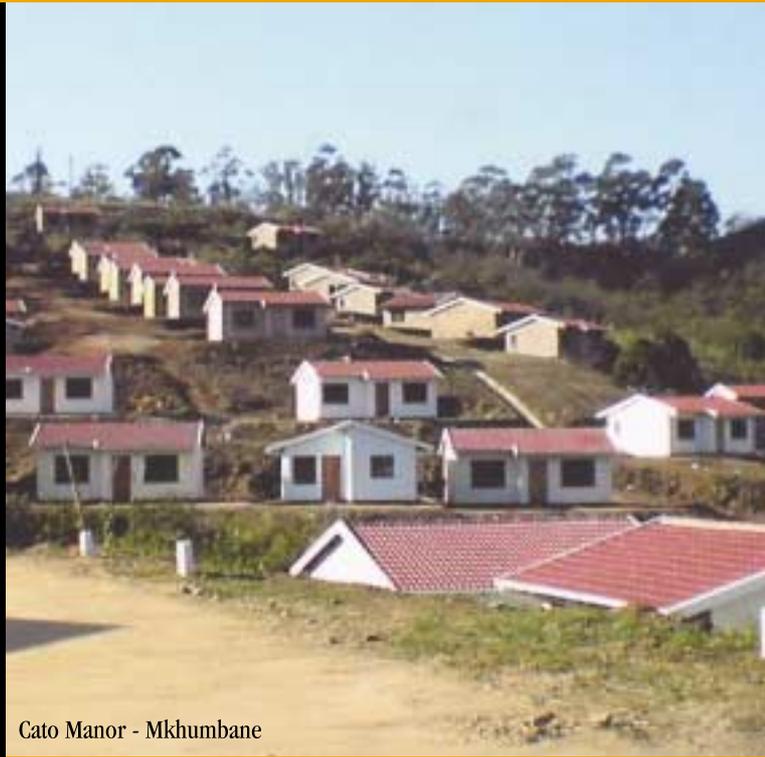


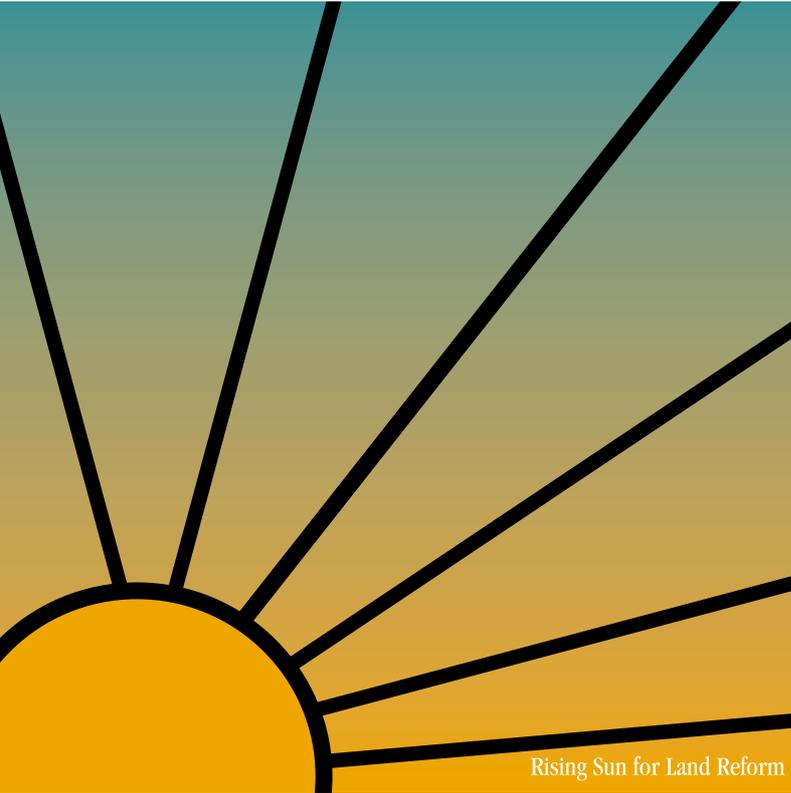
**“Today is better than yesterday, together we will make tomorrow much better than today.”**



Empangwisweni



Cato Manor - Mkhumbane



Rising Sun for Land Reform



Groothoek



Mamahlola



Farmerfield



Boschoek



Lugedlane



**COMMISSION ON RESTITUTION OF LAND RIGHTS  
ANNUAL REPORT FOR THE YEAR ENDED 31 MARCH 2006**



# Voices of the Claimants

"We as the 'Ravensmead Resident Aksie Komitee' hope to be of assistance to the Commission until the end of the process."

"I am happy to be back, I used to stay there, so my dream has come true now. I want to thank the District Six Redevelopment and Beneficiary Trust and Mr. Parker, and all the others."

**Mr. K. Tromp, Chairperson of the Committee representing the Parow, Goodwood, Oakdale and Bellville area.**

*Ek is seker een van die min eienaars wat nog leef, ek het eintlik 'n bietjie meer verwag, maar die 'Raad' het besluit dat ons dit moet kry. Ek is dankbaar dat ek dit kan beleef het om iets uit die deal te kry. Die besighede was in een straat en ons was verplig om te trek. Baie mense is seker graf toe want hulle het hulle eie besighede en huise gehad. Dit is 'n baie tragiese storie van die Groepsgebiedewet."*

**Mr. Dan Ndzabela after receiving his home in District Six, Cape Town.**

*Keteko ya Blesbokfontein ke thomelo ya molaetsa, ho bana Ho qetelwa ha kopo yaka ya lefatshe ka mora dilemo tse 8 botloha ha ke ne ke etsa kopo Ke sehopotso sa monna waka ya seng are sile eleng Dr J.S. Moroka yeo ene ele mo-President wa African National Congress (ANC) botloha ka selemo sa 1949 - 1952.*

*Ketso yena entse e nneba tshupo hore leha ebaneng rona setshaba re bona ekare mmuso o relebetse tjhe ba ho joalo bobane kenna enwa ke mohlala wa hono Thuso eo ke ileng kae fumana kantorong ena ya Khomishini e mabapi le pusetso ya diitshwanelo tsa lefatshe - Bloemfontein le tjantjello eo basebeletsi bana basetjhaba ba nang le yona mosebetsing wa bona eka re ka bona basebeletsi ba mmuso batswanang lebona ba bangata*

**Mme Mantombi Gladys Moroka wa lefatshe la three sisters**

*Hi ba mandla hi vuyelela e ka khomoshini yo tlerisela misava eka vanhu , hi leswi yi hi tiberiserile misava ya bina. Vana va bina sweswi va swikota ku vukela minongonoka ya dyonzo eka television hi ku bina gezi.*

**Mr M Mathebula, Mutshama xitulo wa Hlomela Land Claim**

*Re le setshaba sa Bakwena ba ga Mogopa re ikaletse go dirisa lefatshe le re le bone ka thulaganyo ya pusetso mafatshe. Re tsile go lema le go tsenela maane a tlhabologo le bojanala. Re tsile go dirisana le yo e neng e le mongwa polase go tswelletsu temo thuo.*

**Kgosi Mamogale wa Bakwena бага Mogopa**

*Ke thagetse kudu ka lefatshe leo le buseditsweng go baagi ba Mmahlabane. E be e le mengwaga e me telle ye boima, le go tlhaka ga botloko bjale ka moAfrika omong le o mong. Ke rata go dira kgopelo go komishini go thusa go feteletsa joint venture le Mdala Game reserve, le go promotu partnership"*

**Rev Makena, Modula setulo wa lefatshe la Mmahlabane**

*Angikaze ngibe nendlu engingayibiza ngegama lami selokhu ngazalwa. Ngiyabonga kakhulu kubulumeni ngomsebenzi omuble kangaka abasenzele wona siwu mpbakathi waseMkhumbane" kulanda uNkozikazi Eunice Ndlovu emva kokuthi Ikhomishana yokubuyiselwa kwamalungelo ezemiblabla Kwazulu-Natal imunikeze ukhiye wendlu yakhe njengesinxephezelo sokulablekela amalungelo akhe omblaba.*

**Ms Eunice Ndlovu of Cator Manor Land Claim**

## **VISION**

*To be leaders in the restitution of land rights to victims of racial land dispossession in a manner that ensures sustainable socio-economic development*

## **MISSION**

*To promote reconciliation by ensuring equity for victims of land dispossession by the state, through sustainable development initiatives and equitable redistribution of land*

## **VALUES**

*Compassionate service delivery*

*Justice, fairness and equity*

*Equality*

*Timeliness*

*Participation and Respect*

*Integrity*



*We celebrate the lives of those who died  
in the process of restoring land rights lost  
during the apartheid era*

*(see pg60)*



**COMMISSION ON RESTITUTION OF LAND RIGHTS**

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Design and Layout by:

Blackmoon Advertising and Research (Pty) Ltd

012 346 8933

Cover Page:

The showcasing of various restitution projects.

## Table of Contents

Letter of Transmission – from the Chief Land Claims Commissioner	2
Foreword by the Minister for Agriculture and Land Affairs, Ms Thoko Didiza	3
Overview by Chief Land Claims Commissioner, Tozi Gwanya	4
Members of the Commission and Contact Details	9
Reports: Regional Land Claims Commissions	11
Eastern Cape	12
Free State and Northern Cape	17
Gauteng and North-West	21
KwaZulu-Natal	26
Limpopo	31
Mpumalanga	37
Western Cape	42
Cases Settled by the Land Claims Court as well as Supreme Court of Appeal	47
The Chief Directorate Restitution and Management Support	50
Progress on Claims Settled to Date	53

## **LETTER OF TRANSMISSION**

### **FROM THE CHIEF LAND CLAIMS COMMISSIONER**

Honorable Ms Thoko Didiza  
Minister for Agriculture and Land Affairs

Dear Minister,

It is my pleasure to submit to you the Annual Report of the Commission on Restitution of Land Rights for the financial year ended 31 March 2006, for tabling to Parliament. I will present the same report to the Portfolio Committee on agriculture and land affairs as well as to the National Council of Provinces.

This report was prepared in compliance with Section 21 of the Restitution of Land Rights Act, no 22 of 1994 as amended.

Yours faithfully,



Chief Land Claims Commissioner South Africa  
Mr Thozamile T. Gwanya  
May 2006



## FOREWORD

### BY THE MINISTER FOR AGRICULTURE AND LAND AFFAIRS, MS THOKO DIDIZA

*"For you shall go out with joy, and be led forth with peace: the mountains and hills shall break forth before you into singing, and all the trees of the field shall clap their hands"*

Isaiah 55:12

We are proud that, through restitution, we are contributing to the national plan of action to build and entrench a culture of human rights for the enjoyment of all. We are cooperating with other government departments, organs of civil society, the private sector and other role players in an attempt to restore dignity to the victims of racial land dispossession and to improve the protection and promotion of human rights in this country.

Restitution is one of our rights-based land reform programmes that is contributing to socio-economic development and thus to the priorities of Asgi-SA, i.e. to accelerate growth, reduce poverty and create employment opportunities. We are excited that the World Cup 2010 stadium in Nelspruit, Mpumalanga, will be built on land restituted to the Mdluli-Matsafeni Community. The construction of the 45 000-seater stadium is expected to begin this year and is to be completed by mid-2008. In Levubu, in Limpopo, we have seen positive and encouraging developments, where the first-phase farmers have made their land available for the restitution process at reasonable prices and, after land transfer to claimants, they have volunteered their technical assistance to the successful claimants. This is a good sign in an area which is an economic basket in the province.

The message of the Land Summit 2005 was very loud and clear; that we must speed up the finalisation of the outstanding land claims. To this end we have settled 71645 claims out of the 79696 lodged, thus about 89% settled. About 89% of the claims settled were urban claims and 11% were rural. We are now left with 6975 rural claims, which must be settled by 2008, in line with the presidential directive. We are appealing to the urban claimants of the remaining 1000 claims to cooperate with the commission by submitting the necessary documents for the finalisation of those claims. More than one million hectares have been restored to claimants at a cost of R2.4 billion, in addition to development grants of no less than R405 million. Most of the urban claimants have chosen financial compensation, largely because of old age and difficulty with resettlement. About R2.9 has been allocated for financial compensation to date. We are aware that there are a number of challenges in settling rural claims, including disputes with current land owners, high land

prices, boundary disputes among claimants, protracted negotiations, etc. We are appealing to all interested parties to put their differences aside and focus on making our land reform sustainable and workable for all in this country.

We have made resources available for restitution, such as the R3.3 billion budget approved for this financial year. We are committed to ensuring that restitution operates under the rule of law. It is for this reason that all the interested parties are allowed to refer unresolved matters to the specialised Land Claims Court. Our experience has shown that negotiated settlements account for the resolutions 89% progress made to date, compared to Australia, New Zealand and Canada, where their progress still stands at between 5 and 7%.

We could not have achieved all of this without the support of the interested parties, NGOs and organised agriculture, including AgriSA, NAFU and TAU. To ensure sustainable settlements, claimant communities require assistance from the Land Bank, IDC, the Department of Agriculture, Local Government and Housing, as well as from the municipalities.

The Belgian government has once again approved another grant for six million Euros in support of post-settlement support. This type of support is much needed, particularly at the community level.

I am delighted to present this report to parliament, to all South Africans and to those interested in land reform in this country. We have entered the age of hope, where we need to act on our dreams about what and how we can contribute to economic growth, poverty alleviation, reconciliation, justice, fairness and welfare for all.

Ms Thoko Didiza  
Minister for Agriculture and Land Affairs  
May 2006



## OVERVIEW

BY CHIEF LAND CLAIMS COMMISSIONER, TOZI GWANYA

*John Maxwell says "Success is choosing to enter the arena of action, determined to give yourself to the cause that will better humanity and last for eternity." This is the same attitude that Paul encourages: "Whatever you do, work at it with all your heart, as working for the Lord."*

Colossians 3:23

## INTRODUCTION

We entered this year under review with a clear mandate "to prioritise sustainable settlement of all outstanding urban claims by the end of the financial year and all rural claims by 2008". This was underlined by the Land Summit held in July 2005. We have focused on the implementation of key strategies, which enable us to fast-track the settlement of claims, such as the batching and grouping of those with similar circumstances of dispossession, sequencing and targeted claimant verification.

We dedicate this report to those who died in this period where we were hard at work reversing the effects of racial dispossession. We are aware that many people have paid with their own blood for our freedom. Others have passed on before they could see the fruits of their labor. Some of the deceased went through the pain of dispossession and would have loved to witness the "return to our land". This tribute is also intended to encourage those who are still alive to use the restored land in a sustainable manner so that future generations will be proud of our achievements today.

## OUR PERFORMANCE

### Financial Perspective:

Our expenditure has increased from R1.18 billion last year to R1.8 billion over the past financial year. Our budget for the year was R2.7 billion and thus there was an under-expenditure of almost R900 million. Commitments (i.e projects approved by the Minister, the expenditure for which did not go through the books of accounts) for the same period amounted to R 2.05 billion.

The Belgian government has approved R50 million rand for a project called "Speeding up the Restitution Process". It mainly involves fast-tracking claimant verification as well as preparatory work for post-settlement support.

The cumulative amount that has been spent on the acquisition of more than a million hectares for restitution is in excess of R2.4 billion. Most of the land acquired is in Kwazulu Natal, Northern Cape, Limpopo, Mpumalanga and North West. Those who have opted for land restoration have been assisted with development grants of no less than R405 million and development awards of about R250 million. Most of the urban claimants have chosen financial compensation and the amount committed to this is now R2.97 billion.

The total number of claims settled as at 31 March 2006 was 71645 out of the 79696 claims lodged by the cut-off date of 31 December 1998.

The government, through the National Treasury, demonstrated its commitment to restitution with the budget allocation of R3.3 billion to settle all claims in the new financial year. This will go a long way towards settling the 3103 rural claims claims prioritised for settlement in the year ahead.

### Customer Perspective:

The Commission was created to assist claimants with the settlement of their land claims. The highlights of claims settled this year include the following :

#### Dlakadla

Dlakadla land claim in the Eastern Cape, involving 1114ha at the value of R458 680. About 47 households will re-establish themselves there and continue with agricultural activities.

#### Boitumelo

The Boitumelo community used its restitution award to purchase a farm known as Ruby No. 79 in the Dewetsdorp in the Free State Province. The size of the land is about 643 hectares. The Department of Agriculture has funded this project with a total of R600 000 for upgrading the milk palour, increasing milk production and introducing cultivated pasture and lucerne.

### Kudung

Kudung farm called Reispruit 417 IR is situated in Gauteng Province in the district of Heidelberg. Its total size amounts to 3 894. This is a classical case of aboriginal title, which involves a systematic downgrading of the rights of a community by the Berlin Church. Due to the vastness of this arable land, the community will be able to produce food on the land.

### Bakubung Ba Ratheo (Molote)

Bakubung Ba Ratheo in the North West Province, situated in Elandsfontein, which falls under the Bojanala District Municipality, was allocated R 3.1 million from the President's Lead Projects to engage in further agricultural production as well as eco-tourism.

### Empangisweni in KwaZulu-Natal

The Empangisweni project is an example of collaborative spirit. The Commission restored 6 900 hectares to 300 households as a settlement of the Mpangisweni land restitution claim. The Department of Agriculture has provided 33 % funding for the acquisition of a state-of-the art potato-processing machine for the Mpangisweni Project. The project has created over 400 employment opportunities.

### Embangweni in the Umkhanyakude District - KwaZulu-Natal

This project came about as a result of the finalisation of the Mbangweni claim in 2000. About 114 households were restored to 1 200 hectares. The restored land is part of the Trans-Frontier Peace Park linking the Tembe/Ndumo Game Park (Kwa-Zulu Natal), Futi (Mozambique) and Osuthu in Swaziland. This project collapsed, as it was running on operational costs only. However, the Department of Agriculture resuscitates the project in 2005 by approving R 1.2 million to support commercial agriculture.

### Charlestown

The Land Claims Commission in KwaZulu-Natal has restored 8 000 hectares of land to Charlestown communities, of which 6 000 hectares is arable land. These communities were forcefully removed from their land in the late 1960s and early 1970s due to the Group Areas Act 77 of 1957. They were removed to places like eMadadeni, Osizweni and the Volkrust area. The community is farming maize, soya and sugar beans, as well as engaging in dairy farming. To ensure the long-term sustainability of the project, they employed an experienced General Farm Manager.

### Ga-Sekororo at Maruleng Municipality in the Bohlabela District in Limpopo

The Sekororo community was dispossessed of their ancestors' land between 1937 and 1958 on the farms Ballon 71 KT, Lofdal 42 KT and Paris 93 KT. The Limpopo Department of

Agriculture has spent R 4 million through the Comprehensive Agricultural Support Programme (CASP) funding to purchase agricultural implements for the claimants. A total of 5 015 hectares of land will be used for agricultural purposes.

### Tshikota in Limpopo

The claimants were paid for 129 individual land claims out of 133 properties. All the properties under claim were situated between the town of Louis Trichardt and the Rietvlei farm.

### Levubu in Limpopo

The claim was lodged by the Ravele, Tshakhuma, Shingalo, Masakona, Ratombo, Tshitwani and Tshivhazwaulu communities. The Minister of Agriculture and Land Affairs approved the first phase, which is worth over R 230 million. A total of 7 314 hectares, benefiting 1 121 households, will be utilised for the production of bananas and avocados.

### Mmahlabane Community claim in Mpumalanga

The Mmahlabane Community is located in Kwa-Mhlanga on the Vaal Bank Road in the former Kwa-Ndebele Homeland. About 400 households were restored to over 2000 hectares of land. Currently the land is under caretakership of the Parks Board, as they are looking after the game farm. Two potential strategic partners have made representations to the Land Claims Commission, the Department of Agriculture and Land Administration.

### KwaLugedlane in Mpumalanga

3 852 hectares of the Ludwig Lust (part of Tenbosch claim) farm, which cost the government an amount of R 24 million, were handed over to 5 000 households, after lodging a successful land claim. The farm borders the N4 highway along the Maputo highway and part of the Kruger National Park along a strip of the Crocodile River. The community will allow a strategic partnership (Hanrob) to create a five-star hotel as an ecotourism destination and possibly a golf course, 60 corporate lodges, 400 residential houses, a school, a clinic, a resort on the Crocodile River and a community complex. Construction should be complete by 2009 and about 4 020 jobs are expected to be created. The entire project is expected to generate profits in the region of R10 million a year.

### Knysna land claim in the Western Cape

Twenty-four claimants opted for the development option and were secured a lush valley to the north of Knysna in the Heidevallei region, located north of the National Road (N2), a residential area with allocated business rights, which will be developed for the Restonia Trust. The rest of the 1 400 claimants verified opted for monetary compensation. The twenty-four claimants formed an independent trust, the Restonia Trust. Through this legal entity they were able to

enter into negotiations with the municipality regarding housing development.

### Business Process Perspective:

Our focus during the year was on shortening the project cycle in order to settle as many claims as possible. We have to do this without skipping any of the necessary steps in our process map, including the validation of all claims, claimant verification, the valuation of land rights lost, land price negotiations with landowners, mediation and dispute resolution, settlement options assessment, referrals to the Land Claims Court or to the Minister for settlement awards and the implementation of the awards, including post-settlement support. A typical rural claim takes about three years to process, but in the revised project cycle we have reduced this to one year. The cooperation of the various stakeholders is critical for us to achieve this, particularly in the case of rural claims. It is important that the claimants should provide us with the necessary information, such as historical data that links them to the land, identity documents, and archival information such as aerial maps. We have agreed with both AgriSA and the Transvaal Agricultural Union (TAU) that our cooperation with them must be reduced to a memorandum of agreement (MOA) and thus a commitment that their members, the current landowners, will support the restitution process. If we are to achieve our targets, we must ensure that we eliminate disputes and enhance areas of agreement.

Within the Department and the Commission, we have agreed to address the turn-around times of submissions enroute to the Minister for approval. The Commission has appointed Directors: Quality Assurance in each of their offices, in an attempt to ensure efficiency and effectiveness at all levels. The introduction of supply chain management will go a long way towards addressing our procurement challenges, especially with the decentralisation of implementation.

The Commission outsourced the verification process to fast-track the settlement of claims. It is a process aimed at ensuring that claimants whose claims have not been settled, yet who have submitted all the required documents in order to finalise their claims. The process mainly included the collection of:

- The history of removals
- Obtaining copies of identity documents
- Construction of family trees
- Certifying direct descendants of the claimants

We have embarked on a special claimant verification project in our attempt to fast-track the finalization of claims. Verification has helped the Commission process the payment of financial compensation and to minimize incidents of

fraudulent claims in the process. We appointed service providers to speed up the process. The whole project was financed by the Belgian Technical Committee, which has been consistent in providing support to restitution. The project proved to be a success, with several regional offices reporting reaching claimants who were difficult to reach and outstanding documentation required for processing claims. The project enabled the rightful claimants to benefit from the restitution.

One of our serious challenges is protracted land price negotiation with landowners, which does not yield the desired results. Often the landowners go back to disputing the validity of claims once there is disagreement on the price. We have considered the effective use of the expropriation tool to assist the parties in reaching agreement. In the Leeuwspruit claim (the Visser case in Lichtenberg in the North-West Province) we have seen that some landowners use every trick possible to get the highest prices for their land. As we started to implement expropriation, the farmer's willingness to cooperate increased and the matter has now been resolved. We have updated our year-old valuation report, which resulted in an increase from R1,75 million to R2million, and thus we refused to pay the R3 million asked by the landowner; we have since agreed to settle the matter for R2 million. We have identified a number of farms where negotiations have taken longer than two years and we have decided to start the expropriation process for such farms. This includes about five farms in the Brits area in North West, close to 200 farms in the Levubu area in Limpopo, 80 farms in the Tenbosch area in Mpumalanga and 70 farms in the Gongolo-Gujini area in KwaZulu Natal. We are encouraged by farmers in the Levubu area, who have come forward to offer solutions to address some of the issues raised. In the expropriation process, just and equitable compensation is paid for the land. Every effort is made to comply with the Constitution, which obliges us to consider just and equitable compensation, which must include the following:

- The current use of the property
- The history of acquisition of the property
- The market value of the property
- The extent of direct state investment and subsidy for capital improvement on the property
- The purpose of the expropriation is important to consider in the process of expropriation

The need to reflect an equitable balance between the public interest and the interests of those affected by the expropriation is important in this process.

