as a single entity and appoint a management team to oversee the development of the land and train local people, Loots believes prospects for developing the land are good as "people are prepared to contribute to the development of the area".

He said although he had grown up in the area, having ownership of the land would make the people love the land more and make it more productive

Loots said a business plan was being formulated to grow cash crops like maize and wheat for the first 18 months while the process of planting citrus trees has begun

He said there were plans to build a dam and that a form of aquaculture was being investigated

He said: "Reconstruction will be a slow process because of the lack of funds, but it will take place."

But Dr Dave Tapson of Rural Transformation Services said many of the claims in the area are "complex", with many cases posing a "mixed and difficult situation".

At Tamboekiesvlei for example, Tapson said many farmers had been paid compensation in the 1980s and therefore might not be liable for restitution.

Also, he said the land would not be able to support all the claimants.

Some people would therefore not be successful.

To complicate matters, many of the farms are under investigation by the Heath Special Investigative Unit because the Ciskei government handed them out as rewards to government employees.

Their status with regards to land affairs is therefore uncertain

DLA's Loest said that in many cases black people had moved onto the land and this had complicated the issue over who would own the land.

However, Loots did not see this as a problem as black people who had lived on the land as workers and "had every right to be there". – ECN Weekend



OVERJOYED . . . Mtsweni now has access to running water ■*Pic: GEORGE MASHININI*

Lenah is the 3rd millionth recipient of a water supply

By WELCOME SKOSANA

THE third millionth recipient of water from the department of Water Affairs since its inception four years ago, received her water supply this weekend

She is community leader Lenah Mtsweni of Vlaklaagte Number 2 in the former KwaNdebele homeland.

Mtsweni's community has benefited from the R96-million project of the Department of Water Affairs to supply water to rural communities.

In the last four years, the department has contributed greatly to the RDP's aim of improving the quality of lives of the majority South Africans especially the poorest.

Some three million previously disadvantaged South Africans have now received access to running water.

These people formerly experienced critical water shortages in their villages, informal settlements and towns where the water supply was insufficient to meet the demands of the population.

Squatter camp residents attempt to evict soldiers

MG 22-28/1/99 (271)

Peter Dickson

Armed with brooms and a letter of demand, 30 residents of Mandela Park informal squatter camp in Umtata last week marched through the gates of the OR Tambo complex, which houses police and defence force units, and told officers they were trespassers who had until January 31 to clear out.

The land and the complex — a network of mansions that once housed ministers of the Transkei bantustan — was theirs, they claimed, and they had come to take stock and clean up the "community centre".

The police advised them to negotiate with the Department of Public Works. The group left but returned later in force, after "persuading" more than 200 "supporters" to leave passing taxis and join the demonstration.

But the complex houses some of the toughest units, including the crack Tsolo and Qumbu special task forces, and after a warning, the rent-a-crowd group were sent packing with two thunderflashes and a can of tear gas

"Our action was very restrained," said Wayne Hackart, Umtata public order police commander. "I told them we had to uphold the law and that it was totally unrealistic to think they could overrun the police and the South African National Defence Force, as this was a challenge to the law of the whole country."

Jonas Ndzambule, chair of the Umtata Peri-Urban and Rural Development Agency, has a different version of events His body was formed the day after the march "to co-ordinate rural development projects for community benefit and create jobs and combat poverty".

The group wants the "Vlakplaas-type residential enclave" for community development, he said.

Ndzambule said the group had "official permission" to set up community projects in the complex. When it tried to do this "in keeping with the call made by the government that communities should organise themselves to fight poverty . white personnel .. fired tear gas canisters and assaulted men, women and children who were cleaning the premises ..."

'We will not allow squatters here!'

CP 24/1/99 (271)

Whites angry that farmer wants to give land to workers

By MKULULI BOLO

A FARMER in Hartbeespoort near Pretoria is facing the wrath of conservative farmers and the local council for giving part of his land to farm workers in the area.

Roger Ramon (45), who intends to give full ownership to the families, has had his application to grant the residents title deeds turned down by the council for "health reasons".

Ramon went on a hunger strike in November in a bid to force the council to change its decision He ended it after Agriculture and Land Affairs Minister Derek Hanekom intervened and said he would look into the matter.

Ramon said his vision was to turn the land into fully-serviced sites with proper homes, but the other farmers and the council said this would devalue their properties.

City Press is in possession of a letter dated October 1 in which the health services chief of the Hartbeespoort Council, JA van Staden, accused Ramon of contravening the council's health by-laws by providing informal housing to the farmworkers

Van Staden stated in his letter to Ramon that the families on his Po Land farm did not have a sufficient water supply, adequate toilet facilities or suitable housing.

A spokesperson for other farm owners in the area, Cor Zeelie said while farmers supported government initiatives to create low-cost housing, squatting would not be tolerated on properties.



THE RECONCILIATORS . . . *Obed Moyo (97) and farm owner Roger Ramon* ■ ***Pic: THULANI SITHOLE***

Asked if he would share his land with farm-workers, Zeelie said: "They are already sharing land with me by working on my farm."

He said the farmers supported the investigation of a model for low-cost housing by the Hartbeespoort Council and not the "squatter camp Ramon wants to create".

Ramon, a former vice-president of the National Union of South African Students (Nusas) in the early 1970's and a close associate of Black Consciousness leader Steve Biko, accused the council and fellow farmers of living in the dark, ox wagon days.

He said he was engaged in "active reconciliation between blacks and whites" by giving part of his land to farm-workers.

"Whites who benefitted from apartheid have to share with blacks and provide land, water and job opportunities as Africans," he said.

"Hartbeespoort has not moved an inch towards reconciliation and democracy. It is sadly going back to apartheid instead "

Ramon said farmers would have to act quickly if they wanted to avoid the Zimbabwe situation in which the government was forced to confiscate 841 commercial farms instead of buying them from the owners.

"Farmers in South Africa should learn from that. The current legislation enables the transfer of land by land owners to the landless without legal restraints", he said.

"Furthermore, the Extension of Security of Tenure Act of 1996 made way for the occupiers not to be evicted by the landlord. So why not transfer legal title deeds to the families occupying the land so that they can access government housing subsidies in terms of the Housing Act," Ramon added.

Obed Moya (97), who was born on the farm, said his wish was to be granted a title deed to live legally on Ramon's farm knowing that the piece of ground belonged to him.

An official in Hanekom's office, Margot Pienaar, said the ministry made a verbal agreement to provide R176 000 for the building of low-cost houses for the families on Ramon's farm.

Hurdles in land claims

(271)

Four years after the unveiling of the land restitution programme, bureaucracy and the absence of visionary leadership seem to threaten the process, argues **Malcolm Ray**

VUSUNZI MOKOENA, a tireless community leader and campaigner for land restitution, clutches onto a tattered title deed passed onto him by four generations. He is flanked by several members of his community.

Their beaming smiles – a profound expression of pride in their formal title to land – hides the pain of dispossession. This is Isidenge, a sprawling squatter settlement in the rural heartland of the Eastern Cape

In 1997 more than 1 000 families lived there To this day their struggle to settle their claim to a neighbouring commercial smallholding continues.

More than four years have passed since the Department of Land Affairs (DLA) unveiled its land restitution programme with words that seemed to resonate loudly: "Individuals and communities forcibly removed from their land due to discriminatory laws since 1913 shall be entitled to claim rightful ownership"

The euphoria surrounding the goal of concluding the restitution process by 2000 was short-lived, however. By last November, a ministerial review of the delivery record revealed worrying signs of an "excruciatingly slow, complex and exacting (delivery) process"

"Institutional structures have been overwhelmed by a huge flood of land claims. Few communities have consequently returned to their land"

Around the same time, a report commissioned by the National Land Committee (NLC) captured the reasons for the delay: "A large number of land claims (about 85 percent of the legal case load) remain unregistered and unfiled as a result of legal and policy constraints and the overwhelming demand on the (limited) restitution budget"

That was last year. Things look set to get worse If the record of delivery over the past four years is anything to go by, the unexpected success of the flood of claims at the end of 1998 could be the thin edge of the wedge in the collapse of the land reform programme

The DLA's administrative and adjudication arms – the Land Claims Commission and Land Claims Court – entered 1999 faced with the unenviable task of presiding over the implementation of more than 50 000 land claims by 2004.

A number of shortcomings could become telling during the course of this year and beyond – tangibly, for instance, at the level of policy

Marc Wegerif, a community worker for the Mkuzi Rural Association, a rural lobby group in Northern Province, explains that the Restitution Act, one of three main pillars underpinning the DLA's land reform policy regime, "provides for a drawn-out bureaucratic process of authenticating land claims once applications have been lodged"

> **"Institutional structures have been overwhelmed by a flood of land claims. Few communities have consequently returned to their land."**

The Act is explicitly "rights-based" This means that the settlement of claims has to pass through the maze of current legislation on land, then through the Commission before their adjudication in the Land Claims Court

Complicating matters is a desperate shortage of capacity in the DLA, low staff morale, the absence of a unified and visionary leadership, and an uncooperative and conflicting relationship between the DLA and the Commission.

"The second problem," according to Wegerif, "relates to the strictly legal focus of the Commission and land courts"

Racially motivated

In terms of the Act, 1913 is a legal benchmark for racially motivated dispossessions. "This devalues the long history of land inequality A sizeable number of people will consequently be excluded from the ambit of the Restitution Act," he says

Then there is the property clause in the Constitution which inhibits the state from acquiring land from current owners. Evidence of the discrepancy between restitution and property rights resonates in the failure of several presidential lead "pilot projects" initiated by the DLA in KwaZulu-Natal during 1996.

In its submission to the poverty hearings last year, the NLC noted that property owners responded to restitution claims by invoking their constitutional right to ownership

"The interpretive latitude of the Commission and land court caused endless legal disputes between farmers and land claimants," the NLC stated

Even assuming the smooth passage of the legal and administrative process, Wegerif cautions against "market constraints" which pose a formidable stumbling block to the implementation of claims.

He explains that once a claim is approved, it is the DLA's responsibility to provide monetary compensation at the market value to current land owners for expropriated property.

"It is doubtful whether the limited land budget can sustain the cost of expropriations."

The DLA is acutely aware of the limits to change. Jean du Plessis, the DLA's director-general of restitution, says the problem lies at the level of policy and the institutional design of the system

Open-ended

He cautions against an "unrealistic approach", which leaves the claims process open-ended.

Says Du Plessis: "The 1913 benchmark, for instance, is a constitutional reality which we have to work within. We did not decide that and it would be futile to open up a debate on the issue

"Our focus has been on investigating alternative restitution remedies that are realistic

"The immediate problems are confusing lines of accountability between the DLA and Land Claims Commission, the duplication of functions between various institutions and levels of authority, and the onerous and expensive process of sending every claim to the Court to give it legal force."

Du Plessis points to three possible solutions contained in an interim report commissioned by the DLA late last year "The first is to streamline the lines of accountability We have proposed that the DLA and Land Commission officials account directly to the DLA director-general.

"The administrative and financial burden of having to adjudicate claims in court will be done away with We hope instead that the court will be used only in cases of disputes between claimants and owners

"Lastly, we hope to decentralise decision-making powers to the regions, thus enabling officials to use their discretion"

Can the shift from a legal to a streamlined administrative system overcome the hurdles identified by the NLC? Du Plessis is guardedly optimistic

"We are working within clearly defined parameters that have the potential to limit the extent to which we can deliver However, the mandate to overhaul the restitution process and design something that works is timely If we ever had an opportunity, it's now."

Campaign to give land away gathers force

(271) M+G 29/1 - 4/2/99

Belinda Beresford

The furore surrounding a Hartebeespoort landowner who gave some of his land away has spurred on the local council, farmers and developers to undertake to provide 1 000 black families in the area with their own houses by the new millennium.

Already 14 developers have promised to donate land for housing — apparently after one developer threw down the gauntlet by publicly pledging a hectare, estimated to be worth about R10 000.

The team behind the Hartebeespoort project is also spearheading a nationwide push to see one million people living in their own houses by the end of the year.

A key figure behind the scheme is Hartebeespoort landowner Roger Roman, who has handed over about half of his farm to 11 black families, some of whom have been living on the land for generations. Last year he went on a fast to protest against the resistance his plan ran into from the local council and some of his neighbours.

The Department of Water Affairs and Forestry has given R250 000 to the Po Land community living on Roman's land, to fund 30 full-time jobs. The community has pledged half the money to the local council to use in creating other jobs elsewhere in the area.

Roman said this week the community had also decided to give Minister of Land Affairs Derek Hanekom back the R176 000 he had pledged in support. The sum is equal to 11 times the R16 000 housing grant being given by the state.

Roman said the community wants Hanekom to use the money to fund 11 other houses, to be built on freely donated land. Ideally they would like to see two houses built at each of the four corners of the country, "so it should be easy to fill in the middle".

In Hartebeespoort, the housing task team aims to persuade landowners to freely hand over parcels of land to people living on it. This would enable the team to use a full R16-million in government housing subsidies to build houses.

Roman contends regulations giving people security of tenure on farms where they are already living means that land is in fact inaccessable to the farmer. He says it is a moral and pragmatic response to give the land to its inhabitants, who are then able to get government subsidies to turn their shacks into solid housing, and have the incentive and the means to upgrade their property.

Hartebeespoort mayor Pieter Rautenbach, who heads the housing task team, says it hopes to be a role model for South Africa in demonstrating how private and public bodies can work together to solve the issue of land redistribution.

Picture TREVOR SAMSON

Implats land dispute likely to be resolved

BD 5/2/99 (271)

More conciliatory moves have helped platinum company's share price soar

David McKay

CAPE TOWN — The 10-year land dispute between Impala Platinum and the Bafokeng community near Rustenburg is likely to be resolved today when the community's supreme council considers a new set of proposals from the mining group.

A source close to the process said indications were that the council would look favourably on Impala's offer.

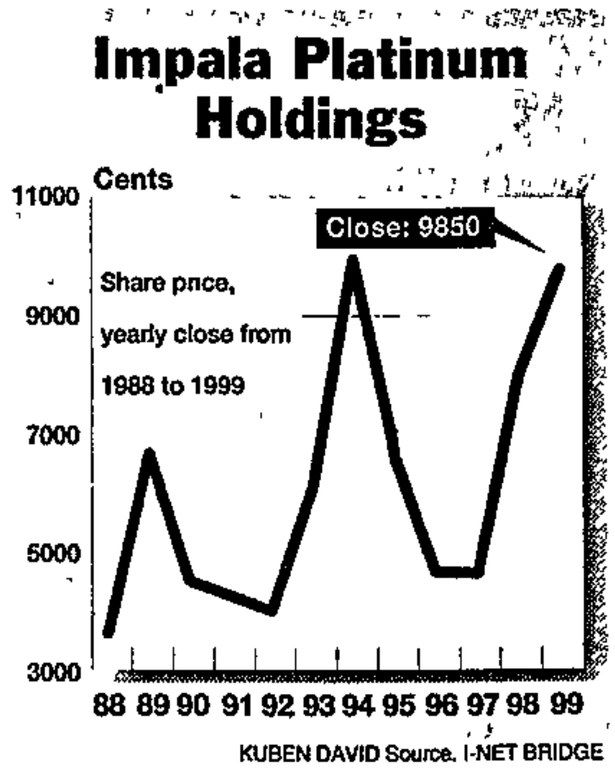
The long legal wrangle relates to the ownership of mineral-bearing land from which Impala mines the majority of its platinum group metals.

Details of the Impala proposals are sketchy, but analysts say it will offer the Bafokeng equity in the company and increased royalty payments.

The Bafokeng's supreme council, which will vote on the proposals today, consists of about 72 members.

However, its decision can be reviewed by the "Dikgosana", or chiefs, whose general meeting — scheduled for Saturday — takes into account the opinion of the local Phokeng people.

The Bafokeng launched their legal battle with Impala in 1988, and the issue has been a thorn in the company's side ever since. Analysts say the uncertainty caused by the row capped Impala's share price for several years. However, recent conciliatory moves by both sides have helped Impala's share price soar.



The company, whose major shareholder is Gencor, is now considered a serious rival to market leader Anglo American Platinum Corporation.

Analysts say a stake in Impala will give the Bafokeng some bargaining power over local platinum deposits.

If the stake is sold, the proceeds could be used to help liberate largely undeveloped chrome reserves on several farms already owned by the Bafokeng, totalling roughly 10km².

According to some estimates, the community controls about 300-million tons of chrome ore about 250m below ground, and more reserves at deeper levels.

Royalties from Impala are ploughed back into the Bafokeng community through infrastructure development.

The recent warming between the two sides appears to have its origins in the resignation of Brian Gilbertson as Gencor chairman. It is believed Gilbertson favoured fighting the Bafokeng in court, but the Impala board has now opted for a negotiated settlement.

The March quarter is building up to be a crucial period for Impala.

The platinum producer is also expected to hear the outcome of an appeal to the European Union which blocked 1996 proposals that would have seen Impala merge with Lonrho Platinum.



SMALL MERCIES: Sarah Delport is compensated 32 years after her family lost their land under the Group Areas Act. ***PICTURE: MUJAHID SAFODIEN***

Elsie's River Group Areas Act victims compensated

(271) CT 5/2/99

ERIC NTABAZALILA

ALTHOUGH Sarah Delport does not want to go back to her home in Grove Street, Parow, she was very happy yesterday to set foot on the plot where her family lived before they were forcibly removed under the Group Areas Act.

Yesterday Delport, 64, and her sister, Carol Chambers, after being awarded compensation by Agriculture and Land Affairs Minister Derek Hanekom for their removal from their father's house, went to visit their former home.

"I'm very happy. No words can express the way I felt when I put my foot in that yard. It was such a wonderful experience to know that our father prepared a roof for us although he did not know his dream of leaving his children in a safe place would be destroyed by the Group Areas Act.

"At least the government has done something to compensate us, though it's not what we were expecting But at least something has been done," Delport said.

She said the present owner of the house had been afraid when she and her sister arrived. "We assured him we were not there to take his house. After that, he relaxed and we talked like friends.

"Even if the Land Claims Committee said I could get the house back, I would not have taken it. The land did not matter as much as the families and friends who were broken down by the act. The togetherness was destroyed and the atmosphere has all gone. The money will never replace that.

"I'm happy where I am now. I have new friends and neighbours."

The Delport family received R64 041, and two other Elsie's River claimants, John Leslie Weber and the Le Grange family, received R64 536 and R55 308 respectively. The three families are the second group of Western Cape claimants to receive financial compensation.

Under the Restitution of Land Rights Act, families or communities who lost their right to land through the Group Areas Act can lodge a claim.

Joy as Hanekom pays out victims of apartheid

ST(CM)7/2/99 (271)

Woman introduces herself to new owner of property

JANET HEARD

PENSIONER Sarah Delport put years of pain behind her this week after receiving a cheque for R64 000 in compensation for her family being dispossessed of their Parow home under the Group Areas Act 37 years ago

After receiving the cheque from the Minister of Agriculture and Land Affairs, Derek Hanekom, she found the courage to return to her childhood address. It was only the second time she had ventured near the property since the family were evicted in 1962.

"I have avoided going there till now — too many painful memories," said Delport, 64.

When she introduced herself to the present owner, "I saw the fear in the woman's face. The same fear my parents had when authorities told them they had to move out.

"She asked me if I was going to try and force her out, but I said we would not hurt her in the same way we were hurt. She must live in peace."

A new house has replaced the two-bedroomed home in which Delport and her 12 siblings lived with their parents, the late Nicklas and Elizabeth Klassen.

"My parents were so sore about leaving that house. They never got over it. Although I am very grateful to be given this money, it can never replace the pain it caused my parents."

Her parents, who bought the house in 1937, were paid out R700 when they were forced to leave the house and move to Elsies River, a coloured area under the Group Areas Act.

Delport, a widow and the mother of eight children, has fond memories of her childhood.

"Our neighbours were like relatives to us. Everyone of all races, languages and religions mixed together, ate together and played together.

"I was lucky to have been raised in that environment."

She said that only when she married at 20 and moved out of her parent's home to live in Elsies River, did she experience an exclusive coloured culture.

She never dreamt that her family would get compensated, even when she attended the first land-claims compensation meeting in Elsies River four years ago.

"At that meeting, I met a lot of old Parow friends. It was a great gathering."

Then on Wednesday this week she got a call from Land Affairs to say she should visit the office on Thursday to collect a cheque on behalf of her family.

"Thursday was quite a day for me. It was emotionally exhausting. I couldn't believe that I would one day get money for the house that my father lost."

She will share the cheque with 22 family members. "We intend to get together soon to share our joy," said Delport.

Two other Western Cape families received cheques from Hanekom this week.

Leslie John Weber, 78, was paid R64 536 for being dispossessed of his Goodwood property in 1965 and the Le Grange family were paid R55 308 for being forced to leave their Parow home in 1962.

"1999 will definitely be the year of delivery in restitution," said Hanekom this week.



BITTER-SWEET MEMORIES: Sisters Caroline Chambers, 61, (left) and Sarah Delport, 64, returned to their childhood address in Parow this week after being compensated for the family's forced removal 37 years ago Picture: AMBROSE PETERS

BD 8/2/99

Impala signs 'generous' deal with Bafokeng to end 10-year dispute

David McKay

THE Royal Bafokeng Nation has ended its 10-year legal dispute with Impala Platinum, accepting a hefty increase in annual royalties from Impala for its mineral-bearing property and an equity stake in the company — the world's second-largest platinum producer.

Analysts said the agreement, passed by the Bafokeng's supreme council on Friday and ratified by a general meeting of the Phokeng people on Saturday, was finalised on "very generous terms".

The Bafokeng will also receive representation on Impala's board and about 1-million new shares, equal to about R100m at Impala's closing share price on the Johannesburg Stock Exchange on Friday. The shares will be issued as soon as the paperwork is done.

The agreement ends a sometimes acrimonious battle between the Bafokeng, a community in the North West, and Impala, which started mining platinum on the Bafokeng's land during the 1960s.

~~R10~~ (R271)

Relations between the two sides were strained when the Bafokeng contended that an earlier agreement between Impala Platinum and the former Bophuthatswana government of Lucas Mangope, in which certain royalty payments were fixed, was invalid. The Bafokeng asked for an increase in royalty payments from Impala as part of new negotiations. Impala refused, triggering a complex and protracted legal battle.

In a joint statement today, the parties said the Bafokeng would receive 22% of Impala's taxable income or 1% of gross revenues of metal mined from the Bafokeng's land, whichever was higher. The 22% royalty (ironically higher than the 21% the Bafokeng originally requested) would be backdated to July 1.

Stockbroker Merrill Lynch's platinum analyst, Johan Odendaal, said the increased royalty would shave 8% off Impala's annual earnings.

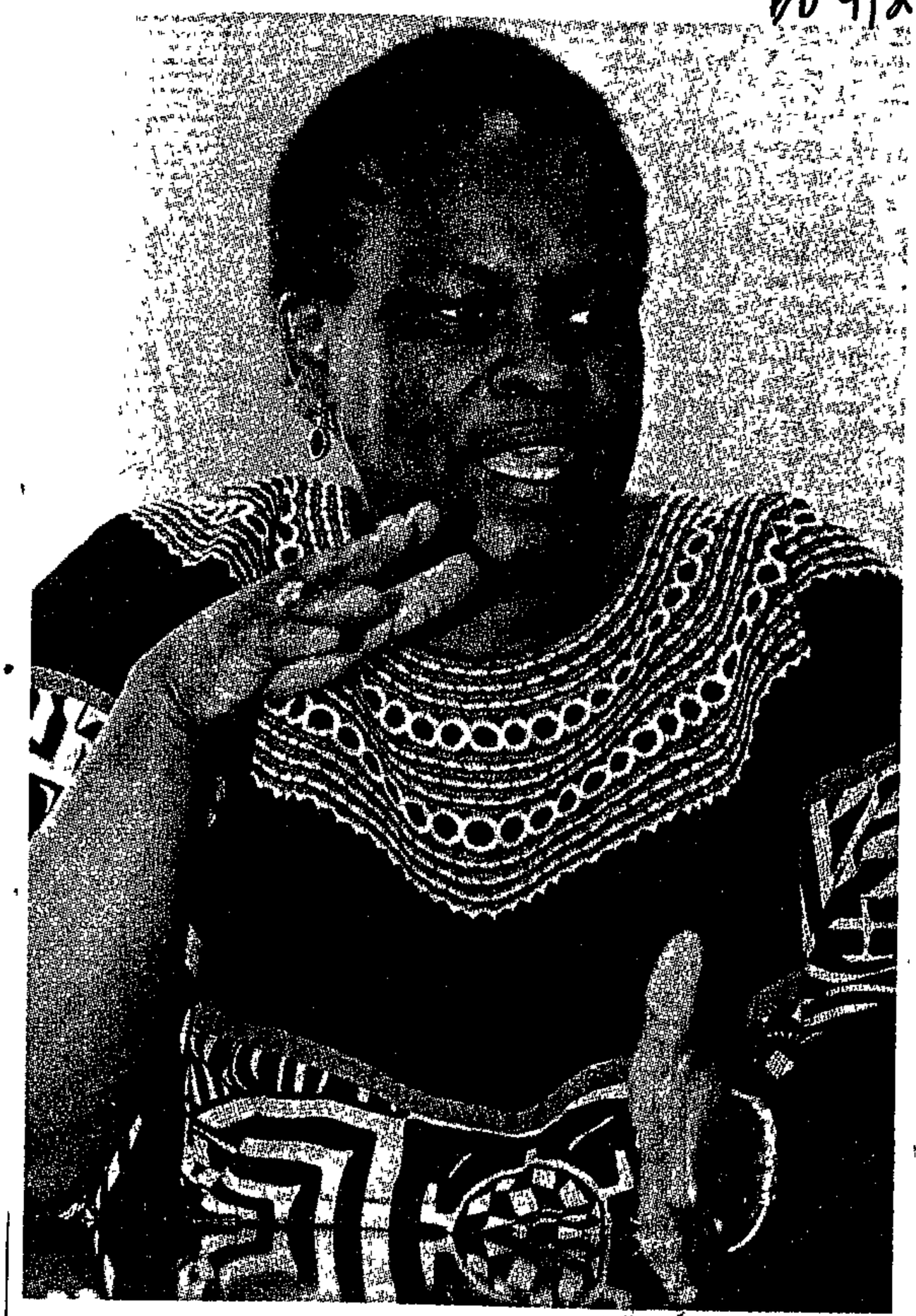
Odendaal said the settlement removed a significant obstacle for Impala and paved the way for a merger with Lonrho, the UK-listed mining group. The European Union will decide next month whether the merger is permissible.

Impala's legal adviser, Cathie Markus, said: "The settlement attempted to meet the aspirations of the Royal Bafokeng Nation without diminishing value for Impala shareholders." It was not possible to disclose the money to be paid from the backdated royalty as Impala's interim results were due later this month.

Bafokeng's benefits: Page 16

Bafokeng, Amplats in talks on mine

BD 9/2/99



Bafokeng queen mother Semone Molotlegi excited about the Impala agreement which she described as a relief after the Bafokeng had spent millions of rands on litigation.
Picture: ROBERT BOTHA

David McKay (271)

THE Royal Bafokeng Nation is in talks to establish a joint venture with Anglo American Platinum (Amplats) to expand its Bafokeng-Rasimone mine, which will have full annual production of about 250 000oz of refined platinum by 2002.

Amplats, the world's largest platinum producer, is developing the mine for about R900m (in 1997 money terms).

The discussions with Amplats come during an eventful period for the Bafokeng, who are based in the North West. At the weekend, they accepted proposals from rival producer Impala Platinum, including a seat on the board.

Amplats spokesman Johan Adler confirmed talks were under way with the Bafokeng but declined to give details. An analyst said a joint venture could see each party contribute as much as R600m to fund the expansion.

One of the key points is how the venture will be structured, particularly how equity will be pledged. The Bafokeng could, for example, offer mineral rights to earn project equity. A spokesman for the Bafokeng said yesterday the community's platinum reserves bordering Bafokeng-Rasimone were "significant".

Ironically, it was the Bafokeng's recent agreement with Impala Platinum that strengthened their ability to participate in a possible deal with Amplats, analysts said. In addition to winning a seat on Impala's board, the Bafokeng are to be given a 1,7% stake in Impala and increased royalty payments or 1% revenue from metal mined — whichever is greater.

The Bafokeng insisted, however, that their discussions with Amplats would have proceeded irrespective of progress with the negotiations with Impala. "We would still have had to raise capital," their spokesman said.

Greg Hunter, platinum analyst at Deutsche Morgan Grenfell, said Amplats' Rasimone development was progressing well and an expansion might be looked on enthusiastically.

Amplats is said to be one of SA's mining companies under pressure to use its mineral rights or lose them under government's new minerals policy. However, Hunter believed Amplats would not liberate platinum reserves "willy-nilly" as the market was finely balanced.

Improve villages: Page 4
Comment: Page 11

Bafokeng, Amplats in talks on mine

BD 9/2/99



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Improve villages: Page 4
Comment: Page 11

Tribe battles with chief over funds

Sowetan 9/2/99 (271)

By Matshube Mfoloe

THE leader of the Bafokeng nation near Rustenburg, Chief Moloane Molotlegi, is considering legal action against three local community organisations who have called for his suspension for the alleged abuse of the tribe's funds

Two of the three organisations, Thusang Bogosi ka Bonnete and the Bafokeng Action Committee, have written to President Nelson Mandela and the North West government to suspend the royal Bafokeng nation administration and start a forensic audit into the financial affairs of the tribe.

The other organisation challenging Molotlegi is the Bafokeng Private Land Owners Association.

In a letter to Mandela, a spokesman for Thusang Bogosi ka Bonnete Committee, Mr Buti Mokgatle, alleges that Molotlegi has within two years of his reign acquired three luxury cars and a helicopter valued at R6,5 million.

Confirmed

They include a BMW 541 valued at R350 000, a Mercedes-Benz worth R650 000, a Range Rover which cost R500 000 and a helicopter bought for R5 million.

Molotlegi confirmed the existence of the cars and the helicopter.

"But I did not buy any of those cars, not even the chopper. None of them are my assets. They are and will remain the assets of the Bafokeng nation. I can assure you that none of these items are registered in my name," he said.

"What these people (the three organisations) forget is that there is a committee responsible for drawing up budgets and doing the purchasing of many other things

"We do not buy things at the drop of a hat. There is a process we go through before a decision is made to purchase anything. I'm going to sue the author of those written allegations to the last cent," he said.

North West government spokesman Mr David van Wyk said the office of the premier was aware of the concern raised by the community organisations and the allegations were being investigated

Bafokeng to use royalties for development

(271) DD 9/2/99

Nomavenda Mathiane

THE BAFOKENG people would use their royalties from a deal with Impala Platinum Holdings to improve the infrastructure of their 29 villages, Bafokeng queen mother Semone Molotlegi said yesterday.

On Saturday Bafokeng and Impala signed a 20-year contract increasing royalties payable to the Bafokeng Nation from 14,94% to 22%, and agreed that the Bafokeng would also receive 1-million shares, which are worth R100m, as well as 1% minimum royalties.

The agreement ends a debate which started when Impala began mining platinum on the Bafokeng's land during the 1960s.

The deal will see the Bafokeng nominating one of its members to the Impala board and will give the Bafokeng preference for employment.

During the apartheid regime, the Bafokeng nation had running battles with Bophuthatswana leader Lucas Mangope over this land and royalties from the mining houses. The Bafokeng own 200 000 square metres of land, with the first farm bought in 1883 by Kgosi August Mokgatle.

Molotlegi said that in the past the royalties were paid into a trust held by the Bophuthatswana government and at the time the people had no idea how much was in the bank.

The new deal compels Impala to pay the money directly to the Bafokeng people through the Royal Bafokeng Nation Trust.

Molotlegi said the money would go towards developing infrastructure in the area such as roads, schools and clinics.

None of it would be used by individuals, instead it would be for the exclusive use of upgrading infrastructure for community.

"We will now do what we have been doing all along, but better — improving the quality of life in the 29 villages," she said.

She said there were currently 29 primary schools and six high schools in the villages.

The Bafokeng now planned to build high schools in villages that lacked these.

They would also improve on a civ- il works project started by the Bafokeng that has enabled locals to apply for tenders in the area.

She said since the mining industry had a undetermined lifespan, the Bafokeng people planned on being self-sufficient by the year 2020.

She said they also planned developing industrial areas to provide employment.

Ordinary people around Bafokeng were largely unaware of the agreement. Miners who said they were aware of the agreement said although they appreciated Impala's gesture, the money was not meant for the workers but for the Bafokeng people. They said miners from outside the area would now find it difficult to find employment in the mines.

New bill aims to speed up land claims process

BD 11/2/99 27 (27)

A new audit report highlights failings of the land affairs department

Sapa and Farouk Chothia

THE land affairs department, which yesterday unveiled a bill aimed at speeding up the resolution of land restitution claims, had failed to manage the claims process efficiently, says an audit report released by the auditor-general's office yesterday.

Up to the end of 1997 the department had processed only three out of 17 803 restitution claims, according to the audit report

The report, which covers the period from August 1 1997 to August 31 1998, highlights a number of serious shortcomings in the department in the areas of planning, management and performance measurement.

The shortcomings had hampered service delivery and the use of resources, the report said.

In some instances, capital funds were not spent. Only approximately R6,9m — or 2,7% of the capital budget of R248,9m — had been spent since the implementation of the Land Reform Pilot Projects up to December 1996.

The report said the Northern Province had not spent any of the R33m allocated to it for land acquisition grants. A total of just more than R13,4m was spent on the Land Claims Commission from its inception to the end of October, 1997.

Adequate feasibility studies were not always conducted to ensure that projects were sustainable. This meant projects could be, and were, shut down soon after they began.

The audit report also revealed shortcomings in other government departments and institutions.

Although corrective steps were implemented by the departments and institutions concerned, much more was needed to be done to address some of the deeply-rooted problems, it said.

Meanwhile, following growing concerns that the land claims process was moving too slowly, the land affairs department has unveiled a bill which aims to speed up the resolution of claims.

The Land Restitution and Reform Laws Amendment Bill, presented to Parliament's land affairs portfolio committee yesterday, aimed to reduce the role of the Lands Claims court by allowing for "mass processing" of claims

Department legal adviser Adv Johann Havenga said current legislation required that virtually all claims be dealt with by the court.

The amendment made it possible to bypass the court when there was no dispute among parties. In such a case, claims could be resolved through an "ordinary settlement", Havenga said.

Slow progress in resolving claims contributed to last year's dispute between Land Affairs Minister Derek Hanekom and the chief land claims commissioner, Joe Seremane. The latter was subsequently dismissed from his post.

Western Cape and Northern Cape commissioner Wallace Mgoqi is currently acting as chief commissioner.

In a sign of better relations, department chief director for restitution Jean du Plessis said the amended bill was a joint effort between the department and commission.

He expressed confidence that the amended bill would fast-track resolution of claims.

There was, however, no "magic cure," Du Plessis said. The challenge was to develop an effective administrative system.

Du Plessis said a second bill, to "rebuild the house completely", would hopefully be ready later this year. The bill would, he said, aim to bring about "integration" of the commission and department's functions

Land department performed poorly, audit finds

271

Cape Town – The Land Affairs Department had failed to manage the process of land claims efficiently, and up to the end of 1997 had processed only three out of 17 803 restitution claims, according to an audit report released by the auditor-general's office yesterday.

The report, which covers the period from August 1 1997 to August 31 1998, highlights a number of serious shortcomings within the department in the areas of planning, management and performance measurement.

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The report said Northern Province had not spent any of the R33-million allocated to it for land acquisition grants.

Only three out of 17 803 restitution claims received by the Land Claims Commission were completed by the end of 1997. A total of just more than R13,4-million was spent on the commission from its inception to the end of October 1997.

Adequate feasibility studies were not always conducted to ensure that projects were sustainable. Some projects were shut down soon after they began.

The audit report also revealed shortcomings in other departments and institutions. – Sapa

Star 11/2/99

Bushmen to get back park land

(271)

A HISTORIC agreement returning part of the Kalahari Gemsbok National Park to the Bushmen who once lived there is expected to be signed next month, Land Affairs Minister Mr Derek Hanekom said yesterday.

The claim had reached "the point of settlement" and he was confident the signing ceremony would take place at the park on March 21, in the presence of Deputy President Thabo Mbeki, he told a media briefing in Cape Town.

