

# ANNUAL REPORT 2007 / 08

Land Reform is Everybody's Business



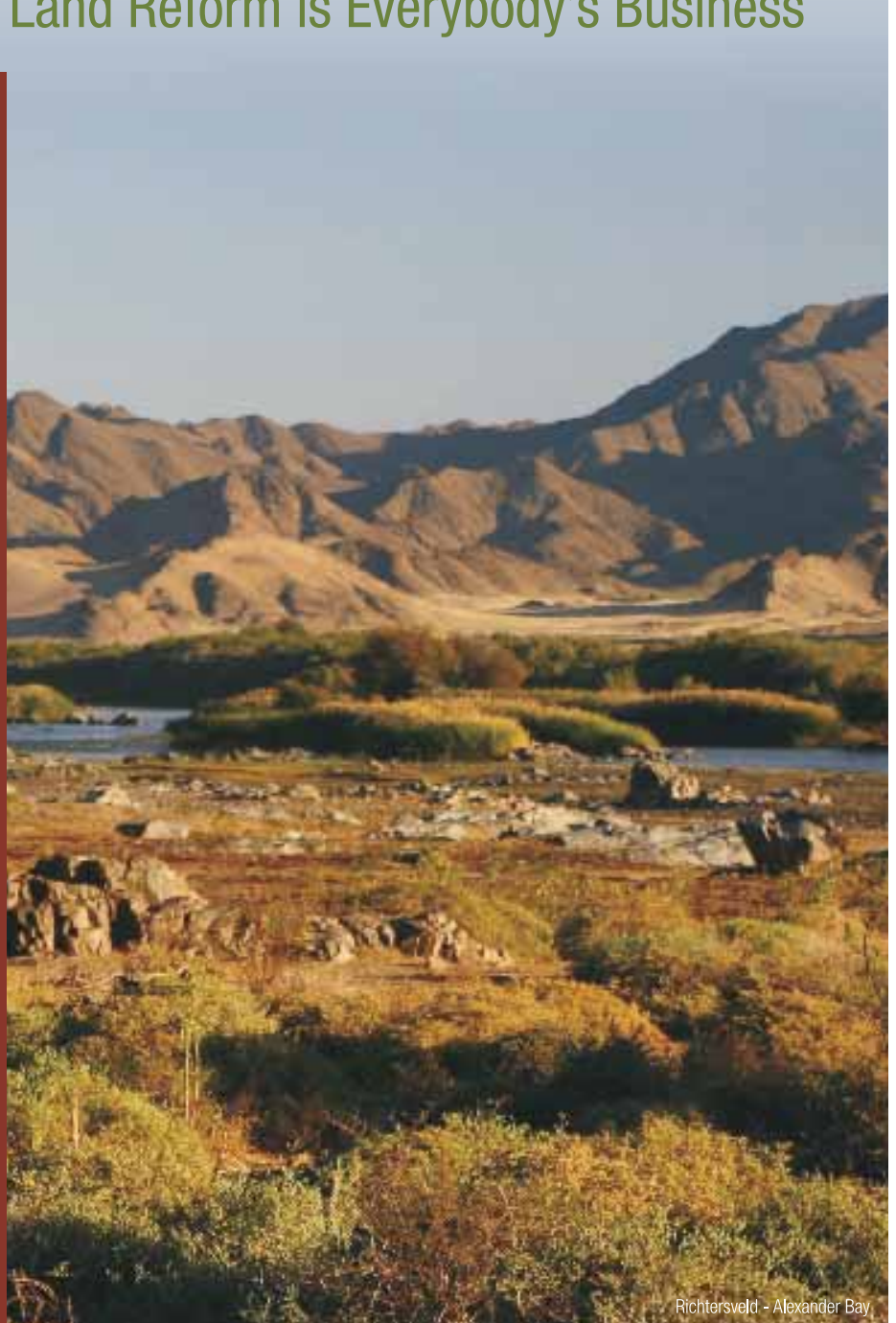
Qhubekani Mqobokazi and Makhasa



Khoswane Community



Barolong Boo Modiboa Boo Matlwang



Richtersveld - Alexander Bay

**Year ended 31 March 2008**



COMMISSION ON RESTITUTION OF LAND RIGHTS  
IKHOMISHANA YOKUBUYISELA KWAMALUNGELO  
OMHLABA  
KHOMISHINI E MABAPI LE PUSETSO YA  
DITSHWANELO TSA MAFATSHE  
KOMMISSIE OP HERSTEL VAN GRONDREGTE

## In their own Words – Claimants have their say

Lomhlaba wathathwa ngenkani kubaba wami ngisanezinyanga ezimbili ubudala. Ngenza isithembiso ngiseyengane sokubuyisela lomhlaba kubanikazi. Iphupho lami lize lafezeka ekugcineni, kanti siwumphakathi sizimisele ngokusebenzisa inzuzo esiyithola kwinkampani yakwa CC Africa ezinhlelweni eziyohlomulisa isizukulwane sethu.

**The late Inkosi SH Gumede, Chairperson of the Makhasa community land claim**

“We were forced to leave our donkeys, cattle and graves behind. It was a very painful experience”.

**Mr R.E. Mothupi, Zevenfontein (Bophirima mass celebration)**

“In the 1950's we were removed from Berman Cottage in Paarl East, because the owner wanted to sell. We went to David's' Cottage and later moved to the “Flatse” in Paarl East in the 1970's. I then bought the house in 16 Sharp Street in 1992. I used the financial compensation to pay off my house which was nearly repossessed by the bank, and kept R8 000.00. Ek sê dankie vir die Here, anders sou ons nie hier gewees het nie. My kinders erf nou die huis van daai Apartheid jare se geld wat ons nou gekry het.”