One of our challenges with rural claims is the resettlement of claimants on their restored land, which in a number of cases is no less than 200km away from their current place of resi-

dence. This was the case with the Farmerfield community, which was forcibly removed to Mimosa near King Williamstown (thus to consolidate the Ciskei Bantustan). Their land near Grahamstown has now been restored to them through land expropriation. The Makana Municipality and Cacadu District have played a significant role in the resettlement of these restitution beneficiaries. They have built the houses and infrastructure and thus help these people to return to their land. This has demonstrated the importance of inter-governmental relation framework and the alignment of developmental plans at the various levels.

### Corporate Governance Perspective:

We are required by law (Section 21 of the Restitution Act) to report to Parliament not later than 1 June each year. Our report is tabled in both houses, the National Assembly and the National Council of Provinces. The Portfolio Committee on Agriculture and Land Affairs as well as the NCOP selection committees have paid visits to various provinces, where they interacted with land reform beneficiaries. Their comments and guidance have assisted in focusing our interventions.

We have held four statutory meetings (Section 5 of the Restitution Act) during this year under review, where the focus was largely on:

- Progress review on settling outstanding claims, especially urban claims prioritised for the period
- Quality assurance and risk management
- Sharing provincial experiences in dealing with peculiar restitution cases
- Review of cases in the Land Claims Court
- Post-settlement support and strategic partnerships for sustainable settlements

We have used these statutory meetings as a vehicle to keep the public abreast of developments in the restitution process, thus in line with the provisions of Section 6 (1) (c) of the Act.

### Learning and Growth Perspective:

A number of the RLCC offices have undertaken team-building exercises this year. This has helped to take a break from the hectic schedule, which demands working long hours, including work over weekends.

The Commission experienced a high level of staff turnover at the beginning of 2006. The turnover was as a result of the number employees who resigned. This has put a serious burden on the remaining staff to carry out some of the duties of the employees who resigned. In some instances this had an

impact on the operations of the Commission due to the heavy workload on the remaining staff. The reasons for such a high turnover of staff range from the inability of some of the employees to handle the pressures which come with the job to promises of greener pastures elsewhere.

We have taken steps to fill the vacant posts. This should ease pressure on the remaining staff and continue with the work of settling the outstanding claims. We also took steps to give employment security to our staff. Staff members were offered a choice of converting from contract to permanent employment. This exercise was to ensure that the Commission retains some of its experienced staff. It is critical that the Commission should be working at full capacity to restore land rights in the remaining rural claims and to meet the March 2008 deadline.

We are learning from the number of challenges that we have encountered as we interact with the various stakeholders. Overlapping claims have proved to be quite a challenge to settle and are prevalent in a number of rural areas. These are claims that are facing community conflicts, disputes over traditional leadership and lack of consensus. Local government is often not ready to respond to the development needs of claimant communities, nor are there adequate human and financial resources to deal with those needs. Inflated land prices remain the biggest challenge that hampers the process of land settlement.

We are interacting with the various stakeholders to address these challenges. The Commission has formulated plans and engaged stakeholders to take part and assist in the development facilitation of projects to ensure sustainability. The Post-Settlement Unit formulated a project cycle plan, which will ensure that property is not vandalised and that land restored to communities is used productively. This plan defines the role which stakeholders can play in restitution after settlement and possible land usage. This will contribute to the sustainable use of the restitution projects and to job creation.

Although this aspect of restitution has seen little support from the relevant stakeholders, the Commission continues to engage municipalities and the provincial government, the Land Bank, the National Development Agency (NDA), the Development Bank of South Africa (DBSA) and relevant government departments. These agencies have expressed their willingness to assist restitution beneficiaries in meeting their development needs. The Commission would like to see more concrete involvement from these agencies and we are also encouraged by the initiatives that some of these stakeholders have taken.

Restitution Park in Cato Manor at eThekweni in Kwa-Zulu-Natal has shown how the authorities can contribute towards development to favour land restitution beneficiaries. The eThekweni Metropolitan Council, together with the Department of Housing in KZN, all contributed resources to this development. This is an example which other provincial and local governments can follow.

The Department of Agriculture has formulated programmes that restitution beneficiaries can access for their development. The Comprehensive Agricultural Support Programme (CASP) and Mafisa are programmes which beneficiaries can access to finance for their projects. Some of the beneficiaries have singled out a lack of finance as one of the main reasons for non-productivity on their farms. We would like other financing agencies also to play a significant role in supporting restitution beneficiaries.

## INTERNATIONAL INTEREST

The Land Summit did not only bring South Africans together. The international community has also taken a particular interest in the process. International delegates also participated in the summit to share their experiences with land reform. The announcement of expropriation brought fears in some international circles and there were also fears in the investment community. The Commission attracted the attention of the international press; this has provided the Commission with an opportunity to clarify its position and its process to the international community.

The Minister, together with the Chief Land Claims Commissioner and the Director-General of Agriculture and Land Affairs, undertook a trip to London to brief international media on the South African position on land reform. The GCIS played a significant role in this regard. It was important for the government and commission to state that land reform is in the interests of all South Africans and the international community. Addressing the racial land imbalances of the past will bring stability to the markets and will assist with the task of finding space for the victims of racial land dispossession to participate in transforming the economy of the country.

There were a number of delegations from other countries such as Palestine, Mauritius, Zambia, Angola that visited the Commission to observe restitution and to learn from it. Through interactions with the international community, the legal processes and constitutional obligations which land reform has to comply with were put into proper perspective.

## CONCLUSION

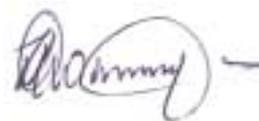
The Restitution continues to bring hope to millions of South Africans who, for centuries, suffered the indignity of racial land dispossession. We are proud of the strides that restitution has made since 1995 and we continue to lead in the restitution of land rights. We are encouraged by the fact that the benefits of landownership are being enjoyed by an increasing number of people in this country.

The Commission would like to encourage farmers to play a role in ensuring that the process is not delayed any further and that they come on board to assist new landowners. This year we have engaged farming organisations to urge their members to share skills with the restitution beneficiaries. We are also proud of the strategic partnerships that have been formed to boost development and productivity in some of the projects. We would like to see more beneficiaries entering into strategic partnerships.

We appreciate the backing which the government is giving to the process. The President, the Deputy President, the Minister of Finance and our Minister, together with her Deputy Minister, have backed the process unflinchingly. This unwavering support shows the political will of the highest office in the land and a commitment to reversing the legacy of racial land dispossession. This should encourage all stakeholders to do the same and commit to settling all claims by March 2008.

The Commissioners, together with their staff, are committed to give their best to ensure that we honour the promise of our Constitution to “heal the divisions of the past ...improve the quality of life of all our citizens and free the potential of each person”.

Once again, thank you very much for your continued support. May the good Lord richly bless you.



Mr Tozi Gwanya  
Chief Land Claims Commissioner SA

## MINISTRY

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**THOKO DIDIZA**

Minister for Agriculture and  
Land Affairs



**DIRK DU TOIT**

Deputy Minister for Agriculture and  
Land Affairs

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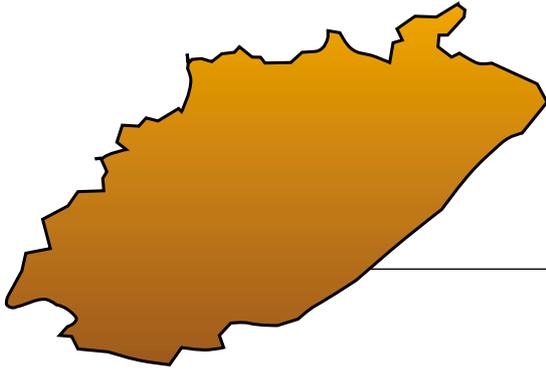
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# **Reports: Regional Land Claims Commissions**



## Regional Land Claims Commission:

# EASTERN CAPE

### OVERVIEW

When the Regional Land Claims Commission in the Eastern Cape entered the Financial Year 2005/2006, it did so in high spirits, as the country was about to celebrate the 50th anniversary of the Freedom Charter with the slogan "South Africa belongs to all who live in it". We made sure that individuals, families, churches, communities, both black and white, feel that the Commission does indeed exist to honour the promise of our constitution that guarantees land rights to all. Not only did we meet this promise, but we also made sure that the return of land rights addresses the socio-economic milieu of our province.

We pride ourselves in having aligned one of our claims, Colcra, with the biggest and well-known Coega Development in the Port Elizabeth area. Because of this development, the area became prime land. Successful negotiations with the Nelson Mandela Metropolitan Municipality, South African National Parks Board and other relevant stakeholders contributed to the quality package awarded to the subject community. Much has been done to ensure complete conclusion of the claim. Our focus on economic growth may see the province reaping benefits from a less promising area, Cathcart. According to its farming potential, this area could be classified as barren. Plans to change this are being discussed among our Settlement Support and Development Planning (SSDP) Unit and claimants. The aim is to inject an agricultural livelihood into an area where a family has opted for agricultural development. This would be the first community-based but family-driven black project. Job creation is expected from this venture. The province has also seen its first housing project in Farmerfield being completed and people taking occupation of their houses.

The pace at which we can deal with post-settlement projects has been accelerated with the signing of an agreement with Uvimba Finance. The bank will manage some development funds, which were previously managed by municipalities that struggled to meet the Treasury regulations. This made man-

aging and distribution of funds rather difficult. An amount R5 million has already been transferred to the Uvimba Finance for the Mkambati project. One advantage of this system is that funds management is the primary function of the Uvimba and that it gets into contact with the people on the ground to ascertain effective and efficient disbursement of funds.

### CHALLENGES

In our endeavours to settle claims, we faced several challenges. A crucial problem was that the office struggled to get quality work from the valuers. During this financial year, we focused considerable efforts on quality. We managed to get the desired output from service providers, who successfully conducted the large-scale claimant verification, but it was difficult to get equivalent results from valuations. The quality we received in this area was relatively low. This is due to the lack of seasoned valuers in the province. These problems increased when it became apparent that the value of land was being uncomfortably and suspiciously escalated. The processing of rural claims remains challenge, with unsurveyed land, unregistered land rights, and a lack of official documents. This has led to a delay in the implementation and management of our projects. Family disputes have also delayed the processing of claims. Even when the financial compensation was ready to be paid out to the claimants, it would be delayed by these disputes.

### ACHIEVEMENTS

At the beginning of the last term of the financial year, our office signed an agreements with Uvimba Finance. This was an attempt to deal with a lack of capacity in terms of the structure and the financial management in some municipalities.

The Provincial Land Summit was very vocal on the prolonged negotiations between the owners of land and the

Commission. This led to the review of the Willing Buyer Willing Seller policy. We have tried to explore the avenue of expropriation, but some loose ends need to be tied up before that avenue can be fully explored, especially with regard to the Expropriation Act and the Ministerial powers to expropriate in terms of Section 42E of the Restitution Act.

## LAND SETTLEMENT HIGHLIGHTS

### Diocese of George

This is a special case of land restitution in the province. In most cases, claims dealt with black people who were dispossessed of their land. In this case, the Diocese of George in Graaf-Reinet, which was controlled by white people, was dispossessed of its property in terms of Black (Urban Areas) Consolidation Act of 1945. The land was given to the Development Board at a cost of R1.00 (One rand). The board wanted the land for the establishment of a black township, as it was involved in the proposed building of the African township Umasizakhe in the current Camdeboo Municipality. The non-racial congregation was dissolved and so called Coloureds and Whites were to move from the area to give way for the establishment of the township.

At the date of dispossession, the subject property had been improved with a church building, rectory and its outbuilding. A portion of a school building was also situated on this property of 4,1483 hectares.

The provincial Department of Housing and Local Government, which held ownership of the property, donated the land claimed by the Church back to the Church at no cost to the Department of Land Affairs. The Department of Land Affairs will make available grants for development purposes.

Now that the school block is again part of the church, the church plans to use it for the empowerment of the community. The current Anglican Bishop at Umasizakhe, Patrick Matolengwe, says since the area has a poor background and members of the community lack the skills needed in the job market, the church will do a needs analysis and utilise the school block to empower the residents with the necessary skills. As a first project, computer lessons will be offered at the school block at affordable fees. Matolengwe says, the church is overjoyed to have its land back. "It means that justice has prevailed in our lifetime. The apartheid government has caused a lot of pain to many people, including the

churches. The returning of land wipes our tears. We can only give thanks to our ancestors and to Almighty God."

### Dlakadla Claim

What was once a big family that was dispersed by land dispossession, will be restored to its original land and regain its former glory. The Dlakadla family was engaged in subsistence farming until when it was removed from the land in 1982 in terms of the Development Trust, Land Act of 1936 and Expropriation Act of 1975. After the removals, the 49 year-old Mpiyakhe Dlakadla could not face going far away from the land of his forefathers. He stayed in the nearby Keilands Mission, which is owned by Roman Catholics. "When I go hunting with my dogs I take them to that land that used to be our home. When I saw the land, I felt terribly hurt. But ever since I heard that the Land Claims Commission would be able to return our land, and after we met its officials during our frequent visits to its offices in East London, the feeling abated," he said. Now the Alastia Farm with a size of 1114,9619 hectares in the Cathcart area has been given back to the family.

With the R458 680 restitution package and grants amounting to R208 680.00, the family, which currently numbers 47 households, will be able to build housing structures and re-establish its agricultural projects. "We are very excited about this. We are suffering here because we cannot have as many goats and sheep as we want. For five years we had only ten goats because the conditions here are not suitable for goats. When you have as many goats and sheep as possible, you are able to earn some profit and save money for the education of our children, so that they can have a brighter future," said a 77-year-old James Dlakadla. The National Department of Agriculture will assist in determining the agricultural potential of the land. The award to regain their dignity includes a Restitution Discretionary Grant of R3000.00 per household and a Settlement Planning Grant of R1440.00 per household.

After removals, the family was dumped 130 kilometres away on barren land in the former homeland of Ciskei and later dispersed. The homeland had just received its "independence" a few months earlier. The family says that all the households, which are now scattered between King William's Town, Bisho, Stutterheim and Middledrift, will stay together. Once again, it will farm and till the soil to uplift its socio-economic status.

## Rala Claim

After the Commission was established in 1995 and it was stated in the national news media that it would return people to their lands, 69-year-old Thozamile Mabhosho Rala from Ndevana Location near King William's Town could not wait. "I went to the King William's Town attorneys and they gave me a letter that we may go to the land. I took a truck and packed all my belongings and I relocated to our land with my family. When we arrived in the evening, we slept at the old house. In the morning we met the white man. 'What do you want here?' he asked. 'We've been ordered to come here,' I replied. He went off. While I was resting, he came with a policeman. He said he has purchased the land and I must go." Rala refused to go and was arrested, his dog was shot twice and his family was sent back to Ndevana Location.

In the 1960s, the family's land was denoted as a "swartkol" or "black spot" in terms of the Development Trust and Land Act 18 of 1936. At some stage the family members, because they could no longer believe that the claim would be settled, accused each other of mistrust and the Commission of lying. "I remember one instance around year 2000, when we slaughtered a cow and called that gathering 'Dibanani Mampehla'. We spoke about the claim and clarified issues that had caused mistrust among us," said Mandayi Rala. The Rala family has been compensated with alternative land in the Stutterheim area.

Under the democratic government, the Commission has given the 150 beneficiaries double the size of the original land in Stutterheim. This is in recognition of the economic viability of the land and the increase in the family size, but more so at a price equivalent to that of the size of land they lost. This has taken place through negotiations.

The national Department of Agriculture has recommended agricultural projects on the land worth R209 190. A Restitution Discretionary Grant and a Settlement Planning Grant amounting to R 532 800 have also been set aside for this purpose.

The family is now re-aligning its activities with its long-term goals. After the 23 year-old Siphumeze Rala had completed his B.A. (Development) at the University of Fort Hare, he was encouraged by his father Mandayi to acquire farming skills at a nearby Fort Cox agricultural college. To keep up with the spirit of women's empowerment, they have already identified four women in the family to engage in poultry, piggery and goat projects. In the long term, the family wants its projects to benefit the entire community.

"Oh! I feel good!" said Thozamile. Mandayi smiled: "We managed to drive with the DLA to the place. We were not arrested. That really revived us. For us to go back without restrictions was a sign of a real, true going back to the land."

## Gooden family claim

The Griquas in the Eastern Cape were once a proud and recognised ethnic group in the region. Their pride and cultural independence was severely affected by apartheid laws. Amongst those adversely affected was the Gooden family in Kokstad, which was forced to sell its two properties for R2336.56 in 1968. Their properties were earmarked as a "black spot" in a white area in terms of the Group Areas Act and also as a development area for whites through the Community Development Board.

The family has been awarded R400 000 as financial compensation for the properties. Testimonies from the family and investigations conducted indicate that the claimant family was subjected to numerous hardships and losses as a result of the dispossession.

This claim was for the restitution of land rights and the claimants opted for financial compensation for the claimed properties. The feasibility of returning to the original land was considered and the claimant was not willing to return to the claimed land. The family said that their socio-economic status would be improved if their financial compensation could be utilised to upgrade their standard of living where it presently resides.

The claimants' testimony outlined that the family was compensated. However, the compensation paid to the claimants was not just and equitable when compared to the market value of the properties in that area during that period. Moreover, in retrospect, it becomes clear that the situation as it existed at the time of dispossession was created by macro-economic factors such as apartheid legislation, which ended the open market in the subject area.

## PROJECTS WITH SPECIAL FEATURES

### Farmerfield Projects

Brand-new houses for land restitution beneficiaries of the Farmerfield community in Bathurst have been completed.



Main Picture: Newly built restitution houses for Farmerfield beneficiaries.

Inserted Picture: Community members clearing bushes behind the houses for agricultural purposes.

With 56 households, the community's soul has been finally restored, as they have started going back to their ancestral land, which was taken from them 44 years ago. The community was removed in terms of the Development Trust and Land Act of 1936. Now the Farmerfield Property Trust owns the land, which is about 40 kilometres from Grahamstown.

The four-roomed houses are next to an existing school. The excited 74-year-old David Khululekile Martin, who became the first claimant to occupy the houses said: "Have you ever seen a fish that had been taken out of water for a while, and then put back into the water? It becomes very happy and swims through so fast. That's how we feel." His wife Nolungile, who was quiet throughout our conversation, broke the silence and said with a high-pitched voice full of emotions: "This is the promise of God! Oh! God's things are wonderful, for I am here now."

The relocation has challenges. The beneficiaries can't wait to get to the promised land, but sometimes they are delayed at Mimoso Park near King William's Town, where they currently stay. Before they move, they need to ensure that the elderly will get their old-age pension at their "new" home, the disabled will get their grants, etc. On the other hand, as the community is characterised by unemployment, they cannot afford to pay for transportation and insurance of their goods. The claimants and the Commission are meeting these challenges with determination. Talks are held with the relevant State departments like Social Development and Buffalo City Municipality to assist in the process. The Department is assisting in the relocation through the Section 42C of the Restitution Act.

Some families that have already relocated have started clearing bushes on their own in the area demarcated for an agricultural project. While they work, it is still vivid in their minds how they were rushed out in February 1962 and had to leave their vegetables that were about to ripen. They were told to return after three months only to find out upon their return that everything had been harvested and that the land was full of a certain Mr Riden's sheep. But they are happy that they can reap the fruits of land reforms in their lifetime. Rolling up their sleeves and tilling the soil once again bring to them an age of hope! Never again shall their land be owned, and fruits of their labour be enjoyed by the masters, but only themselves as owners of the land.

The Commission is working hard to make the community a full-fledged society with all the essentials. Plans are in the pipeline to establish community facilities such as a sports field, clinic, crèche, police station and other essential amenities in the area. Among those who opted for housing development, the Farmerfield community will become the first claimant community in the province to occupy a land restitution housing project, and this is the first claim to be resolved partly through expropriation.

### Colcra Projects

Alternative land of 20 hectares has been identified at Colchester near Port Elizabeth for the settlement of 158 beneficiaries who were dispossessed of their land between 1969 and 1979. The beneficiaries are direct descendants of 61



Vacant land where houses for Colcra beneficiaries will be built. The housing project is linked to the tourism route.

households who were removed from the same area. They were dispossessed of their land in terms of the Group Areas Act of 1966 and the Land Act of 1913. The land worth R370 000 will be used for residential purposes. The land is located in the proximity of the Coega Development Project and the Addo Elephant Park, which is an international tourist destination.

The Commission has agreed in principle with the Nelson Mandela Metropolitan Municipality to provide bulk infrastructure services and develop housing units for the beneficiaries. This is in line with President Thabo Mbeki's State of the Nation Address in February 2006, which stated that restitution projects should be aligned with Integrated Development Plans (IDPs) of the municipalities.

A socio-economic survey has shown that viable agricultural projects could be established in the area. Successful negotiations have been conducted with SANparks to consider involving the claimants in the SANparks' Poverty Alleviation Programmes. Land Bank, as a member of the Colcra Project Steering Committee, has also committed itself, among other things, to train emerging farmers among the beneficiaries.

The 62-year-old Nothemba Gelebha recalls: "When we were there (Colchester) we were one nation together with Coloureds. We will come together again because we were separated by racial laws against our will as a community." She continues: "Other people died whilst waiting for the claim, and we wanted to swap land for money, because it took so long for the claim to be settled. But now we are happy and

waiting for that day when we can settle the land."

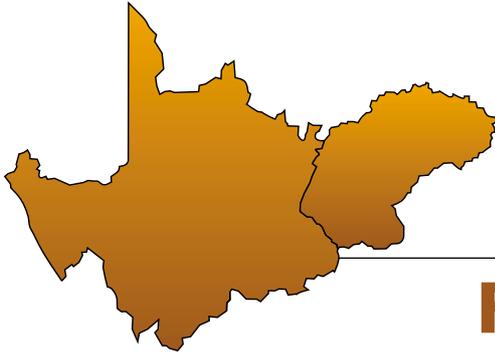
One of the claimants' committee members, Earnest Scheuble, agrees. He said that, had the situation permitted this, they would have assisted the Commission a lot more: "The claimants did not have money to help the Commission to process the claim quicker. We made a video to show the land, the graveyard, old church, etc. We sent this information, but the Commission wanted additional information." He continued by saying: "People are very happy with the settlement of the claim. There is a big potential for tourism business in Colchester. If we do it right with the right people, we can benefit a lot from it."

The total cost of land purchase including developmental grants amount to R5.9 million.

## MASSIVE CLAIMANT VERIFICATION CAMPAIGN

The massive claimant verification process has been a great success in the province. Soon after Umhlaba Development Service deployed its coordinator in the office, service providers were appointed. A communication campaign was immediately launched, using English and isiXhosa newspapers, national and regional SABC radio stations, community radio stations and visits to the communities. The campaign explained the lodging of claims and was supported by the general staff, the communication unit and the receptionists. However, some individuals who called the office were still confused. At first the claimants did not respond very well to the request in the media to submit their documents to the service providers, but their numbers increase as the communication campaign intensified.

In recent years, the office has encountered ill-prepared reports. During this campaign, a greater effort was made to ensure that service providers adhered to the required standard of reporting. This paid off because only a few reports were rejected for further preparation. The well-prepared reports gave the office a clear picture of what was happening in the field. Within four months after the campaign had been launched, the office had verified more than 30 000 households and had used about R5.8 million. Given the challenge of 2008, the pace of dealing with the rural claims has increased, as outlined in this large-scale verification process. There are 40 community claims and 30 326 households that have been verified.



## Regional Land Claims Commission:

# FREE STATE AND NORTHERN CAPE

### OVERVIEW

The President of the Republic of South Africa, His Excellency Mr. Thabo Mbeki had by way of Presidential directive during the State of Nation Address, declared 2005/06 as the final year for settlement of all restitution claims. The Presidential subsequently extended the deadline to 2008. The Minister had however direct that all urban claims be finalised by 2006.