Under the agreement the Bushmen will get part of the park, plus additional land of their own.

"For the first time they will have their own land and they will enjoy all sorts of opportunities along with that," Hanekom said.

The Kalahari Bushmen had not only been victims of systematic dispossession of land, but also had their culture destroyed, he said.

They had almost become a special caste and were treated with disdain by black people in the area where they now lived.

"They really are treated like animals by other black people in the area, which is a disgrace."

Although Hanekom did not give more details at the briefing, it was reported last year that the deal would entitle the Bushmen to jointly own and manage more than 1 000square kilometres of the park. They originally claimed 4 000square kilometres, almost half the park.

In addition, the Department of Land Affairs would buy 25 000ha of private land outside the park, some of which would be used for agricultural and commercial purposes, and the rest for a cultural reserve and game farming.

The 300-strong community of Kalahari Bushmen lived in the area for generations until it was proclaimed a national park in 1931. They were eventually reclassified as coloured and resettled in a coloured reserve in 1973.

Hanekom also said Cape Town's District Six claims should be finalised by the end of this year. – *Sapa*.

Hanekom to move carefully on land reform

ET(BR) 12/2/99 (271)

EMELIA SITHOLE

Cape Town — South Africa would proceed carefully with its land reforms to avoid the chaos surrounding Zimbabwe's efforts, Derek Hanekom, the land and agriculture minister, said yesterday

Hanekom said South Africa had learnt important lessons from Zimbabwe, whose land reforms had been mired in controversy over plans to forcibly acquire white-owned land to resettle landless blacks

"The observation in Zimbabwe is that there was land resettlement in the first years of independence but what happened since then was virtually nothing Now the pressure is on and they are trying to transfer land quickly," Hanekom said

"The problem is to whom is this land being transferred and what support is being provided to those resettled It's much more difficult to achieve sustainability when things are done too quickly"

Some South African communities have criticised the government for moving too slowly to redistribute land from which thousands of blacks, coloureds and Indians were forcibly removed under apartheid's Group Areas Act

"Although (our process) is slow, we think it's the only way that we can do the land reform programme in a careful way that's based on a negotiated basis that will buy in all the stakeholders," Hanekom said

South Africa's programme to restore land to blacks herded off their territory by apartheid governments contrasts sharply with Zimbabwe's, where the government forcibly designates and acquires land for resettlement

President Robert Mugabe says the 4 500 white commercial farmers who occupy over 70 percent of the country's most fertile land should not be paid for the land because their British ancestors stole it from black owners when they came to Zimbabwe a century ago.

Land ownership is also one of the most emotive issues in South Africa, where whites make up 13 percent of the population but control over 70 percent of the land.

Hanekom said the government would speed up the settlement of land claims and restitution this year, with the aim of clearing the 63 455 claims within the next 10 years.

So far, only 31 claims involving the restoration of 174 000ha of land have been settled. — Reuters



CAUTIOUS *Derek Hanekom, the land and agriculture minister, says South Africa has learnt important lessons from Zimbabwe, where land reforms have been mired in controversy*

12/3/99

Land programme set to be complete in 10 years

(271)

Cape Town – The national land restitution programme, which is expected to cost the Government millions, will be completed in only about 10 years, Land Affairs and Agriculture Minister Derek Hanekom said in Parliament yesterday.

"Land reform, as a developmental programme, is a long-term matter for this country. There is no quick fix ... we have achieved remarkable progress in five years."

Hanekom said that since 1994, 53 675 families had gained access to 654 998ha in the redistribution, restitution and tenure reform programmes.

In 1995, five projects were approved; in 1998 that number increased to 178. Expenditure had increased 120% in four years. – Political Correspondent.

Many land claims deeds still not registered

Louise Cook

MORE than half of the title deeds for land claims, settled on the basis that claimants move back to the land rather than get monetary compensation, have not yet been registered in the names of the claimants

According to a land affairs department document released last week, the high-profile claim at Riemvasmaak, supposedly settled nearly five years ago, was still awaiting a legal land transfer to the community trust

The land was registered in the name of the state after the community moved back more than a year ago In at least 50% of "settled" cases, land still had to be transferred.

Northern Cape land affairs director Obed Mvula insisted that the Riemvasmaak transfer had gone through. A spokesman for the Cape Town Legal Resource Centre said certain proclamations on 4 000ha, which would facilitate the final transfer, would soon be finalised

Legal Resource Centre spokesman Henk Smith said "There is no issue around the transfer The delay is purely technical "

Regarding the high-profile claim at Smidtsdrift, where several thousand people got their land back over a year ago, negotiations with communities were "still under way". Mvula declined to give details, but said the claim was subject to "conflicting claims" and transfer was not possible at this stage

According to the document, transfers have gone through in only nine out of 23 "settled" restoration cases.

Mvula said the restitution commission, now being amalgamated with the land affairs department, was responsible for land transfers, but the department said they were the job of provincial land affairs offices.

Meanwhile, another 80 families of the Masizakhe community at Witrivier in Mpumalanga received title to land yesterday.

The project was not part of the claims process, but was co-financed by the Dutch government to start up a variety of projects, such as broiler breeding, pig farming, a motor spares business and service station A supermarket, cafe and tourist chalets would also be rented out

Land and Agriculture Minister Derek Hanekom and his Dutch counterpart handed over the title deeds at a special ceremony at Witrivier yesterday.

(271) BD 15/2/99

Land returned to dispossessed owners

Sowetan 18/2/99 (271)

By Joshua Raboroko

THE Department of Agriculture and Land Affairs, and the Commission for the Restitution of Land Rights, have instituted administrative changes which have already speeded up the return of land to dispossessed communities.

They have approved settlement of a further eight claims, bringing the total of resettled claims to 31 in the past two weeks, Land Affairs Minister Mr Derek Hanekom said in Cape Town yesterday.

Hanekom said in the next month another 40 claims in Malmesbury in Western Cape would be finalised with the Kalahari San clan. This rate of delivery would increase, he added.

He said the restitution process was not just about restoring land rights, but also about the healing of wounds, promoting national reconciliation and restoring the pride and dignity of people.

The commission had received 63 455 claims between 1994 and the cut off date on December 31 last year.

About 4 365 have been gazetted and 379 are being investigated. Large urban claims such as District Six, Cato Manor, Fairview, Sophiatown and 62 others have been referred to the Land Claims Court

He said the Land Restitution and Reform Laws Amendment Bill would dramatically speed up the restitution process by eliminating bottlenecks and allowing for more administrative and less costly methods of case settlement.

Expenditure on land reform had increased by more than 120 percent in the past four years.

The minister said the most significant change to the process was doing away with the need for the majority of claims to be referred to the Land Claims Court.

Claims would in future only reach the court if there was a dispute or complex legal issues to resolve or in cases of direct access applications.

Restitution needs to be overhauled

(271)

Sowetan 23/2/99

By Lucky Mathebe

> **"Land restitution needs to address itself to socio-economic development"**

> **"Land dispossession constituted a gross human rights violation linked to conquest"**

THERE are enormous challenges facing those trying to deal with land restitution in South Africa. In my view the Government's approach to land restitution must be guided by development principles.

The land under claim must be seen as a challenge to build a more just, democratic and participatory society.

Land restitution in South Africa is conditioned and fully determined by objective historical processes, which have been engendered by the system of apartheid.

As University of Cape Town academic Professor Mahmood Mamdani has noted, what was distinctive about apartheid was the dispossession of people's means of livelihood, such as land and employment.

Because of the colonial nature of apartheid, there was a link between conquest and dispossession, and between racial power and privilege.

The socio-historical environment of land restitution therefore provides grounds for a shift towards a broader restitution agenda to address wider issues of social engineering.

Historical processes

Given that land restitution is embedded in the historical processes which shaped the development of South African society, the implementation of the restitution programme therefore cannot simply be informed by the neutral need to process land claims.

Land restitution needs to address itself to the broader concerns of socio-economic development and reconstruction of communities.

And any institution driving a restitution or development agenda needs to have a clear policy prescription for urban and rural development and spatial change to overcome inefficiencies created by apartheid.

Land restitution policy sets out to resolve the spatial and socio-economic contradictions bequeathed by apartheid.

It hardly needs to be said that there must therefore be a synergy between restitution and development.

This can only be achieved by setting up a Directorate on Human Rights and Development, which must be empowered to drive a much broader restitution agenda.

The Commission on the Restitution of Land Rights can be transformed into such a directorate as part of the Human Rights Commission's action plan adopted by the Government in 1997.

Land dispossession constituted a gross human rights violation because it was linked to conquest and violence. Therefore land restitution – like the provision of food, shelter, transport and so on – is a second-generation or socio-economic right.

This means that land rights issues must be treated as human rights issues.

The mandate of a Directorate on Human Rights and Development should be extended by the Restitution of Land Rights Act to include the development of the land that has been granted to the beneficiaries of restitution.

It must also include the development of the land that was designated by the previous government as a "dumping ground" for black people.

A Directorate on Human Rights and Development has the potential to drive a far more progressive restitution and development programme for the following reasons:

- It will be guided by a single restitution and development vision;
- It will be able to confront the twin problems of restitution and development simultaneously;
- It will be insulated from the corrosive effects and retrogressive culture of the Department of Land Affairs and the Commission; and
- It will be able to enforce the restitution of land rights.

Because the constraints on development and implementation of the restitution programme are specific to local areas and regions, the directorate – as an autonomous body insulated from the vagaries of the politics of the DLA and local government – will allow for local input and decentralisation of power and allocation of resources.

Human rights

A directorate will also be able to deepen the culture of human rights in South Africa by vindicating the second-generation rights of those who are not entitled to the restitution of land rights.

Section 2 of the Restitution Act clearly states that only a claimant who has lost land rights after 1913 is entitled to restitution of those rights.

But what about those who are precluded by this section of the Act?

In my view, those who are precluded by the Restitution Act from making an appeal to land restitution rights must also be targeted for development.

Like claimants, they have borne the brunt of the crisis engendered by segregation and apartheid.

The current practice does not do any justice to the non-beneficiaries who shared common oppression, suffering and hardship with the non-claimants.

Because non-claimants cannot make an appeal to enforceable land rights through the law, they must be allowed to make an appeal to socio-economic rights so that they can be targeted for development.

In other words, as their claim for land rights has no basis in law in the Restitution Act, their socio-economic rights must be enforced by institutions such as a Directorate on Human Rights and Development.

We must adopt a restitutionary development approach. Such an approach implies a manifesto not only for spatial and normative change, but also for institutional change.

If systematically enforceable land rights of claimants and enforceable second-generation rights of non-claimants are to be enjoyed, institutions must be changed.

Both land rights and human rights must be established in South Africa. And that is where a Directorate on Human Rights and Development comes in.

(The writer is a researcher at the Commission on Restitution of Land Rights. The article is written in his personal capacity.)



Flashback ... Land Affairs Minister Derek Hanekom celebrating the return of the land of the Bakwena-baMogopa.

Threat to expropriate farms could be averted

(271) BD 25/2/99

Louise Cook

A THREAT to have nine farms in the Northern Province expropriated in a land claims case could be averted as government officials and the affected farmers gather in Kuruman today to thrash out last-minute details of sales agreements

The restitution commission said yesterday indications were that the farms claimed by the Kono community would go back to the community following the state increasing the original offers on the land to about R6,5m for the land owners, one of whom is former Conservative Party MP Jan Hoon

Two years ago the farmers faced the possibility of having their farms bought out under them when they refused to negotiate with the restitution commission, which recommended to the Land Claims Court that they be expropriated

However, the court ordered the farmers to get on with talks, a move that resulted in the state improving its original offer on the land

This week the commission's Cape Town office said Land and Agriculture Minister Derek Hanekom would sign deeds of settlement and sales agreements today Agreement had been reached that the farms would be sold for 8% more than the valuations done on the land and that the farmers would get half the money within two weeks

However, yesterday Jean du Plessis, land affairs chief director of restitution, said details still had to be sorted out and the price would go up between 4% and 8% above the valuations He expected the documents would be signed

Details of how the state planned to settle the outstanding half of the money promised to the farmers are still not known at this stage

The Kono community lost their land in 1959 after "black spot" removals by the apartheid government The 137 families were given compensatory land 30km away and some people preferred to move to other destinations The land was subdivided into 12 farms of which nine were sold to individuals

At present, the claimaints plan to set up a communal property association to manage the farms

CAPE TIMES
★ MONDAY, MARCH 1, 1999

Land restitution deal in Kuruman

CT 1/3/99

(271)

KIMBERLEY: Agriculture and Land Affairs Minister Derek Hanekom and the owners of nine farms in the Kuruman district near Kimberley in the Northern Cape will sign a land restitution agreement on Friday.

On Thursday last week the Commission on Restitution of Land Rights said a community trust, Kono, instituted a claim on 12 farms in the area from which residents were forcibly removed in 1959.

The community, comprising 137 families, was moved to compensatory land about 30km away. Some community members settled at Manyeding and Seoding in the Batlhaping area.

The state subdivided the land into 12 farms, sold nine farms to private individuals and retained the rest. The commission said the issue was referred to the Land Claims Court in 1996 after the landowners refused to enter into negotiations with the government for restitution.

The parties were ordered by a court to enter into negotiations, but the landowners said they were unhappy with the prices offered for the land by the state.

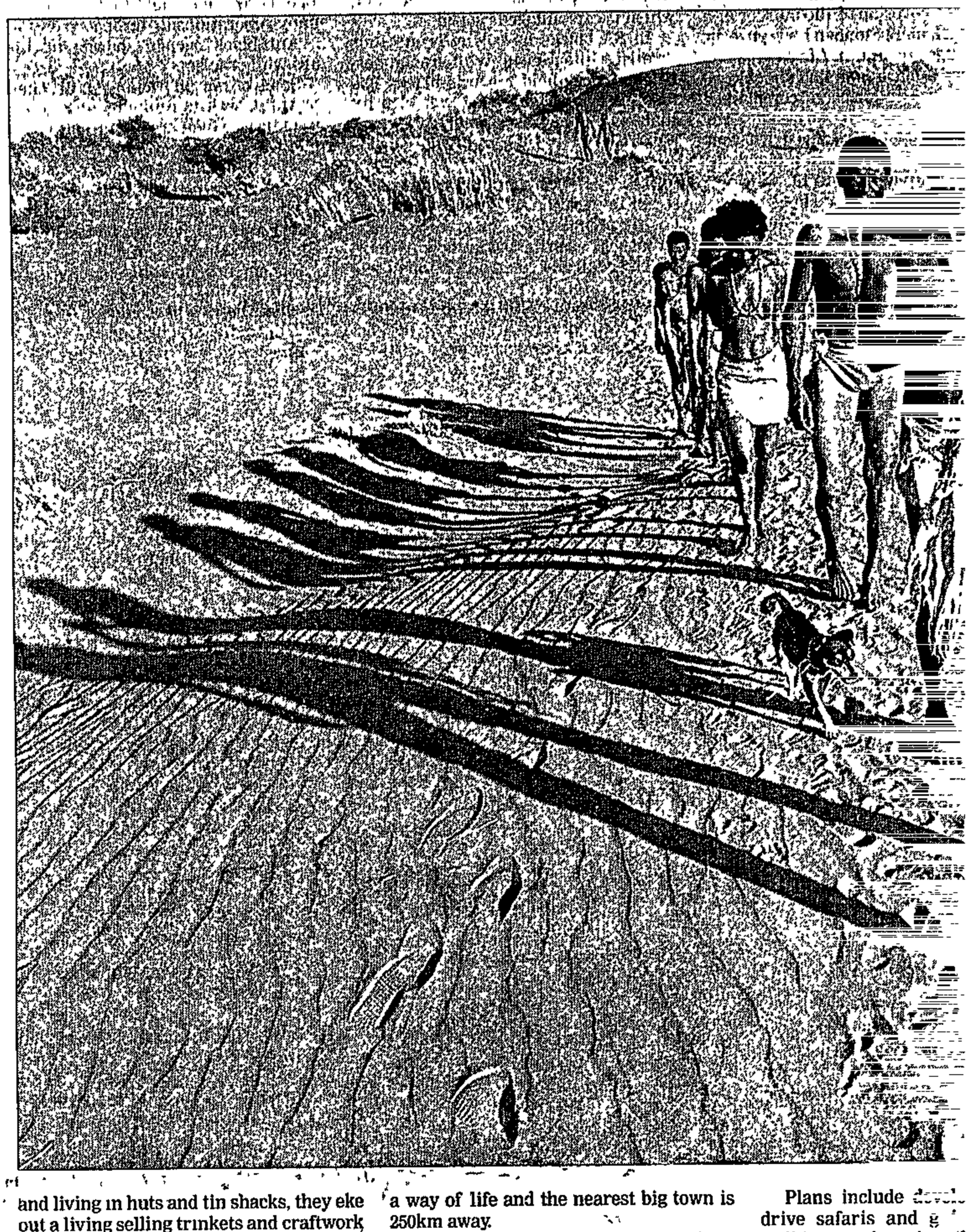
The parties agreed the valuation of the farms would be increased by eight percent and when the deeds of settlement were signed, 50% of the purchase price would be paid out to the landowners within two weeks.

The commission said the title deeds to the farms would be handed over to the Kono community at a later stage.

The Land Affairs Department would give the community priority access to state resources for the development of housing and other infrastructure. — Sapa

San regain a slice of

On Sunday, ancestral land will be formally handed back to these Khomani it is a treasure regained that uplifts their souls, writes



Sitting on the dusty floor of a dilapidated shack, the elderly headman of a tribe of South Africa's last Bushmen voices his dream: to return to his ancestors' land.

"I have lived in darkness," Dawid Kruiper says.

"Getting the land will allow me to stand up and say to the world: 'Here is Dawid Kruiper and here are my people'."

Soon Kruiper's dream will come true.

After the end of white rule in 1994, the new government passed legislation to return land to those from whom it was taken under colonialism and apartheid

The 500-member Khomani tribe that Kruiper heads filed a claim for a huge swath of the Kalahari Desert Bushmen, more acceptably known in South Africa as San people, have roamed the Kalahari for thousands of years

Though much of the land redistribution process has been slow and dogged by legal fights, the Khomani claim is close to being settled

A slice of land is scheduled to be handed over on Sunday March 21 after the Government finishes negotiations to buy it from private owners

Covering 25 000ha to the south of the Kalahari Gemsbok National Park, the area to be transferred is a harsh land of rolling red sand dunes and stunted bushes

Baked by the midday sun and frozen by cold, clear nights, it might seem scant compensation for centuries of oppression that nearly wiped out all of South Africa's San

But for Kruiper the land is heaven on earth His father is buried there amid other ancestral graves, and he has had to get permission from a white farmer to pay his respects

"We just want the right of living, hunting and walking on our ancestral lands without having to ask for permits or go through any organisation," Kruiper said, his wrinkled face scrunching into a frown

The modern world has not treated the San well

They once inhabited most of South Africa But European settlers and migrating Africans from the north forced them into a few scattered strongholds In some areas they were hunted and killed as unwanted pests

In the Kalahari, about 1 000km west of Johannesburg, the Khomani are the sole survivors in South Africa Other groups of San are located in Botswana, Angola and Namibia.

In 1973 Kruiper's tribe was moved from the national park after officials decided they had adopted Western ways They were reclassified "coloured" and moved to a squatter camp.

They remained there, on a soccer field-size square of land in the middle of a coloured township 10km south of the park's entrance at Tweerivieren

Wearing tattered Western-style clothes and living in huts and tin shacks, they eke out a living selling trinkets and craftwork to passing tourists on the road to their former home.

"They have nothing. They have been forced to live as squatters," said Belinda Matthee, a park official who works closely with the tribe and acts as an unofficial translator.

Alcoholism and family violence are rife in the community, but the prospect of a return to their land is having a positive effect in a region where unemployment is a way of life and the nearest big town is 250km away.

"Some people have stopped drinking completely; others have cut down to just occasional binges. They feel a bit of self worth now," said Geoff Perrott, co-ordinator of the South African San Institute

Lawyers for the tribe are also negotiating a deal to give the San access to a second parcel of land inside the park itself.

Under the planned deal, the tribe would be given the concession to run 55 000ha of the park.

Plans include [illegible] drive safaris and g[illegible] walking trails using t[illegible] knowledge of plants, [illegible]

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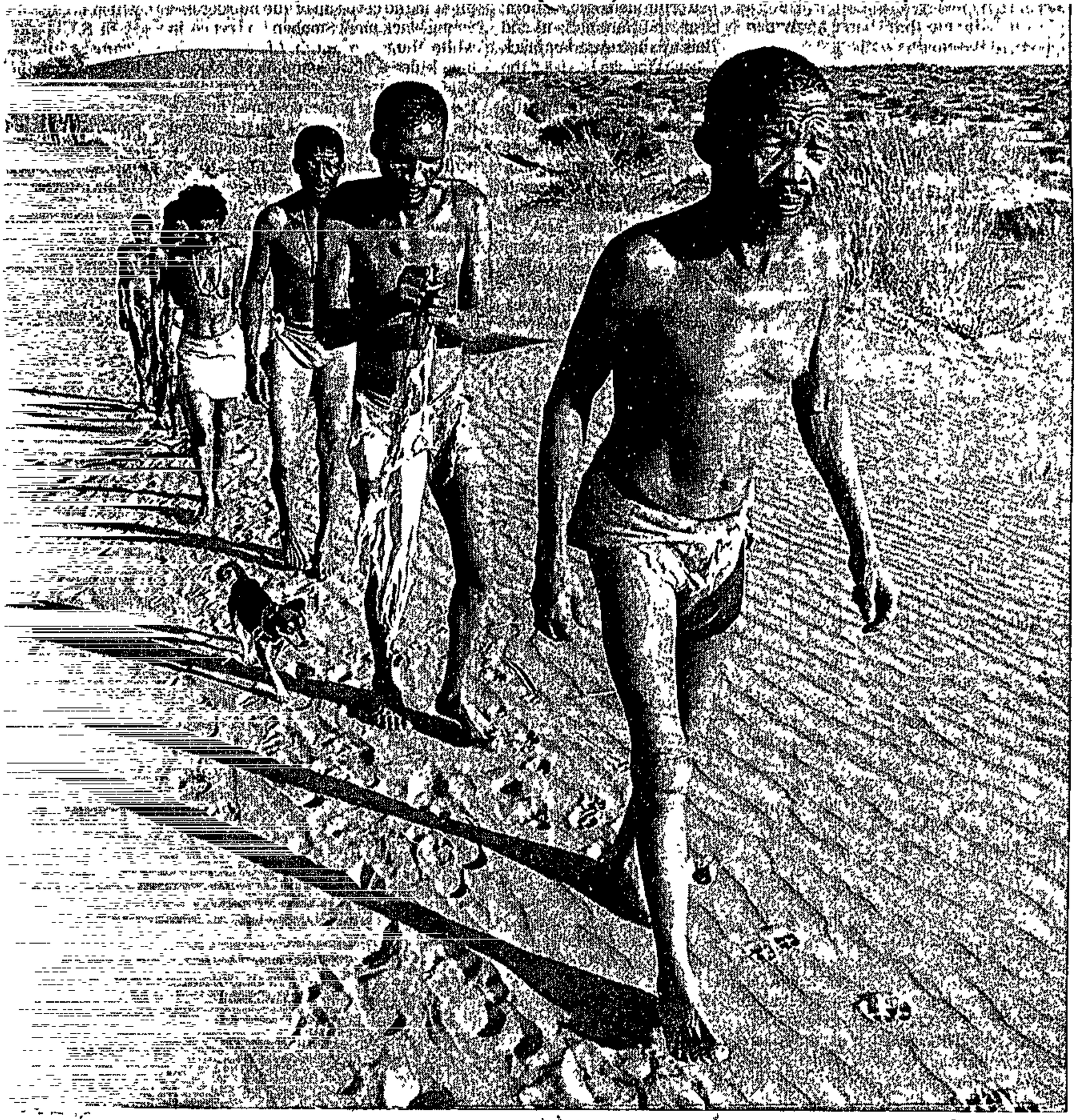
rmally handed back to these Bushmen. The area is desolate, but for the iat uplifts their souls, writes Paul Harris in Tweerivieren, North West

(271) Star 16/1/99



DAVID ZILWA/AP

Endangered ... a group of San, led by Dawid Kruiper, on the dunes in the Kalahari Gemsbok Park on their way to visit the grave of his father. The 500-strong Khomani tribe had lodged a claim for a huge swath of the Kalahari desert where they have roamed for thousands of years.

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Plans include developing four-wheel- drive safaris and guiding tourists on walking trails using the San's unique knowledge of plants, animals and tracks.

"That is the part that will really change the matter Running a piece of the park will give them a part in a modern economy," said lawyer Roger Chennels.

As the remnants of a Stone Age culture that goes back untold generations, fears have been raised of creating a "human zoo" by using the San as a park attraction.

Perrott rejects such suggestions. The San will run their land and their part of the park as they please, with the same rights as any other South African citizen. "The idea is not to save them as they are. It is to give them a choice that if they want to carry their traditions on, they can," he said

For Kruiper, the choice is clear. Donning animal skin clothes, he ducks under a barbed wire fence and leads a band of 30 men, women and children to visit his father's grave beneath a towering ridge of rust-coloured sand.

While the distinctive clicks of their Nama language drift across the dunes, the group stops to examine tiny tracks made by deadly scorpions.

Gazing into the distance, across land that will soon be returned to him, Kruiper now believes his culture will live on long after he is gone.

"I cannot see very well, but my mind can see and my heart can feel," he says.

"On the land the children will feel at home. Then my spirit will know that our tradition is living." – Sapa-AP

Bushmen get their ancestral land back

(271) Sowetan 16/3/99

By Paul Harris

SITTING on the dusty floor of a dilapidated shack, the elderly headman of South Africa's last Bushmen describes his dream to return to his ancestors' land.

"I have lived in darkness," Dawid Kruiper says "Getting the land will allow me to stand up and say to the world: 'Here is Dawid Kruiper and here are my people'"

Soon Kruiper's dream will come true.

After the end of white rule in the 1994, the Government passed legislation to return land to those from whom it was taken under colonialism and apartheid

The 500-member Khomani tribe that Kruiper heads filed a claim for a huge swath of the Kalahari Desert. Bushmen, also known in South Africa as San people have roamed the Kalahari for thousands of years.

Though much of the land redistribution process has been slow and dogged by legal fights, the Khomani claim is close to being settled. A slice of land is scheduled to be handed over on Sunday, March 21, after the Government finishes negotiations to buy it from private owners

Covering 25 000 hectares (62 000 acres) to the south of the Kalahari Gemsbok National Park, the area to be transferred is a harsh land of rolling red sand dunes and stunted bushes

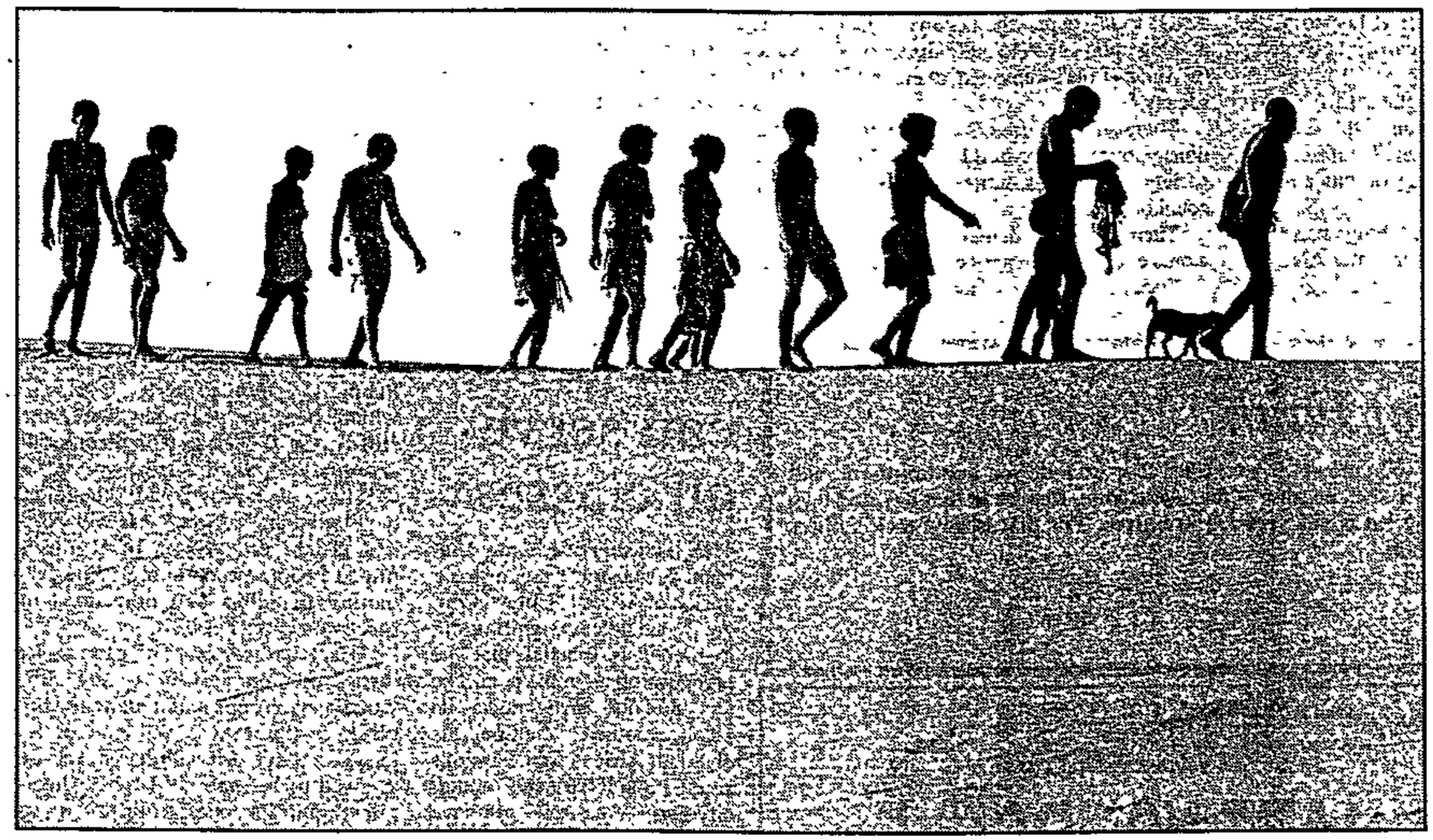
Baked by the midday sun and frozen by cold, clear nights, it might seem scant compensation for centuries of oppression that nearly wiped out all of South Africa's Bushmen

But for Kruiper the land is heaven on earth

His father is buried there and there are other ancestral graves Until now he has had to ask permission from a white farmer to pay his respects.

"We just want the right to live, hunt and walk on our ancestral lands," Kruiper said, his wrinkled face scrunching into a frown.

The modern world has not treated the Bushmen well



Bushmen crossing the dunes in the Kalahari Gemsbok Park to visit an ancestral burial site. Though much of the land redistribution process has been slow and dogged by legal wrangling, the Khomani tribe's claim for 25 000 hectares, taken from them during colonialism and apartheid, is close to being settled.
PIC: OBED ZILWA

They once inhabited most of South Africa but European settlers and migrating black tribes from the north forced them into a few scattered strongholds In some areas they were hunted and killed as unwanted pests

In the Kalahari, about 1 000km west of Johannesburg, the Khomani are the sole survivors in South Africa Other groups of Bushmen are in Botswana, Angola and Namibia.

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Alcoholism and family violence are rife in the community but the prospect of a return to their land is having a positive effect on the tribe who inhabit a region where unemployment is a way of life and the nearest big town is 250km away

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"I cannot see very well but my mind can see and my heart can feel," he says "On the land the children will feel at home Then my spirit will know that our tradition is living." – *Sapa-AP*

Gift of land that gives back our voices

CT 19/3/99 (271)



AFTER being pushed off the land and persecuted by European colonists and African tribes for centuries, the San of the Kalahari have finally been given land they can call their own. Environment Writer **MELANIE GOSLING** reports.

"WE need land, water and truth." It was an old San woman who said these words yesterday, one of just 15 Kalahari San who can still speak the =Khomani language

On Sunday, the first part of Annie Olwyn's wish will come true when the government hands over to the =Khomani San 40 000ha of land just south of the Kalahari Gemsbok National Park. They will own this land

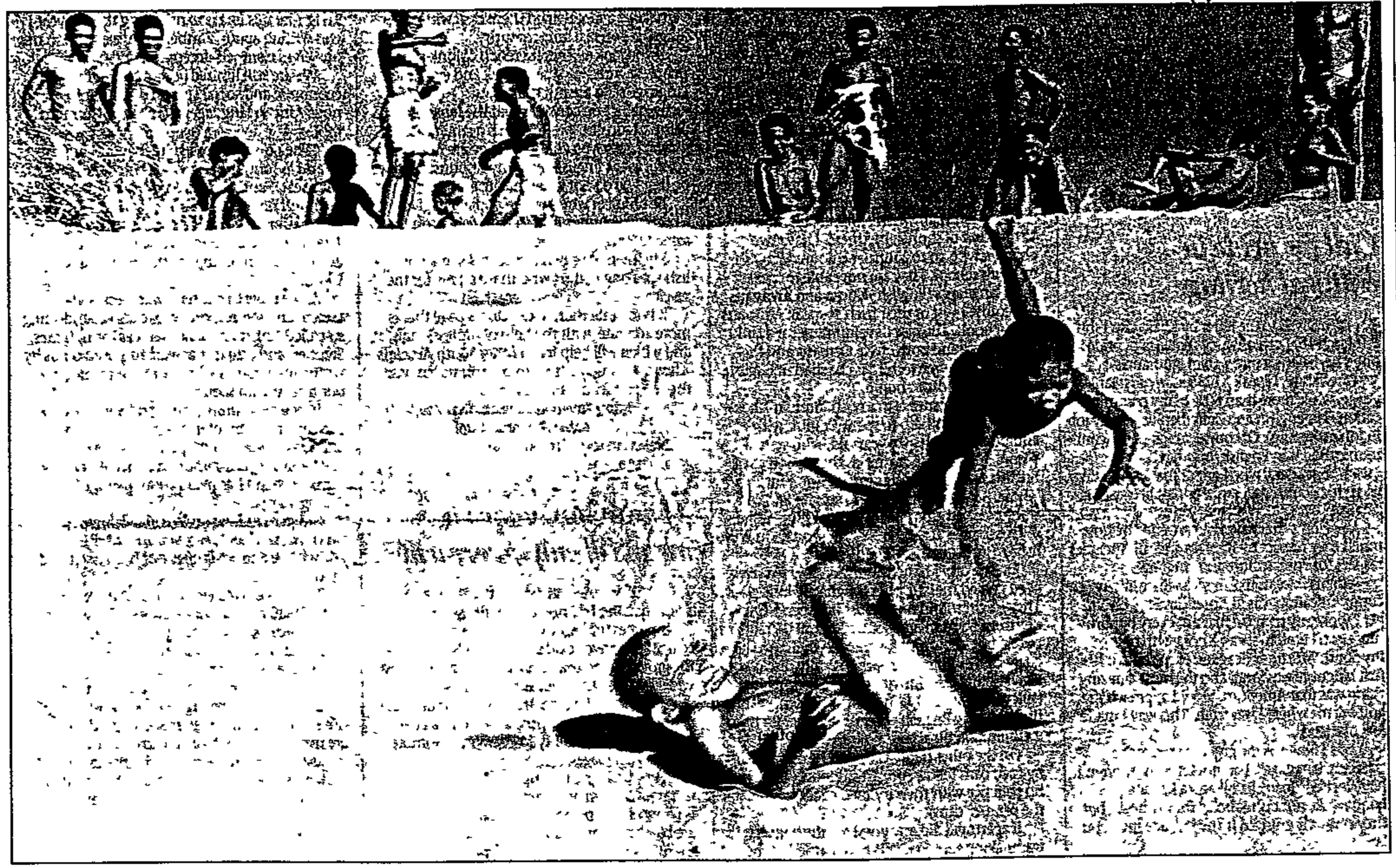
As to the truth — if she meant the truth of what the first inhabitants of Southern Africa suffered through exploitation, domination and lack of political power over hundreds of years, who knows if the full extent of that will ever be known

This land restitution deal marks the end of a five-year battle to get land for a community that was regarded as "dead", and it is the first land any San have had tenure over in the whole of Southern Africa.