**Ms. Angelina Solomon (71 years old) from 16 Sharp Street in Groenheuwel, Paarl**

Sitfokotile lamuhla ngekubuyelwa kumhlaba wabokhokho betfu. Sitawucinisekisa futsi kwe kutsi lona mhlaba lesiwemukela lamuhla ulondvoloteka kahle siletsa. SITFOKOTILE LAMUHLA Tibongo teftu ku mhlonishwa welitiko lete mhlaba ngekutsatsa sikkhatsi sakhe atenetise aphindze acinisekise kwekutsi iTenbosch lena ibuyiselwa kubaniyo bayo mbamba.

**Mr S Silinda, Tenbosch land claim**

Re a lemoga gore boikgafo bjo re bo bonang lehono bo tla re tlela le bokamoso ba go phadima. Thego eo re e hwetsang go tswa go Masepala wa Maruleng le Bushbuckridge Economic Development Initiative (MABEDI) e tla re thusa kudu ka maatla go tsa hlabologo.

**Mr Letau Letebele, Chairperson of the Letebele, Mampuru and Maraba CPA (Callais 226 KT Hoedspruit )**

Ek is vol van vreugde en kan amper nie my trane terug hou nie. Dit is n groot oomblik geskiedenis van Richtersveld en ook Suid Afrika

**Chairperson of the Richtersveld CPA**

“This is one moment we thought we would never see.”

Some of our claimants were losing hope due to the fact that the process was taking too long to be finalized.

**Mohamed Ishmael Ebrahim, Marabastad CPA**

“Ke le modula setulo wa setshaba saga Moletete land claim ke kgotsofaditswe ke ka moo tshepetso ya kgopelo ya rena ya mabu e sepetsego ka ga gona. Ke bile kena le tshepho ye etilego ya gore le karolwana ye e setsego ya kgopelo ya naga etla sepetswa ka mokgwa o o swanetsego “

**Thandios Mashile, Moletete land claim**

I am very excited about my clan's future. The Makhasa and Mqobokazi communities had their homes destroyed, and their cattle and other livestock were taken as they were forced to move to make way for the reserve.