It is worth noting that all claims settled during the year under review were urban in nature. The primary reason for this focus was to honour the directive issued by the Minister to have all urban claims settled by March 2006. The office settled 570 claims in the Free State and 457 claims in the Northern Cape.

The total number of outstanding claims within the Regional Land Claims Commission Free State and Northern Cape is about 1063. There is therefore justifiable reason to state that we are on course to meet the presidential directive of settling all restitution claims by March 2008.

### ACHIEVEMENTS

In the Northern Cape, the most significant claims settled were the Ou Breipaal Claim, which involved 280 households and 1390 beneficiaries. The second claim was the Modderivier/Ritchie claim, involving 526 households and 3156 beneficiaries.

In the Free State Office, the Schoonplaas claim falling within the nodal point of Maluti A Phofung was settled on 26 February 2006 and hand-over celebrations took place on 25 March 2006. The claim involved 279 individual claims lodged and was a combination of a financial award and a housing development. The second claim of significance is Jacobsdal, which was approved on 9 February 2006. The claim involves 280 households and approximately 1240 beneficiaries.

The Settlement Support and Development Unit in the office

of the Regional Land Claims Commission has managed to enhance the sustainability of settled claims by conducting successful annual general meetings in respect of the Majeng, Bucklands, Droegfontein and Sidney-on-Vaal claims.

The following communities were successfully linked with the Comprehensive Agricultural Support Programme (CASP) in the Northern Cape:

- Khuis – R4.2 allocated for infrastructure improvements (fencing, outside borders and camps, building of dams and water reticulation.
- Kono – R900 000 for infrastructure improvements – fencing – camps and water pumps
- Grootvlakfontein – R500 000 for infrastructure development – fencing and fixing windmills and dams
- Majeng – R3.2m – outside borders and water reticulation
- Khomani San – R700 000 internal fencing to improve camps and water reticulation on one farm (Uitkoms)

### CHALLENGES

The biggest threat to the achievement of targets within the Commission is the high staff turnover. The rate at which the Commission is experiencing a staff exodus is cause for concern. The process of conversion of staff from contract employment to permanent status has not sufficiently addressed the problem.

A lack of capacity and commitment from some stakeholders such as municipalities continue to have an adverse impact on service delivery.

The lack of capacity and accountability on the part of the Communal Property Associations (CPA) leadership leads to multiple problems within communities and hampers development. The current policy framework on management of CPA is not much help either.

## LAND SETTLEMENT HIGHLIGHTS

### NORTHERN CAPE

#### Modderrivier/Ritchie Land Claims



A traditional dance group performing during the Modderrivier handover.

The Modderrivier and Ritchie claims consist of five (5) claims, which include 511 individual claimants and 6 churches. These areas are located about 40km outside Kimberley on the N12 towards Cape Town. The handover celebration for this claims was held on 12 November 2005. In Ritchie, an amount of over R19 million was handed over as financial compensation to the claimants. The ceremony was graced by the presence of Mr Tozi Gwanya (Chief Land Claims Commissioner), Mr Sugar Ramakarane (Regional Land Claims commissioner) and Mr Frank Mashilo (Manager - Sol Plaatje Municipality).

The ceremony marked a significant turn of history for the Modderrivier and Ritchie claimants, who were removed between 1958 and 1966 in terms of the Development Trust and Land Act 18 of 1936. Before the removals, the Modderrivier and Ritchie communities lived in the Old Location, the Modderrivier station and other places such as Rooiblok and Rostol. The removals in these areas resulted in people going to stay at the old Ritchie location where original residents from those areas were found.

Since these claims comprised of a large number of claimants, some challenges were encountered during the settlement process. The difficulties encountered included poor attendance during verification, which prolonged the process beyond the intended period; and poor attendance at community meetings, as people did not believe that they will be compensated for the land they lost many years ago. The

other challenge was that many of the people did not have the necessary documentation for processing the claims.

The restitution award of over R36 000 received by each household contributed to economic development of the area and the struggle against poverty. During an interview with the claimants early this year, it became evident that the Commission has fulfilled its mandate in both reconciling families and communities of Modderrivier and Ritchie as well as improving their livelihoods.

#### Kakamas Claims

Kakamas is a peri-urban location situated approximately 80km from Upington towards Springbok in the winelands of the Northern Cape. The Regional Land Claims Commission received 211 claims between 1997 and 1998. These claims were settled in September 2005 and the celebration was held at the beginning of October 2005. The occasion took place at the Kakamas Hoërskool and was attended by, among others: Ms Tina Joemaat-Peterson (M.E.C of Agriculture and Land Reform Northern Cape), Mr Sugar Ramakarane (Regional Land Claims Commissioner) and Ms Anna Brooks (Kai Gariep Municipality Mayor). Over R8 million were handed over as the restitution award at the celebration.

As a result of dispossession, claimants lost both beneficial occupational and grazing rights, since they were not permitted to own the land in Kakamas. Before the removals, their source of livelihood was hunting and small-scale farming. When they were removed from the "Kroeks" in Kakamas, the claimants did not only lose their homes but also lost their livelihood. According to information provided by claimants, as their houses were bulldozed, whatever that was left inside the houses was destroyed. Their furniture and belongings were damaged while other important valuables were lost. Apart from their valuables, they lost their sense of community, dignity and culture. This loss could never be replaced and as a result had negative consequences for their daily lives.

For the first time in the Northern Cape, these claims were settled by using a sliding scale method, in which both the land rights and grazing rights were calculated and combined to form a restitution award. Each claimants received R42 000 for land rights lost.

During an interview with the claimants on 2 February 2006, Ms Anna Bok (86 years old) applauded the Commission for dealing with their claims with diligence. Ms Anna Bok also expressed her gratitude for the financial award, as it has brought some relief to her life. According to Mr Karel Paulse, a member of the claimants' committee, most of the claimants

renovated their houses, some bought new furniture, some erected tombstones at their ancestors' graves, whilst some invested the money through different financial institutions.

## FREE STATE

### Three Sisters – Moroke Claim

The signing settlement ceremony of the Three Sisters Farm No. 458 on 29 December 2005 at the Bloemfontein office of the Regional Land Claims Commission signalled an end to a fourteen-year history of dispossession for the late Dr James Moroka's family, whose land was expropriated by the former Bophuthatswana government in 1991.

The now defunct Bophuthatswana government used the Bophuthatswana Constitution Act No. 18 of 1977, and the Land Control Act No. 39 of 1979 as legal instruments to expropriate the family farms. The dispossessed property formed part of a number of properties taken by force from the broader Thaba Nchu community. Other properties include Dakpoort, Groenheuwel, Tafelkop, Middel Erf, Morokashoek and Groothoek.

The latter two properties, i.e. Morokashoek and Groothoek, together with Three Sisters, were dispossessed to establish what came to be known as the Maria Moroka National Park, the former Thaba Nchu Sun Casino and its staff quarters. The



The signing of Three Sisters - Moroke Claim.

claimant, Mrs Gladys Mantombi Moroka, is the widow of the late Dr James Sebe Moroka (senior). She lodged the claim on behalf of her son, Mr James Sebe Moroka (junior), who had inherited the farm from his father.

### Mangaung urban restitution claims

Mangaung (a place of leopards) was generally accepted as an alternative name for Bloemfontein by liberation movements and recognised as such. The locations in question include the former Skutkraal Lokasie, Bethany Location, Waaihoek and Cape Stands. Removals of these locations happened as far back as 1872 when Skutkraal Lokasie, situated northwest of Bloemfontein, was removed. This decision meant that only Waaihoek was to remain an official black residential area of Bloemfontein during the period 1854-1902.

These removals were not the last to be experienced by the people of Bloemfontein, as in 1969 the residents of Cape Stands were removed and relocated to Rocklands, which is about 12 kilometres from the central business district of Bloemfontein. Other removals followed, as some coloured families were removed to the exclusively coloured residential areas of Heidedal and Ashbury. Later in the early seventies, some families were stripped of their rights in terms of the provisions of the Natives Urban Areas Consolidation Act, 1945 (Act No. 25 of 1945) and removed as well. This took place in other sections of the location known as Phahameng.

The ceremony was held at Bram Fischer Building in Bloemfontein on 21 May 2005. This celebration made the ten years of democracy celebrated in 2005 more meaningful to the claimant families. The Mangaung claimants opted for a combination of both land restoration and financial compensation. The celebration also marked the fact that the area of Waaihoek was to remain an important black residential area of historic significance, as it was reported by the media as the area where a heritage site is located. It is important to note that the land used to be the Church School building of the Wesleyan Methodist Church and the same building hosted the founding conference of the former South African Native National Congress on the 8 January 1912 in Bloemfontein. Which later became known as the African National Congress (ANC).

A total of 100 households, including 320 beneficiaries, benefited from a R1.1 million settlement. This amount will go towards the acquisition of alternative serviced sites and assistance to apply for housing subsidies from Mangaung Local Municipality. This project will be implemented in partnership with the Mangaung Local Municipality and Provincial Local Government and Housing, which will secure housing grants.

## PROJECTS WITH SPECIAL FEATURES

### Richtersveldt Community Claim

Richtersveldt is situated in the north-western corner of the

Northern Cape Province. For centuries it has been inhabited by the Richtersveld Community. The community comprises inhabitants of four villages in the Richtersveld Reserve, being the Kuboes, Sanddrift, Lekkersing and Eksteenfontein.

The restitution claim of the Richtersveld community is in respect of a narrow strip of land along the west coast from the Gariiep (Orange) river in the north to just below Port Nolloth in the south. It is about 85 000 ha in extent and is currently registered under the name of Alexkor Limited, a state-owned diamond-mining company. After the discovery of diamonds in the 1920s, the Richtersveld community was dispossessed of their land on the premise that it was crown land. The land with all mineral rights was eventually awarded to Alexkor in 1994.

The Richtersveld community did not take its claim through the commission but took it directly to before the Land Claims Court. The first stage of the claim has been decided upon and further supported by the Land Claims Court in that the community has been dispossessed of its rights to land together with the mineral rights.

The second stage of the claim concerns the restitution award and the qualification thereof. Parallel to the litigation process, negotiations have been taking place with the community and have reached the stage where a Memorandum of Understanding has been drafted to serve as the basis for arriving at an out-of-court settlement between the community, Alexkor and the Government of the Republic of South Africa

### Boitumelo

Boitumelo Communal Property Association is a land restitution project that was settled in 2003. This claim was part of the broader Thaba Patcho rural claims. Thaba Patcho rural claims involved three farms, namely Sweet Home No. 667, Tshiamelo No. 665 and Segogoane's Valley No. 664, all situated in the district of Ladybrand.

There are 44 families involved in the Boitumelo Communal Property Association. Initially these families were tenants on the farm Sweet Home and worked for Mr Letsapa Masisi, who owned the farm before it was expropriated in 1978 to further the policy of clearing "black spots". Black spots by definition were patches of land that were occupied and owned by blacks within white areas.

The Boitumelo community used its restitution award to purchase a farm known as Ruby No. 79 in the district of Dewetsdorp in Free State. The farm Ruby No. 79 has a size of about 643 ha. The purchase of this farm was in itself a success

story in that the amount of money spent enabled the 44 families not only to be proud land owners but also to be owners of a poultry business with a total of 1300 chickens and an established dairy contracted to Dairy Bell and to supply eggs in Dewetsdorp.

This project has prospects for success in that the stakeholders that make up the steering committee have shown an interest in contributing to its sustainability. The Department of Agriculture has funded this project with a total amount of over R600 000 for upgrading the milk parlour, increasing milk production, introducing cultivated pasture and lucerne and increasing egg production.

The project has shown relative strength as it participated in the female farmer-of-the-year competition, which is organised annually by the Department of Agriculture. The project, represented by Ms Nelly Leeto, won first prize in the category of local markets in the Free State and went on to participate in the finals with other provinces held in Kimberley.

The project also enjoys the support of the Settlement Support Unit from the office of the RLCC Free State and Northern Cape. The Land Development NGO FSRDA has assisted the management committee with basic financial management skills. There are plans to expand the farming activities to include beef production and to plant lucerne to reduce the costs of cattle feed.

### VERIFICATION PROCESS

The office successfully conducted the verification of claimants in terms of the national campaign. Service providers were appointed through the support of Belgian funding. Most of the service providers finalised their work within the prescribed timeframes. This will enable the office efficiently to determine the monetary value of claims on the basis of verified claimants and to minimize risks.

A project coordinator was appointed for the Regional Land Claims Commission: Northern Cape from July 2005 and has been actively involved in the co-ordination of the verification of claims. A total number of 18 projects were outsourced by the RLCC. A total number of 3474 households were indicated to be verified. A lot of ground has been covered since the verification of claims has been outsourced to external service providers. Along with that process, a number of challenges and successes have emerged. These challenges and successes are to serve as guidelines of how both the Regional Land Claims Commission and service providers approach the verification of claimants in communities.



## Regional Land Claims Commission:

# GAUTENG AND NORTH WEST

### OVERVIEW

The 12 years of democracy have allowed the Commission on Restitution of Land Rights: Gauteng and North West to improve its focus and consistency in dealing with the land restitution programme.

The verification process has had to be accelerated to process all outstanding claims by the end of March 2005, verifying claims with the aid of Belgian funds and further ensuring sustainable settlements.

Such work was in response to the urgent needs of our poor rural communities, which have been permanently excluded from the prime acquisition of land because of class and racial discrimination in South Africa.

The Commission had a collective response in engaging organs of civil society, farmers unions, land rights movements, government departments and the private sector, as well as the general South African community, through its multi-stakeholder programme. The response from these sectors has been quite encouraging and resulted in commitments that will ensure the implementation of sustainable development.

In circumstances where the Commission experienced difficulties and poor response from other stakeholders, it resorted to constitutional means and invoked Section 42 (e) of the Restitution Act. This was after it had failed to reach common ground with a Leeuwspuit farmer in Lichtenburg (North West) a unique case in South African history. This was a beginning of an "Age of Hope" for the claimants who were patiently waiting for the return of their land.

### ACHIEVEMENTS

There has been a general upswing in the total number of claims settled during the current financial year, from a rela-

tively low figure of 11594 to a total of 13230 claims. This includes the approval of Section 42(d) for Grootwaggendrift, Leeuwspuit, Snymansdrift, Tagesi and Holpan Portion 1. This increase has been attributed to the multi-stakeholder approach and coherent strategic planning in dealing with both urban and rural claims, despite the protracted negotiation process.

The office has been engaged in valuations and has managed successfully to negotiate a number of claims, including the following: Madiakgamme, Holpan Portion 3, Jachtkraal, Krokodilespruit 290 JR and Kudung. Where there were unresolved disputes, the office had to refer them to court and some were referred for expropriation. This will include cases such as Leeuwspuit, Uitkyk, etc.

### CHALLENGES

The Commission has been faced with challenges with regard to high land prices, local traditional leaders' attempts to use the land restitution process to engage in power disputes as well as the failure of some of the service providers to complete the verification process.

Financial compensation cases involve non-disclosure by claimants, which may lead to the exclusion of the rightful descendants and ultimately result to family disputes.

The settlement of rural claims inherently remains one of the bigger challenges. It includes assisting the aged and illiterate to structure their various affidavits, which include defining their property description, their rightful descendants and documents for oral evidence.

During the process of claim investigation, claims that did not meet the prescribed criteria of the Restitution Act of 1994 were sometimes challenged. They involve tribal land, which requires tenure upgrading, and have been successfully referred in terms of Section 6(2)(b). Some of them involve

claims by owners who received adequate compensation at the time of dispossession.

Some local municipalities have budget limitations, especially in cases where restoration is taking place. They do not have sufficient land for housing development where alternative land becomes a preferred choice and some have not prioritised the land restitution process.

## LAND SETTLEMENT HIGHLIGHTS

### Ottosdal Urban Claim

Mr Godfrey Mokaleng, a 35-year-old man, lodged a claim on behalf of 234 claimants from the Ottosdal area, North West Province. In terms of historical analysis, the claimants started occupying the Ottosdal land in early 1800 and their grandparents were born and buried there. The claimed property was previously known as Portion 4 of Portion C of the farm Karannafontein 146 IO, measuring 22.2195 hectares.

Currently the place is known as the Remainder of Portion 14 of the farm Karannafontein 350 IO, in the central district and falls under the Tswaing Local Municipality.

Each individual stand was mapped out and found to be measuring 360m<sup>2</sup>. The community could not establish common-law title either through acquisition or purchase because of colonial racially discriminatory policies and legislation in terms of Section 8 of the Township Act, 1907 (No. 33 of 1907). Claimants were paying a rental of 5 shillings per month to the former Ottosdal municipality, which was administered by the former Western Transvaal Administration Board.

In 1963 to 1964, the claimants were removed from Ottosdal to the New Letsopa Township, which lies approximately 1.5 kilometres away from the dispossessed land.

As the claimants have been dispersed and are now living in different places, where they have established themselves, financial compensation has become a desired option. The monetary value of the claim was calculated, using the municipal values in the North West Province.

The Minister approved their claims in terms of Section 42d, to the value of just over R10 million. This financial compensation will improve their livelihood and they will invest their

money in their children's education and further reconstruct and develop their homes.

### Snymansdrift 413 JQ

The late paramount chief of the Bakwena ba Mogopa tribe, Chief James Ernest Theodore Lerothodi Mamogale, lodged a claim on behalf of the royal family of the Bakwena Ba Ga Mogopa Tribe in the North West Province on 17 October 1995.

Unfortunately he passed away before the completion of the claim. His successor, Chief Letlhogile Mamogale, also passed away due to ill health. Currently, the tribe is under the acting Chief Emanuel Segwagwa Mamogale, who has led the land claim process to its final stage.

The verified number of original households who suffered dispossessions amount to eight (8) and there are currently 150 beneficiaries, constituting direct descendants of the dispossessed persons.

The Bakwena Ba Magopa Tribe has been historically linked to the Brits area (North West) for centuries. As a result of the dispossessions experienced by the community in the years 1927 to 1950, most of the victims of removals relocated to areas such as Madikwe, Mokolokwe, Berseba, Maumong and Bethanie. These villages still form part of the present-day locations of the community. The tribal offices are currently situated in Bethanie, within the Madibeng Local Municipality, in the Bojanala district, where most of the victims of the removals were settled.

Accordingly, the term "Black Spot" was used for the first time in this particular case to further illustrate how determined the former Departments of Land and Native Affairs were to remove them from the farm. The owners were eventually given the date of 16 August 1947 for a final decision regarding the sale of the land. It was stipulated that, if the deadline was not met, expropriation would be the only option and the sale of the property had to be a cash transaction. The transfer was ultimately finalised in 1948, when the farm was handed over to the previous government.

Under the leadership of Chief Mamogale, the tribe has appointed a committee comprising eleven (11) members to act on its behalf in administering their land. The land measures 366 hectares and is used mainly for irrigation farming

and eco-tourism. An options workshop was conducted and the claimants opted for restoration. The current land use is commercial agricultural farming.

The Minister has approved the claim in terms of Section 42-D in December 2005 and the land is to be restored to the Rathateng Communal Property Association.

Since this is land restoration, the community has vowed to continue using the land for agricultural production. "I and the community will continue with cash crops as well as further advancement on eco-tourism ventures," said the Chairperson of the CPA, Chief Mamogale.

The community believes that production will not be compromised since they have a good relationship with the former land owner. The landowner will assist with the transfer of skills and lend the necessary support.

### Tagesi Claim

Mr Sedikelo Stephen Modipa lodged a claim on behalf of the direct descendants of the original owner, Mr Sedikelo Stephen Mogoamolimo, on the rural family claim, called Tagesi Farm 538 IQ in the North West Province.

The claim consists of two portions, namely Zaccherus Geluk

(Portion 5) and Kammelwood (Portion 4), which were originally owned by Mr Mogoamolimo.

At the time of dispossession, the farm was used for ploughing and grazing. Tagesi Farm 358 IO was formerly known as Tagesi 279 IO Lichtenburg, in the district of Mafikeng in the North-West Province. The farm has been subdivided into several portions, with Kammelwood (Portion 4) measuring 272, 0231 hectares and Zaccherus Geluk (Portion 5) measuring 489, 6423 hectares still forming part of the farm Tagesi 358 IO.

The claimants' removal was effected in terms of the Black Land Act No. 27 of 1913, read together with Section 49 of the Native Trust and Land Act No. 18 of 1936, which states that any black-owned land outside the "Scheduled Areas" was to be regarded as a "black spot". The mechanism for removing a "black spot" was to allow whites or the government to "buy" the land from the black owners or face the risk of expropriation.

The claimants were therefore forced to sell their land to a white person known as Samuel Gordon in 1968. The claim has been settled and the land has been transferred to the family trust.

The fact that the farm is in the mielie-belt area and constitutes a vast area for the grazing of livestock means that the



Signing ceremony at Grootwagendrift.



North West Premier Edna Molewa during the signing of the Wildebeespan handover.

community will be heavily involved in sustainable farming. They have engaged the Department of Agriculture and the private sector to ensure that there is no skills shortage. At this point, the community is investing in one of its members who has experience in agro-processing and the community is convinced that agricultural and land usage will not suffer.

### Kudung Claim

This claim is regarded as the first rural claim to be settled in the Gauteng province. Mr Sonnyboy Abram Shikwane lodged the claim on behalf of a Kudung community.

He lodged the claim in his capacity as the chairperson and as one of the direct descendants of those forcefully removed from the farm.

The farm is called Riespruit 417 IR, which is situated in the district of Heidelberg. The farm with all its subdivisions amounts to 3894 hectares. This is a classical case of aboriginal title, which involves a systematic downgrading of the rights of a community by the Berlin Mission Church, using the government's racially motivated practices.

The community occupied the land in or before the 18th century until they were forcefully removed in the year 1964 to

1965. Even though they did not have registered rights, they nevertheless enjoyed ancestral, tenancy and beneficial occupational rights to the land.

The claim will benefit the community in respect to the following aspects: Due to its vastness and the available arable land, the community will be able to produce food on the land. The farm will be mainly used for cash crops that will certainly contribute towards food security in the region and to the welfare of the poor community.

### PROJECTS WITH SPECIAL FEATURES

#### Klipgat Project: Bakwena Ba-Mare a Phogole

The Bakwena Ba Mare A Phogole are descendant of the 14 original co-owners of Klipgat 18 IQ, who bought the property for agricultural purposes.

Because of the greater emphasis on growing crops and livestock production as well as diamond-cutting, the project has been coded as a successful restitution claim.

Through the establishment of the Communal Property Association Committee, Bakwena Ba Mare A Phogole initiated

ed projects that created job opportunities and introduced managerial skills to the claimants.

Projects undertaken by the community include a beads project, which created permanent employment for at least 4 women. This initiative will also create opportunities for other women who are willing to participate. This project is also supported by recycling glass projects, which have generated an income for the community.

On the other hand, the community has manufactured bricks to build houses and sell them in the market. The community is also involved in a piggery project with about 40 pigs.

### Bakubung Baratheo Project

The Department of Land Affairs was advised by ACLA to transfer the land back to Bakubung Ba Ratheo (Molote). The property is situated in Elandsfontein, which falls under the Bojanala District Municipality.

As part of the collective effort, the Dept of Agriculture in the North West Province offered farming implements to the community in Molotestad. These implements will be used to benefit individual community members who are involved in crop farming.

With the assistance of the Commission, the Bakubung were able to create an implementing subcommittee or corporate with the CPA. They were allocated R3.1 million from the Presidential Lead Projects to further engage in agricultural production as well as eco-tourism. The huge amount of money was clearly accounted for, owing to its best business practices. In the last season they received a donation of R500 000 from the Bojanala District Municipality, which assisted the Agricultural Committee in planting sunflower, which were successfully harvested and which produced a profit.

At the end of the year, they audited their financial statements and managed to draft a professional annual report.

The Bojanala District Municipality bought new implements currently stationed at Molotestad to be shared by the Tswelopele Trust and Bakubung ba Ratheo. The Regional Department of Agriculture finalised an Agricultural Master Plan.