In addition to several farms that make up the 40 000ha, the San will also get about 27 500ha of land inside the Kalahari Gemsbok National Park.

Negotiations regarding the community and ecotourism rights they will have in the park have not been concluded.

Petrus Vaalbooi, chairman of the Southern Kalahari San Association, said yesterday that his telephone was "hot" from the calls discussing tomorrow's celebration of the land deal, when San from all over the Northern Cape will travel to the Askham area just south of the Kalahari Gemsbok Park to take part in the festivities.



PLAYFUL: Adults watch as =Khomani children frolic and tumble on the dunes in the Kalahari Gemsbok Park. *PICTURES: OBED ZILWA AP*

"I can't find the words to say how happy I feel. My feelings are bigger than my words My heart is like a flower I thank the power of the spirit of our forefathers The old people wanted this, and now it has come.

"I also thank the government because we San were so low down on the ground, we lost our land and we nearly lost our language Now the government is picking us up by giving us back land

"And now we're also finding more people who speak our language and we will even get a teacher to teach the children We are coming back again," Vaalbooi said.

Among those who will attend the signing ceremony celebrations at the weekend are Deputy President Thabo Mbeki.

Lawyer Roger Chennels, who has been instrumental in clinching the land deal for the San, said yesterday: "It started as a dream five years ago Then Nelson Mandela was released, the Land Restitution Act was passed, and it went on slowly like a creeping revolution.

"More Kalahari San were found, more people who spoke their language were found, and now these people whose language, =Khomani, was declared dead in 1975, are beginning to reconstruct their community.

"It's an amazing event Just to find people who speak =Khomani is incredible It was a dead language. It's like finding people who speak Latin."

Chennels said 300 San adults were involved in the land claim. With their children, the size of the =Khomani community will be about 700.

The Department of Land Affairs identified the land with the San as compensation for land they lost between 1937 and 1973. A Land Affairs spokesperson said the land outside the park would be used as a culture reserve and for game farming, residential purposes and subsistence farming

The land in the national park would remain a conservation area and be managed as a contract park between the =Khomani San, the Mier community and the SA National Parks.

The details of the contract are still being negotiated, a department spokesperson said.

Nigel Crawhall, a linguist who found the first =Khomani speaker about two years ago, said from the Kalahari yesterday that he had tracked down two more =Khomani speakers two days ago, bringing the total to 15

One of them was "Oupa" Andries Olwyn,

"This language froze at the turn of the century, so in a way it's like turning back in time," Crawhall said.

The acquisition of land would have tremendous cultural implications.

"Their language was structured around their physical relationship with the land, so when they're in the Kalahari, the easiest way to describe their land is in their first language."

Fiona Archer, director of the Southern African San Institute, which was established in 1966 to give organisational backing to the Working Group of Indigenous Minorities of Southern Africa, said the San had suffered from a lack of human rights in every way

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One of them was "Oupa" Andries Olwyn, who spoke to the Cape Times on Crawhall's cellphone.

"My father spoke the language, so that's why I can. I speak my language often. But my children never learned to speak it because they went among Afrikaans-speakers, now that's all they speak.

"They're grown up now, but I wish their children's children can learn our language again, learn it in the schools," Olwyn said.

He believes now that the San have got land back, they will be able to recover as a community

"The white people threw us out, everyone threw us out. One by one we moved away and wandered among the farmers.

"But now that we've been given land (nou dat ons weer die wêreld kry), we can go on once more," he said.

Crawhall said Annie's comment about land, water and truth, had been in response to a question put to her this week by Vaalbooi, who asked that she, as an elderly San person, give the younger San guidance.

"We tracked Annie down in Olifantshoek, about 160km east of Upington We've been tracking people down using a system of networking When we got here we had to interview five people first before we found her.

"What's interesting is that the youngest speaker is 59, whereas before it was only very old people who spoke it."

The younger the speakers are, the greater the chances are of the language being passed on.

"It's more than just a language — it's about culture and identity.

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Fiona Archer, director of the Southern African San Institute, which was established in 1966 to give organisational backing to the Working Group of Indigenous Minorities of Southern Africa, said the San had suffered from a lack of human rights in every way

The right to land was acknowledged to be at the heart of the struggle of indigenous peoples for dignity, identity and development.

"The San represent the most marginalised of groups They're seen as Southern Africa's first people, but they found it difficult to get access to resources

"When things go wrong, they tend to stand back. They're not used to competing for resources, because they share Other people don't.

"I remember Nigel (Crawhall) saying that the San represent the extremes of poverty and that if we address the needs of the San, we address the needs of extreme poverty," Archer said.

'We San were so low down on the ground, we lost our land and we nearly lost our language.'

A sad note is that Regopstaan Kruiper, patriarch of the San who was born in what is now the Kalahari Gemsbok National Park, did not live to see his people reunited with their land.

He died two years ago at the age of 96, sick and squatting in a tiny shack on the borders of the park.

Regopstaan, father of Dawid Kruiper who now heads the =Khomani tribe, was called //Am//Op, which means survivor

His father and mother, who was pregnant with him at the time, escaped a San massacre by a German hunting posse in Namibia in 1899.

Regopstaan's early years were untouched by Western culture, and he saw the first white persons when he was in his teens

He never realised his dream of being able to die in the national park where he was born, but his passion to have his people reunited with their land, has at last come true.



TIME TO RELAX: A member of the =Khomani tribe smokes a pipe of "Bushman's tobacco" in the park.

Namaqua land grants (271)

ENVIRONMENT WRITER

MINISTER of Land Affairs Derek Hanekom will hand over large tracts of land on Monday to communities in Namaqualand.

The land redistribution of about 63 000ha goes to three communities who live in the former Coloured Rural Areas of the apartheid era, and the fourth to people living in the former coloured township of Springbok.

The people of Concordia will get 12 572ha, of Steinkopf 32 669ha, Leliefontein 10 871ha and Bergsig and Matjieskloof near Springbok, 7 039ha.

Land Affairs has already handed over 58 000ha in Namaqualand, and will hand over a further 32 000ha in April.

● See Page 19.

CT 19/3/99



HANEKOM: His department will have redistributed 120 000ha of Namaqualand land by next week.

Some San get their land back, but there are many others in queue

Star 22/3/99 (271)

By Melanie-Ann Feris
Environment Reporter

While the San community celebrated the settlement of their land claim in Namaqualand this weekend, 200 other claimants in the Northern Cape are still waiting for their claims to be resolved.

Zakes Hlatshwayo, director of the Association for Community and Rural Advancement, which is affiliated to the National Land Committee, said they still had 200 claims to deal with.

Most of the claims in the province involved private land or land owned by the SA National Defence Force, he said.

The bulk of the land is situated around Kimberley and Kuruman.

One claim also involved land owned by the Lutheran Church in Pniel, as well as land currently owned by De Beers in Namaqualand.

"We have a huge backlog. In the past two years we have settled only five land claims.

"The process is very slow and difficult.

"To speed up the process we are encouraging claimants to try to resolve as many of the cases out of court as possible," Hlatshwayo said.

He said outstanding claims included the Riemvasmaak, Schmidtsdrift and Lohatla land claims.

According to Hlatshwayo, the land at Schmidtsdrift has still not been transferred to the community, even though the claim was made in 1994.

"Some of the people have moved to the land, but they have not yet received their title deeds," he said.

The Maremane and Khosi communities are still negotiating with the SANDF over the Lohatla land. The matter is expected to be heard in the Land Claims Court next month.

Mediation is still taking place between the Tswana and Griqua communities, which are both claiming land at Schmidtsdrift, 80km from Kimberley.

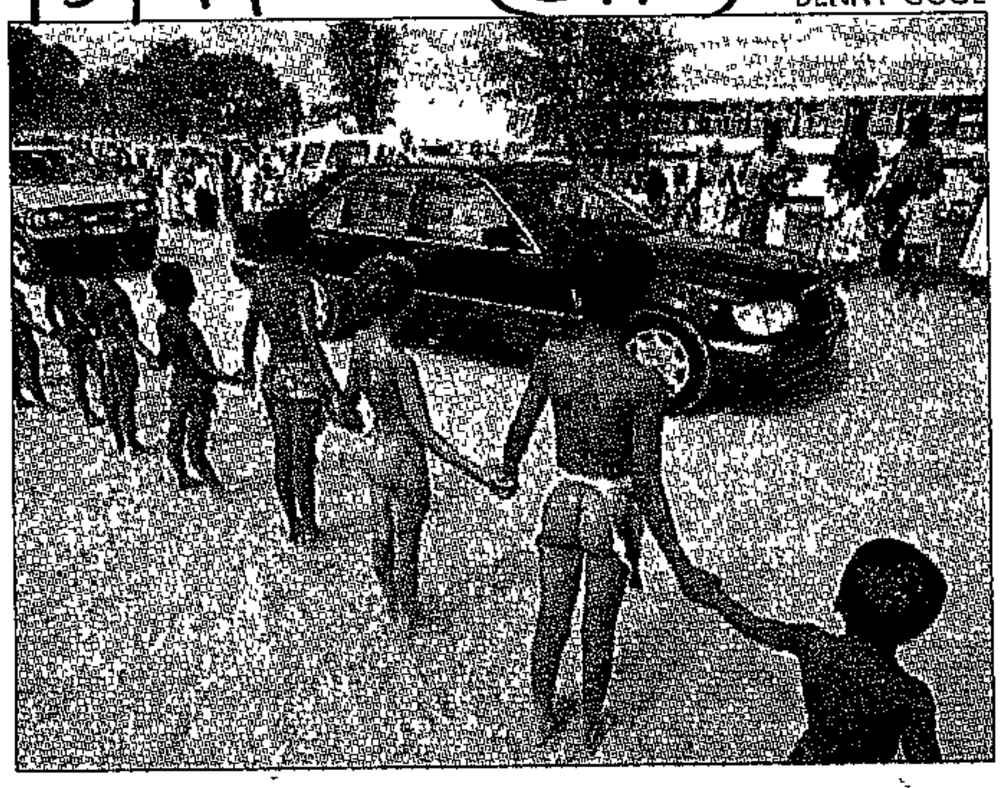
"We hope to have a solution within the next 18 months," Hlatshwayo said.

According to Hlatshwayo there were several communities in the province which missed the cutoff dates for claims.

The only option left to them was to apply for grants to acquire land, but this would mean that they forfeited the opportunity to apply for housing grants, he said.

Meanwhile, Minister of Land Affairs Derek Hanekom will hand over commonage certificates to the local councils of Concordia, Springbok, Steinkopf and Leliefontein in Namaqualand today.

BENNY GOOL



Special welcome ... from members of the Khomani San.

Signing the land restitution settlement with the Khomani San in the baking Kalahari of the far Northern Cape yesterday, Deputy President Thabo Mbeki said: "This is a step towards the rebirth of a people that nearly perished because of oppression.

"This is your land," he told the last remnants of nomadic hunter-gatherers who were southern Africa's first people.

Wearing a loincloth made from springbok hide, tribal leader David Kruiper signed the deal alongside Hanekom and the shirtsleeved Mbeki.

The settlement will return almost 40 000ha of the Kalahari to the San people at a cost of R15-million to the Government, which bought out local white farmers after two years of negotiations.

Joy as displaced desert people get land back

'Father, we say thank you' a Khomani San woman tells Mbeki during emotional ceremony



Thank you: Thabo Mbeki hugs Guna Rooi, 70, after signing the Kalahari land claim

ANDREW INGRAM

JOHN YELD
ENVIRONMENT WRITER

Molopo Lodge, Askham, Northern Cape – Khomani San woman Guna Rooi hugged Deputy President Thabo Mbeki at the end of an emotional land restitution celebration here yesterday and called out: "Father, we say thank you."

It was a deeply symbolic moment, for the heart-breaking story of Guna Rooi's personal banishment from her ancestral home in the Kalahari Gemsbok National Park was one which had been repeated hundreds of times during the diaspora of her Khomani San kinsfolk this century.

The last of the community were expelled from the national park in 1973, and the estimated 700 members surviving now live all over the Northern Cape.

During yesterday's ceremony, witnessed by about 2 000 people in sweltering heat, Mr Mbeki, Land Affairs Minister Derek Hanekom and a representative of SA National Parks signed an agreement with the Khomani San Communal Property Association that settled their Kalahari land claims by giving them access to more than 60 000 hectares.

This consists of nearly 40 000 hectares of private and state land south of the Kalahari Gemsbok National Park, which will be used by the community as a cultural reserve and for game farming, low-density residential development and subsistence farming.

The agreement includes a half-share in about 55 000ha within the national park, which will remain a conservation area, but which will be available to the community on a contract basis.

Details of this contract are still being negotiated, but could include a share in visitors' and gate fees, the establishment of a rest camp, 4x4 and game-tracking trails, the gathering of traditional plants, and the employment of members of the community as rangers in the park.

Mr Mbeki and Mr Hanekom also signed an agreement with the Mier community in the Northern Cape, whose land claims are deeply interwoven with those of the San.

Historically, the two communities have lived in the same geographical area, although they have very different histories and lifestyles

The Mier community also lost land to the Kalahari Gemsbok National Park several times, without proper compensation.

However, land restitution in the area has been complicated by the fact that part of the Khomani San's claim is for land in the Mier reserve, while the Mier community has submitted a land claim for land lost in the national park.

In the agreement signed between Mr Hanekom and the Mier Transitional Local Council, the Government acknowledges the Mier community's land needs and the lodging of its claim, and promises to make 40 000ha of private land available to the Mier community as commonage and restitution.

The Mier community will also get the other half of the 55 000ha in the national park, on the same terms as the Khomani community

However, these settlements are still dependent on further legal moves.

The master of ceremonies at yesterday's event was advocate Wallace Mgoqi, acting chief land claims commissioner, who was loudly applauded when he said more land claims would be settled this year

In his speech, Mr Hanekom said the celebration was more than just the settlement of a land claim.

"We are celebrating the rebirth of the Khomani San nation."

It was a theme repeated by Mr Mbeki, who said the settlement of the claim was "a step towards the rebirth of a people who nearly perished because of oppression"

"We are going to open a new century and a new millennium.

"It will be an African century because we shall say, 'Here is an ancient people of Africa who regained not only their freedom but their identity.'

"It is a great privilege to be able to say, 'Here is your land. Take it, care for it and thrive.' "

Talking to journalists after the ceremony, Mr Mbeki said the Khomani San's successful land claim was particularly important.

"It will be possible for them to try to recover their language and culture and try to rebuild a community shattered over many centuries.

"For all South Africans, this is a proud day."

It was then that Guna Rooi approached Mr Mbeki and embraced him.

Now living in Upington, she was born under a camel thorn tree outside the house of the warden of the Kalahari Gemsbok National Park, and had spent her first years with her family group, steeped in the San's hunter-gatherer existence.

Then, as a six-year-old, she was taken with a group of her community to be shown off at the 1936 Empire Exhibition in Johannesburg.

After appearances in Durban and Cape Town, they returned to the Kalahari, only to find they were banned from the park and all their possessions had been burned.

Guna Rooi was only "found" again last year by land claims researchers.

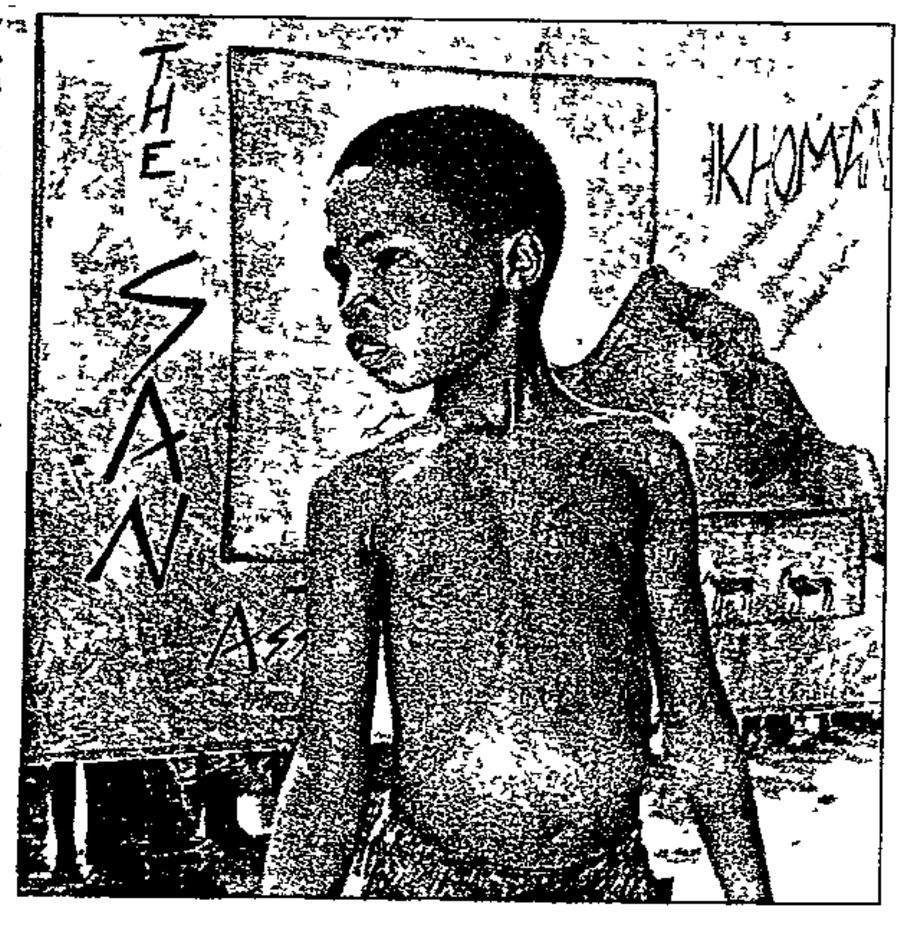
She is also one of 15 Khomani San elders traced who are still able to speak their original N/u language, considered to be the oldest South African language.

N/u was declared officially dead in the 1970s



Joy: Land Affairs minister Derek Hanekom, left, David Kruper, deputy president Thabo Mbeki and Petrus Vaalbooi at the ceremony

ANDREW INGRAM



Future assured: a San boy waits for the land claim handover ceremony to begin

Restitution at last for the Bushmen

(271)

Sowetan 22/3/99

SOUTH Africa's Bushmen got some of their lost homeland back yesterday when Deputy President Thabo Mbeki signed a historic land restitution settlement with the tribe.

"This is a step towards the rebirth of a people that nearly perished because of oppression," Mbeki told members of the Khomani San Bushmen community in the baking Kalahari of South Africa's far Northern Cape.

"This is your land," he told the cheering community, the last remnants of nomadic hunter-gatherers who were Southern Africa's first people. "Take it. Care for it. Thrive on it."

The settlement will return almost 40 000 hectares of the Kalahari to the San people at a cost of R15 million to the Government, which bought out local white farmers after two years of negotiations.

The nomadic hunter-gatherers' parched ancestral land is located south of the Kalahari Gemsbok National Park. Under a deal still to be finalised, the tribe will receive some 25 000 hectares of the park itself, a potentially lucrative source of tourism income

The restitution deal will also provide 42 000 hectares to the Mier community, a settled coloured community forced into a fenced reservation by the former apartheid government. They will also receive a share of the national park Mbeki said the Mier and the San were among South Africa's "worst victims of oppression", but now, he declared, "the tide has turned".

The present-day San were dispossessed of their lands by white settlers and black tribes who steadily pushed southwards from central Africa.

The Bushmen's "language, culture and wisdom will make South Africa a better place for all of us", Mbeki said.

Later yesterday, speaking at a Human Rights Day rally at Jabavu Stadium in Uitenhage, Mbeki called for political tolerance ahead of the June 2 general elections, urging African National Congress supporters to allow other groups to campaign in the party's strongholds.

He said political violence was wrong because "everyone has a right to his own opinion".

Responding to an interjection from the crowd that opposition politicians would be beaten, Mbeki said people had a right to support the New National Party and the Democratic Party.

"They have a right to be misled," said Mbeki. Opposition parties had a right to come to Uitenhage and "you must allow them to speak and you must listen to them". – *Sapa-AFP*

Sweet victory as San get land

FOR the past 25 years Mr David Kruiper has been dreaming of returning his San community, descendants of South Africa's earliest inhabitants, to its ancestral land in the Kalahari Desert.

On Sunday Kruiper's dream became a reality when Deputy President Thabo Mbeki signed over leases to 50 000 hectares of land in the southern parts of the Kalahari Gemsbok National Park to the San.

Under the baking desert sun, Mbeki and Kruiper – traditional leader of the San – also signed deeds for an extra 40 000 hectares of private farmland adjacent to the park.

Half of the private land, bought from white farmers for R15 million, will go to the coloured Mier community, which was pushed off its land by former governments into "coloured reserves".

This was the first case of land restitution by the Government to the Bushmen, who were forced from their ancestral desert homelands centuries ago.

It also marks a significant step by President Nelson Mandela's Government to deliver on its 1994 election pledge to compensate or restore land to thousands of blacks who were dispossessed under decades of apartheid rule.

"It's a very important successful land claim because it has to do with the rebirth of a people to try and recover their language and culture that was shattered for many centuries," Mbeki said.

"The possibility of restoring an entire people is I think very rare in history," added Mbeki, who was earlier mobbed by scores of San and Mier people eager to shake the hand that was delivering the land back to them.

The San, a nomadic tribe of stone age hunters and gatherers, was almost wiped out over the centuries.

Invading African tribes initially pushed them off their land. White settlers paid a bounty for dead San and successive colonial governments forced them off the coast and into the harsh desert interior, where only a few survived.

There are only 1 000 indigenous San left in South Africa. The biggest populations are in Namibia with 35 000 and Botswana with 50 000.

In 1973 even the desert land was snatched away from the South African San. They were driven out of the Kalahari Gemsbok area when it was designated a national park.

Their language, Nxu, perceived as the oldest South African language, was declared dead by the then apartheid government and they were scattered in the Northern Cape, where they were forced to eke out a living as farm labourers and endure ridicule from other tribes.

"I always felt like I didn't belong anywhere. I was always drifting but today is an amazing day because I'm stepping on my own wet soil," said the diminutive Kruiper.

Efforts to gather remaining members of his community and go back to the Kalahari Gemsbok started in 1987 when his father, late San leader Oupa Regopstaan Kruiper, launched the first claim for the park land.

David took up the challenge in 1996 with the help of the San Institute and the Working Group for Indigenous Minorities of Southern Africa, which provided the community with legal aid.

Although the San had originally claimed traditional rights to 125 000 hectares, almost half of the Kalahari Gemsbok Park, community leaders said they were happy with the settlement they got. – *Reuters*.

Living in the shadow of missiles

(271) M+G 26|3|-1|4|99

What is more important: restoring land to a dispossessed community or having the third-largest battle school in the world? **Nicole Turner** *reports*



Land claim: The Khosis community lives in the middle of the Lohatla Battle School. PHOTO: NICOLE TURNER

It is a matter of some pride for the South African National Defence Force (SANDF) that the Lohatla Battle School, south of Kuruman in the Northern Cape, is playing host to Operation Blue Crane in April.

For the 16 days of the exercise, the Khosis people — more than 30 families — are restricted to 14 000ha with long-range missiles flying over their heads.

"When they close the roads during exercises we must wait for three to eight hours for them to open again, they don't care if we are sick," says Joseph Free, leader of the Khosis community, which has lodged a joint application with the Gatlose and Maremane Tswana communities for the restitution of 74 000ha of the 135 000ha battle school.

The Southern African Development Community (SADC) peace keeping exercise is billed as the biggest regional operation yet, with a budget of more than R20 million. It will involve 4 000 SADC personnel in a bid to strengthen regional peacekeeping efforts. Blue Crane has the backing of the United Nations and the Organisation for African Unity, but not of the Khosis community who live in the middle of the battle school.

Six years after their successful application to the advisory commission for land allocation, the communities are still waiting for a court decision in what is probably the most complicated and sensitive land restitution case in South Africa.

'The letters in their name may have changed, but we are dealing with the same army'

As far as the SANDF is concerned, the Khosis people are illegal occupants and must leave. For the three claimants, the battleground is the heartland of their claim. An oasis in the Kalahari, the area has abundant water from natural springs, and unlike the rest of the land which used to make up the Gatlose and Maremane reserves, it is uncontaminated with the ammunition which operations like Blue Crane leave behind.

The drawn-out case has brought the Department of Land Affairs, which long ago recognised the validity of the claim, into direct conflict with the Ministry of Defence, which, until now, has refused to return a single hectare to the dispossessed communities. Last year the Land Claims Court referred the parties to mediation, hoping for an out-of-court settlement.

Joseph Free is a descendant of the Griquas who settled around the springs of the Khosis in 1850. They were joined by the Batlharo and Batlhaping tribes, who were granted the Gatlose and Maremane "native reserves" by the British in 1885.

The communities intermarried and farmed communally under the leadership of the Batlharo chiefs. For more than a century they lived peacefully. They built schools, churches and houses with bricks made from the clay soil and planted fruit trees and vegetable gardens. The water that bubbles up from the red earth was channeled into furrows to feed the orchards and gardens, and their large herds of animals grew fat and healthy.

"We lived well. There was no apartheid between us. We shared everything," Free says. None of this rural idyll pleased the apartheid government which had decided to eradicate "black spots".

In 1977 the Tswana families were loaded on to trucks and moved to the former Bophuthatswana, and the next year the army took occupation of the reserves to establish the PW Botha Battle School.

"The removals happened suddenly. They tore off our roofs and threw our things on trucks and destroyed our houses. Our animals had to make the 300km journey by foot, many died on the way. Many people died too, during the removal and after, because where we live now is dry and sandy — making a living is very difficult," says Boniface Masiane, a representative of the Maremane community.

The "coloured" people were allowed to remain on the 14 000ha that now make up the Khosis, but once the army moved in, various attempts were made to get them to leave. In 1992 they were offered land at Jenn Haven, south of the battle school. A few families moved voluntarily, the rest were treated as illegal squatters.

Access roads to the nearest town, Danielskuil, were closed and residents had to (and still do) travel 80km to the nearest town. Water pumps were broken and buildings were destroyed. More families moved, but despite the difficult conditions in the Khosis, and the eviction proceedings instituted against them in 1993, 38 families refused to leave.

When the African National Congress came to power, the eviction proceedings were suspended to allow for a political settlement of the issue. "The ANC promised us we would get our land back, but our people are still living like immigrants in the base — they have no government services, they are not enjoying the fruits of the new dispensation at all," says Rev Holele, a descendant of the original Batlharo chiefs.

Despite high level delegations from both regional and national structures, including two visits by President Nelson Mandela, and many promises that justice would be done, the ideal of land restitution seems to have fallen victim to vested military interests.

The SANDF argues that as the third-largest battle school in the world, with an investment of R90-million in its infrastructure, Lohatla is a valuable national asset, and its continued operation is of greater national interest than land restitution.

The tension between the communities and the SANDF reached a climax in 1995 when the communities, already frustrated by a lack of progress in their case, were further outraged when the army granted permission for 40 white farmers to graze their livestock on part of the battle school. They occupied the land and many were arrested.

Diane Philander, a project officer at the Group for Environmental Monitoring, says: "Our leaders know that people should have their land returned, but they have already hitched on to the benefits that the battle school may offer as a national asset. Someone needs to decide what is more important: restoring land to a dispossessed, impoverished community or having the third-largest battle school in the world."

Life in the Khosis continues to be unbearable. Although there are Eskom lines running through the land, there is no electricity and no telephone lines. Free claims that the army stops mobile clinics from entering the base, that soldiers deliberately fire over the community and kill livestock.

"The letters in their name may have changed, but we are dealing with the same army," he says.

The community also claims that the SANDF uses dirty tricks to try to oust them from the land. "They came to us and told us we will get ID cards so we can enter and leave the base. Then they took the list of names to court and said all these people want to move away from the Khosis," says one member.

Tensions between the community and SANDF have meant that the bulk of voters in the Khosis will be unable to vote in this year's elections. The Independent Electoral Commission (IEC) reports that between 40 and 60 of the 81 voters in the Khosis have not been registered after the SANDF refused permission for the IEC to conduct voter registration on battle school land.

The IEC was allowed to set up registration at the battle school gates, 25km from the Khosis on the last day of registration, but only a handful of voters made the journey, the rest refusing to register under those conditions. "Why can't we register to vote on our land, where we live, where we were born?" asks Free.

Restoring the land remains complicated. After 20 years of playing host to the army, much of the land is contaminated. In 1996 Mechem undertook a feasibility study, which estimated that to clear the whole school would cost the state about R70-million. About 38 000ha in the south have been identified as having low levels of contamination and it is this land which the communities hope to get back.

When he is given permission to visit the Khosis, Holele fills a bottle with water from the Khosis eye, which he takes back to the Bendel resettlement area where he was dumped in 1977. Sitting in the dry dust of his yard, he nurtures the hope that one day he can retire to the Khosis.

As for Free, he has defied the apartheid government and the army, and he will continue fight for his rights. "I was born in the Khosis, and I'll die here," he states resolutely.

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The Department of Education, under the auspices of an European Union project, wishes to purchase Learning Support Materials for ABET Learners from suitably qualified materials developers.

The national Department of Education therefore invites publishers, material developers, NGOs and related organisations to submit lists of their learning support materials for ABET levels 1 — 4, across the 12 fields of learning. The availability of learning support materials in languages as might relate to ABET learners (African languages) would be considered an advantage.

Short-listed applicants will be required to make a presentation of selected materials before a national ABET Learning Support Materials Selection Committee. To qualify for an invitation to make a presentation, a list of all available learning materials should reach the Department of Education before 12h00 on 9 April 1999.

For more information regarding criteria and tendering specifications, please contact Imelda Diouf at the following fax no: (012) 328-2595. Please note that no telephonic enquiries will be entertained.

Lists should be submitted to the Department of Education. Fax no: (012) 328-2595. Postal Address: Imelda Diouf, Ref: EU ABET 01/99, Private Bag X895, Pretoria 0001. Physical Address: Imelda Diouf Ref: EU ABET 01/99, Room 753A, DOE, 123 Schoeman Street, Pretoria.

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In the trenches: At the former presidential lead project at Cornfields, where community members are paid to dig their own water trenches and roads, the sense of improvement is palpable. PHOTOGRAPH: JEEVA RAJGOPAUL

Slowly, the sands are shifting

M+G 9-16/4/99 (271)

Ann Eveleth

Four years ago President Nelson Mandela jetted into Weenen — the "place of weeping" — to preach the gospel of government land reform to an audience of landless farmworkers, insecure labour tenants and recalcitrant white farmers.

Launching KwaZulu-Natal's R35-million pilot land reform programme in 1995, Mandela promised to reverse land apartheid and bridge a chasm more fundamental than the political violence that plagued the province. Crop burnings, stock theft and police brutality were the stuff of the stand-off between the landowners and the tillers they regularly displaced to the side of the nearest road

Today the farmworkers of Weenen, Muden, Estcourt and Colenso still march against paltry wages, evictions and apathetic local government officials, but the crop burnings, violent evictions and land invasions have given way to negotiations and legal processes.

It's been a long, bumpy road for the province's 4,2-million rural residents and the tiny group of government land reformers assigned to land reform's most important province, but the ground is finally beginning to shift.

"Land reform is a long-term programme," says KwaZulu-Natal Department of Land Affairs director Richard Clasey. Five years after land reform began, four years after Mandela launched the pilot project and three years after the national Department of Land Affairs opened a provincial office in Pietermaritzburg with a staff of four, Clasey can finally point to projects where development is happening.

The British crown ripped the land from the Zondi community as punishment for their role in the 1906 Bambata Rebellion Today the community of 500 families holds the title deed to more than 10 000ha of their ancestral land.

Government grants and project planning have helped shape a new vision for the Zondis' future The vision stretches from the small but prosperous 2 000ha game ranch — where rich Texans and Montanans already pay a fortune to bag an impala trophy — to the hordes of tourists the Zondis hope will one day visit their planned cultural village and walk in awe through the historic site of Bambata's Kraal

The project is one of several on the verge of the long-awaited implementation phase. That is the point where the provincial department has finished its work — land has been designated, purchased and transferred to a legal entity and development plans have been completed — and the project is ready to be handed over to regional councils to begin addressing basic needs, like water and roads.

KwaZulu-Natal fared poorly in a departmental quality of life report released in January, with most land reform beneficiaries lacking essential services and the means to turn their new land into a source of income. Clasey says the report looked at "problematic" projects launched under the previous government But his own statistics admit only a dozen of the 226 projects in the province have reached the implementation phase where service provision can be addressed.

Where this is happening, like the former presidential lead project at Cornfields, where 80 community members are paid to dig their own water reticulation trenches and roads, the sense of movement is palpable. But more than half of the province's active land reform projects are still winding their way down the bumpy road to land transfer, and Clasey says the 450 labour tenant cases on the books are a drop in the ocean of land need in the province.

'Every time you confront land reform in KwaZulu-Natal, you confront colonialism and the history of the Zulu kingdom'

Land in KwaZulu-Natal has always been a political football, from colonial land dispossession to apartheid group areas and the creation of the KwaZulu bantustan. Battles between the Inkatha Freedom Party-led provincial government and the African National Congress-led national government over traditional leaders, the controversial Ingonyama Trust Land Act and local elections have kept land on a contested playing field.

"You can't talk about land reform in KwaZulu-Natal without talking about the *amakhosi* [tribal chiefs]. Every time you confront land reform in this province, you confront colonialism and the history of the Zulu kingdom and its destruction," says Clasey

This means every land claim has to be dragged through a long process of historical reconstruction, to "unpack" the overlapping layers of land rights of different groups of people who have occupied the land over time.

Other conflicts, like that between farmers and their workers, have partially eased with the introduction of the Extension of the Security of Tenure Act, which lays down the law on evictions. The provincial department has formed a curious working relationship with the South African Agricultural Union-affiliated KwaZulu-Natal Agricultural Union (KwaNalu), making them a partner of the Network of Independent Monitors and the Association for Rural Advancement in a donor-funded project to monitor evictions.

Clasey says the farmers have gradually accepted they cannot resist the new land laws. In some cases, like the Scheepersdal project south of Muden and the Uitkyk project east of Colenso, landowners have taken an active role, even agreeing to hand over land without compensation so the community can use their grants for development. But in other cases the department is considering expropriation.

But these social hurdles are only part of the land reform obstacle course. Clasey says five years of reform has convinced the government "land reform happens best at regional and district level" Unfortunately, land reform started when government at this tier was non-existent, and progress toward integrated rural development only began in late 1996.

"Now we have national and provincial governments devolving responsibilities to the regional councils, but without devolving the staff and budgets to carry out those responsibilities," he said.

The department is now seconding staff on a project basis to regional councils to help them plan and implement the services land reform projects need. Money is also handed down through complex transfer agreements that are complicated by regional council fears of taking on more than they can chew.

Meanwhile, the province's rural population is mobilising to demand its share of the new South African economic pie. Delegates from across the province gathered in Durban last month to help form a national rural social movement that will draft a rural people's charter. The delegates cited more than 60 problems, from lack of services and slow land reform processes to local government officials who answer only to their political masters.

Clasey points out that the department is "unable to secure all the outcomes of land reform, like job creation, by ourselves".

But declining land reform budgets this year, with expectations that KwaZulu-Natal's land reform budget could be cut in half next year, just as the programme is reaching a critical delivery mass, are unlikely to convince those who are still waiting for a sign that their needs are being taken seriously in Pretoria.

Race act victims promised redress

Process to be faster

(271)

SHARKEY ISAACS
SPECIAL CORRESPONDENT

ARG 26/4/99

The chief Land Claims Commissioner, Wallace Mgoqi, has promised Group Areas Act victims an accelerated compensation process.

He pledged to 4 000 people in the Cape Town Civic Centre at the weekend that the system would speed up and that delivery would improve from this year.

He was the guest speaker at a reunion of uprooted families from District Six, Claremont, Constantia, Goodwood, N'dabeni, Simon's Town and other areas. The theme of the reunion, hosted jointly by Radio 786 and the Islamic Unity Convention, was "The heritage of a people dispossessed".

Mr Mgoqi said he and his staff were processing claims from 54 000 families countrywide to ensure a measure of quality in compensation, and to make sure redress was not merely quantitative.