**Inkosi Mfakazeleni Buthelezi, Makhasa and Mqobokazi land claim**

“Ons is by die dorp uitgesit, daar staan nou 'n ouetehuis daar, naby die ou tronk in Paarl sentraal. Ek het gewerk, ons was nog jong meisies, ons het by slamse gebly. My ma het gesê ons moes trek. Ons het by Mnr. Du Toit gehuur en naby Mnr. Moutie Richards gebly, ons het vir sy ouers gewerk. Ons het toe die 'ashes' huisies gekry by die munisipaliteit, daar was 'n mis vloer en geen ceiling. “Die R25 580,00 is gedeel met my suster. Ons het ons huis betaal met die geld wat ons gekry het, die belasting was R3 000,00 agter. My man is dood en die oordrag is ook gedoen om die huis op my naam te kry.”

**Ms Lewisa Petersen (73 years old) from 97 Lantana Street in Klein-Nederburg, Paarl**

“Ek kom van Woolwash Cottage in Suider Paarl en is verskuif na Klein- Nederburg. Ek het toe gaan bly by Mnr. Jacobs in Evans straat. Die R25 580,00 het ek vir organisasies geskenk, van dit vir die ouetehuis, vir kinder organisasies en 'n bietjie gehou.”

**Me. Rachel Adams (94 years old) from Bauhinia Street Rushef Ouetehuis, Paarl**

Anginawo ngisho amagama okuchaza injabulo esinayo njengamalunga omphakathi. Ngithi angithathe lelithuba ukubonga Ukomishana wesifundazwe ngokuzikhandla kwakhe nokusiza ukuxazulula isicelo sethu sokubuyiselwa komhlaba.

**Phineus Dumisani Mhlaba, Hlabisa - Mpukunyoni 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**



COMMISSION ON RESTITUTION OF LAND RIGHTS

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## Letter of transmission

From the Chief Land Claims Commissioner SA

To:

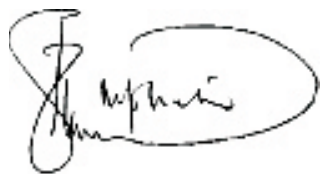
Honourable Ms Lulama Xingwana  
Minister for Agriculture and Land Affairs

Madam,

It is my pleasure to submit to you this Annual Report of the Commission on Restitution of Land Rights for the financial year ended 31 March 2008 for tabling in Parliament. This is in compliance with Section 21 of the Restitution of Land Rights Act, No. 22 of 1994 as amended, which prescribes that we submit this report annually not later than 1 June each year.

I will present the same report to the Portfolio Committee on Agriculture and Land Affairs as well as to the Select Committee of the National Council of Provinces, on the dates as decided by those committees.

Yours faithfully,



Mr Andrew Mphela

Chief Land Claims Commissioner SA (Acting)  
May 2008



## FOREWORD

### By the Minister for Agriculture and Land Affairs: Ms Lulama Xingwana

Access to land is one of the fundamental human rights enshrined in the Constitution of the Republic of South Africa. Through the promulgation of the Restitution of Land Rights Act No. 22 of 1994 (as amended), the democratic government has ensured that action is taken to restore the land rights to the victims of the land disposessions which took place in this country under the apartheid government.

The restitution process plays a critical role in the government's national reconciliation and poverty alleviation initiatives. Since its establishment in 1994, the Commission on Restitution of Land Rights has restored land rights to a total of more than 285000 households across the country. As at 31 March 2008, the Commission has settled a cumulative total of 74 747 claims. This constitutes a settlement of 95% of all the claims that were lodged with the Commission by the cut-off date of 31 December 1998. A total of 432 226 ha of land was delivered during the year under review, which brings the total ha of land delivered to the beneficiaries of the land reform programme to 2 078 385 ha, since 1995. The total budget expenditure for the Commission on Restitution of Land Rights amounted to R3.6 billion, with R3.3 billion spent on restitution awards, financial compensation and the purchase of land. A total of R296.3 million was spent on recurrent costs which include compensation of employees and service providers.