Bakubung ba Ratheo's CPA facilitated a workshop arranged by the Regional Land Claims Commission, together with the

Department of Agriculture and Bojanala District Municipality, where they spent a day mentoring other CPA Committees from Booyskraal, Cyferfontein and Tswelopele Trust. Representatives of the three communities received information that will assist them to start planning for their future projects. As a result of the three areas being in the same location, the idea of a shared responsibility and a shared administration was brought to the fore.

The Commission and Regional Department Agriculture are currently in the process of identifying the financial resource to kick-start the implementation of the Business Plan.

### VERIFICATION CAMPAIGN

The Verification Project serves to identify the rightful beneficiaries of claims. The Belgian Technical Committee joined the Commission in this Project by providing funds.

Large claims were outsourced to service providers for Verification. These Service Providers had to verify the identities of rightful claimants. They also had to verify the members of community claims.

The project management of the restitution process encountered challenges such as lost documentation, claimants working far away from the community, as well as high Poverty and illiteracy levels among the claimants.

The North West Office outsourced fifteen projects, which were comprised of 24 large community claims. Among these were special cases such as ACLA and tenure upgrade that required verification in order to assist in the implementation of the restitution awards. The entire project involved the verification of 11051 households and to date the office has managed to verify a total of 7853 households. This reflects a 71% success rate in terms of finalisation of the verification process. To date, 10 of the projects have been completed.

The North West Office is determined to finalise the verification of outstanding households despite the challenges. Through this project the office has been able to deal with cross-border claims, which involved a number of Kgosis and beneficiaries living in different provinces, permeating the traditional family structures, which solely depend on the involvement of men as heads of households to give information. The office is planning to settle these fifteen projects in phases during the coming financial years.



## Regional Land Claims Commission:

# KWAZULU-NATAL

### OVERVIEW

The year under review has seen the KwaZulu-Natal Regional Land Claims Commission moving earnestly to finalise all the outstanding claims. A substantial number of outstanding urban land claims in areas like Newlands, Chatsworth, Isipingo, Seaview and Pinetown have been settled by the Minister at the beginning of 2006, further bringing down the number of outstanding claims. The settlement of these claims will lead to more resources being allocated towards the finalisation of outstanding rural claims by 2008.

In the past financial year, the Commission has been able to resolve three outstanding major land claims within the Greater St Lucia Wetlands Park, which is a World Heritage site. Given the fact that land restoration is not feasible in protected areas, the Minister approved a Development Fund of about R87 million for the Ndumo, Hluhluwe, Triangle and Coastal Forest claims.

The Commission has further restored 38 000ha to Gumbi, Khambule, Ngcolosi and Amakhabela land claimants at a cost of R221.3 million. This amount excludes financial compensation of over R67 million paid to Hammarsdale claimants and over R14 million paid to Lennixton, Fairleigh and Milton claimants.

Section 42(D) submissions have been finalised for a significant number of claims such as Mdletshe, Mbonambi, Mandlazini, Kosi Bay, Sokhulu, Zulu and Buthelezi Community claims. An additional 120 claims have been investigated and dismissed, as they did not meet the requirements as set down in the Land Restitution Act.

Collaborative efforts with other spheres of government are beginning to bear fruit, with the provincial Department of Agriculture taking over restitution projects through the Comprehensive Agricultural Support Programme (CASP) and Siyavuna Programme, an initiative that assists farming communities in their specific line of production such as maize,

cattle, goat farming, vegetable growing and poultry farming. This has allowed beneficiary communities to acquire much-needed farming implements, thus improving production. This collaboration will ensure the long-term sustainability of land restitution programme in KwaZulu-Natal.

Strong institutional alliances have been forged with district and local municipalities through an innovative development brokerage facility, which the Commission set up during the 2005/6 financial year. Most of the municipalities have been made aware of the restitution projects in their jurisdiction and are in an informed position to include these in the IDP processes. This intervention has also helped to address the perception that land restitution claims are in opposition to development spearheaded by municipalities.

### ACHIEVEMENTS

The settlement of urban land claims and major community claims within the Greater St Lucia Wetland Park is certainly a major achievement for the period under review.

There are other huge land settlements which promise immediate benefits to restitution beneficiaries. The finalisation of Silindokuhle, Gumbi, Khambule, aMakhabela and Ngcolosi claims will give communities a head-start in commercial farming. The benefits will be in the form of income, employment and empowerment.

The KZN office has received cooperation from the following institutions:

Cane-growers and Illovo in facilitating interaction with the Sugarcane Farmers Association.

Ithala bank has agreed to be a fund manager for development funds belonging to restitution beneficiaries.

## CHALLENGES

The resistance to land restitution in some parts of the province remains a key challenge, as it stalls the finalisation of claims. The Commission intends to apply the expropriation clause in the Restitution Act as well as the Land Claims Court to address this challenge.

The KwaZulu-Natal office faces unceasing resistance to the land restitution programme in some parts of the province. This challenge is further compounded by the fact that many ordinary farms in the province are being converted into private game reserves or so-called “lifestyle developments”. This in turn further escalates the already high land prices in the province and the country as a whole. It is in this vein that the Commission has begun expropriation proceedings for two land claims in the Weenen/Escourt area. This decision follows a deadlock in negotiations with the affected landowners.

Grant funding, which comes with the settlement of community claims, is often inadequate for kick-starting or sustaining development projects. As a result, there is an over-reliance on other spheres of government to take the process forward. But past experiences have shown that this form of assistance is often not readily available. The review of the grant policy may help to address this challenge.

Another challenge is that of high land prices, which affect land reform in its entirety. The market-based approach has a

number of implications and these were carefully analysed during the Provincial and National Land Summit in July 2005. A robust State-driven approach and expropriation was advocated during the Land Summit. The Commission has embarked on the latter approach, as stated earlier on.

## LAND SETTLEMENT HIGHLIGHTS

### Empangisweni

Collaborative efforts between the Land Claims Commission and the provincial Department of Agriculture and Environmental Affairs are beginning to have a huge positive impact on the people of KwaZulu-Natal. The Mpangisweni project is an example of this collaborative spirit.

It all started with the KZN Land Claims Commission awarding 6 900 hectares of land to 300 households as a settlement of the Mpangisweni land restitution claim. During the hand-over ceremony held in 2004, the Minister of Land Affairs, Ms Thoko Didiza, together with the late KZN MEC for Agriculture, Mr Dumisani Makhaye, committed themselves to making the project a success.

Under the leadership of MEC Professor Gabriel Ndabandaba, the Department of Agriculture has provided startup capital through the Siyavuna Programme. The department has supplied tractors and other assistance to the community. In 2005, the department provided bean and maize seedlings as



Empangisweni maize project.

assistance to these land restitution beneficiaries.

The Mpangisweni beneficiaries have not disappointed the government. The beneficiaries have been able to access additional funding from financial institutions to further finance the farm. Under the leadership of Inkosi Douglas Zondo, this community is currently producing potatoes, wheat and peas, and exports green beans to France.

An agricultural mentor employed by the Commission to assist the Mpangisweni community in their business has identified the need to have a potato-processing plant on site in order to improve the commercial viability of the potato business. Through the Siyavuna Programme, the Department of Agriculture has provided 33 percent funding for the acquisition of a state-of-the-art potato-processing machine for the Mpangisweni project. The Mpangisweni beneficiaries secured a financial loan to pay the balance.

To date, the Mpangisweni project has created over 400 employment opportunities and plans are underway to create 350 more employment opportunities. The community has also identified the youth who will undergo training in commercial agriculture with the intention of taking the project to greater heights.

Speaking during the official launch of the project, KZN premier Dr Sbu Ndebele said that the project must remain a shining example in the province and should serve as an encouragement to other communities to be self-reliant. Dr Ndebele urged the people to use every plot available to farm.

### Hammarisdale

Another sad chapter in the history of Hammarisdale residents has been finally closed with the settlement of this land claim. The first forced removals of Hammarisdale residents, which took place in the 1960s, came about as a result of the establishment of Mpumalanga Township. Thousands of residents were forced to relocate during this period.

The political violence which later engulfed Hammarisdale during the mid- to late 1980s is synonymous with the second round of forced removals to many residents of Hammarisdale. The forced removals and the subsequent internal displacement which this community suffered during the 1960s, came to haunt this community again during the mid-1980s, when the same area was affected by the political violence which ravaged the KwaZulu homeland. Scores of people lost their

lives during this era, as Hammarisdale became notorious as one of the KwaZulu "violence hotspots".

The removals gave rise to a land restitution claim, which the Commission has managed to bring to finality. This land claim consists of 2 groups, i.e. those who had registered rights (landowners) and those with unregistered or occupational rights (tenants).

The claimant verification process established that there were 217 landowners and 1129 tenants for this claim. Initially the claimants and the Commission considered alternative land, but it was discovered that the land adjacent and around Hammarisdale has been claimed by other individuals and communities, who have also lodged claims. The issue of alternative land thus fell away and the option of financial compensation was agreed upon. The majority of claimants were satisfied with the settlement and accepted this offer as a token and an acknowledgement by the State of the injustices of the past in respect of the land rights lost.

The Minister of Land Affairs officially handed over R 67 million as a settlement for this claim in a ceremony held in Mpumalanga Stadium, Hammarisdale.

### Oakford

The Roman Catholic Church, which owned Oakford Mission in Verulam (KZN), had a good relationship with the African people who were residing on this property; however this did not impress the apartheid government. The government invoked various pieces of legislation like the Prevention of Illegal Squatting Act No. 51 of 1952 to force the church to comply with the State's intention to move Africans to the so-called "reserves". About 125 families were forcefully uprooted as a result.

When the democratically elected government introduced the Land Restitution Programme in 1994, the Oakford Mission had already embarked on a process of handing over the land to its original inhabitants via tenure upgrade. Therefore the Commission and the Provincial Land Reform Office worked together to finalise the claims. The finalisation of the land restitution claim allowed the Mission to fulfill their promises. The Church handed over 260 hectares of land for restitution as well as to tenancy claimants for residential purposes. The church further donated R500 000 for the re-establishment of sugarcane for the benefit of restitution claimants.

The South African head of the Catholic Church, His Eminency Cardinal Wilfred Napier, was among the dignitaries who attended the ceremony. This was symbolic, as it reflected the willingness of the church to assist in the transformation of the country as far as land reform is concerned.

This donation has ensured that the community has a startup capital and does not rely on grants only. As part of post-settlement support, the Commission has also identified a contractor and sugarcane farming has already been established. Therefore income from cane farming is no longer a possibility, but a reality.

### Embangweni

Located in Umkhanyakude District, one of the development nodes in KwaZulu-Natal, this project has seen its fair share of challenges and near collapses. It certainly ranks as one of the special cases in the province, as it demonstrates some of the common challenges facing land reform in the country.

The project came as a result of the finalisation of the Mbangweni claim in 2000. This land claim was for 114 households who lost their land to what is currently part of the Trans-Frontier Peace Park linking the Tembe/Ndumo game park (KwaZulu-Natal), Futi (Mozambique) and Osuthu in Swaziland. The claimants were only restored to about 1200 ha. This was because the claimed land fell within a protected area and therefore claimants could not be physically restored to the land.

It is critical to note that there is abject poverty in the area. The surrounding area is underdeveloped and lacks any form of commercial activity. Due to poverty, the claimants insisted on being compensated with food, but this only lasted for six months.

Ultimately the project collapsed and that marked the end of the eMbangweni Land Project. The Ndumo Game Reserve, which would have benefited the community as new titleholders, is not sustainable on its own and is running at a loss. Without revenue generated in the park, the claimants could not get any financial benefit.

The Commission continued to solicit funding for the project and the provincial Department of Agriculture came to the rescue in 2005. The Department approved an amount of about R1.2 million to support commercial agriculture in Mbangweni. The community goat project with 74 goats was

established through restitution grants. Funding from the Department of Agriculture has significantly improved the financial viability of the project.

The goat project is aimed at infiltrating the growing market for goats. The majority of people in the surrounding area buy goats in Mozambique for the traditional rituals.

Another agricultural project of vegetables and poultry farming is currently being set up. There are more job opportunities that will be created through this programme as soon as it takes off. The Department of Agriculture has dedicated an official to assist the community.

## PROJECTS WITH SPECIAL FEATURES

### Charlestown

The people of Charlestown had always dreamed of returning to their ancestral land as commercial farmers and the finalisation of their restitution claim has provided them with that opportunity. The Charlestown residents were forcefully removed from their land in the late 1960s and early 1970s due to the Group Areas Act 77 of 1957. They were moved to places like eMadadeni, Osizweni and Volkrust.

The land restitution programme has enabled the Charlestown claimants to realise their dreams by restoring 8000 ha of land, of which 6000 ha is arable. The provincial Department of Agriculture has also come on board by providing farming equipment like tractors. The community has risen up to the challenge and has planted maize, soya and sugar beans on the restored land and the produce is being distributed to existing and new markets.

In ensuring the long-term viability of the project, the community has also ventured into dairy farming and milk is currently being sold to the community. The community has employed an experienced General Farm Manager, who has ensured skills transfer through training. The inexperienced workers, including the future farm manager, speak highly of the training they are currently receiving. The community has also awarded their matriculants scholarships to get training in farming.

The community is working tirelessly to expand this restitution project by introducing additional livestock like Nguni cattle.



Restitution Park housing development.

The other project that the community has identified is game farming. Although nothing has been finalised at this stage, the Community Trust, which represents all the beneficiaries, has had discussions with KwaZulu-Natal Wildlife about setting up a community game farm. The Trust is convinced of the potential of this venture, as they see it linking it up with the tourism business. Charlestown is located within the Amajuba Battlefield routes.

### Restitution Park

“I have never owned a house in my entire life”, commented Ms Eunice Ndlovu. She was addressing a packed marquee during the official hand-over of 107 housing units to Cato Manor claimants. This housing project, which is located in Chesterville Phase Four in Durban, has been appropriately dubbed “Restitution Park”. This housing project could be regarded as a landmark of the land restitution programme in KwaZulu-Natal.

The beneficiaries of this project are ex-Mkhumbane/Cato Manor residents who lost their homes in Mkhumbane in the late 50s and early 60s due to existing racial legislation. The majority of former Mkhumbane claimants opted for financial compensation when this claim was finalised, except for the beneficiaries of this housing project.

Their patience finally paid off in 2005, when the Chief Land Claims Commissioner, Tozi Gwanya, together with the eThekweni Mayor Councillor, Obed Mlaba, officially handed over the house keys to the beneficiaries.

A range of house models were decided upon, thus affording

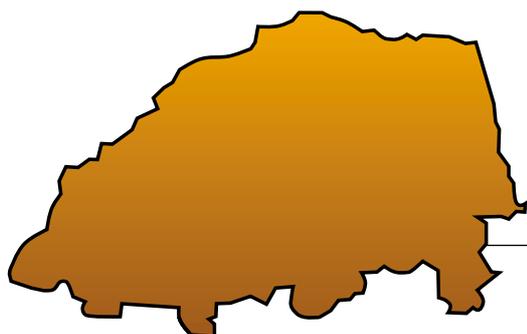
claimants the opportunity of choosing and injecting their own finances towards the restitution option. The range of houses presented to claimants varied from 35m<sup>2</sup> to 75m<sup>2</sup>. Any house over 35m<sup>2</sup> necessitated the claimant contributing his or her own funds towards such a house. The claimants who opted for bigger units supported the idea of contributing their own funds towards their houses.

The Commission, working together with the eThekweni municipality and the Department of Housing, was able to get the project off the ground. The Housing Department provided the much-needed housing grants to qualifying land restitution claimants. The houses that have been built consist of a kitchen with sink and cupboards, a lounge (open plan), separate bedroom, bathroom with ceiling boards, a toilet with cistern and a tub.

In a very significant way, the Commission has been able to assist Ms Ndlovu and others realise their dreams of owning houses they can call their own.

### VERIFICATION CAMPAIGN

The Claimant Verification Campaign, which is a critical milestone in the processing of claims, received a boost as a result of donor funding. A report on this campaign is provided later in this report. The Verification Campaign has been intensified largely as a result of donor funding. Previously, this exercise was conducted internally by Commission staff and this was not very efficient. The additional funding has enabled the Commission to make use of external service providers and this has speeded up the process.



## Regional Land Claims Commission:

# LIMPOPO

### OVERVIEW

The Regional Land Claims Commission: Limpopo, continues with its mandate of settling land claims. The year under review saw a substantial increase in the number of claims settled. To this end, the Commission has been able to facilitate the resolution of the first phase of the Levubu land claim, which is one of the most massive and expensive land claims in the entire country. We also take pride in the number of settlements of land claims by this office, viz Makgato Tribe, Tshikota, Bakgaka Ba Mphahlele, Serala, Ga Mashong Matlala, Mamphondo, Mushasha, Begwa and Seema.

Given the rural nature of land claims in our province, the historical and archival research that had to be done has proved to be far more complex than expected. The complexity of this task has been rendered acute by the fact that we are dealing with communities who had no title deeds or any form of documentary evidence or proof of ownership, occupation or possession of the land that they were removed from. In some instances we had to deal with boundary disputes, as there are no historical diagrams depicting the land and its natural and traditional beacons. In Limpopo, some 5814 land claims were lodged. Our greatest challenge was to consolidate most of the claims in the process because we found that in some instances people of the same communities lodged separate land claims on similar farm(s).

The RLCC: Limpopo continues to grapple with challenges concomitant to the restoration of rights in land to previously disadvantaged African communities. Land ownership brings along other challenges such as ensuring the sustainability of current farming enterprises. Restituted communities have to grapple with the fact that they are now landowners. These challenges manifest themselves in conflicts which bedevil communities such as Pheeha, Marobala-O-Itsose, Reboile and Tale Ga Morudu. For instance, recent developments in the Pheeha and Tale Ga-Morudu Communities have revealed a

jostle for control of restored land between CPAs and traditional leadership. In both land claims, CPAs and Traditional Authorities landed in the Pretoria High Court in an attempt to assert their control over the restored land. These conflicts have not helped much, except to delay post-settlement support.

Nevertheless, major strides have been made with regard to the structuring of post-settlement arrangements with regard to massive projects such as Levubu. The RLCC, with the assistance of the Limpopo Department of Agriculture, has been able to structure the strategic partnership deal between eight Levubu claimant communities and strategic partners to ensure the sustainability of the restored farms.

A similar process is underway in the Hoedspruit area, where the Moletele Community and the willing sellers have established the Moletele Hoedspruit Land Initiative (MHLI), which seeks to forge a partnership between the claimants and willing sellers in order to ensure the sustainability of current farming enterprises. The RLCC, LDA, Trade & Investment Limpopo, Development Bank of South Africa (DBSA) and Maruleng Local Municipality are currently assisting the MHLI in structuring a sustainable post-settlement framework which will ensure skills transfer and sustainability.

### ACHIEVEMENTS

The RLCC formed strong relations with the Limpopo Department of Agriculture (LDA). This strong relationship resulted in LDA staff coming over to RLCC to assist in research and the finalisation of claims on agricultural state land. The LDA also trained some of the restitution beneficiaries in dairy, poultry, beef and vegetable production and entrepreneurship. The Department of Labour offered training to beneficiaries in the construction of their own houses in projects such as Mtititi, Hlomela and Nthlaveni as part of its Construction Education Training authority (CETA) learn-

ership programmes. The Office also formed a strong relationship with the Limpopo Tourism and Parks Board with regard to the facilitation of strategic partnership negotiations on game and tourism properties. The RLCC also worked with the National Development Agency (NDA) in funding post-settlement implementation on restitution projects.

## CHALLENGES

Insufficient institutional arrangements in terms of pre- and postsettlement planning is among a number of challenges the office has faced. The office has had to deal with disillusionment and discontent from the current land owners, which resulted in a lack of co-operation with some landowners. Job losses in the process were a cause for concern. Overlapping claims or counter-claims delayed the process of claim settlement. The slowness of the land survey process was a challenge, as it delayed land delivery. The validity of some of the claims was challenged by landowners. There is suspicion of possible collusion between land owners and valuers, resulting in exorbitant land prices. The office was faced with uninformed media reporting. Balancing restitution and economic development was also a challenge.

## LAND SETTLEMENT HIGHLIGHTS

### Sekororo Land Claim

“When this government introduced the restitution programme, its intention was to restore not only land rights, but also the pride and dignity of the victims of apartheid's forced removals. In this process of restoring land rights to communities, there are instances where prime agricultural land is returned to the people. As a responsible government, we will endeavor to capacitate the beneficiaries of the land restitution programme and land reform.” These were the words of Minister Thoko Didiza as she gave her keynote address during the land hand-over celebration of the Sekororo land claim.

The celebration was held on 9 June 2005 at a place called Ga Mmarobala. The event was attended by chiefs and senior government officials. The community members also came in huge numbers, and about ten buses were used to ferry the claimants to and from the place of celebration.

Sekororo community lodged a land claim with the Regional Land Claims Commission for Limpopo before the cut-off date

of 31 December 1998. The claimants comprise 895 households that are original members of the dispossessed community and some of the direct descendants who are currently residing at Ga-Sekororo in the local Municipality of Maruleng, Bohlabela District.

The Sekororo community was gradually dispossessed of its rights to land between 1937 and 1958 on the farms Ballon 71 KT, Lofdal 42 KT and Paris 93 KT. The first dispossession took place when white people came to the farms and reduced some members of the community to labour tenants; those who resisted were issued with “trekpasses”.

In his speech during the celebration, Mr R Majekejeke, the chairperson of the Sekororo Community, said that they appreciate what the commission has done for them. He also said that they hope that their relations with the Commission will be stronger, as they work towards settling the second phase of the claim.

After the farms were bought, interim plans were entered into with regard to leases between claimants and outgoing landowners. The leases assisted in sustaining the land and generating income. Two strategic partnerships have been entered into through a tender process, which was facilitated by the RLCC, the Limpopo Department of Agriculture, Trade and Investment Limpopo, the Department of Economic Development, Environment and Tourism Affairs, and the claimants. The strategic partners will commence with commercial activities at the beginning of April 2006. The LDA has spent an amount of approximately R4 million through the Comprehensive Agricultural Support Programme (CASP) funding to purchase agricultural implements for the claimants.

The claimants are very excited about the arrangements as they will provide for skills transfer, sustainability of funds, and retention of current jobs, as well as the creation of new ones. They are also very grateful about the municipality's role in the whole process and the fact that the mayor actively took part even in the selection of the strategic partners.

### Tshikota Land Claim

The Regional Land Claims Commission: Limpopo has again brought joy and fulfillment to the hearts of the claimants. The Tshikota land claimants opted for financial compensation. About 129 individual land claims were lodged on 133 properties and investigated. The claimants comprised original

members of the dispossessed community and some of the direct descendants of the originally dispossessed. A list of all claimants' household and direct descendants was compiled.

The claim was for individual stands, which were situated in the old location of Tshikota. All the properties under claim were situated between the town of Louis Trichardt, Rietvlei farm and the aerodrome.

In line with apartheid racial policies, the community was divided into various "units" and resettled in their designated areas/Bantustans. The Venda "unit" was relocated to be under the control and leadership of the former Chief Mphepu in Doringspruit and Vleifontein, the Pedi "unit" was relocated to Indermaak. The Xitsonga "unit" was moved to Malamulele on the border of the

### Kruger National Park.

The residents of Tshikota location who were relocated to Vleifontein were given two- roomed houses with running water, bathrooms and flushing toilets at a cost of R2000. Many people could not afford to purchase the houses and hence became tenants, paying a monthly rental to the Northern Transvaal Administration Board.

After investigations by the RLCC, it was realised that the land from which the claimants were removed is now a residential area. It would have not been feasible to restore the land back to the land claimants. During negotiations with the claimants, they indicated that they want financial compensation as their preferred restitution option. They indicated that most of them are old and well established and therefore do not want the commission to build houses for them.

The 129 claimants who lodged claims were each paid over R 31 0000 on 21 January 2006. Most claimants indicated that they will use the money for various things. Some indicated that they will help pay for their grandchildren's school fees, some indicated that they will erect tombstones for their loved ones and some said they will pay off their debts.