About 80% of the claims were from urban areas and 20% from rural areas. Of all the apartheid legislation, the Group Areas Act arguably caused the greatest bitterness, being responsible for the forced removal of hundreds of thousands of people from their homes.

It had caused severe personal grief and hardship to the victims, who could never be adequately compensated.

He emphasised that he spoke from personal experience, because he and his family were uprooted from Goodwood to Nyanga.

He said: "The rest is history."

In the Western Cape 18 communities had been uprooted and the claims of hundreds of victims had to be processed.

While there was financial redress for the victims of the Act, there was no compensation for the victims of the harsh pass laws, which had controlled the influx of black people into urban areas in the apartheid era.

Islamic Unity Convention chairman Imam Achmat Cassiem said history was unfolding as South Africa moved from the post-apartheid years into the post-Mandela years.

He expressed concern at South Africa's huge unemployment problem, and urged that some way be found to solve it.

Labour farm returned to inhabitants

(271) BD29/4/99

A tiny patch of land in KwaZulu-Natal was a quirk of apartheid history, writes **Nomavenda Mathiane**

A PIECE of rocky land nestled in a valley surrounded by seven successful commercial white farms near Muden in KwaZulu-Natal — has finally been handed over to its inhabitants

There had been no acrimonious squabbling over the 242ha farm, owned by Patricia Martin and Anne Browne, who live abroad In fact the farm, Scheepersdal, is a quirk of apartheid history.

It was bought in the 1980s exclusively to house farm labourers while Browne and Martin lived on a neighbouring farm

The situation was tolerated by the authorities because the farm was white-owned Later when there was talk of the inhabitants being resettled, Browne and Martin began projects like olive and lucerne farming to keep the authorities at bay and ensure that its inhabitants were not removed.

Last week, Browne's daughter Rachel concluded a deal agreed to by the family — she handed the property over to 98 black households who live on it.

The handing-over ceremony was a subdued affair, unlike others where people who were forcibly removed returned to their ancestral lands amid fanfare and celebrations

There was no merrymaking, no braais and no television crews to witness the event.



Nyanisile Mkhize, left, and Rachel Browne, right, at the handing-over ceremony. Picture JEEVA RAJGOPAUL

The reason for the low-key nature of the occasion was ascribed by locals to the absence of the menfolk who have found employment in the cities

Nyanisile Mkhize, the daughter of one the oldest tenants, Khabazela, who was also a labourer, said she was happy that finally they had access to the land of their forefathers

She hoped that the community could once more lead the lives they enjoyed before the land was bought by the whites

There were conflicting emotions in the tiny classroom, a makeshift hall, where the ceremony was held

The two speakers, Rachel Browne and Nyanisile Mkhize, were descendants of the white owners and the black labourers

One got the feeling that even though Browne was doing the "right thing", there was a sense of loss at having to give up the farm she had often visited as a child Later in life, she had tried to make it viable by putting up money for projects for the people who lived on it

As one of the new owners, Mkhize harped on lost opportunities "Since the white people took the land, we suffered Nothing was done to alleviate our problems. We are glad that now there is a school and we have been promised that the government is going to renovate the cattle dip"

Scheepersdal lies at the mouth of the Mooi River and little of the land is arable. The area has suffered from floods and is mainly used for cattle farming

In addition to the 98 households on the farm, there is one primary school There are no shops and no clinic

Scheepersdal is surrounded by seven white-owned farms whose owners frequently impound the black owners' cattle, which stray onto their farms.

Although the community will now have communal title deed, they are still working on their business plan to make it viable for subsistence farming.

They are a poor community who depend on the wages of the men who work in Durban and in Johannesburg The roads are bad and the nearest tarred road is about 40km away Scheepersdal is accessed by a swing bridge that needs to be repaired.

Browne said the farm had stopped being a labour farm "a long time ago" and her family had spent over R2m on infrastructure. But as there was no activity on the farm, the family had stopped spending money on it

She said that the government would buy the farm at a "nominal" fee for the community

"We are not going to turn our backs and go away from the farm. We are going to plough the money from the sale back into projects for the farm," she said

According to the department of Land Affairs, 53 675 families (about 354 225 people) have so far gained access to land.

The land affairs department currently has 375 redistribution projects at the implementation stage, 367 restitution cases in negotiation, 31 settled cases and 62 before the land claims' court.

Claims lodged with the department as part of its land restitution programme totalled 63 455 at the end of last year.

LAND RESTITUTION

LATEST PACKAGE COMES WITH SERVICES

Title deeds have been granted in the two latest land redistributions in North-West Province — to the Bakerville and Maputle/Gaanakgomo communities Laudable stuff as the projects include not just land but services that will make that land inhabitable

The Bakerville community got access to R5,95m of the Land Affairs Department's settlement/acquisition grant to buy about 800 ha of land R680 000 was used to buy the land and about 372 households are now resident The remaining funds will be used for development These include water, sanitation and electricity provision The North-West provincial government has transferred about R1m through the Premier's Community Support Programme to boost the project The funds were given to the Central District Council for the building of a multipurpose centre comprising a community hall, clinic and a crèche And the district council has provided the community with improved pit latrines

The Department of Agriculture is also helping. It is involved in setting up a hydroponic scheme for the community to grow its own vegetables and the upgrading and improvement of roads

The other project involving the Maputle community consists of 12 households who bought the land under the Extension of Security Tenure Act 62 of 1997 The farm is about 12 ha in extent and the Department of Land Affairs granted the community R90 000 after the owner who had previously employed the residents discontinued his farming activities because of illness The funds will also be used for sanitation, electrification and housing (271) FM 30/4/99

The public information machinery of the Department of Land Affairs, unfortunately, doesn't match its delivery The *FM*'s inquiries into how much has been spent on land restitution, how long it will take to be completed and how many claims have been received still remain unanswered We were shunted to almost every division of the Land Affairs Department Finally an administrative clerk in the office of chief director of land claims Dr Richard Levin, shed some light "All senior staff are on leave and he (Levin) has been instructed to take all the messages," he said We've left a message

Sello Mabotja

SOWETAN Monday May 3 1999

Hanekom hands over title deeds

By Joshua Raboroko

AGRICULTURE and Land Affairs Minister Derek Hanekom handed more than 1 500 title deeds to poor people in North West in the past few days, making them property owners for the first time.

Hundreds of hectares of land in Welverdiend, Grasfontein and Bakerville were bought by the Government and involved more than R10 million in development projects for North West

Hanekom also visited similar project sites in Klerksdorp's Maputle-Goanakgomo farms which are now owned by local communities.

Other projects include those in Harmonie Farm in Piketberg, Eikenvlie, Burgler's Post and Karnemelkvlei, Luiperskop and Sonop in the Western Cape. The visit, as well as the handing over of the title deeds and developing projects such as agriculture and health and welfare facilities were important milestones in the development of land restitution and land reform, Hanekom said.

The families of about 250 people at Welverdiend have lived on the farm since 1926. The Government bought the land at a cost of more than R400 000.

He was applauded by hundreds of destitute people who followed him on tour to some of the farms where communities claimed they were evicted from the land by the previous government

The Grasfontein project cost R3,4 million and would benefit 230 families, while the Bakerville land cost R6 million.

Government was committed to improve the quality of life of the poor and ensure economic growth through land reform, the minister said.

There were 31 redistribution projects in the Western Cape which involved 1 759 households.

In addition, 15 restitution claims had been resolved, affecting 2 004 people.

Govt's land reform record good – Hanekom

(271)

Sowetan 6/5/99

By Joshua Raboroko

SINCE the new Government took office in 1994, it has passed 22 land reform laws and given almost 400 000 people access to 745 015ha of land.

This is according to Agriculture and Land Affairs Minister Mr Derek Hanekom.

In addition, the Government introduced tenure reform laws which provide millions of people with protection.

These laws were part of the African National Congress-led government's attempts to develop a comprehensive land reform programme.

A key element of this programme is restitution, which deals specifically with the victims of forced removals after the Land Act of 1913

"Our policies have already demonstrated their effectiveness in dealing with a complex set of issues and the variety of land needs that people have."

Hanekom adds that other parties have no policies on land reform or have policies that are "clearly unworkable"

By contrast, he says, the ANC developed its policies over many years "We refine and improve these all the time," says Hanekom.

"It is hard to believe that the New National Party can possibly be committed to land reform."

Hanekom believes the Government's land restitution programme has been very effective.

"It is remarkable that we have made such progress in a matter of five years; most other countries dealing with land claims have spent decades longer trying to work out how to begin addressing the issue.

"The mere fact that 63 455 claims have been lodged is a clear indication of the legitimacy of the process and the faith that people have in this Government's ability and commitment to deal with claims properly."

He recognises the concern about the slow pace of land restitution, but blames confusion around land claims for this perception.

"Many 'single'

claims affect hundreds of people, and many single cases represent thousands of individual claims," says Hanekom.

As an example he referred to the Maluleke claim in the Kruger National Park, which represents the claim of 10 000 people.



Flashback ... San headman David Krupier (centre) thanks Land Affairs Minister Derek Hanekom and Deputy President Thabo Mbeki after 40 000 hectares of land in the Kalahari Desert were returned to the tribe in March. PIC: AFP

"The increasing pace of land reform is reflected in the following figures, which is the amount spent on land for beneficiaries in all land reform programmes, including restitution," says Hanekom.

In 1996/97, the Government spent R90,6 million; in 1997/98, it spent R170,7 million; and in 1998/99 it spent R262 million.

With regard to restitution specifically, the department spent R58 million in settling claims since 1995 (this includes the purchase of land and payment of financial compensation). A further R28 million was committed from the 1998/99 budget.

"A total of 63 455 claims have been received now that the date for registering claims is over. To date, about 47 claims have been finalised, representing the restoration of 264 415 hectares of land to 13 467 households (about 87 535 people)

"A further 4 365 claims have been gazetted, 284 have been rejected and another 200 are nearing completion through court or out-of-court settlement"

Hanekom points out that restitution was an entirely new programme of the Government, started only in 1995.

"We did not even have the benefit of being able to draw on useful international experience

"Staff had to be employed, systems designed – mistakes were made and a lot of learning had to be done," he says

Because of the problems and insufficient progress made in resolving land claims, he started a review of the entire restitution process last June

During this review, the duplication of functions, unclear lines of accountability and questions around the roles of the Commission on Land Restitution and the Department of Land Affairs came to the fore. The second problem related to the legislative requirement that needed every case to go before the Land Claims Court.

"We have amended the legislation to allow for cases to be solved out of court, and limited the role of the court as adjudicator in claims that cannot be concluded through a negotiated settlement," says Hanekom.

The Commission currently has five regional offices, which each employs a regional commissioner The Chief Land Claims Commissioner, based at the head office, oversees the process.

There is also a separate Land Claims Court, with five judges, who hear cases which cannot be resolved through negotiations.

Red tape entangles the return to District Six

(271) ARLG 10/5/99

Processing land claims expected to take two years, but ex-residents say they won't wait that long

Plans for the long-awaited redevelopment of District Six are being held up by critical negotiations over 60ha of land earmarked for the project.

A land availability agreement needs to be signed by the local authorities, which are the custodians of the land, and the District Six Beneficiary and Redevelopment Trust.

But agreement has still not been reached with local authorities on releasing the land into a trust to prevent unauthorised development, says the chairman of the District Six Beneficiary and Redevelopment

GLYNNIS UNDERHILL



SPECIAL CORRESPONDENT

Trust, Anwah Nagia.

The agreement hinges on the outcome of a decision by the Land Claims Court, which is considering whether to approve plans by the trust to submit District Six land claims as a group.

Former residents of District Six have been elected as trustees of the trust and hope to oversee an integrated redevelopment and negotiate with stakeholders on the project.

"We will accept nothing short of a group claim, as this will add to the healing process, based on an integrated redevelopment," said Mr Nagia. "No District Six land claimants have at this stage posed any objections to this plan."

Since their forced removal from District Six under the Group Areas Act more than 30 years ago, many former residents have yearned to return to the devastated area they still regard as home.

Yet, in spite of assurances by Land Affairs Minister Derek Hanekom that the District Six land claims could be finalised by the end of this year, some officials believe it could take up to two years to process the claims.

The rebuilding of District Six is effectively on hold until 2 462 family claims are finalised. Until they are, the conceptual planning of District Six cannot take place and building will not start.

Lauren Waring, acting co-ordinator of the District Six land claims unit, said they were hoping to finalise the claims in two years.

"Like all land restitution claims, it could be a lengthy process," she said.

But Mr Nagia said two years was not an acceptable period for the process. It could be fast-tracked by the politicians on the District Six Steering Committee, he said.

"There would be an uproar if the claims took two years. People are dying as they wait. A 90-year-old former resident of District Six died recently. We will not wait that long," he said.

But Ms Waring said 220 of the claims required extensive research.

"Thirty of these claims are ready and will depend on an evaluation of the land. We are undertaking a historical evaluation of the whole of District Six," she said.

Peter de Tolly, director of special projects at the City of Cape Town, said the contextual framework designed for District Six in the early 1990s was "just sitting in a library".

The contextual framework deals with such areas as transport and proposed housing.

"It is the responsibility of the local authority to prepare a contextual framework and we have done some work to revise it," he said.

The settlement of claims did not generally involve the city, although it had helped in deeds searching.

But there can be no conceptual planning until we have some indication as to how the claims are to be settled. We have to know who is going to live there and to know what kind of housing is required. The last work done on the contextual framework was in the early 90s.

Mr De Tolly said the zoning of District Six could pose a legal impediment to the project.

While it was mostly residential, it encouraged a 1950s style of development – and not the dense development envisaged.



Salad days: Elna Andrew, 39, earns little but feels fulfilled in her new role as a small farmer on a communal garden in Vredendal



New beginning: Kevin van Wyk is one of more than 2 000 Vredendallers who finally have a place they can call their own, even if it is a sub-economic, 24 sq metre house

Vredendal turns over new leaf towards mutual respect ...

(271)

ARG 13/5/99

Former childcare and community worker Elna Andrew has turned over a new leaf – a cabbage leaf, to be exact.

Ms Andrew, 39, is one of an emerging group of small farmers who are developing a new and productive – not to mention tasty and nutritious – acquaintance with land long considered an exclusively white domain.

For Ms Andrew and her colleagues, the opportunity to grow and sell their own vegetable crops has been the most fruitful outcome of the 1994 general election

"This clearly would not have happened under the previous government," says the widow and mother of three whose previous experience in agriculture was limited to planting vegetables at the children's home where she spent her childhood and at another children's home where she later worked.

Armed with a hoe and other implements and using an impenetrable leather hat as her sun protection factor, she is keen to work on one of five hectares that have been assigned to the new farmers by the Vredendal municipality

"I love working in the outdoors and working with nature We do not earn a lot, but this is something I love and we look forward to earning more in future," says Ms Andrew

The communal gardens, where



Words: TYRONE SEALE
Pictures: ROY WIGLEY

giant cabbages and garlic, onion, beetroot, carrots and other crops are being nurtured for the harvest next month, adjoin Vredendal's mainly white area from which thousands of coloured families were removed in terms of the Group Areas Act until surprisingly recently

Apartheid's bulldozers continued to rumble through this capital town of the Olifants River Valley long after the last houses were razed in District Six.

Among the victims of forced removals was Johan Cloete, now 29, whose family now live in Vredendal Noord, the main coloured suburb

The injustice suffered by his family moved the young Johan Cloete to political action He now works as the African National Congress administrator in the party's North West Coast region which covers the towns and settlements of Citrusdal, Clanwilliam, Lamberts Bay, Doringbaai, Wupperthal, Graafwater, Elandskloof, Vredendal, Vanrhynsdorp, Bitterfontein/Nuwerus and Klawer



Traumatic: ANC administrator Johan Cloete surveys the damage caused by bulldozers as families were removed from an area proclaimed white

Mr Cloete is looking forward to a resolution of land claims instituted by families who lost property under the forced removals, and says it is difficult for the dispossessed to forget a painful past.

Most weekends scores of Vredendal Noord residents drive to their old neighbourhood to "braai 'n vleisie" under the bluegum trees which now dominate the area called Eureka To this day, the old gravel roads and the foundations of the old houses are clearly visible to visitors to Eureka who have to pass the old NG Sendingkerk school from which coloured pupils had to move.

The school has since been converted into bachelor flats which are popular with young white professionals in the town.

During the election campaign, Mr Cloete occasionally shares his Vredendal office – across the road from the New National Party headquarters – with Hennie Nel, the ANC chairman in the North West Coast and chairman of the town's executive committee

Mr Nel is heartened by the fact that strained and conflictual race relations have in the past few years given way to mutual respect and healthy, co-operative relations among the parties

A Cape Argus team witnessed the goodwill close-up this week as we were invited to observe a meeting in the council chamber of party liaison officers from the ANC, the New NP and the Freedom Front to discuss arrangements for June 2.

Mr Nel says the dependence on the local, agriculture-driven economy of the 32 000 people or so who live in the Vredendal district is helping the parties to abandon traditional posturing for constructive problem-solving.

He says that while it is hard to quantify the level of white support for the ANC in the town, the party is encouraged by the fact that many white businesses readily donate funds to the council, where the New NP currently has two seats and where two seats are occupied by independent councillors.

Until recently, the two independents were with the National Party Mr Nel believes this chink in the New NP armour will help sweep the ANC to power in the district under his supervision.

On the other side of Voortrekker Road, wine farmer and Western Cape legislature member Melt van der Spuy is not so sure about Mr Nel's predictions.

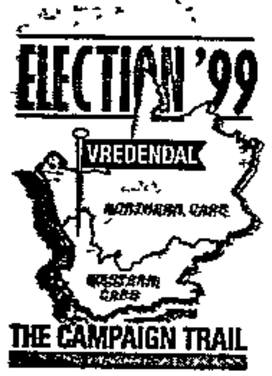
Mr Van Der Spuy says that the ANC in the province has become less "slogan-driven and generalises a lot less" but he says this will not be enough to win over coloured voters who feel little has changed in their lives since 1994.

Mr Van Der Spuy's colleague and town councillor Oom Dries Isaacs is particularly irritated about the appearance of more Africans in the Vredendal district as, he says, this adds to the pressure on housing, jobs and social services at large.

But Mr Van Der Spuy says Vredendal's coloured community is more worried about crime and unemployment and annoyed that every time the Western Cape government effects upliftment in the town, the local ANC office hails it as a gift from the national government.

He says a further problem is farmers' fears about newly legislated rights to tenancy for people living and working on farms.

The new laws give farmers too little control over their own property, he says But, he adds, none of these differences will wreck the goodwill in the town on June 2.



The ANC-New NP rivalry is lost on Dr Chris Jooste, the Freedom Front's party liaison officer in this election.

In 1994, his party attracted only 711 votes, 5% of the poll. "We don't have a problem with the town. Everyone here works together very well. For us, this election is about national issues," says Dr Jooste

Going by the iconography on the wood-panelled walls of the "raadsaal" where Dr Jooste sat across the way from two ANC representatives, separatism is an endangered political notion in Vredendal.

The town has moved on Where else are you likely to find a framed document declaring Thabo Mbuyelwa Mbeki's honorary citizenship of the town hanging just centimetres from a framed compact disc celebrating one of Vredendal's prime cultural exports - boeremusiek star Worsie Visser for 25 000 sales of Vroeteltreffers uit Boesmanland.

The Namaqualand renaissance starts here

LAND RESTITUTION

FM 14/5/99

ROLLING OF HUGE BOULDER BEGINS TO GAIN PACE

(271)

About 3,9m people stand to benefit from the process

It can be said that apartheid began with the division of the land. From that primary inequity — formalised in the infamous Natives Land Act of 1913 — flowed ever more discrimination, of which the Group Areas Act (1950) gave the Nationalists a ruthless means of ridding "white SA" of inconveniently situated minorities, "black spots" and so on. But the Act was only one of many interlinked laws to enforce and maintain racial inequality; and unravelling the legacy of the past is proving complex — and slow.

The Restitution of Land Rights Act (1994), mandated by the Constitution, gave birth the following year to the Land Claims Court and the Commission for the Restitution of Land Rights. As Land Affairs Minister, Derek Hanekom has presided over the process, which is finally beginning to gain pace.

By December 31 1998, the cut-off date, 64 000 land claims had been lodged, says the new chief land claims commissioner, Wallace Mgoqi, who replaced Joe Seremane after he lost his position for criticising the efficacy of the restitution process.

Some date back to 1913, the base year for claims — though there are those, like the Pan-Africanist Congress, who would prefer 1652 as the date marking the beginning of dispossession

Last month Mgoqi said that of the 64 000 claims, consisting of individual household claims and community claims, 80% were urban — "meaning about 52 000 households or 300 000 people, some wanting restitution of land (but) the majority preferring financial compensation; and 20% are rural community claims, representing 600 000 households or 3,6m people, and a grand total of 3,9m people who stand to benefit from the restitution process"

He added that by April, 255 claims had been settled — a restoration of 264 615 ha of land — and a total of R58,2m awarded, reaching 83 560 beneficiaries. "There is a rolling action of delivery now in restitution," he said

One land claim, of course, can cover a number of properties to be valued.

The Land Restitution Act has been amended a number of times, and now allows for speedy out-of-court settlements — which generally involve mediation — and the appointment of regional land claims commissioners. Last year, too, an internal ministerial review proposed that the Land Rights Commission be integrated into the Land Affairs Department to function as its restitution branch.

Land Affairs' task is vast and complex There is not just restitution to be considered, but land redistribution, issues of land tenure reform, and financial grants to assist small farmers to acquire land Inventiveness is the *sine qua non*, as at Citrusdal this month, when Hanekom presided over the creation of a new company, which gave 36 farm workers a share in what was described as a "prime citrus orchard on the banks of the Olifants River Valley," in the Western Cape

In March, a Khoisan claim saw the award of 40 000 ha of both private and State-owned land south of the Kalahari Gemsbok Park, and 25 000 ha within the park itself A concurrent settlement gave a further 25 000 ha of park land to the Mier community as well as land outside it The San and Mier people will attain commercial benefits from the continued functioning of the park as a conservation area

One big web of claims involves the future of District Six — among the most notorious of forced removals — and disputes, often involving a lack of documentation of ownership, have made this a tricky overall settlement to achieve A special unit has been created to deal with the matter In other cases, mineral rights complicate the issue

The financial compensation of individual household claims is proceeding well in the Western Cape, where within the next few days a third batch of payments this year — amounting to R950 000 to 12 claimants — is scheduled to be made However, as Franz Zottl of the Land Rights Commission says "Frankly, we are understaffed, we need more manpower to process more claims" Case files and other documents virtually fill his small, unassuming room

Household claims involve the process sketched out in the box accompanying this article The original "compensation" given to a Group Areas victim is deducted from the market value of the property at the time, and the difference is then escalated over the decades using a consumer price index formula

Jerry Margolius, president of the SA Institute of Valuers, has been involved in the difficult area of assessing the market value of dispossessed properties In some cases, the original properties do not exist anymore In an article in *The SA Valuer*, he notes that "compassion must be shown to the claimants, yet objective valuations must be performed at all times"

The valuer must be independent, and before he or she receives a brief from Land Rights, the commission has to track down such documentation as title deeds before dispossession, transfer papers (often involving the old Department of Community

Continued on page 38

FINDING A FORMULA

In arriving at a sum for compensation for Group Areas Act forced sales, the Restitution of Land Rights Act (1994) has been amended to simplify out-of-court claims. The following — using figures from a real case — are the steps taken to determine financial compensation by the State:

- The value of the property at the time it was affected, based on then-ruling market prices — R17 375 (1964),
- Compensation received at the time of dispossession subtracted from the market value — R17 375 minus R8 300 = R9 075,
- The difference of R9 075 is escalated to a current rand value using a calculation based on the consumer price index. In this case, the award, after the parties have reached agreement, amounts to R238 079. The claimants are usually the family of the original owner



Derek Hanekom, Minister of Land Affairs, hands over land rights

Moravians thank God for their return to District Six

Chapel they lost to apartheid reclaimed for worship

(271) ARG 17/5/99

LYNNIE RIPPENAAR
STAFF REPORTER

District Six's historic Moravian Hill Chapel, which fell victim to the Group Areas Act, is a place of worship once again after years of being used as a gymnasium for the Cape Technikon.

Yesterday, more than 800 Moravian worshippers marched down Searle Street from the Holy Cross Catholic Church to the Moravian chapel to attend their first service at the church since the Group Areas Act forced its closure in 1980.

A small token of appreciation was handed over to Father Isaia Ribollo of the Holy Cross Catholic Church, where Moravians were allowed to hold their own services throughout the years.

Moravian Church members returned to the chapel after the church and the District Six Beneficiary Trust reached an agreement with the technikon that the chapel could again be used for services

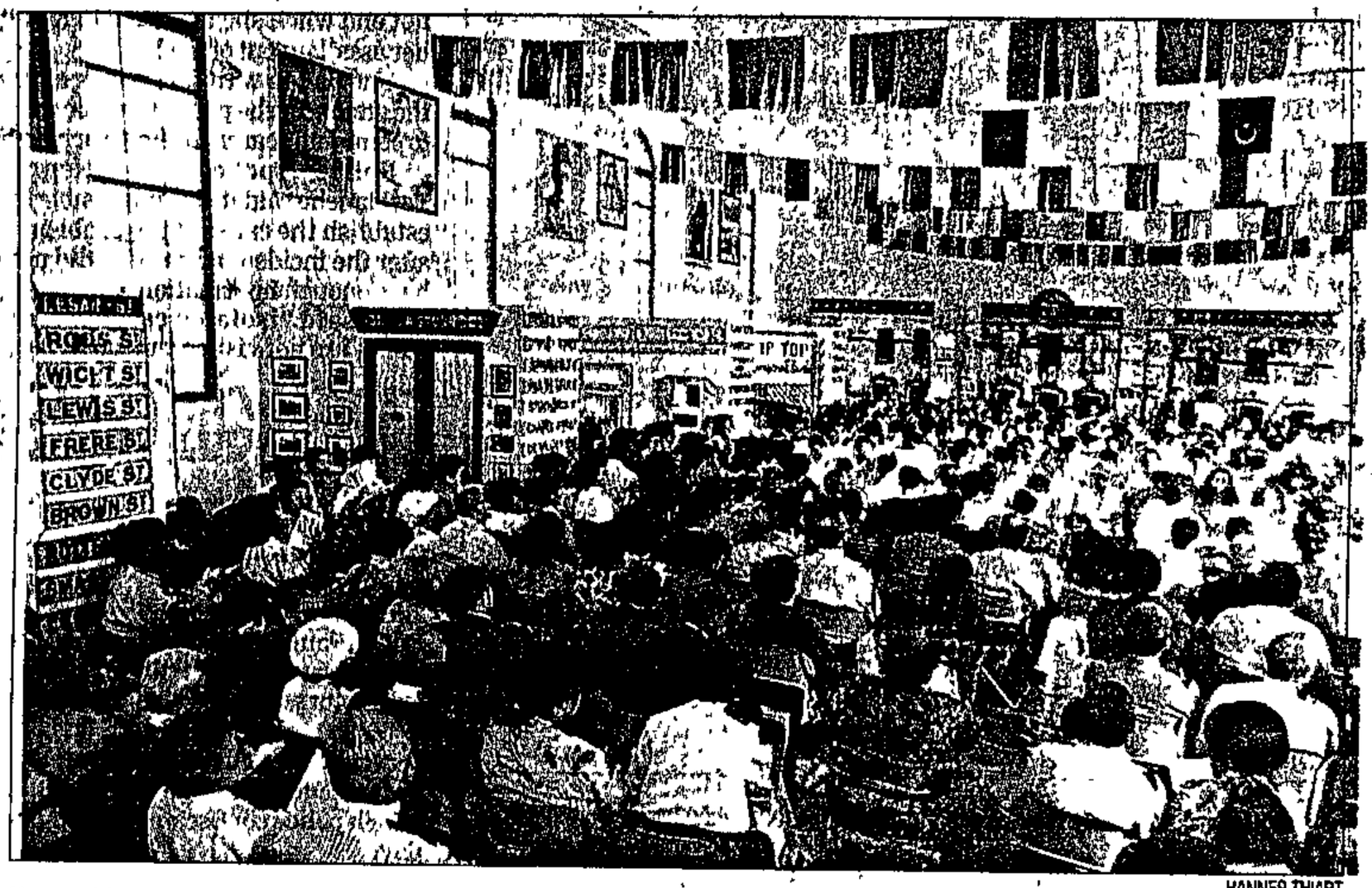
The chapel is shared with the District Six Museum, whose Buitenkant Street premises are being renovated. The church is also awaiting a decision on a claim which is being considred by the Land Claims Court.

The Rev Karel August said his flock wanted to worship in a building of their own.

"What has been taken from us here is immoral and unjust. We think the (Land Claims) Court is under a moral obligation to the nation to give a token of commitment to people who have been dispossessed."

Moravian Bishop Emmanual Temmers said: "Like so many people, we are also hoping that the suffering and ill experiences of the past will eventually change for those who have lost so much in years gone by.

"To lose something you hold dearly, something that has become part of your existence, is never a pleasant experience. It is traumatic, it hurts deeply and it is sad."



HANNES THIART

Home at last: memorabilia from the District Six Museum, temporarily housed in the chapel, surrounds worshippers yesterday

Anwar Nagia of the District Six Beneficiary Trust told the congregation it was important for people who had lost property under the Group Areas Act to return to District Six to reclaim their land.

He said if they did not reclaim their land, they would indirectly vindicate the actions of the previous government.

"We must and will not ask for our church back. It must be given back to us in the same way it was forcibly taken away from us."

Mr August, who was a minister at the church in 1980, said the church had been forced to sell the building when the Group Areas Act came into effect or face expropriation.

"In October (1980) we had the closing service," he said. "I was the last person to stay in the rectory until December 31. That was the very day the Group Areas people came to seal the church door."

The church was forced to sell the property to the Department of Community Development and the land was earmarked for the development of the Cape Technikon.

Desperate to save the Moravian Hill Chapel from being demolished, the Moravian Church approached the National Monuments Council and the chapel was declared a national monument about two years later.

"We often came here and visited regularly to see how the building was We never lost sight of the fact that this was our property," mr August said.

Yesterday William Abrahams, a church council member, carried the original pulpit Bible into the Moravian Hill Chapel during the service to mark the return home of the congregation.

"When there was no hope for us to retain our church, that same gentleman carried that Bible out and took it to Hanover Park (Moravian Church)," said Mr August.

"It (the Bible brought into the church) was to consecrate what had been desecrated by the apartheid regime."

More money for land claims — Mbeki

CT 17/5/99 (271)

ANDRE KOOPMAN AND RHODA DAVIDS

DEPUTY PRESIDENT Thabo Mbeki yesterday indicated that the government is intent on releasing more funds to compensate people forced from their homes during the apartheid era.

He was speaking at a function in Bellville where he handed over restitution cheques worth almost R1 million to people who lost their homes in the 1960s.

The 12 families were forcibly removed from Goodwood, Parow, Bellville, Stellenbosch and Malmesbury.

Mbeki indicated that the government should consider making land restitution awards tax-free.

He said steps are being taken to compensate people for the "pain and hurt" they experienced through forced removals.

The government clearly could not compensate for everything they had endured, but the settlements were "better than nothing", he said.

Referring to a request by chief land claims commissioner Wallace Mgoqi, Mbeki said the government would have to "look for more money" as the land restitution process speeds up.



SYMPATHETIC: Deputy President Thabo Mbeki

"We can't say we are building a new South Africa and leave behind people carrying pain in their hearts," he added.

In another development yesterday, displaced residents of District Six heralded their return to the famous Moravian Church with a service.

The church is now being used as a temporary base for the District Six Museum, which has been moved from Buitenkant Street. The official opening of the new museum took place last week.

"The Moravian church has a deep significance to the people of District Six. It has always been a part of the liberation struggle and was always known as the Freedom Church — and of course the museum plays a very important role in the healing of memories," said Stan Abrahams, one of the founders of the museum.

Abrahams is also a member of the District Six Beneficiary Trust, which has been instrumental in dealing with the Department of Land Affairs in reclaiming land for former residents.

"Of course, the process of reclaiming land is a lengthy one and there has been an avalanche of people who have submitted claims," said Abrahams.

"There were about 2 400 claims, of which about 500 have been validated."

POLITICS

Compensation at last for lost land

Sowetan 17/5/99 (271)

By Claire Keeton

DEPUTY President Thabo Mbeki handed over financial compensation to twelve families yesterday who suffered forced removals in the 1960s, saying the Government was trying its best to deal with past injustices

"We can correct injustices from the past in a limited way. We can't fully compensate but it is better than nothing," he said in Bellville, Cape Town.

The twelve families, who lodged their claims in 1995 with the Commission of Restitution of Land Rights, received nearly on one million rands in financial compensation for being forced to move from urban areas in the Western Cape which were declared white areas during the apartheid era.

He said that the compensation paid for land restitution claims should be exempt from tax.

"We can't compensate for the pain and hurt, but we can go some steps towards overcoming the problems we inherited."

Altogether 241 claims affecting over 80 000 beneficiaries have been settled since 1995, either through compensation or land purchases.

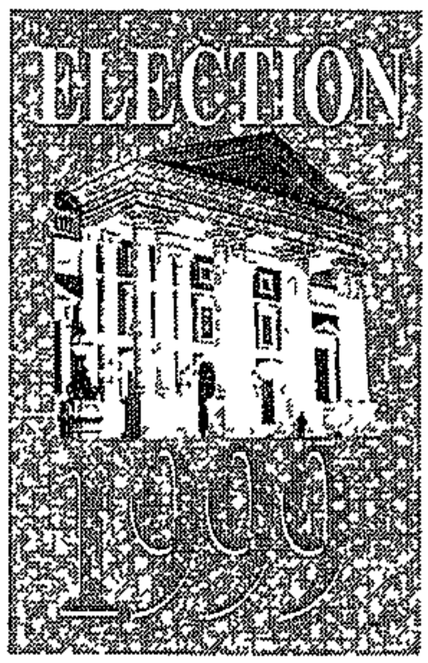
The chief land claims commissioner Advocate Wallace Mgoqi estimates 3.9 million people will benefit from planned compensation

Mbeki assured Mgoqi that he would heed his request for a bigger budget as long as the commission worked hard to settle claims swiftly

At the event Mbeki said his voice was hoarse from the extensive public speaking he has been doing in the Western Cape over the past three days.

"My voice is not quite gone but it is threatening to. It is the result of talking too much," he said smiling.

Thousands of people have thronged to ANC meetings to hear Mbeki speak



during his trip through the southern and Western Cape

At Phillipi yesterday and George in the rain on Saturday, crowds pledged their support for Mbeki's call to vote ANC and to oust the New National Party (NNP) from the region.

He told ANC followers that the party would speed up the delivery of services and that they must hold its leaders, including ANC premier candidate for Western Cape, Ebrahim Rassool, accountable for public expenditure.

"Rassool must come back here and tell you what progress has been made .. and if he doesn't, you must tell me," Mbeki said in Phillipi.

Yesterday afternoon, on the last leg of his election tour, more than 15 000 people turned up to hear him speak in the Paarl township of Mbekweni.

Farmers hit out at land claims delay

BD 18/5/99 (271)

Louise Cook

PEOPLE who sell their properties despite pending land claims and who fail to disclose this to the buyer could face legal action, consultants involved in land administration have warned.

The warning comes amid complaints over the slow processing of the flood of land claims received by the restitution commission late last year.

The consultants said many land owners were in the dark about potential claims on their properties, leaving some unable to finalise deals for the sale of their properties.

Land claims jumped from about 20 000 in the middle of last year to about 64 000 by the time of the commission's December deadline for the submission of claims. The commission has set up a database to register the claims, but it is not clear when it will start operating.

Kobus van Vuuren, a consultant acting for farmers and land owners, said land owners were still in the dark about the status of their properties, four months after the December deadline.

"This is not a war about land, it is a war about information on land. Land owners cannot make informed decisions or protect their rights if they do not know whether or not their land has been targeted," he said.

He said standard estate agents' contracts could not protect owners selling despite pending claims.

"The only way farmers can cover themselves legally is by obtaining an interdict to hold the state responsible for damages suffered due to land claims, or an order to force the commission to make a full disclosure on all claims."

Potgietersrus attorney Francis Barnard said one of his clients had yet to be informed of a claim lodged with the restitution commission in June last year.