The Commission has pledged its commitment to process all the outstanding claims. About 4900 claims are still outstanding. These are complex rural claims with numerous challenges including claims that are still in the Land Claims Court for adjudication, disputes involving communities as well as Traditional Leaders on issues of jurisdiction, and the excessively high cost of land. We are awaiting the finalization of the expropriation bill which will give the state more muscle to fast track the settlement of claims. The majority of the outstanding claims are in KwaZulu-Natal (1740), Mpumalanga (851), Limpopo (674), Western Cape (599), and Eastern Cape (555).

In line with the Strategic overview, the Commission has planned to settle a total of 2585 claims during the new financial year. About 2% of the outstanding claims will be difficult to settle as a result of the nature of the challenges that are involved.

We are continuing to engage all our stakeholders in our efforts to resolve all the outstanding claims. Due to the nature of the outstanding claims, we have made a submission to Cabinet regarding the issue of time and extra funding which are needed in order for the Commission to process these claims. Cabinet has taken note of our submission.

The launch of the Settlement Implementation Support (SIS) Strategy on 18 February 2008 is a signal for all our stakeholders that we have now entered into a new phase in the restoration of land rights to our people. We have sent out a clarion call saying that Land Reform is everybody's business, the department cannot shoulder the burden of land reform alone - it cannot be business as usual. Developed through the financial and technical support received from the Belgian Technical Corporation, the strategy advocates the provision of a comprehensive settlement support to the beneficiaries of the land reform programme by role-players from the public and private sectors. The SIS strategy will be implemented as part of the Land and Agrarian Reform Programme (LARP) which is spearheaded by the Department of Agriculture and the Department of Land Affairs.

The implementation of the staff retention strategy has been completed. Staff members in the Commission who have been on contract employment have now been converted to permanent employees in the Department of Land Affairs. This has helped to retain staff as well as boost the morale of our staff members and we trust that they have now been re-energized to tackle all the challenges relating to the resolution of all the outstanding claims.

I am pleased to present this report to Parliament, to all the citizens of South Africa, our stakeholders and all those who have continued to support the South African land reform programme. Your support has enabled us to restore dignity to our people. The land question remains a critical one for the majority of our people. We draw strength and courage from the work that we do, putting land rights in the hands of our people, and thereby contributing to the provision of a better life for all. As we close the chapter on another year, for us in the restitution programme it is all hands on deck to fast track the delivery of land to our people.

Ms Lulama Xingwana  
Minister for Agriculture and Land Affairs  
May 2008





## OVERVIEW

**By the Chief Land Claims Commissioner  
SA: Mr Blessing Mphela (Acting)**

### Introduction

The restitution process forms an integral part of the government's social and economic reconstruction and development programme. By restoring land rights to the majority of our people, the new government is creating an enabling environment for those who have been previously marginalized, to participate in the economy of the country. In line with the President's State of the Nation address in February 2008, the Commission on Restitution of Land Rights is working hard to finalize the outstanding claims and improve on the provision of support to those who are receiving the land.

The settlement of approximately 95% of all the claims lodged with the commission within a period of just over 10 years is indicative of the government's commitment to address the skewed land ownership pattern created by the apartheid government. The eradication of poverty remains one of the government's prioritized focus areas, and we are encouraged to note that the restitution process is making a positive contribution in the improvement of the livelihood of our people. During the year under review, a total of 142 766 individuals have benefited from the restitution process.

### Our Performance

#### Financial Perspective

Expenditure for the 2007/8 financial year amounted to R3.6 billion. This signifies an increase of 36% compared to the previous year's expenditure of R2.3 billion. The increase in our expenditure is largely due to the settlement of large claims such as the Tenbosch claim in Mpumalanga and the Richtersveld claim in the Northern Cape Province.