### Levubu Land Claim

The Levubu land claim is one of the complex claims that the office of the RLCC: Limpopop had to process. The claim was lodged by the Ravele, Tshakhuma, Shigalo, Masakona, Ratombo, Tshitwani and Tshivhazwaulu communities. The Minister has approved the first phase of this claim, which is worth over R230 million. Its produce of bananas, avocados, etc. contributes to the economic growth of the country and adds value to the export market.



An orchard in the Levubu project.

The RLCC, jointly with the Limpopo Department of Agriculture (LDA), prepared Terms of Reference to assist in the selection of strategic partners. Proposals were invited and the panel that adjudicated included the RLCC, LDA, Trade and Investment Limpopo, DBSA and, most importantly, the claimants. Two strategic partnerships /investors were chosen, based on their proposals, which are South African Farm Management (SAFM) and MAVU Management Services (MMS). The strategic partnerships will assist communities with management skills i.e. financial skills, access to the market and maintaining their land.

The claimants have been through workshops and are acquainted with all activities on the farms. The two strategic partners are already running the farms and the claimants are excited that the “age of hope” has arrived for them. The strategic partners will provide technical and management training so as to empower the members of the Communal Property Association. The strategic partners will also investigate and advise on the future expansion of the business.

The RLCC: Limpopo takes pride in this initiative and will continue to work with the community to finalise the second phase of this claim. The LDA is a member of the board of directors as a monitor.

The commission believes that models such as these will not only lead to empowerment and skills transfer to communities, but will expose them to new and exciting opportunities in the agro-industry.

### Makgato Tribe

“...Our land is a precious resource. We build our homes on it; it feeds us; it sustains animal and plant life and stores our water. It contains our mineral wealth and is an essential investment in our country’s economy. Land does not only form the basis of our wealth, but also our security, pride and history. Land, its ownership and use has always played an important role in shaping the political, economic and social processes in the country. Past land policies were a major cause of insecurity, landlessness, homelessness and poverty in South Africa. Land is an important and sensitive issue to all South Africans. It is a finite resource which binds us all together in a common destiny...” These are the strategic goals and vision of the land reform policy, as stated in the White Paper on South African Land Reform Policy (1997).

Surely the claimants of the Makgato Tribe can attest to this. The RLCC: Limpopo is confident that this claim will prove to be one of its successful models. This claim involves ecotourism or conservation. Although the Commission has not held any hand-over celebration for the claimants, the claim has been settled in two phases, the first of which was in January 2005.

The Makgato Tribe initially lodged a claim on 44 farms. After conducting extensive research, the RLCC found that the tribe had been dispossessed of some of the farms prior to 1913. Consequently, the number of farms was reduced to 19.

The journey ahead for the Makgato Tribe looks interesting: one of the farms claimed by the Makgatos is part of the Munnik Conservancy. The acquisition of this farm gave the claimants a twenty-one percent shareholding in Munnik Conservancy. It is interesting to note that the claimants are part of the board of directors. Soon they will share profits accrued from the sale of game from the previous year and claimants will get 21% of the profits.

With regard to the other farms, the RLCC is currently finalising a strategic partnership deal between claimants and Ivy Safaris, whereby there will be a skills transfer and a sustainable ecotourism project.

An interesting aspect of this claim is that when the claimants were removed from their land, the Ivy family tried to avert the removals. This was in the 1950s. The strategic partnership is expected to succeed, based on the long relationship between the claimants and the Ivy family, which spans 80 years. In a nutshell, it is a case of “all systems go” for the Makgato Tribe.

## PROJECTS WITH SPECIAL FEATURES

### Hlomela Project

The Hlomela land claim was approved by Minister Thoko Didiza in September 2003. A big celebration attended by chiefs, senior government officials and other dignitaries was held on 21 July 2004.

The land from which the claimants were removed is currently a residential settlement for the Masia community and thus was not feasible to restore to the claimants. It was also not feasible to acquire alternative land for the Hlomela

Community, since there is no available land in the vicinity of their current settlements. It is for these reasons that the community opted for development with the provision of electricity, community offices, a clinic and houses for some claimants as their restitution award.

Electrification brought a significant change to the lives of the Hlomela community and the environment was preserved, as trees were saved. Hlomela is one of the poorest villages and it is also the last village before the Kruger National Park.

In meetings held with the claimants and the Chief, the message they sent to the RLCC is one of appreciation. They say in many words that they have seen and are enjoying the benefits of land restitution.

The people of Hlomela are now enjoying things that they never had before. Most of them are buying electrical appliances for their homes. Children are now able to watch and enjoy television, especially educational programmes. The sources of entertainment for the youth have also improved.

The clinic is nearing completion. The community will no longer travel more than 50km to access health services. The clinic will have maternity wards, emergency wards and nurses' homes. It will also provide a 24-hour emergency service.

The construction of a community office has commenced April 2006 and is envisaged to be completed before September this year.. This office will house several satellite government offices and a tribal office. The housing project has also started in April 2006.

### Mamahlola Project

The Mamahlola Community in the Tzaneen area was handed back 14 farms, valued at R43 million, on 11 February 2001. This was as a result of a normal land restitution drive, which led to the Minister approving the settlement and thus releasing the required funds for settlement of the claim. To date, a large portion of the grant money has been expended. The Mamahlola Community organised itself into a Communal Property Association (CPA) for the purposes of transfer and registration of the restored land in the name of the CPA. Unfortunately, immediately after restoration of the land, an inexperienced CPA Executive took over management of the farms, which were producing a variety of high-value fruit for the export market. This was despite advice from the government against the management of the farming operations by

an inexperienced CPA Executive. As a result, production on the farms plummeted amidst allegations of mismanagement and abuse of power by some members of the CPA Executive.

Ultimately, the Regional Land Claims Commission (RLCC): Limpopo and the Limpopo Department of Agriculture (LDA) stepped in to salvage the situation in favour of the majority of members of the Mamahlola CPA. The RLCC and LDA approached the Director-General of the Department of Land Affairs (DLA) with a request to apply to court for an order to put the farms under judicial administration, pending investigations into the allegations already alluded to. The farms were accordingly put under the judicial administration of an Interim Extended Management Team (IEMT) composed of the Limpopo Department of Agriculture, Department of Land Affairs, the RLCC and two members of the Mamahlola CPA. The former Director-General also disbanded the CPA Executive management. The IEMT facilitated a forensic audit and disciplinary proceedings against some members of the CPA Executive, which led to the dismissal of the accused from employment on the farms.

In order to bring the farms back to their erstwhile production levels, the IEMT embarked on a process of finding a strategic partner to work jointly with the Mamahlola Community in managing the farms, thus ensuring capacity building and



Mamathlola project.

skills transfer. Several potential strategic partners were identified, but all pulled out at the last minute. However, after an onerous searching process, a strategic partner in the form of South African Farm Management (Pty) Ltd (SAFM) agreed to enter into a partnership with the community.

A massive capital investment in the form of infrastructure such as irrigation pipes and water pump stations was made by SAFM. Within a period of 5 months after the arrival of SAFM, a gloomy situation has been turned into a bright and promising one.

In essence, the partnership will see the formation of an operating company by SAFM and the Mamahlola Community, which will lease the farms from the Community for a period of fifteen (15) years at a market-related premium. SAFM will bring operating capital, management skills as well as marketing experience into the partnership. Of critical importance is the fact that the land will not be used as collateral against loans raised by the Operating Company. This is to ensure that, in the most unlikely event that the Operating Company should collapse, the community should still retain its land.

The community will benefit from lease rental premiums for the land as well as profits from the Operating Company according to its majority shareholding. Furthermore, members of the Mamahlola Community will be trained in all aspects of management during the period of the partnership, so as to ensure a smooth take-over by the community after 15 years of the partnership. In addition, members of the Mamahlola community will be given priority in terms of employment opportunities on the farms.

In order to make sure that the partnership is in line with AgriBEE principles, the Mamahlola community will not only benefit in terms of employment opportunities, lease rent, profit sharing and management training, but will also have representation on the Board of Directors to participate in decision-making processes. The government will also be represented by one member of the Board of Directors to ensure fair play between the SAFM and the Mamahlola Community.

The RLCC appointed a firm of lawyers to conduct in-depth verification of members of the Mamahlola community in order to ensure that those who benefit from the land will be genuine members or direct descendants of the community that was previously dispossessed of its land rights on the farms. The firm of lawyers will also reorganise the Mamahlola CPA and also register a company for the community which will be responsible for all business dealings on the farm. Soon

thereafter, the IEMT will hand over all the functions and powers back to the CPA, so that the community can run its own affairs.

The LDA has contributed R 2.2 million to resuscitate the Mamahlola farms and the RLCC has contributed R 4.7 million in development assistance to fund infrastructure upgrading. The RLCC is quite optimistic about the progress made thus far in terms of turning the farms around and believes that strategic partnerships on commercial farms returned to land claimants are one of the ways in which sustainability in land restitution can be ensured. The claimants are major shareholders and are very positive about with this new arrangement.

## VERIFICATION CAMPAIGN

The Provincial Verification Project in the Regional Land Claims Commission: Limpopo commenced on 6 June 2005. The project started with the identification of projects to be outsourced as well as the identification of service providers (using the RLCC's data-base) to be invited to submit proposals.

During the project identification phase, each of these teams was afforded an opportunity to identify claims that were ready for verification in their respective teams. This meant that teams were to identify claims that had either been gazetted or whose rule-three reports had been approved by the Commissioner.

Unlike other provinces, the RLCC Limpopo decided not to use the panel of service providers available. The RLCC, through the project coordinator, went through an intense process of identifying service providers from the existing RLCC's database.

The RLCC Limpopo outsourced two batches of projects. The briefing session for the first batch of 18 projects was held on 8 July 2005, while the other briefing session for the second batch of 11 projects was held on 21 September 2005.

The Commissioner, Umhlaba Development Services and the project coordinator played an important role during these briefing sessions. All the projects verified were rural claims and the majority were community or tribal claims.



## Regional Land Claims Commission:

# MPUMALANGA

### OVERVIEW

The year under review saw many achievements and substantial restoration of hectares of land to the right hands. Mr Peter Mhangwani was appointed and welcomed as the Regional Land Claims Commissioner for Mpumalanga at the beginning of 2006. Manala Mgibe, Blaauwbank of the Kwasibange community, Ludwiclust of Kwa Lusedlane and the Chego Tubatse claims are projects which saw substantial hectares of land transferred to the new owners and improved the lives of our beneficiaries in the Mpumalanga Province.

The plight of both rural and urban claimants remains of the utmost importance in our agenda. We are proud to announce that reasonable steps have been taken to ensure that claimants are assisted in the preparations and submission of claims to the office. Our clientele, i.e. the claimants, current land owners, various stakeholders including organised agriculture, non-governmental organisations, community-based organisations, the media, provincial government departments, district and local municipalities have received quality services such as dissemination of information, stakeholder liaison and cooperation to create a sustainable environment. Over the past year, staff members have demonstrated a sense of urgency and determination in processing claims and this has enabled us to remain intact and focused in responding to both ministerial and presidential pronouncements.

The Restitution Office in Mpumalanga has worked tirelessly to engage relevant stakeholders to contribute to social and economic development through restitution. The Land Bank, South African Farm Management, the National Development Agency and various municipalities have contributed to sustainable land delivery.

The work of the commission has been extended to March 2008 to accelerate the process and finalise rural claims, which are somewhat complex and difficult. During the post-settlement phase, capacity building, mentoring and strategic partnerships are key sustainable areas. The Settlement Support Development Unit has integrated its plans with those of the Provincial Department of Agriculture regarding both expertise and staff complement. This form of integration has borne

fruit and has assisted the beneficiaries in realising their dreams and turned them into reality.

The Regional Land Claims Commission: Mpumalanga has experienced a big blow, as some of its managerial posts were left vacant last year, resulting in some temporary setbacks in the operation of the office. Strategic plans were developed to increase the pace of land delivery and strategies for meeting the March 2008 deadline have been operationalised to achieve the targets agreed upon.

### CHALLENGES

Most of the claims in the province are rural and take somewhat longer to settle. Many of the claimants do not provide the required documentation for the various stages of claims. Rural claims are more difficult to settle because of disputes with current landowners about the validity of claims and exorbitant land prices. Often the land claimants do not have title deeds to the claimed land, as they had unregistered rights to the land.

Although good working relationships have been established with provincial government departments and local government, much more should be done to provide much-needed settlement support, which is so crucial for sustainable development. This will ensure that beneficiaries continue developing the land and participating in the mainstream of the provincial and nationwide economy. Another challenge has been our efforts in engaging landowners and development agencies to become strategic partners to the beneficiaries.

### ACHIEVEMENTS

The Regional Land Claims Commission: Mpumalanga has participated extensively in both the provincial and national summits held last year. Long and strenuous consultation in the districts between the Regional Land Claims Commission: Mpumalanga, the Department of Agriculture and Land Administration and the Provincial Land Reform Office have achieved fundamental results. The purpose of this summit was to create a platform for all relevant stakeholders and

interest groups to reflect on progress made on land and land agrarian reform and to suggest a further means of accelerating the process.

Three units dedicated to three districts have been created to reach claimants. The Department of Agriculture and Land Administration and Premier Thabang Makwetla have lent their full support to land restitution in the province.

## LAND SETTLEMENT HIGHLIGHTS

### Mmahlabane Community Claim

Zandspruit 189 J.R. and Leeuwfontein 188 J.R. were formerly owned by the Department of Land Affairs but used by the Department of Agriculture and Land Administration as a game farm in the Mdala Game Reserve.

Situated in KwaMhlanga on the Vaalbank road in the former KwaNdebele homeland, the successful resolution of the Mahlabane community land claim saw about 400 households, i.e. 1 531 beneficiaries, benefiting from the 8000 hectares of land.

The Ndebele and Pedi community occupied the land around 1800 before the advent of whites. After the arrival of white farmers, the landownership rights of these communities were reduced to those of labour tenants. Claimants were forced to offer their labour in order to gain occupancy of the land, which they managed as theirs. This dispossession occurred between 1953 and 1985. During the removals, claimants were issued with “trek passes” by various white farmers. Some families were removed by the Department of Nature Conservation during the establishment of the Mdala Game Reserve. Claimants relocated to various localities of the former Kwandebele Homeland and some went as far as Pretoria and the Limpopo Province.

The community enjoyed occupational beneficial rights before dispossession. They ploughed the land, grazed their livestock and held traditional ceremonies or rites on the land.

Currently the land is under the caretakership of the Parks Board, as they are looking after the game farm. The project has been transferred to the provincial State Land Disposal Committee for transfer of the land and to acquire a title deed. Two potential strategic partners have made presentations to the RLCC, the Department of Conservation and the Trust for possible strategic partnerships. A strategic partner has yet to be chosen.

### Groothoek Claim

The date of 24 September 2005 will forever remain indelible in the history of the Chego-Tubatse clan, not only because it is National Heritage Day, but because it marked a new beginning from destitute people to proud lawful land owners of the Groothoek 143 JS farm. Groothoek is a farm worth R 5.5 million situated in the magisterial district of Lydenburg in the Mpumalanga Province.

This community will be remembered for the tragic accident that occurred on 30 December 2001, which claimed the lives of 53 family members. One hundred and twenty (120) members of the Chego family were on their way to visit the graves of their ancestors for an annual New-Year reunion, when the truck they were travelling in lost control and overturned. Some 60 others were injured in the crash.

Situated approximately 60km south-west of Steelpoort and 80km north-east of Middelburg in Mpumalanga, the farm is situated about 5km west of Road 555 against the Sekhukhune Mountain (Thaba Ya Sekhukhune).



Chego-Tubatse community celebrating the handover.

The old mainstay consists of the old dwelling and rondavel, which have been renovated, outbuildings (garage/stores), an implement store and an open store, including a closed slaughter-house. Close by is a chalet, which consists of two bedrooms, a kitchenette, bathroom and a patio with a braai area (lapa.) There are two accommodation developments (camps) higher up on the slope of the mountain. The first development, which is surrounded by 1km of electric fencing, consists of a lodge, three chalets (one of which is incomplete), a main lapa and other outbuildings. The second development consists of two chalets on the banks of a stream. New accommodation for labourers is of good quality.

To add meaning and to make a sustainable restitution award, the new owners will be given developmental grants totalling over R 900 000 and the Settlement Support Development Unit will facilitate the drafting of a business plan that will determine the use of grants. Agreements have already been reached to revive game-farming activities with the potential strategic partner. Operations on the farm are expected to start in June 2006.

In terms of skills transfer, the Department of Agriculture and Land Administration (DALA), together with the Parks Board, will assist claimants in acquiring extensive managerial skills and classes will commence soon.

Currently, two community members have been deployed to look after the farm.

### Zaaihoek Claim

Saturday, December 3, 2005 marked the symbolic achievement and the government's commitment to accelerating the pace of delivering land for sustainable development to its rightful owners. The Manala Mgibe community received their land back, i.e. a total of 2 567 hectares situated in the district of Witbank in Mpumalanga.

The Manala Mgibe community had waited for more than 60 years for the land. They lost rights such as residential rights, agriculture rights, cattle-grazing and language rights because of the old regime's racial policies. Libation to their ancestors was also compromised. Freedom of movement was confined to one area because they had to get a trek pass to move from one area to another. Their rights of ownership were reduced to those of labour tenancy.



MEC Madala Masuku of Agric and Land Administration and Commissioner Mashile Mokono during the signing of the Zaaihoek handover.

There was jubilation and excitement on all their faces as they received their land back. Their faces showed amusement and disbelief as the MEC for Agriculture stepped down from the stage to sign a settlement agreement and hand over a commemorative certificate.

MEC of the Agriculture and Land Administration, Madala Masuku, encouraged people to work on the land, as the wealth comes from the land. He also mentioned that giving back land is the beginning of wealth, as job creation comes from people who own land, and further enlightened them about the minister's new programme for the extension of services to look at ways of empowering people for increased sustainability and profit.

Currently the land that has been given back to the community is being used for farming, cattle grazing and tourism. Ithaba Lodge is part of the restored property, which is situated in the upper reaches of the Loskop Dam about 30 km from the town of Witbank and 60 km from Bronkhorstspuit, among spectacular mountains and in tranquil surroundings. This is ideally situated, having river frontage, and is covered in pristine natural bush with sandstone rocky outcrops. This is one of the few uncluttered wild game ranches in the region. Facilities range from fully equipped cabins and chalets to the quiet of the fully equipped Inkwe camp. Conference and group facilities catering for up to 200 people are also available. Included in the vast array of facilities and amenities are a jacuzzi and a fauna rugby field, swimming pool, caravan park and adventure camps.

CPA Manala Mgibe agreed during a meeting held subsequent to the celebration, that the lodge would be upgraded and renovated to meet international standards, so that it can be in a position to accommodate both national and international guests, including soccer fans in 2010.

### Tenbosch (KwaLugedlane Community Claim)

We are encouraged by farmers willingness which has increased over the years especially in the Mpumalanga area. Land Claims Commission in Mpumalanga has restored about 9 000 hectares in Ludwich lust 163 and Ontenniqua and other portions. It is worth noting so far we have finalised phase one (1) of the massive Tenbosch which has roughly 70 farms. Clearly our mood on fastracking Restitution is demonstrated by valuations conducted on 45 farms in Tenbosch amounts to 19 000 hectares valued at approximately R 648 million. We still have a matter which is before the Land Claims Court from some of the farmers who are opposed to the restitution process. However, we are encouraged by a positive attitude from an increasing number of farmers who are willing to be part of the solution.

The date of 19 June 2005 coincides with the promulgation of the Native Land Act of 1913 and marked a symbolic return of the Lucedlane Community to the 3 852 ha Ludwich Lust farm, which cost the government an amount of R24 million, after lodging a successful land claim. The farm borders the N4 highway along the Maputo highway and part of the Kruger National Park along a strip of the Crocodile River.

The MEC for Agriculture and Land Administration joined numerous Lucedlane descendants to witness the restoration of land rights, while the Chief Land Claims Commissioner, Tozi Gwanya, started his address by bringing everyone to their feet singing the “Umhlaba Wami” song.

Mr Samson Siwela, chairperson of the Lucedlane Trust, thanked the Commission for finalising their claim, while one of the Lucedlane community members sadly recalled how they were forcefully removed from their home. “It was in August 1954 at about nine o’ clock in the morning when police cars came in. I was a young boy and terrified, so I ran to hide as they took my father. My father was made to sign papers at Koppies Sambo – papers that saw our house demolished and us dumped at Emangweni. We were left at an open veld with all our belongings, some already broken when they were delivered. It was cold and at night it started raining. Together with our livestock we hid behind trees from the rain that was pouring. To keep warm, we all ended up sleeping in one place. During the night, one of our sheep gave birth and we woke to discover that my grandmother had passed away. I’ll never forget that day.”

The community is now ready to create a new tourism resort on the banks of the Crocodile River. Hanrob CC and Associates is managing the R150 million project that is expected to improve the living standards of the community, consisting of 5 000 households. A memorandum of understanding between Hanrob and the community will allow Hanrob to create a fivestar ecotourism destination, a hotel and possibly a golf course, 60 corporate lodges, 400 residential houses, a school, clinic, a resort on the Crocodile River, a community complex and two filling stations.

Construction should be complete by 2009 and about 4 020 jobs are expected to be created. The entire project is expected to generate profit in the region of R10 million a year.

## PROJECTS WITH SPECIAL FEATURES

### GIBA Community Project

Presently scattered around Hazyview, Bushbuckridge and Mahushu, the Giba people are historically part of the Matsebula nation. They arrived in the Hazyview area in about 1814, after being driven out of Swaziland as a result of the rise

of the Swazi Kingdom. They then took occupation of the area that was to become known as the farm Burgers Hall 21 JU and surrounding farms. This was prior to registered title being granted over the land by the State. They organised the interests in the land in terms of customary law. The disposessions were effected in terms of Chapter IV of the Development Trust and Land Act, 1936 (Act 18 of 1936) in or before 1965, and under Proclamation No. 129 of 1967 in terms of Section 2 (2) of the Development Trust and Land Act, 1936.

The land was restored in 2003 by the RLCC Mpumalanga. Burgers Hall farm was handed over to an estimated number of 1 680 beneficiaries for 500 households, of which 175 are female headed. The farm, which has a size of approximately 297 ha, is currently used to produce bananas, ginger, litchis and other agricultural products. A legal entity, GIBA Communal Property Association, was established.

The claimants have finalised discussions with a company known as South African Farm Management, a subsidiary of the Boyes Group. The agreement entails that the claimants should acquire management and marketing skills in areas of agriculture as well as other related fields. For a period of 15 years, the company will manage the properties with the community and also undertake skills transfer, training and capacity building within the community. SAFM will also inject finances to the tune of R 1 million per year.

The strategic partnership with South African Farm Management (SAFM) resulted in the formation of Bhubesi Investment as the operating company for business operations. The business involves a banana plantation. Bhubesi Investment is registered and co-owned by the CPA and SAFM, with a board of directors that meets regularly.

The community has been de-motivated, only concentrating on the little portion of land with banana plantations that was given to them. The other portion they regarded as barren land. This is where they thought they could start their pig-gery, carpet-making business and chicken farm. All these, have not happened yet due to a lack of funds.

There is vacant State land adjacent to Burgers Hall, which the Department of Agriculture Mpumalanga has identified for the community. This land has a size of approximately 1000 ha. It will assist the community with their plantations and increase production.

The banana plantation is productive. The community is leasing part of the land that was given back to them to the Bhubesi Investment and an amount of R500 000 is being paid annually. No activities have as yet been registered on the State land which formed part of the settlement. However, there are plans to have grants transferred to the CPA for

development. Apart from the restrictions in financial resources, there is a high level of illiteracy and a lack of farming and management skills. These factors impede the successful implementation of development aims and goals.

### Matsafeni – Mdluli Projects

The claimants are the members of the Mdluli clan. They are the descendants of Mdluli Matsafeni, who was the leader of a secessionist group that broke away from the Swazi kingdom in the last century. Mdluli fought with the expanding Sotho groups that had their military post stationed in Blyde River Canyon, at a place now called Mariposkop, named after the Pedi chief Maripe. His descendants, the members of the Mdluli clan, occupied the farm Matsafeni in about 1840.