"My client recently heard about the claim through other sources. The delay in notifying him cost him substantial financial losses as he had embarked on a costly programme of marketing the farm in order to sell it."

In KwaZulu-Natal and the Western Cape, officials were working around the clock to load all claims onto the new database by next month, according to Western Cape commissioner Alan Roberts.

"Before the review commission's investigation last year, there was no adequate system for land claims. They were mostly registered manually in files.

"The new system will link data from the provinces, the surveyor-general, claimants, land owners and the deeds' offices for the first time," he said.

Roberts said the new system would also identify cases where there was more than one claim on a single piece of land, as well as conflicting claims on the same land. Most of the Western Cape's 12 500 claims had already been loaded, he said.

A spokesman for the commission said 47 claims had been finalised in Pretoria so far, either through the Land Claims Court or the fast track settlement procedure adopted last year. Most claims were in urban areas. The SA Agricultural Union was not available for comment.



A HOME AT LAST: President Mandela speaks to a child from the !Xhu and Khwe community that was given land near Kimberley yesterday. ***PICTURE: KURT ASPELING/DFA***

SA gives land to Bushmen

CT 19/5/99 (271)

KIMBERLEY: President Nelson Mandela yesterday handed over the title deeds of a large parcel of South African land to a Namibian Bushman community who once fought against the ANC in Angola

During a colourful ceremony at Platfontein farm, 22 km outside Kimberley, Mandela presented the deeds to leaders of the !Xhu and Khwe people, who fled with the South African army at Namibia's independence in 1990

It is the first time the ANC-led government has donated scarce land to its former foreign enemies.

Speaking in Afrikaans, Mandela told the 4 500 people at the ceremony that although the government had donated the land, it was up to the community and the private sector to help develop it

He said private businesses in Kimberley had undertaken to finance the building of a school on the farm

The !Xhu and Khwe community, he added, had also been victims of apartheid.

The Bushmen, highly skilled trackers, were used by the former SADF to trail ANC and Swapo guerrillas to their bases in Angola during the struggle against apartheid.

Land Affairs Minister Derek Hanekom told the community that South Africa was "proud" of the diversity they had brought to the country.

Speaking to journalists earlier, Hanekom said poverty, intimidation and violence against their community had forced many to join the former SADF.

"They were later dumped in a camp and had to re-establish themselves in a new environment"

He was referring to Schmidtsdrift military base, about 80km from Kimberley, where 894 !Xhu and Khwe families have been living in tents.

General Makabongwe Ntshinga, officer commanding the Northern Cape military, said around 360 Bushman soldiers had been integrated into the post-apartheid South African National Defence Force.

!Xhu leader Mario Mahongo said he felt that, finally, he and his community had a place to call their own

"We have come home," he said, adding that historic San paintings had been discovered at Platfontein.

He expected the first families to move from Schmidtsdrift to Platfontein before the end of the year.

They plan to begin farming the land — cattle, sheep and game — and become self-sufficient — Sapa-AFP

Bushmen given own home at last

(271)

Sowetan 19/5/99

PRESIDENT Nelson Mandela handed over title deeds yesterday for a large parcel of South African land to a Namibian Bushmen community who once fought the African National Congress in Angola

Mandela, at a colourful ceremony on Platfontein, a 12 800 hectare farm 22 kilometres from Kimberley, presented the deeds to leaders of the !Xu and Khwe people, who fought with the South African military at Namibia's independence in 1990

In a short speech delivered in Afrikaans – the language most understood by the 4 500 people gathered on the farm for the ceremony – Mandela said while the Government was able to donate the land, it was up to the community and the private sector to help develop it

"The community has an important role to help themselves," Mandela said. "These title deeds show you now have a place of your own"

He also announced that private businesses in Kimberley had undertaken to foot the bill for building a school on the farm.

The !Xhu and Khwe community, he added, had, like their counterparts in South Africa, also been victims of apartheid

Highly skilled trackers, the Bushmen – or San – were used by the South African military to track ANC and South West African People's Organisation guerrillas to their bases in Angola during the fight against the former white minority South African government, which also ruled Namibia until its independence in 1990

Land Affairs Minister Derek Hanekom told the community South Africa was "proud" of the diversity they had brought to the country.

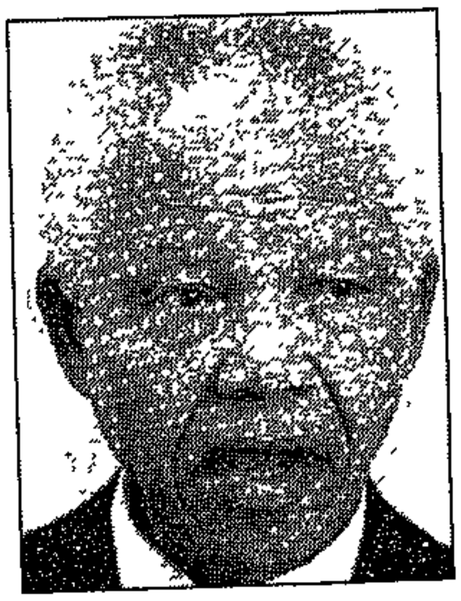
"You were victims of an unjust system and brought into an army of oppression," he said

Speaking to journalists earlier, Hanekom said the !Xhu and Khwe had been "brought into a war that was not of their own making"

Poverty, intimidation and violence against their community had forced many to join the South African military, he added

"They were victimised and later dumped in a camp They had to re-establish themselves in a new environment."

He was referring to the Schmidtsdrift military base about 80 kilometres from Kimberley, where the around 894 !Xhu and Khwe families have been living in tents since they were moved from Namibia by the apartheid military



President Nelson Mandela

"They didn't come out of choice," Hanekom said "They were brought here as part of a military machine and it is up to us to assist them"

!Xhu leader Mario Mahongo, who was born in Angola but who relocated to Namibia before ending up at Schmidtsdrift, said he felt that, finally, he and his community had a place to call their own

"We have come home," he said, adding that he had been forced at gunpoint to join the apartheid army "I have travelled a long way but now I am home," Mahongo said, adding that historic San paintings had been discovered at Platfontein "Our people used to live on this land. This is our place" – *Supa-AFP*

Giving South Africa its soul back

(271) M+G 21-27/5/99

Marianne Merten

It was a bitter-sweet moment this week for 12 Cape Town families who finally received compensation for their homes and land lost to the Group Areas Act more than 30 years ago

Bitter, because most of them cannot return to the homes they lost when the apartheid government declared they were not white enough to live in them. Sweet, because the democratic government paid them R953 000 in compensation.

The families — from Stellenbosch, Malmesbury and the northern Cape Town suburbs of Goodwood, Bellville and Parow — were forced to sell their properties in the 1950s and 1960s

Margaret Fredericks is an elderly widow. She received R41 441 for the Goodwood home of her late husband The family had to sell it at a quarter of the market price in 1967. Fredericks says her family was relocated to Maitland as the new owners moved into their home. The pain is still with her "My house in Goodwood has sentimental value to me No amount of money will bring it back to me," Fredericks says

For Brian Brown the compensation stirred memories of how he had to sell his in-laws' Goodwood home a year after the Group Areas Act came into force The house was sold for £1 250 in 1958 to the Community Development Board This week he accepted the compensation on behalf of his wife, who remained silent and teary-eyed

"It was particularly hard on the old folks. They were already in their fifties and they could not retire because of the financial strain," Brown says. The R24 682 they received will be distributed among the family's children so each of them receives a few thousand rand Brown says there is nothing left of the past "It [the house] has been sold and renovated by the new people. It's no use to think about that now."

George Hendricks and his wife Naomi were dispossessed of a 496m^2 property in 1965 He now has been compensated with R43 035 Hendricks says although the money does not relieve the family of their hardships and pain, it is a godsend. "I believe this is a gift from God and prayers answered for all the hardships that we had because of the Group Areas Act "

For the Hector family from Stellenbosch it was a sad day William Hector died of cancer 10 months ago The former teacher was forced to sell his father's semi-detached Cape Dutch home on a 1 744 m^2 property in Stellenbosch's Borchard Street when the town was declared white in 1964 His son Edmund accepted the R238 079 on behalf of his mother and two siblings

The Arendse family lost four properties in 1962 when they were forced to sell their properties in Bellville's Binneman and Wellington streets Catharine Arendse lodged the claim on behalf of herself, her siblings and the child of her late brother They received R109 452

All 12 families started the long road to compensation in 1995 when the sons, daughters and surviving spouses of those who were forcibly removed from their land lodged the claims with the land commission Sunday's awards are the third round of compensation in the Western Cape

Land commissioner Wallace Mgoqi says the pace of compensation is picking up "The pace is becoming so fast, it could overtake delivery capacity" But he vowed more would follow despite difficulties with getting authorities, particularly in the Western Cape, to participate in the process

"Some even have cheek Whilst they got the properties for a song they will only release them at market value," Mgoqi says

Deputy President Thabo Mbeki handed over the cheques to the emotional recipients He said "The government acknowledges money cannot compensate for the suffering of forcibly removed and dispossessed families, but financial compensation is a step towards justice

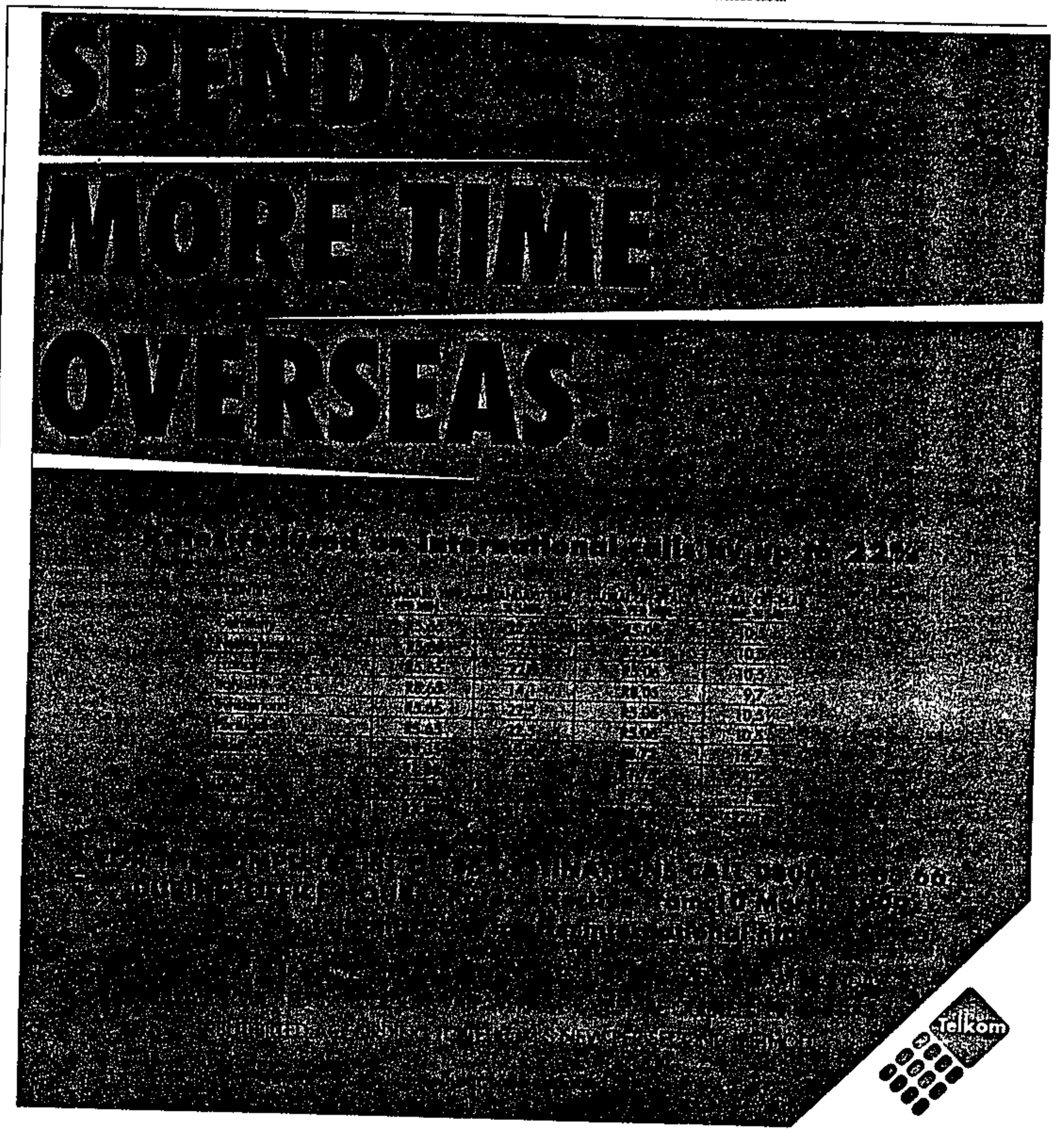
"It says we can correct these injustices of the past, perhaps in a limited way, but we can We can't say we are building the new South Africa and leave many, many people carrying pain in their hearts. Part of the building of the new South Africa is to reduce that pain "

Mbeki, on a three-day whistle-stop election tour of the Cape Flats, says the financial compensation is "giving a bit of a soul to the new South Africa" because people who were hurt during the apartheid years cannot be forgotten

"Even so many years later we can feel the offence, the hurt, the terrible damage that was done, and to sit here today and participate in an occasion when something will be done is really to say 'As South Africans we can really overcome the problems that we have inherited.'"



Steps towards justice: Cape Flats residents accept compensation from Deputy President Thabo Mbeki for properties they lost years ago. PHOTOGRAPH: RODGER BOSCH





CHANGE ON HORIZON: Tito Richard, a !Xu bushman, looks out over the Schmidtsdrift army camp that he has lived in for nine years. Picture: KIM LUDBROOK

(271) ST (IOT) 23/5/99

Hope of home for San clans in the 'camp of shame'

TWO San clans who have lived in army tents for nine years came closer to putting down roots this week after receiving the title deeds for farm land in the Northern Cape. The clans, originally from Angola, were "rewarded" with SA citizenship after fighting in the old army against Swapo. JANET HEARD reports.

TITO Richard, 26, has lived in an army camp all his life, yet he has never worn a uniform. The apartheid army took him and his mother in after his father, a soldier, was shot by Swapo while he was a baby.

"I didn't know my father ... and I don't know how I got my surname," Richard said this week, while escorting Cape Metro around his home town in Schmidtsdrift, an army tent town nicknamed "the camp of shame".

The settlement is fenced in and divided into sections that separate the two San clans, the !Xu and Khwe. It lies about 100 km outside Kimberley along a dirt road and access is monitored by a military guard and a boom. The camp consists of thorn bushes and hundreds of faded army tents housing about 4 700 men, women and children. The few buildings are used for a general store, a bottle store, a clinic and a few classrooms.

Richard was born in Angola, but grew up in Omega army camp in Namibia, where about 350 San were co-opted into the SA army in 1974 because of their tracking skills.

When Namibia obtained independence, rumours spread that the clans' lives were in danger and the army offered them citizenship and relocation to "temporary" tent homes.

That was nine years ago and Richard is fed up with living in limbo.

Uncertainty has plagued the community since they were relocated. An army plan to settle the clans permanently at Schmidtsdrift never materialised and the farm is now part of a land claim by a Tswana group.

About four years ago, Agriculture Minister Derek Hanekom stepped in to establish a redistribution trust fund for the San. This enabled clan leaders to shop around for a new home. Three years ago, they bought Platfontein farm for R7,6-million. Then for a few years there was little action.

The community last year accused the provincial government of not acting on development plans, the government in turn blamed the army for not letting officials see leaders to negotiate a development plan.

This week there was cause for celebration as President Nelson Mandela handed over the title deeds for 12 800ha of land to the two clan leaders. Mandela also pledged that a school would be built with the help of the private sector. The plan for the town, which has involved lengthy consultation with the community, has also been completed and building of houses is due to start in two weeks.

Although opposition parties questioned the timing of the handover — two weeks before the elections — this did not concern the !Xu leader, pastor Mario Mahongo, who just wants to get the show on the road. He hopes to be relocated by the end of next year.

"We have lived with uncertainty and in tents for nine years. Lots of promises have been made. We hope this time we will move to a permanent home," said Mahongo, who fought against Swapo and is still a solder.

Mahongo, 46, feels at home in South Africa, the home of his San ancestors. "*Ons is die geel mense* (we are the yellow people), and we belong here. Our history is here," he said.

For his part, Richard hopes their new home will mean he can complete matric at last.

Northern Cape's first land claim speedily settled

Louise Cook (271)

THE first land claim in the Northern Cape was settled at the weekend when the Ronaldsvlei community near Kimberley was officially given back the land.

The deal involves De Beers Consolidated Mines, which retains the mineral rights to the land, the community and the state, against which the claim was lodged.

This brings to 241 the number of restitution claims settled since 1995 at a cost of R60m.

The past few weeks saw just under 200 claims settled out of court in terms of new fast-track procedures introduced in the restitution process at the end of last year.

At Kimberley, the Ronaldsvlei community, consisting of black, coloured and white people, was removed between 1965 and 1970 in terms of the former government's group areas laws.

The now-defunct Group Areas Board bought Ronaldsvlei without the mineral rights from De Beers in the 1960s, but the area was never developed into the planned white suburb next to Kimberley airport.

At the end of last year, the Land Claims Court ordered the Northern Cape provincial government to transfer the land to the Ronaldsvlei Community Property Association, following the land claim lodged some time before.

At the time of the forced removal, the victims received between R600 and R2 000 compensation from the state, but they will now be able to return to the land.

Chief land claims commissioner Wallace Mgoqi said restitution claims were being processed faster since new procedures were set up.

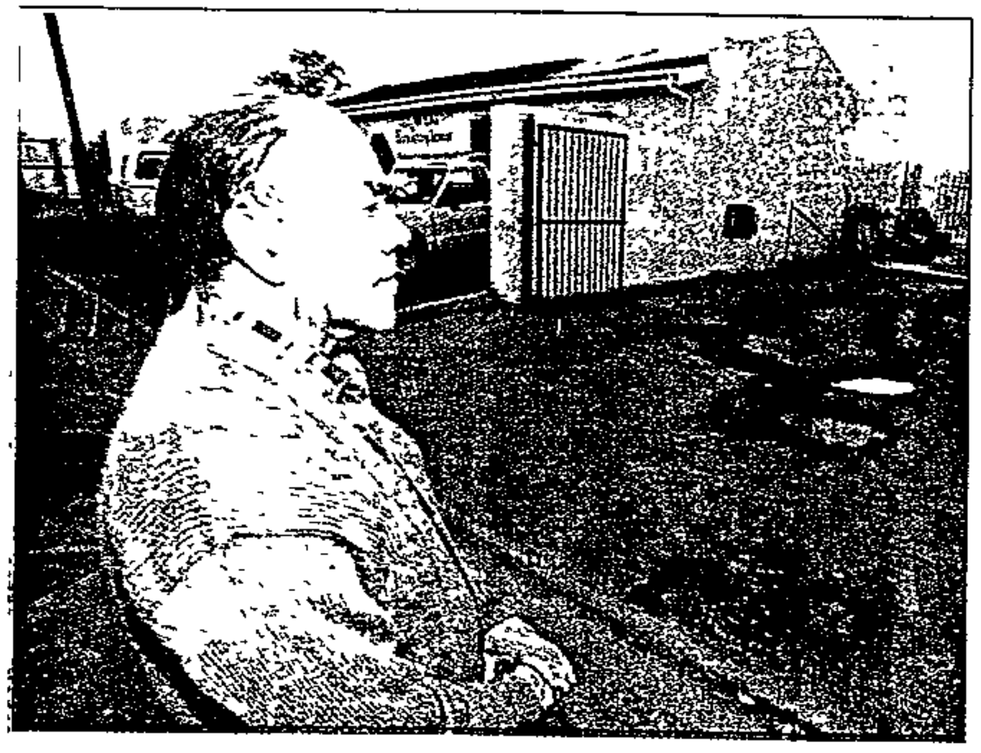
Provincial and local authorities could not "stand and watch the parade go by", as central government would consider legislation to enlist the co-operation of the authorities in settling claims on their land.

BD 24/5/99

Family finally paid out for the house dad built

It would have stood forever, says sorrowful son after accepting compensation from Hanekom

(271) ARG 26/5/99



I'll never forget: Godloof Balie looks at the property where his family home stood



BEAUREGARD TROMP
STAFF REPORTER

An ailing 67-year-old Godloof Balie slowly made his way to the front of a Malmesbury hall to accept more than R116 000 in compensation for the home his father was forced to sell in terms of the Group Areas Act in 1972.

He was one of 18 land claimants who had gathered at the municipal buildings in Malmesbury to receive cheques totalling R1,6-million from Land Affairs Minister Derek Hanekom in one of the biggest hand-overs so far.

The claimants were elated to get their cheques, but said the money would never fully compensate for the heartache felt when they were forcefully removed after the town of Malmesbury was zoned a white area.

Mr Balie accepted the cheque on behalf of himself and eight siblings in compensation for the property at No 24 Arcadia Street, near the town centre.

When he visited the site yesterday he gazed with sorrow at the factory that had replaced the home his father built.

"That time, it was just a residential area with businessmen, builders and a mechanic living here instead of these horrible factories," he said.

Mr Balie remembers how his father built the house carefully so it would stand "close to forever".

"We used to live in rented quarters not far from here. It took a long time for my father to build this house because he was a builder and very specific about using the best materials for his home. We moved in in 1948.

"He said this was going to be his retirement home," said Mr Balie.

The news that they had to move hit his parents very hard.

"My parents died shortly after that. First my mother and then my father, just after we had moved," said Mr Balie.

The family went to Wesbank, the area zoned for coloured people and still the home of most of the town's coloured population. They were paid R4 000 in compensation at the time.

Mr Balie described how hard it was for the family to start over again, to build a new house and learn to call it home.

"I saw our old house stand empty for years and a lot of the other houses in Arcadia Street, too.

"Nobody moved in there and later people started throwing stones at the windows, breaking down the door and stealing the fittings. That hurt more than anything else."

But what Mr Balie remembers most is the day he saw the bulldozers come to demolish the house his father had built.

"I saw them that day when they came to pull down the house. Oh, that was a bad feeling."

At yesterday's presentation, Mr Hanekom said: "Bad things happened in the past. We say never again, please never again.

"We are writing the chapters of a new history book and it is these first few chapters which are the most important."



HANNES THIART

Justice at last: Chief Land Claims Commissioner Wallace Mgoqi shares a light moment with Joseline Lategan at the handover of compensation cheques

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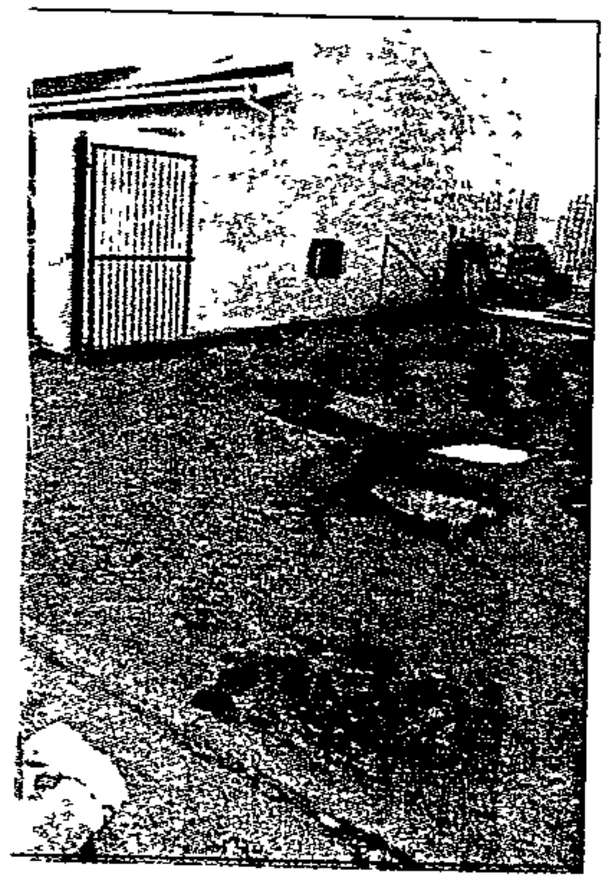

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Justice at last: Chief Land Claims Commissioner Wallace Mgoqi shares a light moment with Joseline Lategan at the handover of compensation cheques



COMPENSATION: Maxi Geswind received a cheque as the claimant for her late grandfather's Malmesbury property, which her family was forced to vacate in 1972 under the Group Areas Act. *PICTURE DENZIL MAREGELE*

(271)

R1,6m payout for claimants

CT 26/5/99

MELANIE GOSLING
STAFF WRITER

MAXI GESWIND was 21 years old when the apartheid government told her family they had to move out of their Malmesbury home and in to a coloured township.

Yesterday Geswind was one of a group of 18 claimants given cheques by Land Affairs Minister Derek Hanekom as compensation for losing their homes in Malmesbury. The cheques amounted to R1,6 million.

"We lived in a big house with a big garden and a *waenhuis*, right in the dorp," Geswind said "I was born in that house, so was my grandfather. He said, 'No, we're not going.' He went all the way to Cape Town to the Community Development Board and told them he wasn't moving They said: 'We're still going to bulldoze your house down'"

That was in 1972, when many families were forced to move under Group Areas Act and were paid way below the market value for the properties they lost.

Geswind continued· "We lived in a cosmopolitan street. Our neighbour on one side was a Muslim and on the other side an Anglican priest Next to him were real *boeremense*, next to them a Jew and next to him a Catholic Church.

"It was nice and cosy If you didn't like the food in your house you ran over to the neighbour There was no racial stuff. We played together, ate together and slept together. We didn't call each other ugly names. We just went to different schools," Geswind said.

Her grandfather was the town blacksmith, as was her great-grandfather. "He was also the undertaker and made the coffins in the old *waenhuis*. But after he was forced to leave he had two strokes and could never work again."

Many of the claimants, some in their 70s, had tears in their eyes as they waited to collect their compensation cheques.

There was a light moment when Hanekom quipped to a man in the audience· "And as soon as you've got your cheque, you're going straight to the pub, aren't you?" When the man failed to respond, Hanekom repeated his remark. Still the man sat silent.

Eventually the woman sitting behind the man said· "No sir, he's our dominee."

NEWS

ROY COKAYNE

State launches new land reform loan facility

Pretoria – A new loan facility that aims to assist the establishment of commercially viable land reform projects, was launched last night by Derek Hanekom, the agriculture and land affairs minister, and Sizwe Tatı, the managing director of Khula Enterprise Finance.

The land reform credit facility, which has deferred repayment schedules, is co-financed by the land affairs department and the European Union (EU) and administered by Khula.

The facility will be capitalised in several tranches, using R31 million of donor resources, R30 million from the EU, R1,7 million from Denmark-Danida and R32 million from the land affairs department.

The UK's international development department would help to finance organisational and technical skills training for land reform participants in projects supported under the scheme.

The first tranche of funds was disbursed to Khula in January last year.

Hanekom said that by deferring debt service repayments, borrowers would be able to overcome the initial cash flow problems that frequently prevented these enterprises from starting up.

The facility would operate as a wholesaler, extending credit to commercial banks for lending to retail borrowers who conformed to criteria from the land affairs department.

All loans extended would have a deferred repayment schedule consistent with that designed by banks to reflect the circumstances of the enterprise it proposed to finance.

The agreement to locate the facility with Khula was based on extensive consultations with the Banking Council of South Africa, individual commercial banks, the Land Bank and the trade and industry department.

Launch of land reform credit facility

A NEW loan facility offering credit with deferred repayment schedules for the purchase of land or equity in commercial farming enterprises was launched on May 26.

The Land Reform Credit Facility (LRCF) is a unique financing instrument that aims to assist in the establishment of commercially viable land reform projects.

The facility, which was launched by Land Affairs Minister Derek Hanekom, is co-financed by the Department of Land Affairs and the European Union, will be administered by Khula Enterprise Finance Ltd.

Also at the launch was Michael Laidler, EU Ambassador, Bob Tucker, CEO of the Banking Council and Sizwe Tati, managing director of Khula Enterprise Finance Ltd.

The LRCF emerged from research undertaken by the DLA in 1998 aimed at increasing the number of commercially profitable land reform projects in existence.

Debt finance

Research identified the major obstacle inhibiting the emergence of commercial land reform projects and partnerships as being temporary cash flow problems associated with debt finance that these enterprises typically required to get established.

Debt financing is typically required over and above the R16 000 land reform grant available to land reform beneficiaries.

To address this constraint, it has been recommended that donor and DLA resources (totalling R63 million) be used to establish a loan facility that would offer credit with deferred repayment to land reform beneficiaries for the purchase of land or equity in commercial farms.

The facility will operate as a wholesaler, extending credit to commercial banks for lending to retail borrowers who conform to the DLA criteria.

Loans by the LRCF would have a deferred repayment schedule consistent with that designed by the bank to reflect the circumstances of the enterprises it proposes to finance.

The agreement to locate the facility with Khula is based on consultation with the Banking Council of SA, individual commercial banks, the Land Bank as well as the Department of Trade and Industry. The DLA approached Khula precisely because of its status as a specialised wholesale credit agency working with a range of financial institutions to facilitate lending to SMME borrowers.

Objectives

This perfectly reflects the operational objectives of the LRCF. Khula already has the entire loan management systems and skills in place to administer the facility.

Moreover, locating the facility with Khula will ensure coherence and consistency within the SMME support sector.

It will also ensure that confusion and overlap between the different available loan products is avoided.

One important additional factor behind the LDA's approach to Khula relates to its status as an independent wholesale finance institution.

Under Khula, the administration of the LCRF is guaranteed to be neutral between the different retail borrowers.

Borrowers have developed well-established relationships with Khula in respect of enterprise lending, something which will be vital for the promotion and subsequent development of the facility.

Disadvantaged households benefit by getting land, commercial farmers get profits.

Banks are able to extend loans to emerging farmers and share equity schemes on terms that were never possible before. The country benefits from the growing participation of disadvantaged households in commercially viable agricultural business.

Tribe wants ancestral land

(271)

By Joshua Raboroko

REPRESENTATIVES of the Bakubong tribe in North West and a Government delegation were locked in talks in Pretoria yesterday about claims for the restitution of land rights in the Lichtenburg district.

About 1 000 people were forcibly removed from the district and resettled in Ramatlapama near Mafikeng after the previous government declared their area a "black spot" in the then Bophuthatswana homeland.

An executive of the Land Access Movement of South Africa representing the tribe, Mr Chris Mabalane, said people lodged claims for the restitution of land rights in 1991, but the process had been delayed.

He claimed the delay had apparently been caused by bureaucracy and that some farmers who had bought the land cheaply were reluctant to leave while others wanted to sell the land for millions of rands.

A Government source said the meeting was still in progress yesterday with both parties trying to resolve the matter.

Meanwhile, the regional Land Claims Commission is to hold a meeting at Mmanotshe Moduane High School in Hebron village tomorrow at 10am with Bakwena Ba Mogopa community who claim restitution of land rights for Sjambok Zyn Oudekraal.

The area comprises the land on which part of the Medical University of South Africa, Ga-Rankuwa township and neighbouring industrial premises are built.

Commission spokeswoman Ms Japhtaline Sebati said the meeting was to discuss the claim lodged by the community living in Hebron.

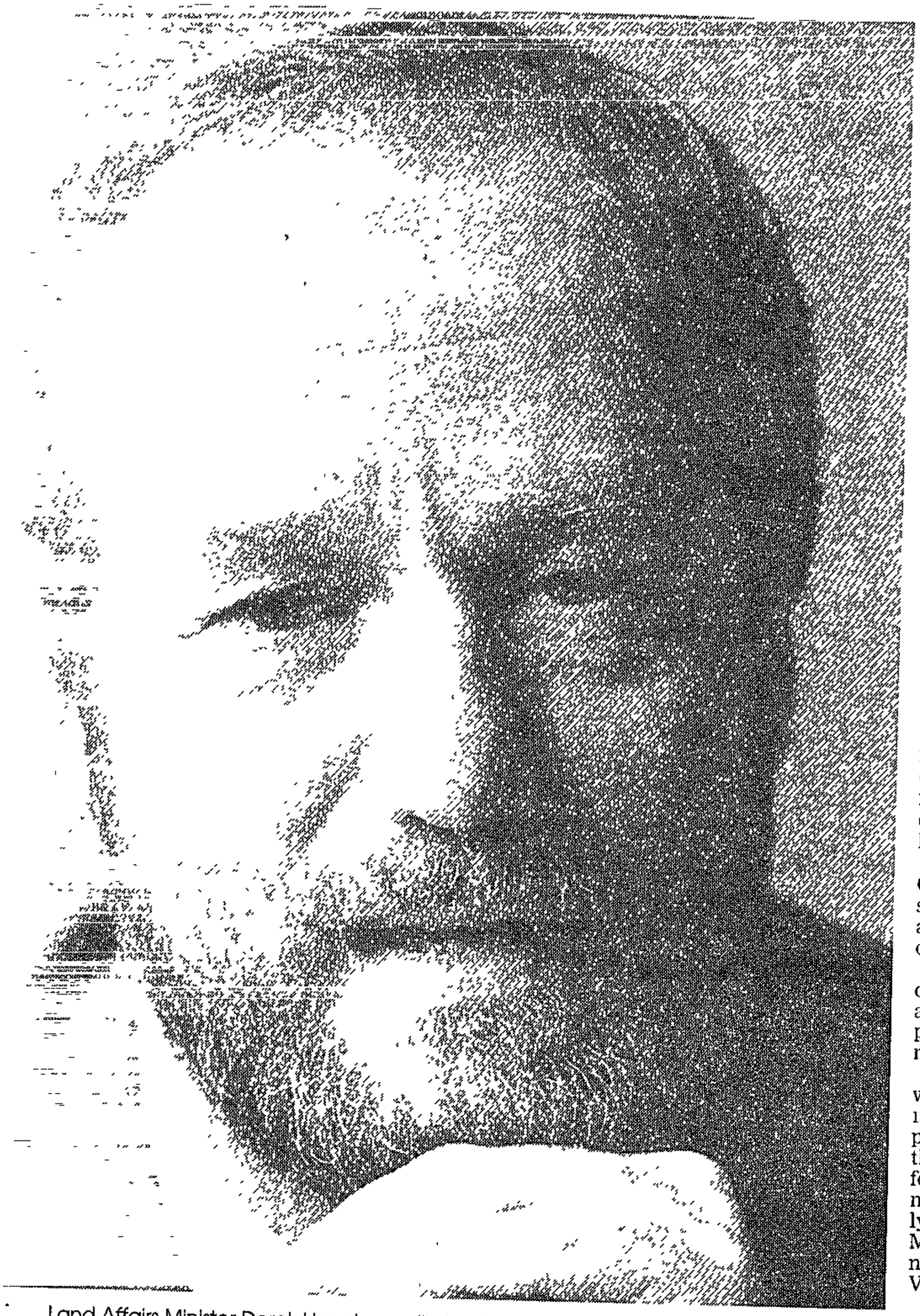
The community was removed in 1962 and the land was developed to include the university and the township.

★CITY PRESS JUNE 13 1999

13/6/99 (27)

Gillimberg community get own land

By HANGWANI MULAUDZI



.... Land Affairs Minister Derek Hanekom will visit the Gillimberg farm outside Potgietersrus

PERCHED between tiny mountains and embedded in a stretch of green citrus trees, Gillimberg farm just outside Potgietersrus, Northern Province, will be full of activity when Land Affairs Minister Derek Hanekom visits the village today

The community is set to get a stake and rights to occupy the state-owned land when Hanekom officially signs an occupational and share holding agreement between the state - which is the land owner - the Bohwa Bja Rena Communal Property Trust and the Gillimberg Farming Company

Land Affairs spokesperson Anton Janse Van Rensburg said the occasion symbolizes the government's commitment to give poor communities the right to buy shares and have a stake in the running activities of the farms they work in He said during the 1970s, the farms were expropriated from their white owners to create a "buffer zone" between the former Lebowa and Seshego whose land owners were compensated, for their loss, at market related prices

The Agricultural and Rural Development Corporation (ARDC), as a subsidiary of the state and acting on behalf of the department of agriculture, established Gillimberg Boerdery on the farm

The ARDC was the sole shareholder of this operation which established a citrus, tobacco, and a cattle farm The company currently employs 500 permanent and seasonal workers, most of whom live on the farms

"In terms of the agreement, the 14 villages which makes out Gillimberg will buy shares in the farming company and will receive occupational rights to a 22 952 hactres portion of the Gillimberg farms and houses will be built for them In addition, the five tribal communities living adjacent to the Gillimberg namely, Matlala, Bakenberg, Bavaria, Mapela and Mashashane will receive portions of the farm not allocated to the trust for grazing," said Van Rensburg

He said the state will purchase additional grazing land for these communities to meet their desperate need for land.

State to speed up land delivery

Sow 14/6/99 (27)

By Joshua Raboroko

THE Government's land delivery process gathered momentum in two provinces at the weekend, including in one instance where Land Affairs Minister Derek Hanekom handed title deeds and share certificates to communities.

● A committee has been formed to investigate various options which Bakwena Ba Mogopa tribe could take to regain their land back or to opt for compensation or alternative land near Hebron village in North West.

The community was forcibly moved from Sjambok Zyn Oudekraal land, north of Pretoria, part of which comprises the Medical University of South Africa (Medunsa) and the Garankuwa township and business sites.

● In a separate development, Hanekom visited a land reform project to hand over title deeds and to sign an occupational and share holding in Rethabiseng in Gauteng on Saturday

The project involves 309 households and encompasses small-scale commercial and subsistence farming. Hanekom handed over 11 title deeds

● In another development, North West agriculture MEC OJ Tselapedi gave R3 000 "discretionary grants" to 22 people to facilitate their return to Doornkop near Ventersdorp where they were uprooted in 1978.

More than 100 people were settled in Ganalaagte district near Lichtenburg after their area was declared a "black spot" by the apartheid regime.

● A meeting between representatives of the Batloung tribe in North West and Land Affairs officials in Pretoria was postponed to Friday.

Gauteng and North West Land Claims official Mr Elias Khama said the projects showed that the Government was attempting to expedite the delivery process.

Communities that have problems should contact Land Claims commissioner Mrs Emma Mashinini in Pretoria

Land reforms need more muscle, says SA official

Resettled communities need support to escape poverty trap, conference hears

Michael Hartnack

HARARE — If support is not given to rural communities resettled under land reforms, they risk becoming poverty traps, says SA land affairs department representative Martin Adams.

At a conference here yesterday, Adams told delegates from a broad cross-section of Zimbabwean society and foreign experts that land reform in SA was "still in an early stage". Much depended on resolution of institutional issues, particularly the capacity of new local government structures.

"Government cannot compensate for lack of people's own organisation in rural areas," Adams told the 400 participants. "More needs to be done to help people in the rural areas to organise themselves. More support is needed from officials and nongovernmental organisations."

Support had to continue with more being done to provide production credit to supplement state grants for land acquisition and settlement. Land tenure arrangements for newly acquired land must not be allowed to constrain individual productive effort and initiative, he said.

Adams said his department had "scarcely begun to resolve" chaotic land allocation problems in former homelands. Inadequate administrative capacity was a problem for land reform the world over. Governments "cannot go it alone," he said.

The workshop, sponsored by the United Nations Development Programme and the Food and Agricultural Organisation, received a national land policy framework document from a four-member panel of academics established by the Zimbabwean government.

Prof Mandivamba Rukuni, who chaired a 1994 official commission into land tenure in Zimbabwe, was applauded after he criticised the panel's recommendation that land currently classified as "communal area", "commercial area" and state land, should be reclassified "customary land" and "statutory land".

"This sounds like the colonial distinction continuing," he said, and urged that all land users should have equal rights and security. The panel urged establishment of a national land authority, with jurisdiction over all statutory land, and village land committees to allocate customary rights.

Prof Christopher Arnison of Britain's Cirencester Agricultural College acknowledged the cultural importance of communal tenure but asked how its continuance could be reconciled with land reform aims.

Land reform and opening export markets head Didiza's challenges

ET (BR) 22/6/99 (E) (271)

ALLAN SECCOMBE

Johannesburg – Opening export markets and hastening the development of black farmers and land reform was the challenge facing Thoko Didiza, the new agriculture and land affairs minister, economists said yesterday

Didiza was appointed last Thursday, taking over from Derek Hanekom. Hanekom served as the first post-apartheid land and agriculture minister and is credited with fundamental reforms in a thorny portfolio.

Didiza was Hanekom's deputy during the period he scrapped government subsidies and agricultural boards that controlled marketing, and implemented land reform programmes.

"Hanekom freed up the markets but South African agriculture still has a lot of work to do to get into export markets," said Johan Willemse, an agricultural economist

The market was pleased with Hanekom's approach to liberalising agriculture and it was hoped that the course he had set would be maintained, said Jan van Zyl, the senior agricultural manager at First National Bank

Critics say that the land reform and restitution process has been painfully slow, with some 64 000 land claims still to be dealt with over the next 10 years at enormous expense. By February only 31 claims involving the restoration of 174 000 hectares had been resolved at a cost of R25 million.

Although the government could expropriate land to tackle the most difficult of cases, to date it has not done so and has stuck to the willing buyer or willing seller route.

The National African Farmers' Union, which represents small black farmers, said Hanekom had spent too much time on land issues and dealing with commercial farmers at their expense.

"The first thing we want Didiza to do is to help resource-poor farmers who want to become commercial farmers," said Joe Kotsokoane, the union's executive director.

Other issues for Didiza to address include disaster aid and the role of governmental finance institutions such as the Land Bank, which was supplying money at too competitive a rate, Van Zyl said. – Reuters

Marabastad, the place that defied apartheid

(271) CP 27/6/99

By DAN RADINKU

MARABASTAD will go down in the annals as the monument of multiracial society that lived to embarrass the separate development policy of the apartheid government.

This closely knitted family-inclined society also became one of the victims of the forced removals in the 1970s

It was shortly after the demolition of Sophiatown, George Goch and parts of Alexandra, among others, when the past government decided to resettle the Marabastad communities in the various townships of Pretoria

The government did succeed in moving those people, only to regret it later

The community was comprised of Indians, coloureds and Africans, who built a multiracial society and started to exchange their cultures resulting in some inter-racial marriages

This became a problem to the government, who saw their racial policy becoming a failure and decided to introduce the Verwoerdian policy of separate development.

Lamenting the past, Les Singh, a professional accountant who witnessed this history unfolding before him, said the whole thing was theatrical.

He said when the time came to resettle the families to their respective racial zones, this created problems for the families of mixed racial groups

The Group Areas Act came forcefully to Marabastad in the '70s.

"But the inter-marriages made it a true multiracial society – a cornerstone or monument of interracial togetherness It crossed the borders of religion. It was a wonderful place to stay," said Singh.



BAD OLD DAYS ... A child witnesses the effects of forced removals in Thembisa

Because of its nature, Marabastad became the mecca of entertainment where top-class sports, movies and dance facilities were available

Weekends would see people from townships like Mamelodi, Mabopane, Garankua, Vlakfontein, Saulsville and the far away Hammanskraal converging at Marabastad for entertainment

The bioscope was then offering the favourite form of entertainment

Then there was Club Bel Air, the entertainment centre for visiting soccer teams.

There was also the Duka Hall, the mecca of dance where all the country's ballroom dancing buffs would meet to compete for the top prize

Outdoor entertainment was nothing else but soccer.

The local team was dazzling and always brought good results when the sun set.

As people got used to the team, they started calling it Sundowns. This is how Pretoria Sundowns was born.

This club gave problems to sides like the long established clubs like Pretoria Delfos and Issie Moosa's Pretoria City. Moosa is the father of the former Bafana Bafana midfield dynamo and present Kaizer chiefs star, Zane.

"Soccer at Marabastad was like a religion," said Singh.

He said the games were played at the Indian and Muslim sports grounds where stars like Melvin Singh, Vincent "Tantie" Julius, Ingle Singh, Bernard "Dancing Shoes" Hartz and many others had their names recorded in the soccer history books.

Clubs like Orlando Pirates, Moroka Swallows Big XV, Moroka Swallows Mbanya, Pimville United Brothers and Witbank Black Aces used to entertain the local communities at the Indian sports grounds.

In terms of the local economy, the Marabastad community were forced to become entrepreneurs.

People were discouraged from leaving their places to seek employment due to the selective employment practices of the time.

The main source of income was brewing home-made liquor like "skokian", "choppers" and other forms of drinks which were imbibed by visitors from the far away townships.

But drama was always unfolding when the police raided the spots.

The different racial groups valued and understood each other's differences and cultures. Funerals were attended by all in the township.

"It was a multicultural thing. We had one culture a culture of communication, with the tsotsi-taal being the lingo," reminisced Singh.

Land bill 'may not be best solution'

BD 30/6/99

Wyndham Hartley (3) (271)

CAPE TOWN — Legislation allowing freehold title to tribal land may not be the best solution to tenure insecurity in traditional areas, Agriculture and Land Affairs Minister Thoko Didiza said yesterday.

She promised further consultation before a decision was made.

Didiza was responding to questions about a draft bill — prepared in the land affairs department — which is designed to give individuals title to tribal land in what would be a hammer blow to the authority of traditional leaders in outlying rural areas.

She acknowledged that the bill had been produced by the department, but emphasised that she would engage in further discussions with certain parties.

She warned that "these discussions could show this legislation is not the desired instrument".

Didiza said that the challenge was to allow those who required communal ownership of land to do so, but to design a system which allowed freehold to those who wanted it and which also provided checks and balances so that ordinary people did not become victims of unscrupulous traditional leaders.

She said there also had to be measures which provided security for investors in rural areas.

Any legislative action taken had to avoid creating further problems of landlessness which could be caused by poor people selling land given to them for short-term economic relief.



Back to the land: Rusting hulks are all that remain from the time Michael Ngeno and his family were forcibly removed from their farm. PHOTOGRAPH: NADINE HUTTON

Reclaiming the 'good land'

Evidence wa ka Ngobeni

"That's where my father's house used to be," says Michael Ngeno, pointing to a pile of rocks in the middle of an open field in Ventersdorp. "My parents built it in 1955, and it was a comfortable home for us. We had a school nearby, and a clinic. The soil was rich — my mother and I would plough maize, beans and sugar cane here. Really, our lives were good."

He pauses. "White people then shattered our wonderful home and dumped us on a dry land."

Rusting trucks and an old car are all that remain from the time Ngeno's family left their land in a rush two decades ago. Yet, says the upbeat Ngeno, the land is a paradise. "This land may have many rocks but we can remove them This land may look dry now, but there is underground water which once served our farming needs very well. As you can see, some of the boreholes are still visible and there are many who were ruined. I plan to live my whole life on this good land."

The "good land" is Doornkop farm in the district of Ventersdorp in what was the Transvaal, later part of Bophuthatswana. Ngeno's family was among the first to settle there in 1955. In 1979 Ngeno's family and 120 others were forcefully removed from Doornkop, despite having paid £550 each for their 8,5ha plots.

Ngeno was only 15 years old when the trucks arrived to relocate his community to Gamndaagte, more than 300km away. But he remembers every detail of November 3 1979, when he was awakened by the sounds of dogs barking and people shouting. His father's house was razed to the ground by police and soldiers in bulldozers.

The people were herded at gunpoint on to open trucks with sheep and cattle, and transported to their "new home". "In that place any attempt to plant was futile. My father had to sell his trucks and farming equipment he used in Doornkop," said Ngeno.

In Gamndaagte, Ngeno worked at a diamond mine, but he was retrenched in 1989. Since then he has been doing only "piece" work.

But now, 20 years after his father's land was given to white farmers, Ngeno has his farm back. The commission on land restitution restored the Doornkop community's ownership last week. "We had been fighting a long battle with the government to give us our land back in the past, and now we have it we must use it well," said a delighted Ngeno, adding that the R3 000 settlement grant he and the other 23 families received proves he will have a better life again.

The Land Claims Court will move swiftly to certify the ownership of former residents. Chief land claims commissioner Wallance Mgoqi said his department will soon issue certificates of ownership to the claimants.

He told the community: "We regret that some people died before they could receive their land, but it is with great rejoicing that those of you who are here today have your land back."

M+G 18-24/6/99

Back to the bad old days

(271)



Out in the cold: The Igoda community in the Eastern Cape was evicted illegally and dumped at Fort Grey — with no water and sanitation

Peter Dickson

Magistrates ignorant of the law are sending hundreds of farm worker families out into the cold and back to the darkest days of apartheid in the Eastern Cape.

And officials of the provincial Department of Land Affairs have told land reform lobbyists that the hard-won Extension of Security of Tenure Act (Esta) is not a priority.

The East London-based Border Rural Committee, a National Land Committee (NLC) affiliate that helps Border-Kei communities, also told this week of recalcitrant landowners dispatching lawyers and threatening land reform activists

In terms of Section 4 of Esta, occupiers have the option of access to a R16 000 state subsidy for secure settlement, while people aged 60 or older who have lived and worked on the farm for more than 10 years can stay until they die. But the committee, which has been monitoring Eastern Cape farm evictions since October last year, says most evictions have been the result of unprocedural common law applications.

Magistrates routinely issue court orders for eviction based on the Prevention of Illegal Squatting Act of 1951 — a law repealed in June last year. The Land Claims Court then has to waste valuable time to set these orders aside

The committee's complaints to the provincial Department of Land Affairs has yielded little results. The department deals with the Eastern Province Agricultural Union which, the committee says, claims recalcitrant landowners are not union members.

The committee says that it is only in the Eastern Cape that land affairs and NLC affiliates do not work together, and the provincial department's relationship with organised agriculture "raises questions about who sets the agenda" for land reform.

Of 34 cases reported to trained committee eviction monitors in the area over the past six months — involving 256 people, 116 of whom are children — there have been no convictions, and police in several centres said they would not act against farmers.

"Hundreds of people are falling through the cracks in the system and nobody knows," says committee officer Janet Liebenberg.

The committee recently organised workshops for lawyers on the new legislation, but few bothered to attend; the committee was told in a meeting with department director Mike Kenyon last week that evictions were not a department priority; and only two magistrates pitched for a meeting on the issue with the Department of Justice, "and they had to read up on it".

The committee says Stutterheim police last year chased away people reporting criminal evictions, saying they could only act in the event of assault. Police assisted in evictions and were unaware of the new legislation, the committee said, adding "we often have to photocopy the law to show them"

In Bedford recently a policeman said his station had received "no general minute" on the new law and asked for a "motivating letter" before adding that "we won't go against any farmer".

After evictions at Kidd's Beach recently, a station commander told the committee "It's over — what must we do?" The committee took the matter up with police legal services, which promised to investigate, "but there has been nothing to date".

With labour relations one of the main causes of evictions — 21 of the 34 cases reported to the committee were labour issues — the Department of Labour has been more sympathetic. The committee says the labour department "even showed verbal commitment and said we can always contact them to send out inspectors"

But during a meeting on the findings of the evictions report, the labour department was more concerned with the Labour Relations Act and the Basic Conditions of Employment Act, and in channelling disputes through the Commission for Conciliation, Mediation and Arbitration — where farm workers have no representation .

In a typical case study at the Igoda resort area outside East London last month, a magisterial bungle saw Amatola District Council workers tear down the homes of 30 families before trucking them to a dumping ground at Fort Grey where they faced winter in tents — with no water or sanitation

The Igoda families; farm workers retrenched by the collapsed parastatal Ciskei Agriculture Corporation, had been living on Igoda state land for three years before the council caved into pressure from local farmers claiming stock-theft problems.

Sources told the *Mail & Guardian* the council's eviction application was signed, ironically, by committee board member Pam Yako Eviction monitors said the sheriff, who should have overseen the eviction, was nowhere to be found, and the demolition was carried out by council truck drivers, mechanics and traffic officers.

Legal Resources Centre attorney Johan Roos said the court had ignored the Illegal Evictions Act, and the council and the magistrate were unaware that the Prevention of Illegal Squatting Act had been repealed.

East London attorney Wesley Pretorius later succeeded in an application to have the eviction order stayed Some of the families have returned to Igoda to try and rebuild their shattered lives, but many remain behind at Fort Grey.

Repeated efforts to obtain comment from the land affairs and justice departments in East London were met with silence this week.

The bittereinders of the Kalahari

At a tiny settlement in the centre of Botswana's Central Kalahari Game Reserve, a small village is fighting a rearguard battle against removal from their land. These are the bittereinders, among the last of the first people of Southern Africa. Photographer **Paul Weinberg** *and writer* **Tony Weaver** *report*

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Author's note. I freely interchange the words San, Basarwa and Bushmen. Strictly speaking none of them are politically correct. If the various agencies involved with the Bushmen spent less time being politically correct and more time fighting the good fight, this story wouldn't be happening today

M+G 2-8/7/99



Desert life: An ancient culture is being destroyed in a war of attrition by thirst

We drove into the Central Kalahari Game Reserve navigating from maps decorated with photographs of wizened Bushmen hunters staring into the desert fastness. Our guide books all begin with phrases like "this ancestral hunting ground of the Bushmen". Chris and Tilde Stuart's 1989 guide says "This 51 800km² game reserve is still inhabited by groups of Bushmen and for this reason it is closed to the general public."

Ten years later the reserve is open for business. In February last year, Veronica Roodt's *Shell Tourist Guide to Botswana* records that "the Central Kalahari Game Reserve was initially set aside primarily for the use of people who choose to continue their traditional hunter-gatherer way of life. the San people have lived here for perhaps 30 000 years. today there are between 1 000 and 2 000 people living permanently in the area. The majority of these people live at Xade, which is a settlement near the western border."

A year later, there are no San people left at Xade, the place to which the original removals, over a period of 20 years, took place. In a sleight of hand, the Botswana government has created New Xade, 70km from Xade, 45km outside the western reserve border, and moved them all.

All that is left of Old Xade is a ranger's post, a staff compound, a camp site and a deserted school. Nothing else. Paul cannot believe it. "When we came through here in 1996 there was a huge settlement. They must have moved more than 1 000 people." The beehive huts with droopy roofs lie broken on the ground. At one destroyed settlement there is an enamel bucket and a paraffin tin, valuable items, abandoned in the ruins of the kraal.

The village has pathetic touches. thorn bushes dragged across the entrances of huts to keep out predators, the head of a plastic doll, a half-burned pile of fire sticks, a supermarket bag hanging in the thorns of a zizyphus.

At the game scout camp there is an air of military discipline. Some young guys playing soccer in the yard are on "national service" with the Department of Wildlife and National Parks. In the office we get grilled. Why do we want to go to Xaxa and not Deception Pan? Why do we have a Basarwa (Bushman) with us? Are we really tourists? Why did we not book in Gaborone the way we are supposed to?

He relents, and gives us a pamphlet on the reserve. "The people commonly known throughout the world as Bushmen, but more properly referred to as the Basarwa," it says, "have been resident in and around the area for probably thousands of years. Originally nomadic hunters and gatherers, the lifestyle of the Basarwa has gradually changed with the times and they now live in settlements, some of which WERE (my capitals) situated within the southern half of the Central Kalahari Game Reserve.

"Government has, however, encouraged these people to move to areas outside the reserve in order that they may be provided with modern facilities, schools, clinics etcetera, and to integrate them into modern society."

We could be chasing a chimera, looking for people who no longer exist. This is a 600km detour off our planned route, 600km of deep, deep, grinding Kalahari sand where covering 200km in six hours is speeding, an expensive chimera.

In Ghanzi and in D'Kar, strongholds of Basarwa/San/Bushmen/Expat aid and passive activism, none of the "experts" seemed to have any first-hand knowledge of what was happening in settlements like Molapo and Metsimanong, another rumoured *bittereinder* hideout.

In D'Kar, Mathambo NgaKaeaja is a co-ordinator with Wimsa, the Working Group of Indigenous Minorities in Southern Africa. He is pissed off and frustrated and part of an influential younger crew in regional San politics. They have seen academics and writers and photographers and aid workers and priests and philosophers and film-makers come and go and get famous on their story. Now they are dying because of their fame. Everybody is too polite and too dependent on government permits to speak out.



"We have always had wild animals around us. We have always looked after them. We never killed more than we could eat"

The chief of Molapo, Seqo G//anako



"They say they want us out of here because of the animals, but we believe it is because of diamonds or oil"

The chief's grandson, Custom Gabogalalwe

All except Mathambo and a handful of others "Don't believe what you hear that there are no more of our people living in the Central Kalahari. There are still more than 250 staunch people who are staying inside, who will not move out of there. This is where our people have lived since before the beginning of time, for thousands and thousands of years, and we will not move."

Government Notice number 38 of 1963 of the Bechuanaland Protectorate states that "no person other than a Bushman indigenous to the Central Kalahari Game Reserve shall enter the said reserve without having first obtained a permit in writing from the District Commissioner, Ghanzi."

But diamonds speak louder than moral rights in Botswana. The Kalahari Desert is enormously rich in diamonds. They are already being extracted at Gope, another traditional home of the Basarwa, 36km inside the eastern part of the reserve. According to all the literature, the San have lived in the Central Kalahari for 30 000 years or longer, ergo, they own the land and the diamonds. And the animals and the pans and the bushveld and the tourist revenues. That's how simple it is.

And that's why the government cannot allow them to stay.

We drove through fields of giraffe and kudu and bat-eared foxes and got to Molapo mid afternoon when the light was beginning to turn golden. A small crowd gathered, all very young or very old. Slowly, carefully, younger men and women begin to emerge as the word spreads that we are friends, not foe.

They had been hanging back in case we were government and they needed to hide. We have found the *bittereinders*.

We cry as we listen to the stories, once because of their sadness, again because of their beauty. The chief of Molapo is Seqo G//anako. "I was born here in Molapo," he says, "and my grandfather and his grandfather and his grandfather again are buried here under these trees. The government says we must move because of the wild animals, but my grandfather and





New Xade: It is the promised land of the Bushmen in the Kalahari, but it is a wasteland. 'I just sit like this and try and gather, but there is very little veld food. The government has thrown us away,' said Xaojuswe Phela (left)

his grandfather lived with the animals, they are like our goats

"We have always had wild animals around us We have always looked after them, we nev er killed more than we needed to eat When I see wild animals all around us my heart is happy When I am hungry and I see them I think of food, but mostly when I see them they just make me very happy."

At dusk we walk around Molapo with Cus tom Gabogalalwe, the 29-year-old grandson of the chief Custom's name is a "protection" name, a Tswana name he has taken to disguise his origins against the racism of Botswana's unofficial ethnic hierarchy.

"I think the government will come with guns because we refuse to move from here to New Xade I am not sure what we will do if that happens This is our land, our traditional land My great-great grandfathers are buried here. How can we move? They say they want us out of here because of the animals, but we believe it is because of diamonds or oil If they want to develop that, then they must talk to us, this is our land "

Xowago Xam is a very old man with biltong feet who is a famous hunter "Life here is very good, very very good," he says "There is veld food and there is bush medicine and the animals are plenty, they have always been like that, even in the long dry seasons I will not move from here, I will die in this soil, if the government comes with guns and tries to move me, they can shoot me, I will not move, my blood will be in this soil."

For years, the village has been asking government for a borehole and they have been denied Once a month, the government sends a tanker carrying 10 000l for a settlement of 200 people, 50l of water per person, less than two litres a day Custom says they have been warned that if they feed any of the water to their livestock they will be arrested

His grandfather says, "The game department has told us we have to move so that they can make a water hole here for the animals so the tourists can come And they don't want us near the animals

"We get no money from the government for the tourists coming through here. We get tourists coming who want to go and walk in the bush, or see some dancing or buy some crafts, but the government tries to stop it We want to work with tourists, and the government must understand that that is a good thing for this park "

Like Xowago Xam, Chief Seqo Ga//anako is fatalistic "I think they will move in one day soon and order us out of here, they will come with guns and cars. If they come here with guns and lorries, we will just sit down If the gov ernment wants to shoot us, they can shoot us, we will not climb in their cars "

Molapo is a vibrant, buzzy community In one corner, a granny is skinning a meerkat for supper while her grandchildren crowd around Across the fire, her daughter clips ostrich egg shells, feeding the rounded bits onto a necklace.

Next door a young boy herds goats into the kraal, and everywhere small fires start up at each family's hut circle. The chief has given us a camp site within the village perimeter, but outside the intimacy.

Custom and his friends come to visit after dark and we share a Kalahari stir fry with pap and relish The talk turns to diamonds "We have seen the vehicles Some of them were marked 'De Beers' " The young men are fired up with talk of resistance, and insist they want to live in the bush and not in Ghanzi

"If you are in town and you have got mon ey," jokes Custom, "you can go straight to the supermarket and be a hunter gatherer there But it is much better and much more pleasure to go and hunt and gather in the bush."

That night, the lions came to Molapo I fall asleep while following their progress by the shouting and the banging of pans and the whistling that starts at one end of the village and moves down via the dogs barking and the donkeys braying and then the banking up of fires. The next morning, we labour out through the deep, deep sand and do 180km in seven hours, getting into New Xade by late afternoon.

New Xade is the place to which the Bush men of the Central Kalahari have been moved, their promised land It is a wasteland

Estimates are that 2 000 or more Bushmen have been relocated to New Xade. There is hard ly a shrub in sight The trees are all grazed to above standing goat height Castle and Carling lager cans are the only spots of bright colour Litter hangs in all the thorn trees and plastic bags vibrate on the barbed wire fences

A drunk man demands that Paul photograph him and as we drive through, the kids run out screaming "sweets, sweets" There is an air of listlessness and despair, a feeling that this is the end of the road

There are air-conditioned bungalows with solar heated showers and satellite TV for the government workers in their own compound Everybody else lives in urban squalor Many are still waiting for their compensation of five cattle, eight donkeys, 15 goats and ploughing implements. Some of the adults earn 80 pula a month (R100) on drought relief projects

We hear stories about prostitution rings operating for the construction workers who are tarring the wilderness roads. We found an ancient culture that is being destroyed in a war of attrition by thirst even as you read this story. New Xade is the prisoner of war camp. It has bad grazing, unfamiliar veld foods and very little game

An old woman came in from the veld She was carrying a pitiful bundle of fire sticks and roots. Her name was Xaojuswe Phela "How is life here in New Xade?" I asked her

She hawked deep in her throat and spat in the sand There was blood in her phlegm "There is no life here," she said "I just sit like this and try and gather, but there is very little veld food I don't know how I will live I am lost now They must just take me to the bush and bury me because the government has thrown us away"

Reform land laws

The most creative way of combating South Africa's unemployment is to reform land laws and not labour laws, contends LC Jain

(3) (271)
Sowetan 5/7/99

PRESIDENT Thabo Mbeki's call of "Let us return to work" announced immediately after the election results is happily attracting many suggestions from many minds

A notable example is "Let's get SA working" by John Kane-Berman (*Sowetan* June 8)

He puts his finger on the most agonising problem South Africa faces, namely unemployment. It must "reverse the remorseless rise in unemployment – now growing at nearly eight percent a year", he urges.

This is laudable. But that cannot be said of the prescription he puts forth for taming unemployment. The very diagnosis on which his prescription is based is flawed.

The root cause of rising unemployment, according to him, is regressive labour legislation and argues that it will take more than "modest reforms of labour legislation" to reverse-mounting unemployment The answer, he says, is not to tinker with the labour laws but "to reverse their thrust"

This view would be tenable if South Africa's economy was raring to go forward, and was being thwarted by labour laws from delivering their munificence.

Furthermore, in the past four years, and this puts lie to Kane-Berman's diagnosis, South Africa's corporate sector has successfully and swiftly effected the massive retrenchment of about 500 000 people

If South Africa's labour laws were as rigid as alleged, the retrenchment of even one percent of that murderous number would have been well nigh impossible. In spite of his deep concern about rising unemployment, Kane-Berman does not even mention this.

In the circumstances, if his demand that all barriers to the job market should be removed were to be conceded, one could foresee even more naked retrenchment of South Africa's already slender labour force.

We should also look at his proposition from another angle. Are the existing labour laws inhibiting investment in South Africa's economy? Empirical evidence does not support such a view

The *Annual Economic Survey* of the Reserve Bank has been reporting a steady rise in the rate of investment in the past five years – alongside a steep fall in the rate of employment. Clearly investors are concentrating their cash in that pattern of production of goods and services which is highly capital-absorbing and low in labour use.

Can it be claimed that their preference for such a capital-intensive pattern of investment is induced solely by regressive labour laws? The objective fact is that such a pattern is typical of capital today all over the world

Just look at the European Union's recent White Paper It shows that all industrialised countries – where labour laws are not a barrier to the job market – are experiencing "jobless growth".

Jobless growth, in turn, is blamed for breeding social tensions, violence and threatening political stability in Europe. Does that not apply to South Africa as well?

True, we should not allow any avoidable and unproductive impediments in the way of investment flows, particularly where credible jobs are offered.



Out-of-work adults wait on street corners in Johannesburg suburbs in the hope of finding work or attracting the attention of potential employers. PIC: HUGH MDLALOSE

But it is an unwarranted assumption that investors today (anywhere) are interested in generating jobs *per se*. In fact, jobless growth is yielding higher profits on capital. Most unemployed people in South Africa, says Kane-Berman, have no education – they have no skills to sell "so let them sell the only thing they do have: willingness to work for a lower wage".

Having convinced himself that South Africa's unemployed are dying to work for a lower wage, he proceeds to prescribe: abolish minimum wage laws; get rid of the privileges of trade unions over the unemployed; then neutralise the unions – especially the Congress of South African Trade Unions (Cosatu).

Spectacular employment

Clearly, Kane-Berman is convinced, like many others, that we should bury all labour legislation five fathoms deep, and let privatisation or the "market" do it all to produce spectacular employment.

Yet many others who believe that the market should be given the maximum possible chance, and that all thorns should be removed from its flesh, are fortunately not blinded by its glare.

World Bank senior vice president and chief economist Joseph Stiglitz has been urging that we stop the deification of the market and discern both its potential as well as limitations.

Similarly, addressing the Non-Aligned Movement Summit in Durban in September 1998, Mbeki warned developing countries that "the market" was a cannibal which "feeds on its own offspring".

One ground on which Kane-Berman wants Mbeki to cut Cosatu and others down to size is that the Government can then implement the Growth Employment and Redistribution (Gear) strategy unhindered.

But the author must be aware that Gear also envisages enhancement of employment and productivity in the agricultural sector. A precondition of such an enhancement is a reversal of the distortion induced by obscene and oppressive land laws since 1912 – dispossessing millions of small black farmers of their productive assets and reducing them to servitude and destitution.

They are the bulk and hard core of the poor and the unemployed. Nearly three million of such farmers are still today condemned to the ghetto of degraded marginal holdings, underemployment and subsistence.

The first creative step in combating South Africa's remorseless unemployment is to take steps to increase jobs and income manifold The increased purchasing power will give a boost to demand for consumer goods and consequently to jobs in the secondary and tertiary sectors.

This requires reform of regressive land laws – more than of labour laws. Kane-Berman concludes: "The Mandela era is over and the country has to get down to business." But, dear author, whose business?

(The author is a development economist and a former high commissioner of India in South Africa.)

San fear land reform spells end of a people

ARGUS CORRESPONDENT
ARG 8/7/99 (271)

Kimberley – The San (Bushmen) fear "ethnic merging" could soon make them extinct.

The surviving 4 300 in South Africa of one of the world's most ancient peoples are particularly fearful about a planned move from the Schmidtsdrift military camp, about 100km from Kimberley, to a new site closer to the town.

The move is part of the land reform process, which will result in the eventual return of thousands of hectares of military property to the original inhabitants – one of many land claims being investigated.

The Tswana people succeeded in reclaiming Schmidtsdrift, sparking the relocation of the San.

Expert Charles Hallett, a defence force major, said yesterday: "The Bushmen fear a swallowing up of their culture and their values when the 2 000 young people of the Schmidtsdrift community reach Kimberley in the next few months. They want somewhere they can belong."

Land claims meetings

By Gershwin Chuenyane

THE Regional Land Claims Commission for Gauteng and North West will hold a series of report-back meetings with Sophiatown claimants in Soweto this month.

The series of meetings, whose purpose is to report on the progress of the claims, discuss the valuation of Sophiatown houses, elect a representative and collect the outstanding documents, will start tomorrow at Mampuru Hall in Dube at 2pm, according to the commission's spokesman Mr Molefe Matlou.

He said the second meeting will be on Sunday at Pace Commercial College in Jabulani at 2pm and the third at Diepkloof Hall, Zone 1 at 1pm on July 18.

Transport for the Mampuru Hall meeting has been arranged.

A bus will leave from Vincent Road, Zone 1 Meadowlands, next to Modise's old house, at 12.45pm.

It will stop at Meadowlands Police station; Zone 5 shopping complex; Dube Hostel; Maponya's and Youth Alive Centre.

After the meeting the claimants will be transported back, Matlou said.

He said 460 claims for the restitution of land rights had been lodged to date.

Matlou said they had received about 1 000 for property rights from people who had lived in Sophiatown.

He said Sophiatown was one of the urban claims that had been prioritised for a historical valuation.

San pay hidden price for bush war

Former SADF trackers stranded by the wayside in post-apartheid SA

(271) ARG 14/7/99

Kimberley – When members of the San community joined the South African military under the former apartheid regime in the 1970s they could not have foreseen the hidden cost.

For them the bush war between the South West Africa People's Organisation (Swapo) and South Africa brought a market for their exceptional hunting skills.

They offered the military a much-needed capability to track down Swapo infiltrators bent on overthrowing South Africa's reign in Namibia, at the time known as South West Africa.

Originally from Angola and Namibia, the San trackers were experts on the territory in which South African forces were operating. This area included the south of neighbouring Angola where many Swapo camps were based.

Upon joining the former South African Defence Force, the trackers were settled with their families at army bases in Namibia.

The link between the SADF and the San, consisting of the 'Xu and Khwe tribes, continued for years.

When Namibia became independent in 1990, the San soldiers were offered South African citizenship and given the opportunity to remain in the SADF. Fearing victimisation by the new Swapo government in Namibia, many opted for moving to South Africa.

In 1990, about 4 500 members of the San community were trucked to Schmidtsdrift military base about 70km from Kimberley in the Northern Cape.

Today, nine years later, this last concentration of the unique San community is heading for extinction, a senior SA Army officer predicted last week. Their past association with the apartheid forces has played no small part in this.

"Because of this association, they have been treated with less than sympathy by South Africa's post-apartheid authorities that took over in 1994," Charles Hallatt of 3 SA Infantry Battalion said.

"They got the wrong end of the stick."

The San were left for nine years without a permanent home or development opportunities.

It was inevitable that the fabric of the vulnerable grouping would start unravelling.

"It will not be untrue to say that there will be some form of ethnic cleansing and that the San will vanish, absorbed into the people around them," Major Hallatt said.

> The day we die
> a soft breeze will wipe out
> our footprints in the sands.
> When the wind dies down,
> who will tell the timelessness
> that once we walked this way
> in the dawn of time?"
>
> *from a Bushman song*

Living in cramped leaky tents in the thornbush of the Northern Cape, many members of the community have sunk into a state of despondency, with some resorting to alcohol abuse.

The Kimberley infantry battalion has since 1994 been responsible for the San at Schmidtsdrift, spending about R890 000 a month last year to sustain them.

Until recently, Major Hallatt has been in charge of the Schmidtsdrift military base, fighting a losing battle to improve the community's situation.

The San community, now comprising about 4 300 people, will by the end of the year move to the farm Platfontein near Kimberley.

The land was bought for them, at R7,5-million, with their Government housing grants.

Major Hallatt said that once they left Schmidtsdrift, the community would no longer be able to rely on the army, except for the families of about 300 San who had been integrated into the South African National Defence Force.

"The others will have to fend for themselves on a farm only large enough for about 60 people to live off the land. The rest will have to try and earn money by making and selling artefacts."

There were insufficient funds to properly develop Platfontein, Major Hallatt said, adding "All kinds of hidden agendas popped up when money for them was discussed."

He would have preferred the San to have been provided with a permanent home at Schmidtsdrift as it was relatively out of the way. Some members of the community had never been to Kimberley.

But Schmidtsdrift was earmarked for the Bathlaping who, according to Major Hallatt, were getting better deals from the authorities than the San.

Living closer to Kimberley would only hasten the San's extinction.

Their language, which consists of 2 000 different sounds compared with the 800 found in English, might survive longer.

"Parents will pass it on to their children, but I don't have much hope for their way of life. The sad story is that they are going to lose their distinctive identity," Major Hallatt said.