As a result of the registration of the farm in the name of a company, the members of the Mdluli clan were then told that for them to stay on the farm, they had to work for this company.

The company mainly used the provisions of the Transvaal Squatter Law, 21 of 1895, which stipulated that persons were to be subjected to labour tenancy if required to do so by permission of the owner of the farm or face eviction from the land. The conditions of labour tenancy imposed on the Mdluli clan were so intolerable that some of them were forced to move away because they could not subject themselves to the conditions of labour tenancy in the land which they regarded as their own. On or about 1950, most of the Mdluli clan who resisted working for the company was evicted from the farm.

Some 600 hectares of land have been restituted. The Trust has managed to establish a company that operates some of the profitable farms. The name of the company is Matsafeni Mdluli Farms (Pty) Ltd. The Company has managed to employ 96 people from among the beneficiaries and about 50% of the employees are females. Matsafeni Mdluli Farms leased the farm from the Trust and the Company is paying the Trust every month for the Trust to run their day-to-day operations. The Company also provides social services to the community.

After the former land owner, H L Hall & Sons (Pty) Ltd, failed to provide the necessary skills to the Trust members, the Trust requested the Commission to appoint a service provider to assist the Trust in capacity building and training. The Commission then appointed Maseko Management to conduct the training. About 25 people from among the beneficiaries participated. The training covered farm, forestry, production, marketing, human resource management and

labour administration. The Board of Trustees also conducted training courses with the Agricultural Research Council and about 13 members from among the beneficiaries attended.

The Mbombela Local Municipality has chosen the Matsafeni Trust Land for the development of the 2010 soccer stadium. The news of the capital city being among the 10 host cities for the first Soccer World Cup in Africa was announced on 8 February 2006. The construction of the 45 000-seat stadium is expected to begin this year and is to be completed by mid-2008. The stadium will be built in Mataffin behind the Mpumalanga Parks Board offices, with 25 000 permanent seats, while 20 000 seats will be installed for the duration of the World Cup.

### VERIFICATION PROCESS

The Belgian funds have been utilised by the office to fast-track the process of verification of rural claims. The construction of family trees, power of attorneys and necessary documentation were accurately carried out by service providers.

The service providers to the RLCC Mpumalanga verified 28 claims and have completed an estimated 14 629 households. The most common difficulties faced on a daily basis are supporting documentation, e.g. IDs, birth certificates, death certificates, etc.

The Umhlaba Development Project started on 1 June 2005 at the RLCC Mpumalanga in Nelspruit. After the appointment of the service providers, the project officers were allowed to exchange contact details of the service providers to communicate on a regular basis to ensure the success of a verification exercise.

The verification exercise faced various challenges. Some projects were complex and difficult to complete because of duplication and competing claims. Some claimants were scattered in different areas, thus it was difficult to locate them and obtain their documents.

The communities/claimants would not fully respond or attend our meetings because they were undergoing initiation rituals; sometimes there were family/community conflicts, which led to a delay in obtaining the relevant information;

Some of the service providers did not meet the deadlines for submission of their reports (6 weeks according to the SLA). There were also inaccuracies of the verified lists.



## Regional Land Claims Commission:

# WESTERN CAPE

### OVERVIEW

The Regional Land Claims Commission: Western Cape has experienced yet another challenging year in 2005. We are thankful that, in spite of various difficulties, we have managed to settle most of our financial compensation claims. However, we find that a small percentage of our claimants is untraceable. We have run extensive communication campaigns, but to no avail.

Our verification campaign has been flowing smoothly. It is worth noting that several church claims are included in this campaign. Our staff and service providers have worked with commitment and dedication to complete this difficult task. The process of restitution is lengthy and requires a great deal of administrative work. The claimants often complain that it has taken the better part of the democratic era to restore their rights - the same rights that were taken away at a stroke of a pen. We acknowledge the concerns but assure our claimants of our commitment to complete the task with the utmost integrity. International interest shows that our process is making headlines worldwide. On 21 October 2005, a group of 16 officials from the Land Administration Department of Guangxi Province in China, visited the RLCC: Western Cape. The purpose of the visit was to exchange views on land use planning with counterparts in other countries.

We are pleased to announce that, at long last, we have entered into exciting agreements with municipalities such as Cape Town and Knysna. Once the restitution process has been completed, we will know that those claimants who opted for development will be in safe hands. We trust that we will soon sign agreements with all the Western Cape Municipalities and other government departments. We wish to thank our Premier, Mr. Ebrahim Rasool, and our MECs in the Western Cape for their support. We look forward to settling a substantial amount of development claims within this year. We cannot do so unless there is the support for and commitment to restitution by all sectors of government.

Again, as in the past, we wish to acknowledge the role played by claimant committees. They have persevered under enormous pressure from all sides.

### ACHIEVEMENTS

The highlight of 2005 was the Western Cape Provincial Land Summit held on 18 July 2005 at the Goudini Spa, Worcester. A broad spectrum of people participated in this mini summit, which gave the government departments an indication of whether they were moving in the right direction regarding the land reform issue in the province. In his speech, Mr. Cobus Dowry, Minister of Agriculture in the Western Cape, had the following to say: "The Western Cape reaffirms its commitment to land reform in this province. This is a challenge facing all three spheres of government and the Western Cape provincial government has accepted this challenge."

The Western Cape has substantial claims outstanding which it has to settle before the March 2008 deadline set by the president. When claims are nearing their conclusion, it is always a challenge to settle them as amicably as possible. Claimants become excited and frustrated at the same time when they see that the end of the race is near and they can anticipate the conclusion to their claim.

Another noteworthy achievement by the Development Unit in the office was getting the City of Cape Town to put out a public tender for the installation of bulk stormwater, sewer and water services for the Wingfield development, the Ndabeni claim, which was settled on 13 October 2001. In terms of the settlement agreement signed with the Ndabeni Communal Property Trust, 54.8 hectares of alternative State-owned land were made available in the Wingfield/Goodwood area to the previously dispossessed Ndabeni Community as compensation for the land claim lodged.

The settled figure is constantly increasing as more claims continue to be finalised. Commission is grateful to claimants for their co-operation and patience.

### CHALLENGES

The commission has to reach people whose addresses and telephone numbers have changed and who did not contact the Commission to indicate this. The Commission is still seeking outstanding documentation from claimants for veri-

fication purposes.

The high staff turnover has to be curbed, as experienced people are needed to settle all the outstanding claims in the last two years of the life of the Commission. The workload on staff will always remain a challenge as the restitution process is a labour-intensive process that is very taxing for both the officials involved and the claimants.

The negotiations of the Post-Settlement Support & Implementation unit with local government to allocate resources to restitution projects after settlement will remain a challenge, as local government is faced with so many other demands like delivering low-cost housing to beneficiaries as soon as possible. Negotiating through the State Land Disposal Committee in the Western Cape to make State land available for restitution purposes also remains a challenge as land is a very valuable resource in the Western Cape and there is pressure to meet the housing needs in the province.

## LAND SETTLEMENT HIGHLIGHTS

### Ebehaeser Urban Claim

The Land Claims Commission, the Department of Land Affairs, the Ebenhaeser Land Claims Committee, the Lutzville Boere Aksiekomitee and various roleplayers signed a settlement framework agreement that can be described as a milestone in the Commission's existence. The State set aside a substantial amount of money for the settlement of this claim, to be released over a period of five years. The claim involves approximately 1 700 verified claimants and approximately 3 485 ha of State land and land now owned by 53 private owners. The Deputy Minister, Mr. Dirk du Toit, was present at the Ebenhaeser Civic Hall on the day of the signing.

The claim was lodged on 22 May 1996 and was accepted as a valid claim on 2 June 1997. On 19 February 1997 the former Regional Land Claims Commissioner, Adv. W.A. Mgoqi, made an attempt to address the current owners of the farms "Ebenezer Kolonie Nr. 187 and Doornkraal" in the Community Hall, Lutzville. It remained an attempt, as the process was not seen in a positive light by the current owners and Adv. Mgoqi realised that more information dissemination was urgently needed to make things clear for all parties involved. Trust had to be built between the commission and the parties involved and an information workshop was held on 13 March 1997 in the NG Kerksaal in Lutzville, explaining the restitution process. Various meetings followed, involving the NGO, the Surplus Peoples Project and the Legal Resources Centre. In 1998, the Department of Land Affairs and provincial and para-statal organisations became involved and all identified the need for an integrated and co-ordinated

development plan for the Ebenhaeser area. (The original land is known as Ebenezer and the town where members of the claimant community now live is known as Ebenhaeser.)

According to legend, Captain Andries Louis, the leader of the Khoi-Khoi who lived in the Ebenhaeser area, asked the Rhenish missionaries to build a church and a school at Doornkraal during 1832. In 1837, the mission station was formally established. On 6 July 1837, the farm Ebenezer with a size of 5 270 morgen was granted to Reverend G. Torlinden in terms of the Crown Grant, to be held in trust in the name of the Rhenish Missionary Society on condition that Ebenezer be used exclusively as a missionary station.

In 1890 the Rhenish Missionary Society transferred the farm Ebenezer to the Binnelandse Zending Sub-Commissie Van De Nederduitsch Gereformeerde Kerk (BSSK), to be held in trust for the people living in the area, although it was supposed to revert back to the State. Doornkraal's status remained the same, allotted to Captain Louis's followers.

In terms of the Ebenezer (Van Rhynsdorp) Exchange of Land Act No. 14 of 1925, the parts of the farm Doornkraal and Ebenezer bordering on the Olifants River, measuring 3 699 morgen in total, were acquired for white occupation. The remaining 8 130 morgen of Doornkraal and Ebenezer were allocated to (BSSK), as registered in the Title Deed on 16 March 1925, to be held in trust for the people of Ebenezer and Doornkraal. This exchange of land meant that the land further away from the Olifants River was less arable than the land bordering on the river. The possibility of irrigation nearer to the river meant that the 264 allotments could be developed into lucrative vineyard farms that play an important part in the local economy of the area.

Both the community development plan and the land acquisition plan to be implemented by the Department of Land Affairs over a 5-year-period will enhance the sustainable management of land in the Lutzville area.

### Klippies Eiland - Oudtshoorn

To celebrate this historic day - 4 June 2005 - the Western Cape Land Claims Commissioner, Ms. Beverley Jansen, the Municipality of Oudtshoorn and the Klippies Eiland Land Claims Community jointly planned a day of remembrance and celebration at the Bongoletu Hall, Bongoletu. An amount of over R 7 million in financial compensation was paid to 949 beneficiaries who lost land rights at the time of dispossession.

The Klippies Eiland community was forcibly removed from their communal land when the Oudtshoorn Municipality dis-

possessed them of their land rights in terms of the Group Areas Act. This was one of the very first applications of the Group Areas Act in the country.

Under the leadership of Mr. Nozi Mdlungwana, a group of people of African descent were forcibly removed from an informal settlement called Suikerbult between 1928 and 1929. They were supposed to leave Oudtshoorn, but defiantly moved to disused quarries on the eastern commonage. After a short period, they moved again to an area known as Bridgeton. Subsequently the authorities forcibly moved them to an area called Klippies Eiland. They were promised that Klippies Eiland would be legally declared an African Residential Area and that houses would be built for them by



Klippies Eiland community preparing a meal during a handover.

the local authority. The authorities at the time never met these promises and, in the early 1960s, the municipality commenced with the forced removals of the Klippies Eiland community to Bongoletu. This was done in terms of the Group Areas Act, Proclamation 57(b) dated 1961, declaring Klippies Eiland a Coloured Group Area.

Approximately at the same time, the government also announced that in terms of the Coloured Labour Preference policy:

- Africans in the Western Cape will be reduced by 5% per annum until they are all removed to the “Homelands”, and
- All African labour in the Western Cape and the migration of African people to the Western Cape will be frozen.

The Klippies Eiland community was very religious and had built churches that were a central part in their lives. Many of these were made of wood and corrugated iron structures, which were demolished by the municipality at the time to make way for houses being built for the Coloured community.

At the time, the community was offered a tractor by the municipality to move their belongings and many carried their personal effects and furniture to their new location,

Bongoletu. The houses that were built for them there were small and they were not able to accommodate their livestock on the allocated plots. At Klippies Eiland, this community had grazing rights and their livestock was kept in a designated area. This was controlled by the Iliso Lomzi, an informal committee set-up by the community to tend to the livestock.

The Klippies Eiland settlement was a close community, notwithstanding the restrictions used by the municipality to limit activities. No businesses were allowed to operate, however, businesses sprung up “illegally” and included a butchery, a general store etc. No sports facilities were provided, but the local clubs created rudimentary facilities for themselves.

In a significant partnership, the Oudtshoorn Municipality, once the enforcer of oppressive policies, is now joining hands with those affected by these policies to celebrate the completion of their land claim.

### Paarl Land Claims

The Regional Land Claims Commissioner, Ms. Beverley Jansen, settled this batch of claims on 24 September 2005 by way of the Standard Settlement Offer (SSO), which was offered by the State as an option to resolve restitution claims as speedily and amicably as possible. This first batch of 375 primary claimants, including their direct descendants, received an average amount of R25 580,00, which is in line with the Department of Housing’s current housing subsidy and SSO policy of the Commission for tenancy rights lost at the time of dispossession. The second batch of claimants included in this Section 42D agreement will receive compensation at a later stage.

The dispossessions in Paarl were carried out in terms of the Group Areas Act (No. 77 of 1957) and various proclamations in terms of the Act, dating from 1961 to 1981. However, dispossessions took place as early as 1956. An example is Mrs. Z. Moerat, who was forced to sell her 687 m2 erf to an Estate Agent for 2 500 pounds in 1956. In the 1950s, Paarl was demarcated into five areas; Paarl North, South, East, West and Central Paarl. The North, South and the Western part of Paarl were proclaimed as White Group areas. The Berg River was used as a natural boundary between the race groups and Central Paarl and East Paarl were proclaimed “Coloured” Group areas. The African inhabitants of Paarl were forcibly removed to an emergency transit camp called Langabuya. Later some African people were deported to the now defunct “homelands” and others had to move to Mbekweni, a formal township in Paarl, created to accommodate the African population. The Coloured families living in Paarl North and West were compelled to sell their properties to the Group Areas Community Development Board and to members of the



Paarl claimants during the signing of vouchers.

White group, when these areas became “affected”. Hundreds of Coloured families were moved from Paarl North and West, to Paarl East, their newly declared residential area across the Berg River.

### Knysna land claim

“The truth is that restitution is a powerful tool of social and economic re-engineering which we, as a nation, must use, among others, to provide secure land ownership rights and sustainable socio-economic growth to those who were deliberately marginalised in the past.” – Tozi Gwanya, 31 January 2006.

The Knysna claim was settled in 2001. The Commission verified over 1400 claimants. In 2001 the Minister of Agriculture and Land Affairs approved the settlement of the land claim. The value of the claim was set at over R20 million. The majority of claimants opted for financial compensation. However twenty-four residents elected to seek a developmental option and thus fulfilled the most sincere wish of the Chief Land Claims Commissioner. By choosing to enter into a sustainable project of land ownership, the claimants have decided to ensure the lasting legacy of their community and families in the Garden Route.

The twenty-four claimants formed an independent trust, the Restonia Trust. In this way, they were able to enter into extended negotiations with the Knysna municipality with the support of the commission. This alliance was able to secure a lush valley to the north of Knysna. In the Heidevallei region, located north of the National Road (N2), a residential area with allocated business rights will be developed for the Restonia trust. The trust will have the option to buy into the scheme and ensure ownership.

On 31 January 2006, the Statement of Intent between the three parties was signed in the Council Chambers. The occasion underlined the commitment to working towards a more inclusive and sustainable Garden Route. Mr. Tozi Gwanya

and Ms. Beverly Jansen were joined by Dr Joy Cole, the executive Mayor of Knysna, Mr. Ebrahim Rasool, the Premier for the Western Cape and Mr. Henry Rhode, chairperson of the Restonia Trust. The Premier echoed Mr. Gwanya's sentiments about the importance of land ownership in today's property boom in the Western Cape: “Our children do not qualify for student loans and we do not qualify for bonds because we do not own any capital assets. The Restonia Trust families will now own land and get back their dignity.”

The Commission was fortunate enough to work with a municipality that has a solid vision. Future integration and sustainability is evident in Knysna. Mr. Rhode underlined the importance of land ownership that inspired the tenacity of the Restonia trust when he said that “we regret that many of the 1400 claimants opted for cash - together we could have bought a lot of land in and around Knysna.” The Restonia trust is a success story. Heidevallei is a prominent piece of land in a prosperous part of the country.

## PROJECT WITH SPECIAL FEATURES

### District Six

On 13 January 2006, the Chief Land Claims Commissioner (CLCC), Mr. Tozi Gwanya, paid a visit to the District Six Museum. Then he moved on to the home of the first claimants to receive housing in District Six, Dan and Maria Ndzabela, for an impromptu tour. Accompanying him were the Western Cape Commissioner, Ms. Beverly Jansen, planners from the commission and the city council and the representatives of the British Broadcasting Corporation. The official purpose of the visits was a media tour to introduce the British press to the landscape of District Six; however, it was also an opportunity for the Chief Land Claims Commissioner (CLCC) to meet with all the stakeholders on an informal level.

Dan and Maria Ndzabela were part of the initial 24 claimants to receive housing in District Six. This was a group of the oldest claimants that Mr. Anwar Nagia, chairperson of the District Six Redevelopment and Beneficiary Trust, had prioritized for moving. On 11 February 2004, a poignant time that commemorates the day that District Six was declared a white group area in 1966, the Ndzabelas returned home, the culmination of years of hope. Proclamation 43 of 1966 of the Group Areas Act No. 77 was published on 11 February 1966 to be read in conjunction with the Community Development Act (Act 3 of 1966). This officially declared District Six as an area for White occupation. “I am happy to be back, I used to stay there, so my dream has come true now,” Dan told the commission.

While at the museum, the CLCC was put in touch with the challenges facing the District Six Redevelopment and Beneficiary Trust. Mr. Nagia and Mr. Stan Abrahams explained that the main focus now is on the development of residential zones. The beneficiary trust (representing the claimants) has assumed the role of a developer for the first 24 units (completed) and the next 140 units (to start the next year). After the completion of this pilot stage, the main project will follow suit. The community will endeavour to overcome the legacy of apartheid. A concerted effort will be made to regenerate the vibrant, multi-cultural neighbourhood of District Six. Cape Town must heal the visible scar that flanks the eastern boulevard. The claimant community must be provided with employment opportunities and affordable housing. Land restoration to this community should help in the healing process and development of the people.

A process of facilitation and development is crucial. The synergy of stakeholders and role players will ensure a sustainable future for the community.

One of the features of the museum is the "name cloth". This is a perpetual stretch of linen that illustrates a stream of consciousness and shared experience. People who were forcibly removed from District Six are invited to inscribe permanent markings to regain ownership in some small way. It is a way of writing people back into the landscape of District Six. Messages, addresses, poems and names are written onto the linen that is then embroidered by the artist Revina Gwayi. The stretch of linen will last as long as the memories of District Six. The Chief Land Claims Commissioner was at hand to pen his tribute and thus document his support for a collective memory process.

### Tramway Road, Sea Point

This claim, where 39 families have chosen to live in Tramway Road / Park again, has progressed substantially. Building and site clearing has already commenced. The signing of the Section 42D settlement and the handover ceremony took place in Tramway Park on 15 September 2001. The significance of the agreement reached was that the first community to fall victim to Proclamation No. 190 of 1957 of the Group Areas Amendment Act (77 of 1957) could be compensated. Seventy-one claimants chose to receive financial compensation from the State and the remaining thirty-nine families received a total grant amount of R29 440,00 per claim. This amount turned out to be about 15% of the funds needed to build one top structure per claim on the land. The Tramway Road Development Trust was established and has managed to raise matching funding from the Swiss Government, but it is struggling to secure bank loans for the outstanding amount to build homes.

The City of Cape Town is contributing R2,2 million for the site preparation and has previously assisted the Trust by redesigning the layout of the development to overcome the objections from the surrounding residents and to overcome problems regarding the rendering of services to the area. The City administration has also assisted in fast-tracking the rezoning approval required to re-zone Tramway Park from a public open space back to a residential area. To do this, the city administration gained the assistance of the Provincial Government, the responsible approving authority. In order to reduce costs, the City of Cape Town has waived the payment of the plan submission and the scrutiny fees normally required.

Mr. Leonard Lopes, the chairperson of the Tramway Road Development Trust, had the following to say on the progress made: "It is going well on the ground. The costs envisaged by a geo-technical report initially did not take the original foundations of the previous cottages into consideration and this escalated the costs of the site preparation considerably. The costs escalated to R3 million for the site preparation, which was contributed by the Mayor of Cape Town."

### THE VERIFICATION PROCESS

The funding and assistance of the Belgian Technical Committee (BTC) have enabled the RLCC: Western Cape to initiate about 21 projects since August 2005, involving hundreds of households for which research on claims for the verification project has been conducted by service providers at grassroots level. These service providers were employed by the Commission to initiate contact with individuals who lodged land claims with the Commission, but whose claim files lacked documentation to complete their claim. Outstanding documentation that was sought included the following: copies of identity documents; death /marriage certificates; title deeds/deeds of transfer; power of attorney or letters of consent; erf registers or any accounts, letters and unemployment cards that could serve as proof; copies of the last will and testament; background statements and current contact details. In some of these projects, there are still claimants looking for documentation that they have to hand in to the Commission.

The additional data now have to be captured on the Department of Land Affairs's Land-Base computer system before they are given to the operations unit of the Commission to hasten settlement of the claims. A cluster of new projects (Batch 3), have also been taken on and full research for large projects involving a substantial amount of claimants takes approximately 8 weeks. Employing service providers for verification process proved to be efficient and the Commission will continue to use their services to have claims settled.

## Cases Settled by the Land Claims Court as well as the Supreme Court of Appeal

### Introduction

The number of cases referred to the Land Claims Court during the period March to December 2005 was on average between two and three cases per month. In January 2006, there was a dramatic increase in the number of cases that were referred to the Land Claims Court, with the majority of these 25 cases referred to court emanating from Kwazulu Natal.

The cases were referred to court in most instances by the current land owners of land that was subject to a restitution claim. The orders sought by these landowners are that the court should review and set aside the Regional Land Claims Commissioner's decision not to refer these cases to the Land Claims Court, as well as that the court should compel the RLCC to certify that these cases cannot be settled or finalised through mediation and must be referred to the Land Claims Court for adjudication."

### TAU vs Minister of Land Affairs and Agriculture & Others

In an appeal against the judgment of the Land Claims Court, whereby an application by the appellant for a number of declaratory orders relating to the interpretation and application of the Restitution of Land Rights Act 22 of 1994 was dismissed with costs by Judge Gildenhuys (Moloto AJ concurring). Leave to appeal was granted by the Land Claims Court.

It was clear from the complaints and submissions recorded in the founding affidavit on behalf of TAU that they were aggrieved mainly about events preceding publication of the notice in terms of Section 11 of the Act. They wrongly regarded the actions and decisions by the RLCC before that occurrence as being final or binding.

The Court held that publication of a notice in the Government Gazette was no more than notice to the world at large that the land in question is subject to a claim, which is information that a land owner would in any event have

been obliged to disclose to any potential buyer or mortgager. Furthermore, the Court held that any party aggrieved by any act or decision of the Minister, Commission or any functionary acting or purportedly acting in terms of the Act may, in terms of Section 36 of the Act, have such act or decision reviewed by the Land Claims Court.

The appeal was dismissed with costs.

### MMULE MOLLY MPHELA V GRAHAM ENGELBRECHT

**PROPERTY DESCRIPTION:** Remaining extent of the farm Haakdoring 542, Registration Division KQ, Thabazimbi, Limpopo Province.

**SECTION INTERPRETED:** Section 33(eA) of the Restitution of Land Rights Act 22 of 1994, which states that "in considering its decision in any particular matter the court shall have regard to the following factors: (eA) the amount of compensation or any other consideration received in respect of the dispossession, and the circumstances prevailing at the time of the dispossession".