"Even some of their artefacts are no longer the genuine product. They are now starting to make stuff they don't really use to impress tourists," he said. – Sapa

African dust just blowing in the wind

Washington – Dust blown across the Atlantic Ocean from Africa makes up at least half the particles that Americans in the southeast breathe in each day, researchers say here.

The African dust can, on certain days, push the total number of airborne particles above the limit set by the Environmental Protection Agency, Joseph Prospero of the University of Miami said.

Reporting in the *Journal of Geophysical Research*, Prospero said the dust was nothing new.

His 23-year study shows that, for instance, the soil in Bermuda contains what looks like dust from Africa, and has little dust with North American origins.

But he said natural dust was often ignored in studies of airborne particulates.

In his report Prospero said pollution and the African dust hit their peaks at the same time — during the summer. – Reuters

Got any small change?



It's a first for the PORTER MOTOR GROUP!

it's CAR SWAP

100's OF CARS AT RIDICULOUSLY

Farmers spurn burials, fearing land claims (271)

BD 14/7/99 (4)

LOUIS TRICHARDT — Some farmers in the Northern Province are fighting to prevent dead farm labourers from being buried on their land because they fear the graves will be used as evidence in land claims.

The bodies of some elderly workers have been lying unburied in mortuaries for months while others have been dumped after farmers refused to allow the burials.

In the latest incident a farmer allowed the body of a 105-year-old labourer to be buried on Sunday only after the man's wife signed an agreement never to use the grave as a basis for a land claim.

The agreement signed by Mampho Muravha also prohibits her children or any other relatives from claiming the land on which the couple had lived for 40 years while working as cattle herders for Gert Smith.

Muravha's husband, Majoni Nkube, died on July 4 and was buried only after a week.

Smith insists there was no malice behind the agreement.

"I care for these people. I've known them my whole life. They've been loyal but I am afraid that their children or other relatives might come back in 20 years and use the grave as an excuse for a land claim. I have to protect my land and my own children's future," he said.

The couple worked for Smith's father in Soekmekaar until 1981 when Smith brought them to work on his Luvuvhu Farm near Louis Trichardt.

The agreement was brokered by Nkuzi Development Association fieldworker Shirhami Shirinda.

Shirinda concedes the agreement is unusual but emphasises that it allows Muravha to continue living on the farm, to bury her husband with dignity and grants her free access to the grave until her own death.

"It's a far better deal than others have got in this province and it is all that Muravha wants at this stage," said Shirinda.

Messina police have meanwhile charged a local mortuary owner for dumping the corpse of an 82-year-old farm labourer in a shed two weeks ago.

Messina Funeral Undertakers owner Nico Stapelberg admits to dumping the body of Chequela Mabasa after it lay in his mortuary for six weeks because the man's employer refused to bury him on his farm.

Farm owner Andries Fourie was not at home when Stapelberg dumped Mabasa's corpse in a small farm shed.

However, farm workers immediately phoned the local police station to collect the body.

The police drove 40km to Fourie's farm and took the body to their own mortuary. Mabasa was given a pauper's funeral in the Messina cemetery last Friday.

Stapelberg told his workers to return Mabasa's body to Maswiri farm after Fourie refused to bury it and no one paid the R800 the mortuary was charging for storing it. — Sapa.

Farmers fear workers' return to haunt them

(4) (271) CT 14/7/99

LOUIS TRICHARDT: Farmers in the Northern Province are fighting to prevent farm labourers from being buried on their land for fear the graves may be used as evidence in land claims.

The bodies of some workers have been lying unburied in mortuaries for months. Others have been dumped after farmers refused to allow the burials.

In the latest incident, a farmer only allowed the body of a 105-year-old labourer to be buried on Sunday after the man's wife signed an agreement never to use the grave as a basis for a land claim.

The agreement signed by Mampho Muravha prohibits her children or any other relatives from claiming the land on which the couple lived for 40 years while working for Gert Smith.

Muravha's husband, Zimbabwean-born Majoni Nkube, died two Sundays ago at the reputed age of 105. He was buried last Sunday.

Smith insists there was no malice behind the agreement. "I care for these people. I've known them my whole life and they've been loyal, but I am afraid that their children or other relatives might come back in 20 years' time and use the grave as an excuse for a land claim," he said.

"I have to protect my land and my own children's future."

The couple worked for Smith's father in Soekmekaar until 1981, when Smith brought them to work on his Luvuvhu Farm near Louis Trichardt.

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San group at Schmidtsdrift faces extinction

(271) BD 16/7/99

Skilful trackers backed the wrong horse when they volunteered for apartheid's military machine

WHEN members of the San community joined the SA military under the apartheid regime in the 1970s, they could not have foreseen the cost.

For them the bush war between the South West Africa People's Organisation (Swapo) and SA brought a market for their exceptional hunting skills.

They offered the military a much-needed capability to track down Swapo infiltrators bent on overthrowing SA's reign in Namibia, at the time known as South West Africa

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On joining the former SA Defence Force, the trackers were settled with their families at army bases in Namibia.

The link between the SADF and the San, consisting of the !Xu and Khwe tribes, continued for years. When Namibia became independent in 1990, the San soldiers were offered SA citizenship and given the opportunity to remain in the SADF

Fearing victimisation by the Swapo government in Namibia, many opted to move to South Africa: About 4 500 members of the San community were in 1990 trucked to Schmidtsdrift military base about 70km from Kimberley in the Northern Cape.

Today, nine years later, this last concentration of the unique San community was heading for extinction, a senior SA Army officer predicted last week. Their past association with the apartheid forces had played no small part in this.

"Because of this association, they have been treated with less than sympathy by SA's post-apartheid authorities that took over in 1994," Major Charles Hallatt of 3 SA Infantry Battalion said in Kimberley. "They got the wrong end of the stick."

The San were left for nine years without a permanent home or opportunities to find a sustainable means of living in a strange environment. It was inevitable that the fabric of the vulnerable group would start unravelling.

"It will not be untrue to say that there will be some form of ethnic cleansing and that the San will vanish by being absorbed into the people around them," Hallatt said.

Living in cramped, leaky tents in the thornbush of the Northern Cape, many had sunk into a state of despondency, with some resorting to alcohol abuse.

Kimberley Infantry Battalion had been responsible for the San at Schmidtsdrift since 1994, spending about R890 000 a month last year to sustain them.

Hallatt was until recently in charge of the Schmidtsdrift military base, fighting a losing battle to improve their long-term plight.

The San community of about 4 300 people will by the end of the year move to Platfontein farm near Kimberley. The land was bought for R7,5m with their government housing grants.

Once they left Schmidtsdrift, Hallatt said, the community would no longer be able to rely on the army, except for the families of about 300 men who had been integrated into the SA National Defence Force.

"The others will have to fend for themselves on a farm only large enough for about 60 people to live off the land. The rest will have to try and earn money by making and selling artefacts."

There were insufficient funds to properly develop Platfontein for the group, Hallatt said. "All kinds of hidden agendas popped up when money for them was discussed."

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"Even some of their artefacts are no longer the genuine product. They are now starting to make stuff they don't really use to impress tourists." — Sapa.

Farmers stop burials for fear of land claims

FARMERS in Northern Province are fighting to prevent dead farmworkers from being buried on their land for fear the graves will be used as evidence in land claims.

The bodies of some elderly workers have been lying unburied in mortuaries for months, while others have been dumped after farmers refused to allow the burials, reports Sapa.

In the latest incident a farmer allowed the body of a labourer to be buried on Sunday only after the man's wife signed an agreement never to use the grave as a basis for a land claim.

The agreement signed by Mrs Mampho Muravha also prohibits her children or any other relatives from claiming the land on which the couple have lived for 40 years while working as cattle herders for Mr Gert Smith.

Muravha's husband, Zimbabwean-born Majoni Nkube, died last Sunday at the reputed age of 105 years. He was buried a week later on Sunday.

Smith insists there was no malice behind the agreement

"I care for these people. I've known them my whole life and they've been loyal but I am afraid that their children or other relatives might come back in 20 years time and use the grave as an excuse for a land claim," he said. "I have to protect my land and my own children's future."

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Shirinda concedes the agreement is unusual but stresses that it allows Muravha to continue living on the farm, to bury her husband with dignity and grants her free access to the grave until her own death.

"It's a far better deal than others have got in this province and it is all that Muravha wants at this stage," said Shirinda

Meanwhile, Messina police have charged a local mortuary owner for dumping the corpse of an 82-year-old farm labourer in a farm shed two weeks ago

Messina Funeral Undertakers owner Mr Nico Stapelberg admits to dumping the body of Mozambican-born Chequela Mabasa after it lay in his mortuary for six weeks because the man's employer refused to bury him on his farm.

Farmowner Mr Andries Fourie was not at home when Stapelberg dumped Mabasa's corpse in a small farm shed but farmworkers immediately phoned the police to collect the body.

The police drove 40 kilometres to the farm and took the body to their own mortuary. Mabasa was given a pauper's funeral at Messina Cemetery last Friday.

Stapelberg told his workers to return Mabasa's body to Maswiri farm after Fourie refused to bury it and no one paid the R800 that the mortuary is charging for storing it. Mabasa has no relatives in South Africa.

Themba Molefe reports that in North West the battle continues to stop pauper burials of farmworkers

Efforts are at present under way in Sonop, near Brits, to prevent paupers' funerals for 18 farmworkers whose bodies are being kept at a private mortuary after being transferred from various state mortuaries, said welfare official Mr Othniel Mosielele.

In March the Sonop welfare department arranged the mass burial of 22 people, including a one-month-old baby, after they were dumped in surrounding hospitals and in the open, allegedly by farmers in the Hartbeespoort Dam area.

Earlier in January another 18 farmworkers' bodies were exhumed and reburied in Sonop.

Sophiatown land claims meeting

By Joshua Raboroko (271)

THE Gauteng and North West Land Claims Commission is to hold a meeting at the Diepkloof social welfare centre in Zone One on Sunday at 2pm to discuss the options that former Sophiatown claimants have lodged.

Researcher for the commission Mr Thami Ngwenya said the commission had received more than 500 claims from those dispossessed of their property rights because of apartheid laws.

According to research there are 1001 properties in Sophiatown but the commission has received 545 claims.

The Department of Land Affairs has set aside R56 million to settle claims countrywide.

Ngwenya said people who had been evicted had options when lodging claims. These included claiming for the restoration of their properties, getting alternative property or applying for financial compensation for lost property.

The option of restoration of property has become controversial after widespread protest from white residents now living in Sophiatown. Most of the original white residents bought the properties from the apartheid government.

Ngwenya said that if the claimants insist on restoration of property and the present owner resisted, the law will be enforced.

He said that serious negotiations would take place to satisfy everybody.

Sowetan 16/7/99

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12/8/99

Mass payments for land 'not the answer'

Louise Cook BD 12/8/99 (271)

THE settlement of land claims have picked up in recent months with government having paid compensation to about 220 claimants in urban areas.

Andries du Toit, University of the Western Cape academic and restitution review team co-ordinator, said on average each claimant received R59 000. However, he warned that mass compensation payments was not the answer to effective restitution. "It may resolve, for a time, the cash crises of particular individuals, but will not have contributed one jot to the aims of the restitution programme."

Du Toit said: "The key issue is that the money will not have been spent in a way that is justifiable with any long-term vision of poverty eradication or development." The constitution requires that restitution should boost economic growth, foster national stability, improve household welfare and alleviate poverty. "With the way that it has been implemented so far, it is in danger of failing to reach these goals," he said

Du Toit said it was difficult to quantify how much restitution would cost the state or how long it would take, but indications are that at R100m a year for land and compensation, it could take another 200 years to get through the pile of 63 000 claims.

"The budget should be increased by at least a factor of 10, but it is vital that restitution be closely linked to rural development strategies. At the current budget it would take another 60 years just to write out cheques for urban claims while the number of (urban) claimants could turn out to be less than 10% of all the claimants," Du Toit said In this financial year, R33m was allocated for restitution but provision is made that the amount can be increased if necessary.

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Johannesburg
12 August 1999

State land reform resources limited, audit shows

Wyndham Hartley (271)

CAPE TOWN — An audit of state land had shown that between 750 000 and 1,3-million hectares of state land could be used for land redistribution projects, land affairs director-general Geoff Budlender said yesterday

Briefing a meeting of parliamentarians interested in serving on the agriculture and land affairs committee, Budlender said the audit of state land had shown there were 25,5-million hectares.

When all legitimate state operations, such as the SA National Defence Force and nature conservation, were taken into consideration, there remained 750 000 to 1,3-million hectares

Replying to an MP's query on the size of land acquisition grants, Budlender said it was impossible to fund land redistribution through state funds on the open market Assuming agricultural land averaged R800/ha and 1-million hectares were to be redistributed, this amounted to R24bn or the total budget of the land affairs department for 60 years. He said other mechanisms in addition to state grants had to be used

On agriculture, Land and Agriculture Minister Thoko Didiza said decisions would need to be taken on the sector's place before the next round of World Trade Organisation talks in November, a large part of which would relate to global trade in agricultural products.

BD 17/8/99

MPs get the facts on SA land claims

(271) ARG 17/8/99

CHARLES PHAHLANE
PARLIAMENTARY BUREAU

The emotive issue of land hit the new Parliament as MPs wanted to know the percentage of land reallocated to blacks in the last five years, after being left with only 13% by past governments.

Successive land acts of the Union of South Africa parcelled out 87% of land to whites and reserved the remaining, largely unproductive land to blacks in homelands areas.

But Land Affairs director-general Geoff Budlender said during a briefing to MPs yesterday that since the democratic change of 1994 the state now held 13%, or 87 million hectares, of land for all South Africans.

Some of the land was being transferred in the open market, where private sales, usually from whites to blacks, occurred

The restitution process was gathering pace and there was "serious pressure" on the department's budget to pay for the claims.

This meant other means, including access to credit, would have to be explored to speed up land transfer, Mr Budlender said.

A first for the Land Claims Court?

Louise Cook (271)

PRETORIA — A wrangle in the Land Claims Court ended yesterday when the lawyer for an applicant offered to withdraw the case and pay the farmer's costs.

It is believed to be the first time an offer to pay a farmer's defence costs has been made in the Land Claims Court.

The lawyer for the farmer, Trudi Lourens, said yesterday the offer from plaintiff T Xaba's attorney was being considered.

Defence costs normally added up to tens of thousands of rands, Lourens said.

The offer came in the wake of Judge Shenaz Meer's dismissal of the application by Xaba to bar the farmer, B van Niekerk, from opposing the case.

Xaba had applied for labour tenant status on Van Niekerk's farm.

Xaba approached the court, alleging she was a labour tenant and entitled to live on the farm, Eensgevonden, in the Vryheid district.

She asked the court to ratify her status as a labour tenant, to grant her further relief and rule that her legal costs be paid by the farmer.

The court was told that Van Niekerk was renting the farm and was not the owner.

The court heard Xaba's father had lived on the farm, but the landowner had built him a house outside the town

Judge Meer found the wrong defendant had been cited and dismissed Xaba's application.

Meer said the question of costs should stand over until a special plea could be heard, but Xaba's attorney offered to pay the costs.

BD 18/8/99

Land vouchers may replace cash payments for restitution claims

BD 20/8/99 (271)

Louise Cook

PRETORIA — Land restitution is facing profound change, based on international experience, which will help streamline the process.

Changes mooted this week by the chief land claims commissioner, Wallace Mgoqi, include substituting land development vouchers for cash payments. Places of interest like parks, schools and existing infrastructure will be barred from claims and the role of claimants in the process will be reviewed.

Other changes mooted include further decentralisation of restitution, possibly to municipal level. "The net experience of other countries tells SA not to be complacent. There is room for change and we must be robust in looking at changes and bringing them about," Mgoqi said

He said the voucher system used in Estonia made provision for the claimant to receive the full value of the claim in land as compensation. However, if the claimant opts for financial compensation, the value of the claim dropped to 10% or 20% of the value of the land.

"I can see our (SA) situation moving to a similar one where people are issued vouchers or bonds to help them acquire land, housing or access to better medical care."

In SA, claimants can opt for restoration of their land (irrespective of what development has taken place or is planned), alternative land or financial payouts.

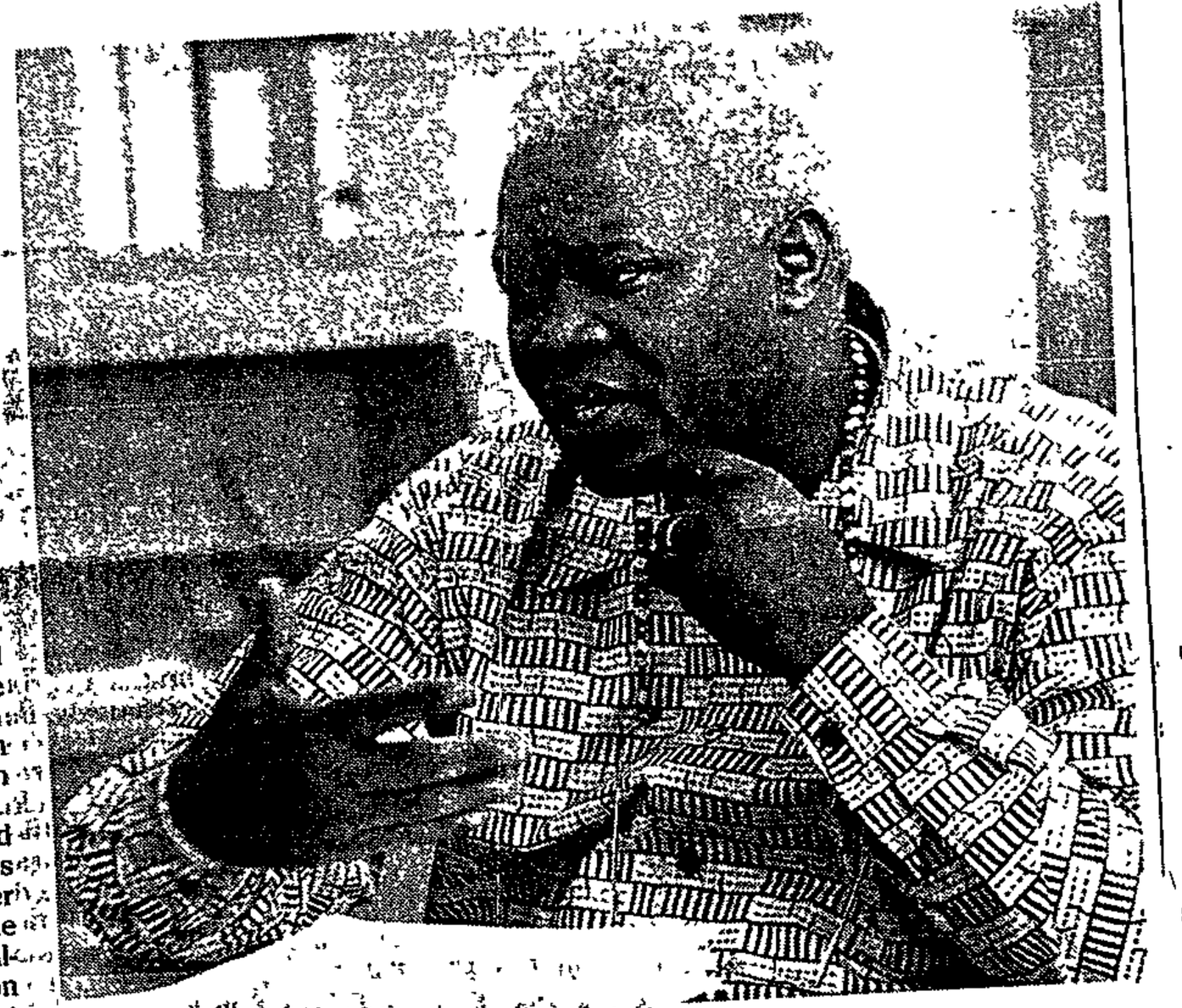
In recent months government spent an average of R59 000 on each of 220 claimants requesting financial compensation. Mgoqi repeated reservations in land reform circles about the wisdom of cash settlements and "writing out cheques" to fast-track settlements. He said some claimants who received cheques were well off and, given the "evaporative" nature of cash, the state would not be able to show much by way of development and poverty alleviation in the end. "We have to ask ourselves, is this really what restitution is about?"

The commission received 63 000 claims over four years, but so far fewer than 1 000 have been finalised. "But contrary to perceptions, SA's process is not slow."

Countries like Germany and Estonia waited three to four years before starting to process claims. All That was done was to acknowledge a receipt of claims.

"SA started processing from day one. That is why we have been tripping all over the place."

It is not clear if Mgoqi cleared the research findings and his plans with Land and Agriculture Minister Thoko Didiza. However, he said the minister ratified proposals to amalgamate the restitution commission with the land affairs department and that an administrative process, rather than a court-driven one, would be implemented.



Chief Land Claims Commissioner Wallace Mgoqi says contrary to perceptions, SA's process of land restitution is not very slow. Picture ROBERT BOTHA

From forced-removal victims to drivers of SA land reform

BD 7/9/99 (271)

Sharp shift in thinking is under way about end results of restitution, writes **Louise Cook**

IMPORTANT shifts in thinking are under way regarding SA's land reform programme.

Everywhere in land reform circles, a new message from Agriculture and Land Affairs Minister Thoko Didiza is ringing, and she has admitted to taking her cue from President Thabo Mbeki.

Under particular scrutiny is the popular notion of the land claimant as a victim of a loss that the state must redeem.

New thinking in the agriculture and land affairs department, among academics, consultants and at the land restitution commission is clear: change the way claimants are seen as victims.

Land reformists are starting to suggest that claimants should rather be viewed as beneficiaries of an opportunity and empowered to drive the resettlement process.

Voices are also being raised against some cash payments made before the June elections to well-off claimants in a bid by the state to honour their constitutional right to restitution.

People in land reform circles are starting to ask whether SA can afford such lavish practices. Before the elections about 220 claimants received an average of R59 000 as monetary compensation for having been victims of forced removals under the apartheid government.

Chief land claims commissioner Wallace Mgoqi observed afterwards that a number of claimants collected their cheques in large German motor cars.

Neither the constitution nor the Restitution of Land Rights Act require that claimants must have insignificant balances in their bank accounts.

Five years down the line the Land Claims Court has yet to rule on what constituted just and equitable compensation at the time of the forced removal

Some land claims commissioners say the court passes the ball back to the negotiating parties in a bid to dodge the issue of what should be seen as "just and equitable" compensation.

In a recent interview Mgoqi mentioned no names but conceded that not all cash recipients were in financial need. In addition, the restitution commission was reviewing its traditional view of a claimant as a victim.

"Despite the frustrations ... the restitution commission continues to fight for the rights of the claimants," says Gauteng and North West regional land claims commissioner Emma Mashinini.

Recently the University of the Western Cape's restitution chief, Andries du Toit, backed by Mgoqi, suggested that claimants should not be seen or treated as victims, but rather be empowered to fight for themselves.

"My problem with (viewing a claimant as a victim of a loss) is that it involves a rather patronising and moralising kind of SA liberalism," says Du Toit

"More seriously, it underpins forms of implementation that marginalise and disempower claimants and in the long run undermine the ability of restitution to contribute adequately to land reform and the broader processes of development."

Mgoqi says that based on experience in Europe, the state should merely create the right environment in which claimants can stake their claims.

In SA, for instance, the onus does not rest on the claimant to provide documentary proof of the validity of the claim. Instead, the commission spends months checking at deeds offices whether a claim is valid

The view is growing that in the end it is vital that restitution — like the other land reform programmes such as redistribution and tenure reform — cannot succeed unless it in one way or another contributes to SA's overall need for development, rural or urban.

Coming from Mbeki, the message that long-term development is more important than the interests of the individual victim shows that a measure of reviewed thinking is catching on.

Du Toit worked out that at the current budget for restitution and the pre-June rate of "writing out cheques" to speed up settlements, it would take another 60 years just to settle urban claims.

To make matters worse, urban claims make up only about 10% of the country's total of 63 000 claims.

"The constitution also requires that besides offering redress to the claimant, restitution should also boost economic growth, foster national stability and alleviate poverty," Du Toit says.

To achieve the constitution's full spectrum of requirements, it does seem as though government's approach to claimants, well-off ones in particular, may have to be reworked.

R16-m payout on land claim deal

ARG 10/9/99 (271)

Durban – The Land Claims Commission today announced that an agreement had been reached on the restitution claim lodged for land on the eastern shores of Lake St Lucia, north of Durban.

The agreement makes provision for those households removed from their land between the 1950s and 1970s to receive more than R16,6-million in financial compensation for lost land rights.

Each verified claimant household will receive about R30 000.

A deal was being finalised between claimants and the KwaZulu Natal Nature Conservation Services for a heritage site on the eastern shores. – Sapa

Milestone set with St Lucia land restitution settlement

(241)

Louise Cook BD 13/9/99

A LAND claim on southern Africa's largest natural estuary nominated as a world heritage site at Lake St Lucia in KwaZulu/Natal was settled on Friday.

In a historic agreement between the 450 claimant families and Nature Conservation, provision was made for the households who were removed from their land between the 1950s and 1970s to receive R16 680 000 as financial compensation for lost land rights.

A further agreement is being finalised between the claimants and the KwaZulu-Natal Nature Conservation Services for a 5ha heritage site on the eastern shores of the lake.

The restitution commission said at the weekend the claimants would also have access to various other benefits, like a cut of the gate levies for tourists who enter the area. This would be paid into a special trust.

"This agreement heralds a milestone for restitution outcomes despite the complexities of the eastern shores claim," regional commissioner Sheryl Walker said. The claim had been a major focus of attention for years as it had been on conservation land covered by the Lubombo Spatial Development.

Negotiations brokered by the restitution commission on the eastern shores of the lake moved slowly but steadily, she said.

"In October last year the commission organised a successful preliminary poll of the individual members of the community, followed by a further poll in February this year to finalise the range of restitution options desired by the members of the claimant community.

"In the meantime, the land affairs department completed a valuations exercise and prepared a formally mandated offer for the community," she said.

This weekend's agreement recognises the interests of all primary stakeholders in the area. The commission said that while claimants' rights had been recognised, the ecotourism potential of the area would continue to contribute to the economic development of the province. Each claimant family would receive R30 000 compensation.

Richtersvelders want land of ancestors back

Successful court ruling will set precedent for other communities claiming their 'aboriginal rights'

(271) ARG 14/9/99

The people of the dry, diamond-rich Northern Cape region of the Richtersveld, tucked away in the north-westernmost corner of the country, between the icy Atlantic and Namibia, want their land back.

They are claiming their land from both Alexkor Limited, a government-owned diamond mining company based in Alexander Bay, and the Government itself.

And their case is being watched closely; for a successful ruling on their "aboriginal title" or legal status as a "First Nation", will set a precedent for other indigenous communities throughout Southern Africa

The United States-based First Nations Development Institute believes the outcome is of vital significance Three months ago, the United Nations expressed the "urgent need for understanding by non-indigenous societies of the spiritual, social, cultural, economic and political significance of indigenous

MURRAY WILLIAMS



STAFF REPORTER

societies of their lands, territories and resources for their continued survival and vitality"

First Nations spokeswoman Kristyna Bishop said yesterday that other aboriginal title cases were being researched and filed in several other Southern African countries and South Africa had an unique opportunity "to make legal history"

After first lodging their land claims in 1997, proceedings finally began in the Land Claims Court in Wynberg yesterday, their case argued by one of the country's pre-eminent counsels, Wim Trengove

Until 1913, the people will argue, the Richtersveld was theirs, they practised their religion and culture, grazed their livestock, hunted, fished, cultivated the land and benefited from the Richtersveld's natural resources

Not only this, but their ancestors lived unhindered by any foreign meddling or intervention, as other "First Nations" the world over had before colonialism, and the laws they lived by were their own.

Although the British annexed the area into the Cape Colony in 1847, the Richtersveld people had continued to enjoy sole use of the area.

But then began the introduction of the first of a deluge of racially discriminatory laws, which led to the people being systematically dispossessed of their land, rights and "aboriginal title"

In the first 25 years after the government seized the land, the Richtersveld people say the state mined £28-million profit for itself, while they saw not a penny

Now, in tandem with its land claim, the Richtersveld people also want to benefit from the pending privatisation of Alexkor.

The people of Richtersveld people say they inhabited the area from "time immemorial", or at very latest, from early in the 19th century.

First, they were barred from prospecting for precious stones, precious and base metals. Then they were completely barred from the area as the area was closed to the public, including them, by a series of Proclamations in terms of various Precious Stones and Mineral Law Amendment Acts.

In 1928, fences were erected around the proclaimed areas and public roads were either closed or restricted to the "legal" diggers only

On February 5, 1930, the Minister of Land set aside a patch of land for them, while the state treated the rest of the land as its own.

Then came the Group Areas Act. In 1957 the state fenced off the Richtersveld completely, ending the people's use of land on its periphery for seasonal grazing and watering of their stock.

In 1961, the people of the Richtersveld were moved out of the Kortdoorn area on the instructions of a police member, who stated that Kortdoorn was to be declared a white area.

In every stage of their dispossession, their lawyers are to argue, the Richtersveld people were further denied any just and equitable compensation.

Now, backed by the Cape Town office of the Legal Resources Centre, their 4 000 descendants living in the "Coloured Reserve" towns of Kuboes, Sanddrift, Lekkersing and Eksteenfontein are claiming the land they believe to be rightfully theirs. The Richtersveld people are claiming ownership of the land, "exclusive beneficial occupation" or, at very least, the rights to live on the land.

The case is due to start on Friday in the Land Claims Court in Wynberg.

Yesterday lengthy legal argument between Legal Resources Centre attorneys and a legal team representing diamond mining corporation Alexkor Limited was heard before Judge Anthony Gildenhuys.

Some aspects of the argument dealt with whether yesterday's hearing should proceed or be stopped until the outcome of a Cape High Court case is known.

The High Court case was brought against Alexkor to claim the land the people alleged "rightfully belongs to us", according to court documents.

The documents also stated that the company, on instruction from the government, should not oppose the case. But uncertainty on whether or not the company would oppose the people's application in court caused lengthy delays.

The court is expected to make a ruling soon.

To wait or not to wait for higher judgment

NORMAN JOSEPH
STAFF REPORTER

An application by 1 500 Northern Cape people for 84 000ha of land, comprising four Richtersveld villages (Lekkersing, Eksteenfontein, Kuboes and Sandrift), has begun

CAPE TIMES
TUESDAY, SEPTEMBER 14, 1999

LEGAL TUSSLE OVER RICHTERSVELD

This veld is our veld, say people of N Cape

(271) CT 14/9/99

A LAND CLAIM CASE involving a diamond mining community in the Northern Cape could set a precedent in Southern Africa about the concept of "prior occupation" as practised in similar cases around the world. **GASANT ABARDER** reports.

PAUL DE WET has been living in the Richtersveld for 73 years but has never rightfully owned the land of his forefathers. Yesterday "Oom Paul" and a delegation from his community travelled to Wynberg Court on an historic journey of reclamation.

The Richtersveld is the Northern Cape area historically occupied since the 19th century by the Griqua, Namaqua, Khoisan, Bushman and Nama tribes of Namaqualand. The area includes Port Nolloth and Alexandra Bay, stretching north to the Orange River.

In recent times the diamond-rich land was taken over by the state-owned diamond mining company AlexKor Ltd. None of the Richtersveld people has ever held title rights.

Yesterday De Wet, Richtersveld mayor Willem Cloete and the rest of the delegation arrived in Cape Town to fight for the land they claim is rightfully theirs.

"If this government does the same thing as the previous government did, then I don't know. Apartheid is long gone, so why must we beg for the land of our forefathers?" De Wet said yesterday.

Yesterday's court proceedings had the anxious Richtersveld contingent baffled by legal jargon. The hearing focused exclusively on whether the land claim should be heard in the Cape High Court, where a case is already pending, or the Land Claims Court in Wynberg.

A decision will be made tomorrow and the hearing is to continue on Friday.

After yesterday's hearing, Henk Smith of the Legal Resources Centre briefed the Northern Cape party of what had transpired in court. "This case is about people's futures," Smith told the delegation. "It is not just lawyers arguing with each other. That's why it was important that you came from the Richtersveld — so the judge could see there is a vested interest from the community."

The community, however, had objections to the case being heard in Cape Town and not in the Richtersveld because of the high travel costs.

A prayer in the Nama tongue was said in the courtroom after the adjournment before the group set off for the long journey home.

Kristyna Bishop of the First Nations Development Institute in the US, who attended the hearing, said land claims based on "prior occupation" — globally known as aboriginal title — are taking place all over the world.

"This case is the first where the principle of prior occupation will be tested in Southern Africa and will almost definitely set a precedent for other cases in the future," said Bishop. "In June this year, in a study on indigenous people and their relationship to land, the UN confirmed the urgent need for non-indigenous societies to understand the spiritual, social, cultural, economic and political significance of land to indigenous societies.

"The importance of a favourable outcome in this case cannot be underestimated. In addition to this case, aboriginal title cases are being researched and filed in other countries in Southern Africa. The case presents an opportunity for South Africa to come in line with international legal norms," Bishop said.



THE LAND IS OURS: Richtersveld mayor Willem Cloete with members of his community outside the Wynberg Magistrate's Court, where their historic land claim is being heard. *PICTURE: DENZIL MAREGELE*

KALAHARI SAN IN CRISIS

Only the scent of land, and nothing more

(271) CT 16/9/99





SIX months after then-Deputy President Thabo Mbeki told them: "Here is your land. Take it, look after it and thrive", the =Khomani San (or Bushmen) of the Kalahari find themselves in a more desperate position than ever. Special Assignments Team **ROGER FRIEDMAN** and **BENNY GOOL** report.

THE coffin, precariously balanced on rickety kitchen chairs in the soft red sand of the Kalahari was powerfully symbolic of the =Khomani San's present predicament. Scrawled with a black felt-tip pen on a little metal plaque atop the coffin were the words "Rest in Peace". But the truth is there is precious little peace in the Kalahari now

Internal divisions, a lack of external support, alcohol and boredom — in no particular order — are threatening to finally destroy the vestiges of South Africa's oldest people.

Inside the coffin was the body of 36-year-old Klaas "Kabuis" Kruiper, one of the last clan members who made a living from the ancient art of tracking.

"His arm was almost sliced off. It looks like he must have bled to death," said Martiens De Wee, the man in charge of the Witdraai Police Station about 70km south of the Kalahari Gemsbok National Park. The suspect, who handed himself over to police after doing the deed, smelled strongly of alcohol, De Wee added.

Kruiper's Christian-styled funeral was itself the cause for division in the community Most of the =Khomani San did not attend, with their leaders swearing that it would be the last time one of their own would be buried in a non-traditional manner

The leader of the clan, David Kruiper, had an additional excuse for his non-attendance He had to travel to Upington to visit his wife, Sanna, in hospital She, too, had been stabbed (in a separate incident) — and pummelled with a burning log

"I am very worried about the drinking," the leader told us. "But we drink because of our worries."

Meanwhile, the traditionally-minded =Khomanis under the leadership of the said Kruiper are in the process of cutting ties with their more Westernised cousins living to the west at Rietfontein under the leadership of Petrus Vaalbooi Vaalbooi is chairperson of the =Khomani San Association

"The traditional people say I must share 50/50 with Vaalie or he would end up controlling all our land. I have told our lawyer it must be like that," Kruiper said.

"We must divide the land to achieve peace between the San Association and the traditionalists "



BLEAK OUTLOOK: These young children in the Kalahari face a future that is just as stark and forbidding as the landscape.

Statement to the *Cape Times* released by the Ministry for Agriculture and Land Affairs:

THE picture you are painting of the people of the Kalahari is a cause for concern and the department will investigate the matter to establish the cause of the problem and then devise ways and means of addressing it.

But the people of the Kalahari are better off now than they were before the government gave them land.

They were poor before, as they are still poor, and the government is just in the process of introducing programmes designed to help improve their lives.

What we must understand is that putting programmes and systems in place is a process, not an event, and the matter of money for development is receiving urgent attention. And it is going to take time to implement the whole plan of the agreement.

Saying the government has neglected those people is shortsighted and can only originate from quarters that have a strong dislike of what the government is doing and has done in the process of addressing the past injustices.