On 9 March 2005 a judgment was handed down in this matter, where the court ordered that the plaintiffs be entitled to restoration of the farm Remaining Extent of the farm Haakdoringbult, Thabazimbi, Limpopo. The parties were further requested to present argument by no later than 18 April 2005 on whether the government can waive its rights under Section 33 (eA) of the Restitution Act 22 of 1994, and if not, how this section should be applied to the circumstances of this case.

Arguments advanced on behalf of the claimants on the interpretation of Section 33 of the Act were briefly as follows:

That no rights or duties are created by Section 33, but that it creates a statutory framework for the exercise of the Court's discretion when making decisions in terms of the Act.

Therefore the State is entitled (but not obliged) to file a counterclaim, seeking an order in respect of the compensatory land in terms of Section 35(2)(f).

Argument advanced on behalf of the Department of Land Affairs: The Department, through its legal representatives, aligned itself with the argument advanced on behalf of the claimants. The Department of Land Affairs had indicated at the commencement of the trial that it would not claim return of the compensatory land.

Argument advanced on behalf of the remaining participating defendants: The thrust of Adv Havenga’s argument was basically that where some form of compensation was received by the community, they were as a result not entitled to restitution of a right in land. It was further argued that, since the shortfall in compensation received was relatively small, the compensatory land should be returned. They further argued that it was not necessary to plead that the compensatory land be returned, and that an absence of a plea should not be interpreted as a waiver.

The court held that it was required by Section 33 to consider these factors, and therefore had a discretionary power to grant an order in terms of Section 35(2)(f). Although the claim for the return of compensatory land should ideally be pleaded, it is not precluded from inquiring into the desirability of such a return merely by the failure to plead the return. In the circumstances of this case, it is just and equitable not to order the return of the compensatory land for the following reasons:

- The population of the compensatory land has increased, thus ordering the return of such land will result in major social disruption.
- Compensation would have to be paid for improvements made on compensatory land.
- The cost implication of having to compensate claimants for improvements.
- It is not possible to accommodate everyone on the claimed land.
- Claimed land should remain agriculturally viable.
- There is currently no development on the claimed land schools, clinics, etc, while these facilities exist on the com-

pensatory land.

- Not everyone resident on the compensatory land is necessarily a restitution claimant.
- The claimants were not fully compensated for their loss at the time of the dispossession, eg. livestock.
- The claimants were not compensated for their legal costs in their attempts to avoid being dispossessed of their land.
- The claimants were not compensated for the use of their land by the Botha brothers prior to their land being dispossessed.

This judgment has gone a long way towards addressing an area which, until recently, has remained a stumbling block in the settlement of restitution claims. It was never really clear whether the DLA/CRLR could simply waive its right to request the return of compensatory land, and how the court would interpret such a waiver. This judgment has provided factors that have thus far been mentioned in court proceedings by the legal representatives acting on behalf of the DLA/CRLR, but without the necessary legal authority.

#### JOHN FRANCIS CLARKE AND OTHERS VS THE MINISTER OF LAND AFFAIRS

#### D & F VEWELL TRUST VS THE MINISTER OF LAND AFFAIRS AND OTHERS

PROPERTY DESCRIPTION: GROOTKOP, KALKLOOF, FRISCHGEWAAGD AND RACESBAAN, BADPLAAS, MPUMALANGA

Two separate applications were brought by the applicants in this matter for the enforcement of contracts of sale in respect of farms in the Badplaas area, Mpumalanga. These contracts were concluded between the applicants and the Department of Land Affairs. The reasons for the cancellation of the sale agreements were similar in both applications.

Arguments advanced on behalf on behalf of the respondents for the cancellation of the contracts were briefly as follows:

- “That there was a reasonable and justifiable basis for the investigation which led to the subsequent suspension of the transfer and registration process, this basis being that there is a well-founded belief that the valuation of the farms involving the Ndwandwa Community was tainted

with irregularities. Further, that there was reason to believe that the valuation amounts affecting most of the subject farms were grossly and unreasonably inflated.”

The Department elected to cancel the sale agreements, on the basis that there was a material misrepresentation on the part of the applicant, alternatively fraud.

Arguments advanced on behalf of the applicants for the enforcement of the sale agreement were as follows:

- The DLA/CRLR had, throughout the selling process, never approached the applicant about any irregularity whatsoever, that the applicant’s transaction should and could not be seen in the same light as the purchase of any other farmland in the surrounding area, unless there was proof that irregularities did in fact occur during the valuation process. Mr Roux, the valuer for the applicants, did not rely on the Vygeboom transaction when he made his valuation. Mr South valued the Wevell property at R2 300 00. His valuation is fully motivated and well reasoned. It is R510 000 lower than the Roux valuation and R600 000 higher than the Griffiths valuation. If nothing else, the South valuation demonstrates the extent to which competent valuers can differ from each other.
- The court held that the contracts of sale in both cases have not been validly cancelled, that the applicants are entitled to specific performance of the contracts, and further, that

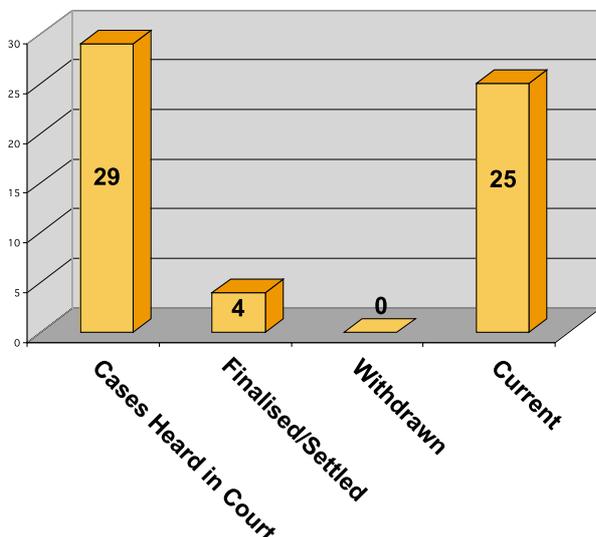
there is also no basis for an order for interest In the Wevell matter:

- The respondents were ordered to pay the applicants the sum of R3 362 700,00 pursuant to the agreement of sale, on registration of transfer.
- The respondents were ordered to pay the applicants' costs, including Mr South's fees In the Clarke matter:
- The respondents were ordered to pay the applicants the sum of R10 191 800.00.

With regard to the payment of the applicants' costs, including Mr South's fees, a subsequent appeal brought by the State was dismissed by Judge Gildenhuys, on the grounds that he did not believe that another court would come to a different finding.

The RLCC for Mpumalanga, Mr Peter Mhangwani, has meanwhile instructed the State Attorney to proceed with drafting the necessary affidavits to petition the Chief Justice.

**Restitution Claims referred to the Land Claims Court**  
from 31 March 2005 - 31 March 2006



The Judges of the Land Claims Court are:

Fikile Bam (President of the Court)  
Antoine Gildenhuys,  
Yasmin Meer  
Justice Moloto.

More detailed information on the above mentioned cases and the work of the Land Claims Court is available at:

<http://wwwserver.law.wits.ac.za/lcc/>

HOW TO CONTACT THE COURT

Physical Address:  
Trust Bank Centre  
Randburg Mall  
Corner of Hill Street and Kent Avenue  
Randburg  
2194

Postal Address  
Private Bag  
X10060  
Randburg  
2125

Telephone:  
National: 011 781 2291  
International: +27 11 781 2291

Facsimile:  
National: 011 781 2217/8  
International: +27 11 781 2217/8

E-mail:  
Registrar@landclaims.org.za



## The Chief directorate Restitution and Management Support

ELIZABETH MNISI, ACTING CHIEF DIRECTOR

### CORPORATE SERVICES REPORT

The Corporate Services Division in the office of the Chief Land Claims Commissioner supports the Regional Land Claims offices in the settlement and finalisation of claims with regard to budget expenditure, risk management, quality control and the improvement of systems. This section is linked to the Corporate Services Division of the Department of Land Affairs. In the year under review, these processes have been reviewed and fine-tuned. Closer liaison was fostered with the Corporate Services Division of the Department and dedicated staff from that section was allocated to support the Restitution Programme, thus contributing to the marked performance achieved in both the settlement of claims and the finalisation thereof.

The support from the National Treasury over the MTEF period of the Capital Budget (transfer payments) during the course of the financial year, gave further impetus to the process of claims finalisation. This raised the confidence level in terms of the Commission’s ability to perform under diffi-

cult circumstances.

The Commission aims to maintain an upward trend as it strives towards completion of the Programme by March 2008.

#### Budget expenditure:

The Commission managed to increase its expenditure over the past year from R1.18 billion in the previous financial year to R1.79 billion for the year under review. This is a remarkable performance and it is clear that the Commission did not reduce its output when the President announced an extension for the finalisation of the programme, shifting the deadline from March 2005 to March 2008. The settlement of rural claims is expected to pick up pace from the next financial year onwards because the majority of urban claims has been finalised by the end of March this year.

In terms of budget expenditure, the Commission was able to dispense of a total of R1, 79 billion, broken down as follows:

• Transfer payments (claims payouts – land acquisition and financial compensation)	88%
• Land acquisition accounts for	59.6%
• Financial compensation accounts for	40.4%
• Compensation of employees	5.3%
• Goods and services	6.1%
• Capital assets	0.2%
• Current transfers	0.02%

The Provincial budget spending breakdown for the year under review was as follows:

• KwaZulu-Natal	33%
• Free State & Northern Cape	4.4%
• Mpumalanga	10.2%
• Western Cape	6.1%
• Limpopo	20%
• Gauteng & North West	16%
• Eastern Cape	10.3%

Standard Item	Original Allocation ('000)	Adjustment ('000)	Adjusted Allocation ('000)	Expenditure ('000)
Capital Transfer Payments	2,488,998	-17,000	2,471,998	1,582,334
Compensation of Employess	116,772	-16,220	100,552	94,593
Goods & Services	94,587	32,270	126,857	109,021
Payments: Capital Assets	4,961	937	5,898	3,122
Current Transfers	369	13	382	311
<b>TOTAL</b>	<b>2,705,687</b>	<b>-</b>	<b>2,705,687</b>	<b>1,789,381</b>

It should be noted that, in terms of the capacity to spend in the year under review, the Commission has identified a need to foster even closer cooperation with the Corporate Services Division of the Department of Land Affairs as well as other components like the Deeds Office and Spatial Planning. It has become essential to align the delivery of procurement processes with the pressure to speed up processes that would enable the Commission to finalise the programme within the next two years, for example the appointment of valuers and other relevant service providers. In the process of reviewing its strategic plan, the Department has also committed itself to providing the necessary support to the Restitution Programme.

### Risk management, quality control measures and improved systems

In terms of the "overdrive" mode within which the Commission is working towards finalising the outstanding land claims by 31 March 2008, various risk areas have been identified. Strategies have been and where required are being put in place to manage these risk areas effectively. Quality control measures ensure compliance and effective monitoring of processes, while relevant systems are being improved on an ongoing basis.

### Non-availability of crucial financial and human resources:

The Commission has identified a need to work closely with the Corporate Services Division of the DLA to ensure that a ground-breaking retention and recruitment strategy is embarked upon to address understaffing both for core and corporate services. Where required, service providers will be contracted and officials from other departments like Provincial Agriculture will be seconded.

### Bureaucratic processes within the Department:

Systems will be improved to address delays in the movement of funds for finalised claims, delays in the transfer of land and the registration of title deeds. To ensure delivery in the next two years, procurement processes will have to be sped up while maintaining compliant procedures

### Quality control measures

All Section 42D submissions to the Minister for settling a claim are checked for quality in terms of policy as well as financial implications. Delays in the approval process have indicated a need to improve the quality control measures. The Commission has therefore embarked upon a process to appoint Directors: Quality Assurance in all regional offices as well as in the national office. Officials will also be trained on an ongoing basis to ensure continuous quality control at various levels.

Additional quality control measures have been put in place and effective reconciliation and monitoring systems are continuously being reviewed. These include:

- Entering into transfer-of-funds agreements and service-level agreements with relevant institutions to prevent possible fiscal dumping;
- Having a clear process flow to prevent short-cutting of processes, which could possibly compromise on quality
- Identifying any loopholes for adequate control measures to prevent possible opportunities for fraud

Adequate consideration of the issues of development and sustainability:

When the Programme is finalised in 2008, a period of implementation will ensue, in terms of the White Paper on Land Policy, to ensure that all awards are paid out and that issues of development and sustainability are addressed. In the

process of settling the claims, the Commission already ensures that all relevant stakeholders are on board and facilitates cooperation from all role players, i.e. land owners, government departments and local government by ensuring that implementation strategies are in place and entering into relevant service level agreements/ memoranda of understanding. MOAs have been entered into or discussions are underway with role-players like AgriSA, TAU and NARFU, the Departments of Agriculture, Housing, Environmental Affairs and Tourism, and Water Affairs and Forestry. Strategic partnerships are being entered into with land owners in terms of skills transfer and the empowerment of communities

Challenges relating to claimants, especially in view of the majority of outstanding claims being rural and specific challenges prevailing in dealing with rural claimants:

Issues of fraudulent claims have plagued the commission, where falsified identity documents are presented to draw awards (financial compensation). Cooperation has been established with the relevant departments in an attempt to stamp out this problem. New processes and control measures have been introduced to identify fraudulent claimants before any compensation is paid out. All payments processed by the Commission are verified against our database to ensure that the correct claimant receives his/her award.

The Commission has also put in place conflict resolution mechanisms and provides timeous assistance in terms of conflict among community members.

The verification of claimants of outstanding claims will be based on systems and models developed over the last year during the verification project. Service providers will be appointed where required to deal with obtaining outstanding information from claimants, the completion of claimant verification processes, and the capacitation of legal entities

### Protracted negotiation processes

Quite often, land owners protract negotiations by challenging the validity of the claim or asking exorbitant land prices. The Commission will, although it remains committed to negotiated settlement, rather consider the application of expropriation where negotiations are deliberately being deadlocked. The issue of exorbitant prices for land has been addressed through a process of review valuations.

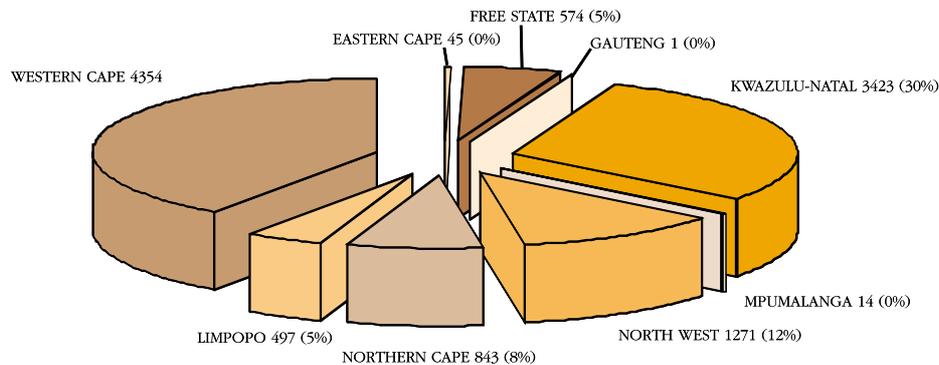
## Progress on Claims Settled to Date

## Settled Restitution Claims for the Financial Year: 1 April 2005 - 31 March 2006

Province	Claims	Rural	Urban	House Holds	Beneficiaries	Ha	Land Cost	Fin Comp	Grants			Total Award
									Development	RDG	SPG	
Eastern Cape	45	24	21	299	1 054	4 031	6,722,482.00	5,246,992.00	191,520.00	684,000.00	328,320.00	13,173,314.00
Free State	574	1	573	767	8 907	15	0.00	22,845,755.00	7,874,500.00	1,557,000.00	747,360.00	33,024,615.00
Gauteng	1	1	0	33	144	0	0.00	1,053,657.00	0.00	0.00	0.00	1,053,657.00
KwaZulu-Natal	3 243	249	2 994	10 931	64 486	92 092	139,139,422.00	290,679,256.00	147,66,328.00	12,258,000.00	5,883,840.00	595,626,846.67
Mpumalanga	14	13	1	411	5 837	8 019	160,701,931.00	189,000.00	0.00	1,185,000.00	568,800.00	162,644,731.00
North West	1 271	3	1 268	1 515	8 520	3 764	4,728,613.36	49,451,231.00	40,000.00	279,000.00	133,920.00	54,632,764.00
Northern Cape	843	64	779	1 367	8 079	4 688	20,560,513.52	43,073,490.00	2,448,875.00	1,587,000.00	761,760.00	68,431,638.52
Limpopo	497	364	133	5 756	25 660	51 515	393,617,270.00	5,874,936.00	8,494,640.00	16,728,000.00	8,029,440.00	432,744,286.00
Western Cape	4 354	0	4 354	4 321	12 142	0	0.00	118,075,270.00	0.00	0.00	0.00	118,075,270.00
<b>TOTAL</b>	<b>10 842</b>	<b>719</b>	<b>10 123</b>	<b>25 400</b>	<b>134 829</b>	<b>164 124</b>	<b>725,470,231.88</b>	<b>536,489,587.91</b>	<b>166,715,863.00</b>	<b>34,278,000.00</b>	<b>16,453,440.00</b>	<b>1,479,407,122.79</b>

1. These statistics have been compiled based on the information reflected in the Database of Settled Restitution Claims.
2. In order to improve the accuracy of our statistics, the Database of Settled Restitution Claims is an ongoing basis subjected to a process of internal auditing.

### Settled Restitution Claims for Financial Year 2005/2006



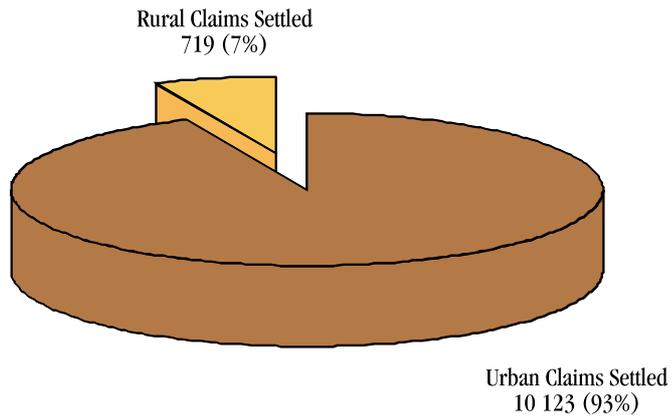
**Total Settled Claims = 10 842**

### Statistics on Settled Restitution Claims Rural and Urban: 1 April 2005 - 31 MARCH 2006

	Urban Claims Settled	Rural Claims Settled	Total no of Claims settled	Beneficiaries Involved
Claims Settled	10 123	719	10 842	134 829
<b>TOTAL</b>	<b>10 123</b>	<b>719</b>	<b>10 842</b>	<b>134 829</b>

1. The above statistics have been compiled based on the information reflected in the Database of Settled Restitution Claims.
2. In order to improve the accuracy of our statistics, the Database of Settled Restitution Claims is an ongoing basis subjected to a process of internal auditing.

### Rural and Urban Breakdown of Settled Claims: 1 April 2005 - 31 March 2006



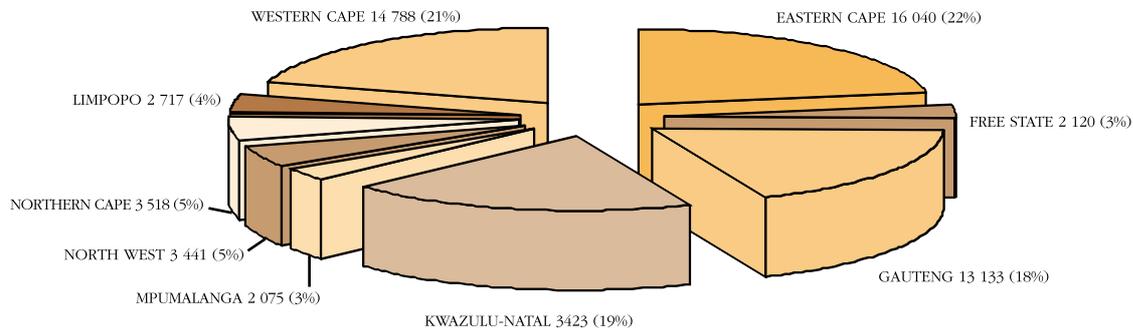
**Cumulative Total for all Claims Settled in Financial Year 2005/06 = 10 842**

### Settled Restitution Claims Cumulative Statistics from 1995 - 31 March 2006

Province	Claims	House Holds	Beneficiaries	Ha	Land Cost	Fin Comp	Grants			Total Award
							Development	RDG	SPG	
Eastern Cape	16 040	42 178	157 494	56 686	211,541,427.00	585,992,927.45	191,520.00	66,516,000.00	31,927,680.00	896,169,554.45
Free State	2 120	3 956	24 107	44 464	9,845,559.13	46,857,765.81	11,796,797.22	7,389,000.00	2,783,520.00	78,672,642.16
Gauteng	13 133	12 981	58 365	3 555	62,537,367.00	620,323,105.00	0.00	5,170,000.00	1,104,000.00	689,134,472.00
KwaZulu-Natal	13 813	39 702	238 509	339 200	726,853,055.36	808,303,863.85	147,666,328.00	64,947,000.00	27,439,920.00	1,781,577,167.21
Mpumalanga	2 075	29 366	151 228	100 122	502,957,363.50	67,021,317.00	16,814,000.00	76,197,000.00	36,574,560.00	699,564,240.50
North West	3 441	15 794	87 019	79 271	127,103,005.52	162,520,410.00	2,448,875.00	36,158,000.00	17,283,522.00	345,513,813.31
Northern Cape	3 518	7 525	45 971	237 398	74,482,215.36	119,024,664.84	3,390,000.00	14,977,000.00	5,922,271.68	217,796,151.88
Limpopo	2 717	27 480	148 344	203 355	696,160,848.42	51,688,765.73	67,333,808.23	67,008,000.00	29,986,560.00	912,177,982.38
Western Cape	14 788	17 685	92 514	3 101	8,096,187.00	509,099,166.47	0.00	10,999,440.00	2,550,492.00	530,792,285.47
<b>TOTAL</b>	<b>71 645</b>	<b>196 667</b>	<b>1 003 551</b>	<b>1 067 152</b>	<b>2,419,577,028.29</b>	<b>2,970,831,986.15</b>	<b>249,641,328.45</b>	<b>349,361,440.00</b>	<b>155,572,526.47</b>	<b>6,151,398,309.36</b>

1. The above statistics have been compiled based on the information reflected in the Database of Settled Restitution Claims.
2. In order to improve the accuracy of our statistics, the Database of Settled Restitution Claims is an ongoing basis subjected to a process of internal auditing.
3. The number of hectares restored is currently under review, both with regard to existing data, as well as outstanding data on state land.
4. The total restitution award also include the cost of solatium that was paid out, i.e. KwaZulu-Natal (R6,367,000.00) and Western Cape (R47,000.00).

### Settled Restitution Claims Cumulative Statistics from 1995 - 31 March 2006



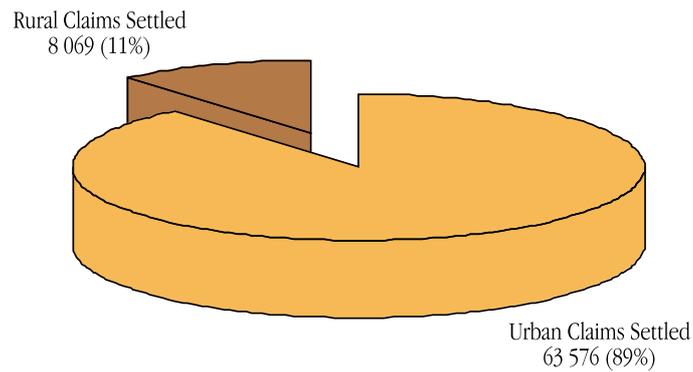
**Total Settled Claims = 71 645**

### Cumulative Statistics on Settled Restitution Claims Rural and Urban: 1995 - 31 March 2006

	Land Restoration	Financial Compensation	Alternative Remedy	Total no of Claims settled	Beneficiaries Involveds
Urban Claims Settled	15 436	45 663	2 477	63 576	385 641
Rural Claims Settled	3 697	3 937	435	8 069	617 910
<b>TOTAL</b>	<b>19 133</b>	<b>49 600</b>	<b>2 912</b>	<b>71 645</b>	<b>1 003 551</b>

1. The above statistics have been compiled based on the information reflected in the Database of Settled Restitution Claims.
2. In order to improve the accuracy of our statistics, the Database of Settled Restitution Claims is an ongoing basis subjected to a process of internal auditing.

### Cumulative Rural and Urban Breakdown of Settled Claims: 1995 - 31 March 2006

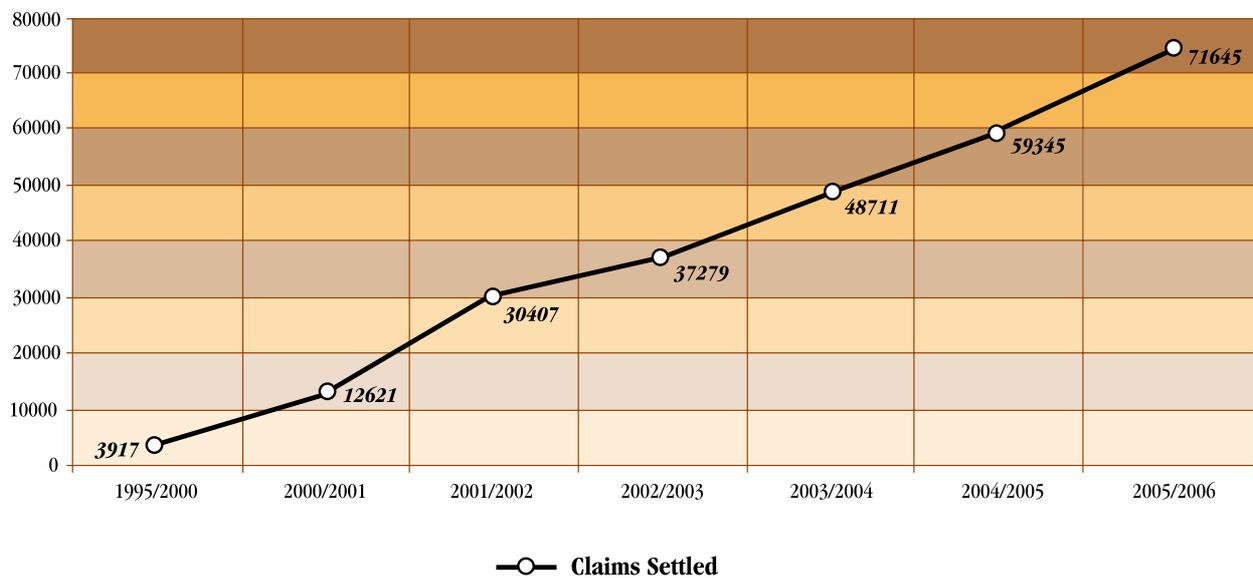


**Cumulative Total for all Claims Settled = 71 645**

### Progress Made on the Settlement of Restitution Claims from 1995 - 31 March 2006

Province	1995/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005	2005/2006	TOTAL
Eastern Cape	2 269	628	6 324	1 824	1 858	2 981	45	16 040
Free State	2	404	742	4	470	72	574	2 120
Northern Cape	9	402	1	39	1 049	467	1 271	3 518
Gauteng	811	2 571	2 115	1 876	2 239	3 820	1	13 133
North West	361	27	662	3	162	1 360	843	3 441
KwaZulu-Natal	418	526	6 814	1 669	996	167	3 243	13 813
Limpopo	2	328	178	269	358	136	497	2 717
Mpumalanga	0	3	254	381	856	178	14	2 075
Western Cape	45	3 815	696	807	3 444	1 453	4 354	14 788
<b>TOTAL</b>	<b>3 917</b>	<b>8 704</b>	<b>17 783</b>	<b>6 872</b>	<b>11 432</b>	<b>10 634</b>	<b>10 842</b>	<b>71 645</b>

### Progress Made on the Settlement of Restitution Claims from 1995 - 31 March 2006



### Projected Settlement of Claims from April 2006 - March 2008

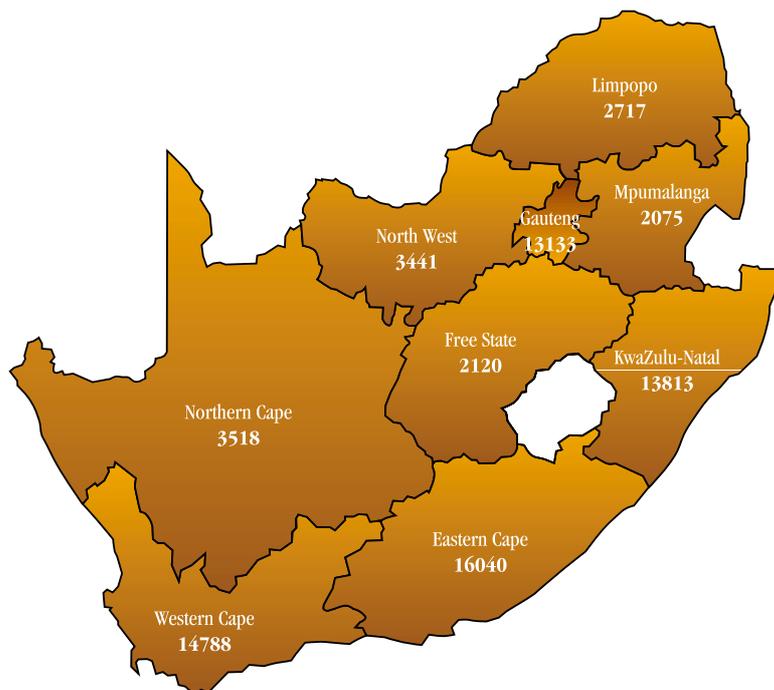
RLCC	2006/2007		2007/2008	2008/2009
	Urban	Rural	Rural	Residual*
Eastern Cape	222	114	100	106
Free State	90	67	36	25
Gauteng	2	16	14	25
KwaZulu-Natal	362	770	626	560
Mpumalanga	24	692	458	310
North West	0	124	115	75
Northern Cape	70	160	112	80
Limpopo	6	595	516	310
Western Cape	294	565	274	130
<b>TOTAL</b>	<b>1076</b>	<b>3103</b>	<b>2251</b>	<b>1621</b>

\*Residual:

1. Claims in Land Claims Court as a result of disputes.
2. Claims with community/family disputes.
3. Claims where claimants are untraceable.
4. Delays in submitting required information/documents.

### Republic of South Africa

Settled Restitution Claims 1995 - 31 March 2006



Total Claims Settled: 71645

## WE CELEBRATE THE LIVES OF THOSE WHO DIED IN THE PROCESS OF RESTORING LAND RIGHTS LOST DURING THE APARTHEID

*We dedicate this report to those who died in this period where we were hard at work reversing the effects of racial dispossession.*

### Eastern Cape Province

Armstrong Kalipa  
Cecil Matoti  
Isaac Nzimeni  
Zinyusile Ndiza  
William Wana  
Norah Mquda  
Daniel Qege  
Alex Jordan  
William Nobadula  
Nobhala Mangesi

### Free State and Northern Cape Provinces

Margaret Appolis  
Hendrick Botman  
Hannie Damons  
Peter Msukwini  
Elsie Job  
Lando Nkhutsani Joseph  
Ntombini Sqishi  
Anna Williams

### Gauteng and North West Provinces

Sonny Abram Shikwane  
Absalom Zwane  
David Mahlobo  
Daniel Masemola  
Anna Phoko  
Vendi Bokaba  
John Keagane

### KwaZulu Natal Province

Gqatsheula Mhlongo  
Bhobhoti Zuma  
Ngubane Chobachoba  
Solomon Cebekhulu  
Ndadakabani Mfekayi  
Zephania Mkhize

Gweje Ncube  
Phusheleka Msweli  
Inkosi Sgidi Machi  
Inkosi Mtholeni Mbonambi  
Mvelase Fosi Miya M  
Chief Magabela Mbotho  
B S Mncwabe  
Ramphal Parmalik  
Ebrahim Salem Mall  
Gladys Doreen Thompson  
Ramjattan Moti  
Mahalatchmy Govender  
Pulcomarie Sayathia Ramnarian  
Bhika Purshotam  
Hoosen Khan  
Momin Dhai  
Kalicharan Jugoo  
Rama Reddy  
Ramsamy Kullan  
Kistnasamy Munsamy  
Subhan Khan  
Isamail Ally  
Govindjee Nichhabhai Desai

### Limpopo Province

Nicasane James Mushwana  
Kgosi Ledikwe Sakia Mogoboya  
Nakedi David Seema  
Christian Theodor Winter

### Mpumalanga Province

Mmapetu Jack Chego  
Mathibela Martha Thipe  
Mangwaketse Sarah Makeke  
Anna Magalane Mphelane  
Nani Paulina Mokwana  
Elizabeth Moramaga  
Nkwetona Stella Chego  
Ramokgabi Maria Chego  
Andries Mponyana Makeke

Matisana Sabina Chego  
Mapodi Florah Lekala  
Stephinah Lekgotla  
Matshipane Phillimon Chego  
Leporogwane Martin Chego  
Dilase Constance Chego  
Ishmael Moramaga  
Mpho Gift Chego  
Magadelina Metta Chego  
Mamsy Chego  
Thabang Chego  
Dimakatso Chego  
Orudence Mphelane  
Selwane Agnes Chego  
Rose Chego  
Inkosi Mbunu Ngomane

### Western Cape Province

L Bird  
VG Cornelissen  
Dampies  
L Valentine  
J Fonk  
BV Mabeta  
KSC Bezuidenhoudt  
Mr. JHR Hardnick  
Ms. J Hefca  
Ms. M Dombas  
Mr. Vermeulen  
Mr. Abie Coraizin  
Rev. AB Lewin  
Stanley Paul Hartog  
Andreas Johannes Mattheus Goliath  
Abraham Daniel  
Aubrey Charter DeWest  
Griet Norkee  
Angus Julies  
Zwelolungu Mtati  
Nomode Mpetsheni



## A TRIBUTE TO MA KUZWAYO

### ELLEN KATE CHOLOFELO NNOSENG MOTLALEPULE KUZWAYO

#### 29 JUNE 1914 TO 19 APRIL 2006

*“On the morning of 19 April 2006, South Africa lost a remarkable and dignified veteran, Dr. Ellen Kuzwayo. The Commission extends heartfelt condolences to her family.*

In her book *“Call Me Woman”* she writes about her family’s forced removal from their land in Thaba ‘Nchu in the Free State, namely Thaba Patchoa. The Tsimatsima, Masisi, Mabokela and Kuzwayo families had lived on the land from as far back as 1905. The land was owned by Ma Kuzwayo’s maternal grandfather from the 1880’s and the descendants enjoyed freehold ownership and toiled successfully on the land for the benefit of the economy and for the people living on the land. Notable is that the land is a historical landmark in that most of the stalwarts of the ANC held strategic “Bosberaads” there in the early days that shaped the future of the ANC. Dispossession of the land took place between 1974 and 1978 as a result of racially discriminatory laws and practices, such as the Expropriation Act No. 63 of 1976 and the Native Trust Land Act No. 18 of 1936. The then authorities declared the area as a “black spot”, i.e. illegal for Black people to own land in that area and white farmers were to take over.

The Commission on Restitution of Land Rights restituted the land to the beneficiaries on 27 June 2003 at Thaba Patchoa, Thaba ‘Nchu, Free State. Ma Kuzwayo was able to celebrate in absentia (due to ill-health) this joyous event just two days before she turned 89.

The Commission herewith honours the legacy of a true South African woman, a teacher, an advocate for gender equality, an activist against the system of apartheid and a Member of Parliament, who has left behind deep footprints.



# Market-based land prices 'not ruled out'

Didiza says constitution will not be changed but that principle of willing-seller, willing buyer will be reviewed

## Willing-buyer

**CARL HOPPE** — Constitution expert Professor's intention regarding the willing-buyer, willing-seller principle in land reform cases has been clarified following Agriculture Minister Thabo Didiza's declaration that no decision had yet been made on its use under reform legislation.

"Government has not reached any decision that it will not offer market value when expropriating land," Didiza said in a reply to a

written parliamentary question last week from Democratic Alliance MP Mmusi Nkomo.

"Therefore, the question on whether the government will investigate the effect of not offering market-based compensation does not arise."

Didiza had asked whether government had investigated the effect on the land market of not offering market-based compensation when expropriating.

## Willing-seller

Last July's land summit, in which the agriculture and land affairs departments were participants, urged government to abandon the principle in order to accelerate the rate of land reform.

It decided to accept the principle of willing buyer, willing seller.

The summit resolved that representatives should be used

Georgia, days after Mbeki's address, that when negotiations with farmers over the amount to be paid for properties dragged on for more than three years, the willing-buyer, willing-seller principle would be abandoned.

Didiza also added that if a suit government's intention to change the property clause in the constitution, in order to accept the principle.

Didiza said that there was no intention to change the constitution. He pointed out that, in terms of section 25, market value was only one of the factors to be taken into account when determining compensation.

Other factors include the history of acquisition, the use of the property and the purpose of the expropriation. He also pointed out that compensation paid had

Agriculture and Land Affairs Deputy Minister Dik de Jager has said a number of factors that a market-based measure would be the "productive value" of the property, based on what goes on in the market for it.

Leanne Brown, resident of Agincourt, said shortly after the state of the nation address that the market system was the best mechanism for land reform.

# Einde van pad vir Limpopo-tee

Makgoba-stam kan grond teragky

**D**ie Land Restituisie Kommissie het 'n einde aan die proses van die oorgang van die Limpopo-tee van die Makgoba-stam na die staat. Die kommissie het beslis dat die grond aan die staat oorgedra word. Die kommissie het ook beslis dat die Makgoba-stam 'n bedrag van R10 miljoen moet betaal vir die oorgang van die grond. Die kommissie het ook beslis dat die Makgoba-stam 'n bedrag van R10 miljoen moet betaal vir die oorgang van die grond.

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## BOYD WEBB

FOURIE BUREAU

While large-scale expropriation may be on the cards, it "would be very, very naughty" to draw similarities between South Africa and Zimbabwe, a top government official said yesterday.

"We are not going the Zim route. They never had the restitution process or the legal or constitutional framework within which to work as we do," Land Affairs Director-General Gies Thomas said.

Both Land Affairs Minister Thabo Didiza and Thomas said they "could not see" why the land expropriation announcement by

large-scale expropriation of land from white farmers would start next month after years of fruitless compensation negotiations.

"From March, we will begin expropriating land for which negotiations have gone on for that period or more (two years or longer)," he said, adding that a six-month deadline would be imposed on new cases.

Thomas said it currently took an average of three years to conclude negotiations between a farmer and the State in terms of the willing-buyer-willing-seller method.

"There are 7 436 claims left (out of 79 000). Can you imagine if it took three years each to purchase the property. That can't be acceptable," he said.

He said that unlike the Zimbabwe situation where land owners were left with nothing, the expropriated farmer would be paid the production value of the property.

Briefing reporters at Parliament yesterday, Didiza said the value of farmland was defined by its production capacity, a view often disagreed with by farmers who argued that market value and production value were different.

Didiza said it was this belief that saw farmers "manipulating" prices. "Our argument is that what you've seen ... is a change of trend, where productive value on farm land has no more become an issue, sometimes it's even been questioned, which in our view has actually contributed in part in inflating farm land, which I don't think is correct," she said.

# Whites' farmland taken from next month

## SABA-AP

South Africa will from next month start large-scale expropriations of land from white farmers after years of compensation negotiations proved unsuccessful, a top official said yesterday.

Thabo Gwanya, South Africa's chief land claims commissioner, told the "willing buyer, willing seller" model would no longer apply to land restitution claims as many white farmers wanted more money than the government was prepared to pay.

"There are in excess of 7 000 claims that have been outstanding," he said, referring to efforts by the government to redress apartheid-era land grabs in which many members of the black majority lost ancestral homelands.

"We have been negotiating with some white farmers for two or three years, especially in four provinces - Limpopo, Mpumalanga, North West and KwaZulu-Natal," and this

expropriating land for which claims have gone on for three or more years."

He said a six-month "would be imposed on new cases."

Gwanya's comments in his State of the Nation address to Parliament Friday said the State would the "willing buyer, willing seller" model as well as "land acquisition and possible lease of land parcels."

The government has a current policy had slowed a land reform programme, v designed to transfer a r white-owned land to new farmers by 2014.

Gwanya was keen to dis-comparisons with Zimbabwe where the forcible seizure of white-owned farms have hurt income and jobs. He said in letters. "We are not

# Farmers' group warns of dangers of land policy

HUNGER is bound to increase if SA's land redistribution policy remains the same, the National Agricultural Union (NAU) warned yesterday.

"The truth is if land redistribution continues along the path designated by the South African government, hunger will stalk the land," the union said.

It said it was worried about the volatility with which the phrase "land reform" was promoted by most of the media.

The union said it was as if SA would never return without the transfer of 30% of its productive agricultural land to "emerging farmers" by 2014.

"The question is whether South African agriculture will survive the government's white-led

land claims commission, infanta owners that black ownership of land has only increased from 17% at the end of apartheid to 18% today.

"This refers to the purported 17% white, 17% black land apportionment, which is incorrect," the NAU said.

Gwanya has said government was reviewing the "willing buyer, willing seller" principle, and was thinking of setting a ceiling on farm prices, the agricultural union said.

He said the land transfer programme was hampered by the lack of farming expertise among blacks because they were shackled under apartheid.

Other media had reported that all good farmland was in white hands, and the more of land on

# BUSINESSDAY

Monday, February 13 2006

## Land and politics

It is intriguing that perhaps the most significant government initiative in its effort to resolve all land claims, it has moved to determine the value and nature of its existing claims about for listing its land. The resolution of land claims is a complex process of negotiating the value of expropriated properties. The process is a complex one, involving the determination of the value of the land, the determination of the value of the land, and the determination of the value of the land.

It is already a fact that simple restitution is clearly not to give claimants a better financial position than they were in before. The process is a complex one, involving the determination of the value of the land, the determination of the value of the land, and the determination of the value of the land.

# Commission sets deadline for land claims

## Grande Deadline

THE Land Claims Commission has set a March 2006 deadline to settle all land claims and will begin negotiations next month on land where negotiations with owners have dragged on for more than three years.

Thabo Gwanya, chief land claims commissioner, said yesterday the commission was under pressure from President Thabo Mbeki to settle the claims, which were meant to be resolved by December last year.

The commission said the having community had complained that the lack of finality was making it

difficult for them to plan ahead or to get back home.

Gwanya yesterday repeated his earlier comments that the willing-seller-willing-buyer approach would be dropped with it came when negotiations had dragged on for more than three years.

This was greeted with dismay by the National Agricultural Union (NAU), African Association and the Democratic Alliance (DA).

Write Lesley, DA's director of the property rights committee, said yesterday that such a move would mean the already strained

relationship between farmers and government caused by a perception that government had repeatedly ignored farmers' property rights.

Lesley accused government of dragging out the land reform process to justify expropriation.

"The result that expropriation will be used again just to take the farm or farmers, while in fact, in some cases, four years has passed since land was taken without payment by government," he said.

"This is contrary to government to delay the process in order to

offset a culture of expropriation," Lesley said.

Gwanya, however, said the commission was under pressure from President Mbeki to settle the claims, which were meant to be resolved by December last year.

In Limpopo, North West, Mpumalanga and KwaZulu-Natal, negotiations have dragged on with some farmers for nearly three years because of disputes over land value, says the commission.

"Some of the farmers are asking to be paid, but some who government believes the land is

worth, making it difficult to reach a resolution," he said.

The government plans to transfer 30% of commercial farmland to black people by 2014. To be, only 17% has been handed over.

Mbongiwe said government was using independent valuations to determine land values. They were looking at farms such as those with cows in the property value of properties as a benchmark.

with "sensitive" and not basic individual property rights as enshrined in the constitution.

"Comments such as those by the chief land commissioner will obviously do more harm than good for land reform in SA," he said.

The Limpopo African Council and the Pro-Agriculture Action Group yesterday said that the announcement would be "the spark in the powder keg, placing SA on the verge of a civil war, one of the most serious and bitter African countries plagued with ethnic conflict," it said such a decision should first be made in the Constitutional Court. Write Lesley

Write Lesley/SA Press Page 11

# Voices of the Claimants

*Ek is vandag so bly om hier te glo dat hier so baie mense As deel van die Kakamas gemeenskap, is ek eniglik dankbaar aan die Kommissie vir die barmhartige manier wat hulle tewerk gegaan het om ons eise te finaliseer. Alhoewel die proses lank geneem het, is ons gelukkig dat ons eise afgehandel is. Ons regte en menswaardigheid wat deur die vorige stelvel ontnem is, is weereens aan ons terugbesorg en dat ons nou met ons lewens kan voortgaan.*

*Die Grondwet gee ons regte wat ons nooit voorheen gehad het nie, en die Kommissie gee ons land wat ons voorheen verloor het, en beide het n positiewe uitwerking op ons gemeenskap gehad.*

## **Anna Bok beneficiary of Kakamas Land Claim**

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*“Re itumelela moshomo o komishini ya pusetso mafatshe e sebeditseng ka teng. Re itumelela thuso le botswerere jwa komishini. Re a tshepa bao ba tlhokofetseng ka kotsi ya bese, mewa ya bona e robala ka kagiso” .*

## **Ntate Klaas Chego wa Komiti ya Chego Development Komiti**

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*Re itumeletse go abehwa lefatse ke Komishini ya pusetso mafatshe le go amogela title deed e re ipelang ka yone go boela gaetsbo. Re re maropeng go a boelwa. Re tla nna ka malatsi otlhe re itumela, re ipela le go galaletsa go ya bokbutlong jwa botshelo jwa rona.*

## **Nthabiseng Madalane wa Payneville, Springs mo Gauteng**

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*"Ons het darem iets gekry, ek weet nou nie van die ander nie, maar ek is tevrede. Dit was vir my ma se part wat ek dit ontvang het."*

**Mr. Jakob du Plessis when receiving compensation for his bicycle shop that he lost in the CBD of Mossel Bay.**

*The four-roomed houses are next to an existing school. The excited 74-year-old David Khululekile Martin, who became the first claimant to occupy the houses said: “Wakhe wayibona intlanzi ekbutshelwe ngaphandle kwamanzi ixesha elide, yaze yafakwa emanzini kwakhona? Ivuya kakhulu idade ngokukhawuleza. Siziva ngoloblobo ke.” His wife Nolungile, who was quiet throughout our conversation, broke the silence and said with a high-pitched voice full of emotions: “Esi sisithembiso sika-Thixo! Oh! Izinto zika-Thixo zingumangaliso, kuba ndilapha ngoku.”*

## **Mr David Khulekile Martin of Farmerfield Land claim**

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*“Ndo imela tshitshavha tsha Tshikota, ndi tama u livhuwa Khomoshini ya mbusedzo dza pfanelo dza mavu kha mushumo wa vhudi we vhaita, ndi tshi dovha bafhu nda tama u amba uri bezwi zwi sumbedza gundo kha nndwa ya vbune ba mavu Afurika tshipembe. A thina mafhungu manzhi, ro livhuwa vbukuma”.*

## **Mr Gift Maguga, Mudzula tshidulo wa Tshikota land Claim**

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*“Ke le modula setulo wa setshaba saga Sekororo ke kgotsofaditswe ke ka moo tshepetso ya kgopelo ya rena ya mabu e sepetsego ka gona. Ke bile kena le tshepho ye etiilego ya gore le karolwana ye e setsego ya kgpelo ya naga etla sepetswa ka mokgwa woo o swanetsego.*

## **Ntate R Majekejeke Modula Setulo wa Komiti ya Iefatshe la ga Sekororo**



Matsafeni- Mdluli Sugarcane



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Design and Layout by  
Blackmoon Advertising and Research (Pty) Ltd  
012 346 8933

ISBN: 0-621-36554-8

RP: 54/2006