Drunkenness has nothing to do with the process, it has got everything to do with social conditions in which those people have lived and endured throughout their lives which can be traced back to our history

The department will welcome any information that will expose the people who are alleged to be thwarting the process. The government will allow no one to stand in the way of delivery

The *Cape Times* was unable to reach Vaalbooi for comment

Ironically, one of the most positive by-products of the process which saw Mbeki sign a breakthrough agreement with the San in March, had been the reconstitution of the =Khomani San community, which had been scattered across the Northern Cape

And the promised land is in itself a major part of the problem. While a piece of land has already been transferred to the San in the west, the land to be occupied by the Kruipers south of the park is still to pass hands.

Mbeki said "This land claim will, I am sure, stand out among all land claims It stands out because this land claim is about the rebirth of a people. When we say: 'Here is your land, have it', we say too that you must reclaim a proud history and rebuild a rich culture This land is a space to rebuild a community"

Well, Mbeki would be disappointed were he to retrace his steps to the Kalahari now So, too, would Derek Hanekom, the erstwhile Minister of Land Affairs who promised three years of technical and logistical help to the community to assist in the rebuilding The reality is that little help has been forthcoming.

"I cannot lead my people on barren ground," complained Kruiper "A leader can only lead when he has land, animals and money. The leader is very worried about his people because they are sick. Their sickness relates to the land they still don't have"

Yes and no

Fiona Archer of the South African San Institute said the fact that some of the land had yet to be transferred related to the different agreements struck with different farmers, some of whom had pregnant stock on the land. The delay was part of the deal.

She said she was aware of the complex difficulties, but the institute had no right to intervene unless it was asked to do so

"When you take people who have been so marginalised over so many years and give them land, a lot of pain and suffering which has been pent up for generations can come out. Substance abuse is a symptom, not a thing in itself We are dealing here with root issues. We are in readiness to provide full support for all parties, if requested."

Archer did not hide her disappointment with the way the rebuilding process has evolved since March.

"The processes which were developed have not run as we thought they would. Since the election in June there has been a total hiatus. For instance, 10 families applied to the government for grants of R3 000 to resettle But these funds, which were promised in May, have to date not been paid out.

'A leader can only lead when he has land, animals and money'

"Also, the technical co-ordinator who was found acceptable by all parties, David Grossman, is in limbo There is a lack of clarity about his position. It seems the Department of Land Affairs is unable to make this work. Many people in the department seem very keen to support the San but they appear to be continually blocked by bureaucratic red tape," Archer said.

None of which will be particularly comforting to the San.

We spoke to Karel "Vetpiet" Kleinman, a well-respected ranger in the Kalahari Gemsbok Park. He and his wife, Vuutjie, raised the late Klaas Kruiper, and he trained Klaas to track.

"I worked from 1965-1972 in the park, and then moved with my family to a nearby farm. At the farm we followed jackal spoor and rabbits, but he learned most from our work with Professor Koos Bothma on leopards and Professor Fritz Eloff on lions. This was the schooling I gave Klaas."

Vetpiet, as everybody knows him, has plans to teach members of the younger generation to follow spoor About 30 youngsters have signed up for the course, but the money and details are yet to be worked out.

"These people should not just sit around at the Molopo Lodge (opposite a piece of their designated land about 60km south of the park). All that is there for them is drink. The danger I see is the bottle store on either side of them, at the lodge and at Witdraai There is nothing on that land for them to do. There is no livestock. All they have are their bows and arrows which they sell as souvenirs."

Vetpiet is adamant that it is an emergency and the government should help. "Without animals you cannot sit on a farm. Things need to be planned for their future lives. You cannot just be given land, go sit on it and wipe each other out. I am very worried. There is no future plan. They should have been given land closer to the park and further from the bottle stores. All that lies ahead is drink."

Manager of the Molopo Lodge, Roger Carter, recently closed the bottle store because he feared the San "are going to drink themselves to death" Kruiper was murdered on the property.

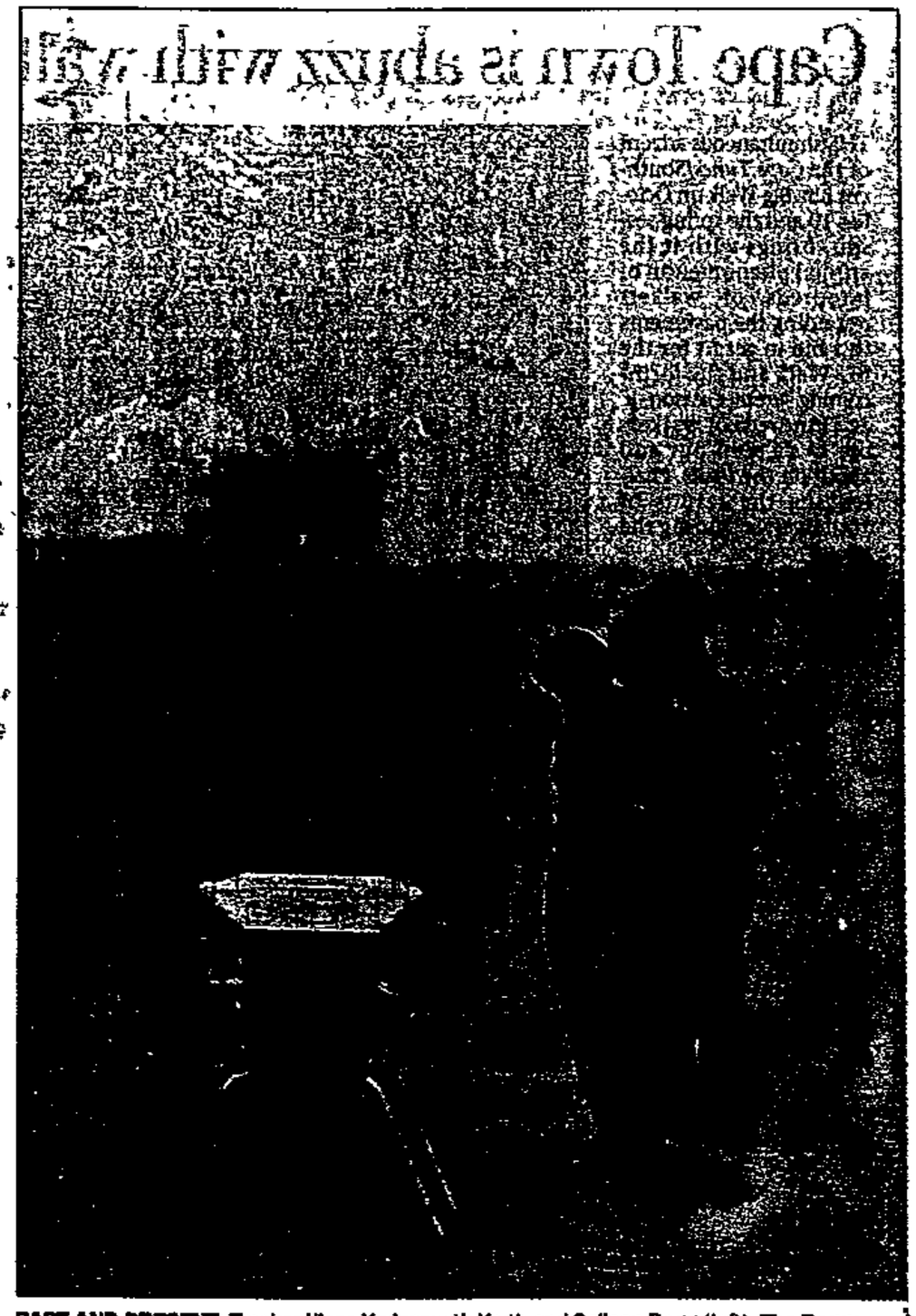
"March 21 should have been a crossroads for the community. The past should have come to an end and the future begun. But what has happened? They have been given the scent of land and nothing else."

At a glance:

- The San hunter-gatherer culture emerged in Southern Africa between 15 000 and 25 000 years ago
- From the arrival of European settlers in 1652 until the late 19th century the San were decimated by land dispossession, murder and exposure to disease.
- Surviving San inhabited what is now the Kalahari Gemsbok National Park Although the park was proclaimed in 1931, it was not until 1973 when the government managed to remove the San, reclassifying them as coloured to add insult to injury Only a small handful of elders are still able to converse in their mother tongue.
- About 300 San adults were involved in lodging a land claim after the advent of democracy in South Africa Together with their children, the community numbered about 700
- An agreement was signed on March 21, 1999, whereby the =Khomani San received nearly 40 000 hectares of private and state land south of the park, and user rights over about 25 000ha inside the park.
- Then-Minister of Land Affairs Derek Hanekom said his department would provide planning assistance and resources to the San for at least the next three years.
- The =Khomani San should not be confused with the !Xhu and the Khwe, who fled Namibia with the South African army in 1990 and settled near Kimberley About 360 San soldiers were integrated into the post-apartheid South African National Defence Force



PICTURE: KEITH BEGG



PAST AND PRESENT: Tracker Klaas Kruiper with Keith and Colleen Begg (left). The Beggs employed Kruiper on their Honey Badger Research Project in the Kalahari. "He would sit on the front of the Landrover. We would drive at 20-30km an hour and he would call out the names of every single carnivore which had crossed that road," Keith Begg said. Kruiper's partner Bettie Tieties (above), with children, Alicia and Benjamin Tieties and Jeffery Kruiper, stand beside his coffin in the Kalahari sand.

Claremont falls under land claims scrutiny

CT 23/9/99 (271)

PRISCILLA SINGH

THE land restitution process has moved to Claremont, where resettlement will become a reality in six months' time when the 330 claims for the area are to be settled by the Land Claims Commission.

So far, 270 Claremont claims are on track to be settled by March, while 500 claims will be ready for District Six claimants.

The properties were expropriated under the Group Areas Act from the previous owners, who claim they had to sell them at low rates to make way for the white community from the 1950s to the mid-1970s.

Chief commissioner Wallace Mgoqi is confident that claims for Claremont and District Six will be finalised by March next year. He added that a national target of 3 000 settled claims has been set for this deadline.

Mgoqi briefed the National Council of Provinces and the parliamentary portfolio committee for agriculture and land affairs yesterday and said that each of the six offices had been asked to settle 500 claims by March next year. So far only KwaZulu-Natal and the Eastern Cape have reached that goal, according to Mgoqi.

Among the claims to be finalised by the end of March are properties in Sophiatown and Pageville in Gauteng, Moutse in the Northern Province and Cato Manor in KwaZulu-Natal.

Kwandi Kondlo, head of research for the Land Claims Commission in the Western Cape and Northern Cape, said the Claremont claims have to go through various processes before they can be finalised.

Currently about 36 claims are being researched in Claremont and six are ready for resettlement. These are erven 53373, 53167, 53223, 55311, the remainder of erf 53607, erven 55461 and 55577.

Some of the land claims fall on the sites of Cavendish Square and Harfield Village. Most claimants have indicated that they want monetary compensation because restoration is not feasible and the land is developed.

"There are claims on the Cavendish Square site and these will be going for initial validation to verify the claims," said Kondlo. "The Western Cape is quite advanced with the claims and

❑ Turn to Page 3

Land claims

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❑ From Page 1

at the rate we are going right now, we are able to complete eight to 12 claims a month, with just seven investigators doing the work. We are looking forward to building up our capacities to ensure that we meet the target of 500."

Mgoqi said that after meeting next year's 3 000 goal, the commission would try to double and treble this figure in coming years to deal with all 63 455 claims lodged. By the end of March 1999, 41 claims had been settled but there has been a "phenomenal increase since ", Mgoqi said.

"The number of settled claims has risen to 600 (nationally), 380 in favour of claimants, a total of 264 615 hectares of land transferred to claimants and more than 80 000 people benefiting."

NGO accuses Didiza of halting land reform

Sowetan 7/10/99 (271)

By Jimmy Seepe
Political Correspondent

THE National Land Committee (NLC), a non-governmental organisation which has championed the rights of the rural poor, has launched a scathing attack on Minister of Agriculture Thoko Didiza's performance, claiming that rural reform has come to a standstill.

The committee, which recently held its AGM in the Southern Cape, said it has noted with great concern that the post-June 2 election period has seen a marked slowdown in land reform.

The NLC accused Didiza of showing little interest in land and agrarian reform which it defined as "key pillars of any sustainable rural development programme in the country".

Spokesman Wayne Jordaan said the NLC and its rural constituency had hoped that it would see the new minister introducing new programmes to expand the options of the rural poor.

"As the 100-day mark of the new Government has come and gone, the NLC notes with alarm that land reform efforts have come to an apparent standstill," he said.



Minister of Agriculture Thoko Didiza.

Jordaan said this was true about the long-awaited Land Rights Bill which appeared to have been put on hold indefinitely.

"Draft legislation has been in the pipeline in the Department of Land Affairs for more than two years. This legislation aimed to provide tenure security to millions of people using or occupying land in the former homelands and South African Development Trust lands."

NLC said it wants Didiza to give an indication of when she intends to forward this important draft bill to the Cabinet.

Jordaan said the land reform redistribution programme had also come to a standstill. "No new redistribution projects have been approved since the new minister was appointed.

"Redistribution is one of the three government land-reform programmes and it is the most important means of shifting the balance of land ownership away from our apartheid past.

"It is the only way that many landless people can access land for housing and economic activity with the help of a R16 000 government subsidy," he said.

"Many families and communities that have endured the long application process for land through the redistribution and restitution programmes have not moved on to their new land simply because there is no support available for them to do so," he said.

"Successful land reform requires that basic needs, including water, housing, road access, schools and clinics be made available."

● Didiza's office said yesterday that she was not available to respond to the NLC accusations as she was in Nigeria accompanying Deputy President Jacob Zuma.

Minister defends freeze on grants

(271)

Louise Cook

PRETORIA — Land and Agriculture Minister Thoko Didiza defended her moratorium on land settlement grants yesterday.

Speaking at the farming sector's first conference on job creation in Kempton Park, Didiza denied recent accusations by the National Land Committee — a nongovernmental organisation that lobbies for landless communities — that land reform had come to a standstill since she had taken over as minister.

Didiza halted new settlements grants — R16 000 for each family — when she took office.

"I refute as contemptuous and irresponsible these accusations," Didiza said.

She said a moratorium was placed on the grants as there was a review by the agriculture and land affairs departments under way to find other mechanisms, besides the grants, to implement redistribution

"The inputs from the IDC (Industrial Development Corporation) and several other options are being looked at," she said.

The IDC sold R825m worth of listed investments over the past 14 months in a shift from commodity-linked schemes to tourism and agriculture.

Didiza said she expected a report on alternative land reform mechanisms by the end of the month. "I can not pre-empt the report, but we want to get away from the settlement grants as the only way of implementing land reform," she said.

The National Land Committee said last week that it had hoped to see the minister introduce new programmes to expand the range of land reform options to the rural poor.

It said: "Instead, the 100-day mark of the new government has come and gone. The committee notes with alarm that land reform efforts have come to an apparent standstill...."

Didiza said the idea of placing a moratorium on land settlement grants was to to increase government's range of options and to review the types of redistribution projects.

The success rates of the projects are also being studied.

"The grants will be structured in such a way that they are able to support rural livelihood, small farmer development, local authority efforts, commonage acquisition, share equity schemes and the setting up of large scale black commercial farmers," Didiza said.

BD 15/10/99

Swiss cash for change

(50) (271)

Switzerland's aid to South Africa is taking the form of new schools and efforts to accelerate the state's land reform in the Eastern Cape, writes **Sharon Chetty**

Sowetan 15/10/99

AT THE Masakhe Primary School in Duncan Village outside East London, the entire school came out on Wednesday to welcome their guests with singing and fluttering flags.

Surrounded by newly built classrooms, they were gathered on a tarred courtyard with the markings for a netball court.

A few metres away there was the shell of a disused school, damaged in the late 1980s, like the rest of 11 schools in the area, during violence in the township At Masakhe, the principal and staff are proud that they have lived up to their name of "let us build"

But it has taken since 1988, when work first begun, for the school to be fully operational again and its completion is due to money donated by the Swiss government

The school is one of several in the region supported through aid programmes, and is now seen as a success story, says Markus Antonietti, counsellor at the Swiss embassy

Swiss foreign affairs minister Joseph Deiss visited the school and a land restitution project on Wednesday to get an idea of some of the projects his government's R240 million programme has sponsored.

Since 1994 aid has been granted to educational, human resources development, human rights and land reform projects

Special emphasis was placed on democratisation and conflict resolution for which another R80 million was granted

While strong ties already exist between the two governments – former president Nelson Mandela visited Switzerland in 1997 and the Swiss president, Flavio Cotti, visited here last year – Deiss says his government decided there was a need to "remain committed to assisting South Africa's transition"

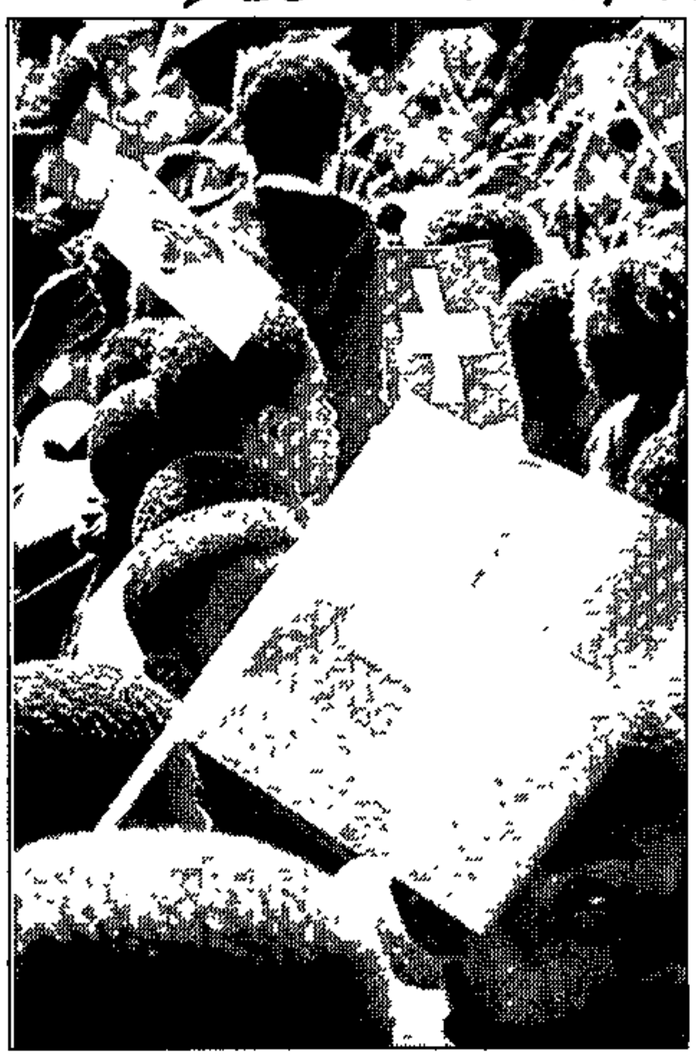
He and his counterpart, Dr Nkosazana Zuma, signed a memorandum of understanding this week which commits the Swiss to further development cooperation until December 2004.

The agreement "recognises that the reduction of poverty and the democratic transformation of society" are the main objectives of development cooperation.

Again emphasis will be placed on education, good governance and land reform.

At the school, the minister was told by Eastern Cape education MEC Stone Sizani of the need for partnerships in the reconstruction of the country and emphasised the Government's inability "to do things on its own"

He outlined plans for building up the capacity of the staff, improving on the management and material resources of the schools, greater community involvement and the formation of an Eastern Cape Development Trust, which is being done in concert with local



Masakhe Primary School pupils welcome Swiss foreign affairs minister Joseph Deiss. PHOTO. SHARON CHETTY

industry. Later, in nearby Macleantown, Deiss was told of how local organisations had worked out a model for more integrated development around restituted land.

Like in the rest of the country, sorting out land claims has been slow There has been 200 settlements out of more than 7 200 claims received in that province and there is still the issue of some who had missed the deadline

In Macleantown, at least 72 families, now scattered all over Eastern Cape, are in line to get their land back

They will share the land with 150 farm-dweller families already there

The Border Rural Committee, which has been spearheading the claim, boast that they have set up a steering committee with representatives from the communities as well as the Government "to ensure accountability throughout the process".

They also insisted on the local government being represented so as to get guarantees that the sites will be serviced once given back to the original owners.

However, whether or not there will be adequate employment remains unclear

For the Swiss foreign minister, seeing "the determination of people to change their lives was most rewarding

"When we started with our special assistance for South Africa in 1994, we wanted to contribute to the peaceful transition we remain dedicated to that"

Before 1994, Swiss aid was dedicated almost entirely to non-government organisations.

Ironically, South Africa does not strictly qualify for aid, since it is not seen as a completely poverty-stricken and under-developed country.

However, the Swiss government decided that there were to be "long-term benefits" from assisting in the transformation, says Antonietti.

Deiss says that the partnership with South Africa extends tc cooperation in the region and the rest of the continent

Cooperation is also taking on a unique form a Swiss diplomat will serve an internship at the Institute for Security Studies in Pretoria to get a better understanding of security issues in the region.

"For us to help in peacekeeping activities, we need to work together with South Africa," he says.

Both countries are backers of the Arusha peace talks for Burundi. The talks hit two setbacks this week, with renewed violence in the Great Lakes region and the death of its chief broker, former Tanzanaian president Julius Nyerere

Despite that, he has no doubt that both Switzerland and South Africa were firmly committed to the process, and would remain so, says Deiss

As for the contentious issue of debt incurred by the apartheid regime at Swiss banks, Deiss said that the facts were being "looked at".

He would not say whether or not his government would urge the institutions to write off the debts, which is being demanded by local and global lobby groups

"There is research still to be done and the facts are being put on the table If we find that there was illegal activity, then we can look at taking action"

Deiss' visit is his first abroad since he became foreign minister His visit to Africa included Tanzania and Mozambique

JANET HEARD

We want our land back

ST(CM) 7/11/99 (271)

Group Areas victims in bid to return to Sea Point

GWENDOLINE Eyssen grew up in a modest home in the playground of the rich and famous along the slopes above Cape Town's Atlantic seaboard.

A victim of apartheid's forced removals 37 years ago, she is now fighting to return to the prime piece of vacant ground that was home to her vibrant community

Eyssen, now 67 and a pensioner, is part of a close circle of friends who grew up in Tramway Road, Sea Point, on the hills below Lion's Head and who have been waiting for over four years for a decision by the Land Claims Commission on their future

Although the claim is in its final stages of negotiation, the process has stalled and the backlog in the complicated land restitution process is threatening to deprive Eyssen of her dream of spending her twilight years in her old neighbourhood

The group's claim is among 63 000 lodged nationally. Of these, only 1 000 have been settled, Land Affairs Minister Thoko Didiza announced last week. The process is set to drag on as the department wades through mounds of costly red tape and an exhaustive consultative process In addition, the ministry has changed hands, which could also mean a change in policy direction

In the meantime, the group's piece of land — valued at around R4-million — remains vacant and has become an unused council playground. Sea Point residents complain that drug addicts and vagrants sneak into the park and are turning it into a dump.

Eyssen and her friends frequently travel from their Cape Flats homes to the park for meetings — but not before they get permission from the council to open the gates Some attend Sunday services at the run-down Church of the Holy Redeemer, where they were christened and confirmed. The Anglican church, next to the park, was spared by the bulldozers.

"Our land is not in use, everything is locked up yet nothing is happening," complained Eyssen this week.

While Eyssen and her friends wait for their land to be released from the red tape holding up the restitution process, local councillor Chris Joubert says their eventual resettlement could be a "win-win situation" for both land claimants and Sea Point residents. "The park in its present state is not an asset The claim could be settled with no detrimental effect on present landowners "

Initial fears among owners of neighbouring mansions that a housing development would devalue their properties have been allayed. The council and the community plan to build quality maisonettes.

Eyssen gets emotional when she remembers the good old days "Lion's Head used to be our playground, we used to trek up there to collect firewood for our stoves. We used to stroll down to the beach. We were born here, we went to school here, it is our home.

"I never got over the removal," said Eyssen, who had to pack up with her three young children and her husband when the neighbourhood was declared a "whites-only area"

When the eviction notice was served in 1959, Eyssen's father, Nicky Thomas, made a personal appeal to the then minister of the interior, P W Botha, to not evict them.

The group — whose mothers worked mostly as domestic servants in Sea Point — was given a two-year reprieve until the coloured township of Bonteheuwel on the Cape Flats, had been established for them.

Eyssen's friend, Melvin Mitchell, lost his father, Fred — who worked as a lorry driver for Union Castle Lines — during the eviction process. Mitchell senior hanged himself to escape removal from his home — and the stunning sea view from his stoep that he had cherished his whole life.

One of the group, Leonard Lopes, 53, has been responsible for reuniting the families who were scattered across the Cape Flats

They fear now that their plan to return is only a pipe dream. "Nothing has happened for a year and people have already passed away. We have done all our homework, we want to be role-players but we can't move forward.""

Franz Zotto, spokesman for the Land Claims Commission, conceded that final negotiations had stalled. A total of 40 claimants are due to return, while 115 have claimed compensation.

The claimants were long-term tenants, not landowners, and national policy for tenants claims' was still not clear and had to be finalised, he said.

The council's executive director of planning, Dave Daniels, said the council was waiting for the commission to settle the claim before rezoning the land and possibly handing it over to the community.

"We need to know affordability, we need to quantify the amount of compensation tthe claimants will get. Only then can we get moving."



CIRCLE OF FRIENDS: Leonard Lopes, Gwendoline Eyssen, Melvin Mitchell and Dennis Jacobs were all christened and confirmed in this Anglican church Picture: TERRY SHEAN



Robert Tshabalala

Counting their chickens *(from left) David Tebakang and colleagues Simon Buang and Tshidiso Montisi with farm owner Madelein Mostert*

LAND REDISTRIBUTION

(271)

THE SPIRIT IS WILLING BUT OFFICIALDOM IS WEAK FM 19/11/99

Would-be chicken farmers are foiled by government red tape

David Tebakang feels let down by government. A year ago, he and 24 other mainly unemployed people thought they would soon be partners in a poultry and market-gardening business But it seems red tape has shattered their dream

"We got a raw deal from government," says Tebakang "They raised our hopes too high and they have not delivered a thing

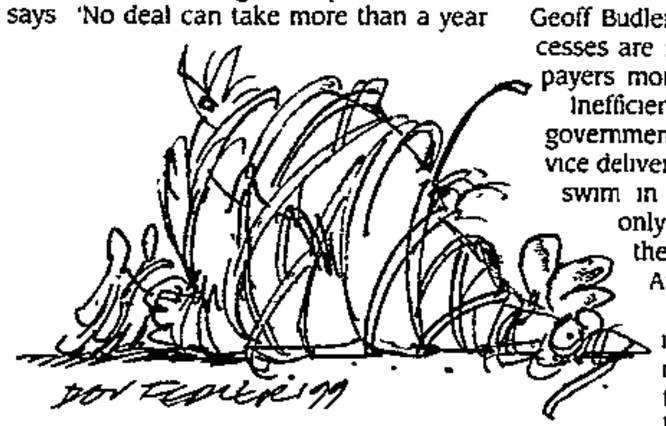
Tebakang and his colleagues set up the Hope of Glory trust in Vanderbijlpark south of Johannesburg 16 months ago, to benefit from a State pledge of a R16 000 per family grant to encourage more blacks to take up farming They agreed to buy the Monzai poultry farm from Madelein Mostert for R350 000, using the balance of their total R400 000 to buy stock. But the deal has stalled because there is still no grant

Tebakang and his colleagues are not alone in their frustration The Department of Land Affairs admits it has received "thousands" of applications for land and business grants since government initiated its redistribution scheme in 1994 But only 447 projects have been approved Gauteng's Land Affairs director, Blessing Mpela, says the average processing period for each project is about one year

Since Hope of Glory set out to buy Monzai Land Affairs officials have carried out two valuations of the farm and a feasibility study at a cost to government of about R80 000 To date the trust has not received a cent and Mostert has only a verbal commitment from government to buy the farm Instead of the government saying they are unable to buy, they just kept me on a string she says

The 5 ha farm which Mostert has run for six years has two sheds with a combined capacity of 18 000 chickens Currently, only 2,5 ha are used Mostert has scaled down her operations to 3 000 chickens which she says bring in a profit of R6 000 a month

Mostert is moving to Cape Town and says 'No deal can take more than a year to finalise and I am now selling to the highest bidder



The Monzai farm is home to six female workers — none of whom is married — and one male worker Part of the sale agreement is to keep the workers on the farm Under the Hope of Glory deal they would have been partners in the new business

Mostert has now found a prospective buyer who is retiring and has enough money to fund the purchase If that deal goes through the trust's efforts to better the lives of the 25 families and their community would have come to nothing

Tebakang says that in addition to the poultry business, the Hope of Glory trust had planned to start a vegetable garden, selling produce to the nearby community of Bolpatong There is already an irrigation system on the farm that would make the garden easier to maintain The trust also planned to build a pre-school on the premises — some of its members are qualified pre-school teachers

Hope of Glory is a victim of bureaucracy in the Department of Land Affairs An official in the department speaking on condition of anonymity, says the project has been thrown back and forth on technical issues First, senior officials rejected the results of the valuation of the farm, and ordered another one The second valuation seems to have been accepted by the officials But Mostert is not convinced "The valuators spent 10 minutes on the property and did not measure a thing " she says

The project was initially deemed not viable by the department because of a lack of skills among trust members None of the trust members has a managerial background But the department has since said it will provide a R110 000 training programme if the deal goes through

Another reason for delays in approving land-reform projects is that the Land Affairs department sometimes has to consult other departments such as Agriculture & Environmental Affairs Land Affairs DG Geoff Budlender says the evaluation processes are necessary to ensure that taxpayers money is not wasted

Inefficiency is also a factor, despite government s stated commitment to service delivery Some bureaucrats seem to swim in their desk s paperwork and only remember projects when there is a crisis," says the Land Affairs official

The Hope and Glory project may yet get the grant But it may be too late to stop the farm being sold to another buyer

Siyabulela Qoza

Bid to settle District Six claims hampered

Louise Cook

DIVISION among claimants was hampering progress in settling the high-profile District Six land claim, sources said yesterday.

In addition, a special office set up two years ago to deal specifically with more than 2 000 claims in District Six, was facing closure in March next year.

Regional restitution commissioner Alan Roberts said yesterday that once the office was shut, the work would be taken over by the land affairs office in Cape Town.

"By the end of next year I hope to have tangible agreements to take forward. Restoration of original land will be very difficult as development like the Cape Technikon has taken place in the area and restitution would probably have to include a combination of financial settlements and alternative land."

The District Six Restitution Trust representing many of the claimants was not available for comment.

During the 1960s and 1970s more than 20 000 people, many of them tenants, were removed from the area by the previous government.

Roberts confirmed that no claims in the area had been settled yet.

BD 23/11/99 (81) (271)

Land court orders expropriation

Louise Cook (4)(271) BD 14/12/99

THE Land Claims Court has ordered the first expropriation of land for restitution purposes since its inception.

In addition, the claimants' land rights were upgraded to full ownership of the farm despite them having enjoyed only informal occupation of the land in the 1950s.

The landmark judgment last week relating to the 600-member Kranspoort community is expected to benefit thousands of labour tenants on farms in SA.

Regional land claims commissioner Dirkje Gilfillian said yesterday that the court accepted that if it was not for the racially discriminatory laws of the past, they would have been the land owners.

Gilfillian said it was also the first time that the court took into account hardship suffered during the removal.

The Kranspoort community was ejected from a Dutch Reformed Church mission station at the foot of the Soutpansberg in 1995 when conflict erupted between different groups on the land. The church subsequently sold the land.

However, insisting that they belonged on the land, the community lodged a claim.

Both the church and the new land owners opposed the claim on several grounds. These included that the Kranspoort people were not a community at the time they lodged the claim, that compensation was paid at the time of the removal and that the removals took place for reasons other than racial discriminatory laws.

They argued that the community did not have any land rights in the first instance, but enjoyed mere "beneficial occupation".

Gilfillian said the ruling was significant in that it proved that insecure land rights could be upgraded to full ownership. The court further ruled that part of the land be expropriated for return to the people in the next six months, provided they submitted a proper business plan regarding sustainable living on the property.

Gilfillian said the expropriation would go ahead only if the owners and the state failed to agree on a price. Chief land commissioner Wallace Mgoqi said the land affairs department would assist with a business plan.

Big push to speed up District Six land claims

UWC roped in for validation

ARG 17/12/99 (271)

ASHLEY SMITH
STAFF REPORTER

The University of the Western Cape has been roped in to speed up the painfully slow validation of more than 1 700 claims of District Six tenants who were forcibly removed in the1960s.

And D-day for their final report is June next year.

The validation and processing of about 900 claims of individual landowners who were also thrown out by the apartheid government under the Group Areas Act will be taken over by the Land Claims Commission, provincial Land Claims Commissioner Alan Roberts confirmed.

This dramatic move follows an ongoing battle by District Six residents to reclaim their heritage 30 years after apartheid bulldozers razed their cosmopolitan community, nostalgically known as Fairyland.

At the heart of the matter are families who were moved to what has become the soulless, crime-infested areas of the Cape Flats.

People wanted to move back to District Six, but delays in the processing of claims have stalled the process.

Healing the painful wounds and legacy of racism in District Six has taken several knocks over the last few years with squabbling between former residents and the government about who should control redevelopment of the area.

It took several discussions and intervention by the then Minister of Land Affairs Derek Hanekom to get things moving. He ordered the land restitution and development process back to the drawing board in January last year.

Eight months later residents claimed victory when the Land Claims Court ruled that they should drive the redevelopment of the area, but because of the slow process of validating claims the development has been on hold ever since.

It is in this context that the university enters the fray: as the city enters a new millennium still battling to heal the scars of the apartheid past.

Mr Roberts confirmed this week that the District Six Validation Unit which had previously dealt with the claims and was administered by the Restitution Trust Fund (RTF), would close its doors at the end of March because of a lack of funding.

The university – which successfully tendered to replace the processing and validation of the tenant claims – would speed up the process because compared to the validation unit which only had three people working for it, UWC had access to more resources, Mr Roberts said.

As part of UWC's contract with the commission they are required to hand in a final report by June.

Mr Roberts said this in turn would speed up the redevelopment of District Six and go a long way to finalising what financing would be offered to those claimants whose land had already been developed as part of the Cape Technikon and surrounding businesses.

E Cape land claims court returns land to Transkei Methodists

(271) CP 19/12/99

By MKULULI BOLO

WHEN the Methodist Church took a stand against separate development 20years ago by refusing to send Christmas greetings and goodwill messages to apartheid and homeland presidents it was banned by the Transkei government. In the process, its property there was confiscated as well.

This week the Bensonvale Missionary Institute, a branch of the Methodist Church of South Africa in Herschel, regained its inheritance when the Eastern Cape land claims commission settled the church's claim to have its land and property returned.

Eastern Cape land claims commission spokesperson Wanda Mkutshulwa said: "This is the first time that we are celebrating the settlement of such a claim. This provides an opportunity for the commission to further develop a rural focus to the settlements claims."

The Bensonvale Institute was used by white missionaries and later by educated blacks for developmental purposes and had among other projects, a dairy farm, tennis court, mission houses, a college of education and a clinic, Mkutshulwa said.

A member of the Bensonvale Institute, the Rev Selby Madwe, said the claim was instituted by a group of lay people belonging to the church and was well supported by the bishop of the Methodist Church, the Rev Mvume Dandala.

Madwe said it would cost millions to rebuild the church and start development projects as the centre was looted and left in ruins by Transkei ruler Kaiser Matanzima and his administration.

Explaining the split of the church into South African and Transkeian blocks, Madwe said on January 12, 1978 the Methodist Church of South Africa was forced to hand over several movable and immovable properties in the Transkei to the homeland authorities.

The process was made permanent by a piece of legislation passed by the then Transkei government banning the church for opposing apartheid.

Ironically Matanzima was a senior member of the church and had attended a conference that passed the decision to take a stand against separate development, he said.

"In his reaction, Chief Matanzima said that the Methodist Church of South Africa was an undesirable organisation, therefore a Methodist Church of Transkei would be established and South African members of the church would be expelled from Transkei," Madwe said.

Following the ANC's take over of government, the Methodist Church lodged a claim last year for the return of its property, which had since become "seriously dilapidated".