Restitution awards amounted to R4.5 billion, including an amount of R2.5 billion which was approved for land acquisition, R801 million approved for financial compensation, as well as R1.2 billion approved for development grants. The Commission approved the restoration of 432 226 ha of land to a total of 33 485 households for the year ended 31 March 2008.

### Customer Perspective

A total of 415 Submissions were approved, resulting in the settlement of 330 rural claims during the year under review. Some of the claims settled during the year are highlighted below:

#### Phinda Game Reserve

The Phinda Game Reserve was restored to about 505 households from the Qhubekani Mqobokazi and Makhasa communities as restitution for their land claim. The land measuring in extent of 11,500 ha was restored to the community. The total award from the state towards the settlement of this claim amounts to R334.7 million. The Phinda Game Reserve is home to the famous Big Five. There are Rhinos, Elephants, Hippos, oNkonka and Lions which are a favourite attraction for international tourists. The community has agreed to receive restoration in title, and to allow for the perpetual use of the land for conservation purposes. The community will receive a share of the proceeds from the economic activities which take place in the Game Reserve.

#### Mpaphala Community Claim

The state allocated a total amount of about R6.1 million including the land costs as well as grants for the community, in settlement of the Mpaphala community claim. A total of 19 households including 204 individuals will benefit from the settlement of this claim. 40% of the households are female-headed households. The restored land is currently utilized for farming activities including sugarcane, timber, citrus, and poultry. The land is also used for grazing and boasts a shopping complex for the community.

#### Nhlanhleni Community Claim

Approximately 3842 hectares of land was restored to the 96 households from the Nhlanhleni community. The settlement of this claim will benefit about 576 individuals from the community. The total cost for settling the Nhlanhleni claim amounts to R8.7 million. This amount is inclusive of the cost for purchasing the land for the community, as well as grants for the community.

### **Khoshwane land claim**

The Khoshwane community was excited to receive 2780 hectares of productive agricultural land as restitution for their land claim at a cost of R24.8 million to the state, inclusive of grants towards the development of the restored land. A total of 69 households and approximately 414 individuals will benefit from the settlement of the Khoshwane claim.

### **Siyaphambili Community claim**

258 hectares of sugarcane producing land was restored to the Siyaphambili community. A total of 38 households including 250 individuals will benefit from the settlement of this claim. The state has allocated a total amount of R6.1 million including land costs and grants towards the development of the land.

### **Emasosheni Community claim**

76 households from the Emasosheni community received 2072 hectares of land as settlement of their claim in the Umkhambathini Local Municipality. The land is used to produce timber, sugarcane, as well as livestock farming. A total of R10.6 million has been allocated by the state towards land costs as well as grants for the development of the restored land. A total of 420 individuals will benefit from the settlement of this claim. Approximately 70% of the households in this community are headed by females.

### **Bakgatla ba Kgafela community claim**

Approximately 8.3 million hectares of land including the world renowned Pilanesberg game reserve was restored to the Raborife, Kube-kube and Maleka Moloane community, the Welgeval community, as well as the Bakgatla ba Kgafela tribe. A total of about 4096 households and 11000 individuals will benefit from the settlement of this claim. The total amount of restitution awards allocated for the three claimant communities by the state amounts to R167.5 million.

### **Barokologadi бага Maotwe community claim**

A total of 884 households received about 26 166 hectares of land as compensation for the Barokologadi бага Maotwe community land claim. The restored land includes the famous Madikwe game reserve situated in the North West Province. The state allocated a total amount of R23 million as grants towards the development of the restored land. 3 498 individuals from the community will benefit from the settlement of this claim.

### **Wallmansthal land claim**

Members of the Wallmansthal community were jubilant as the Minister restored land measuring in extent of 4186 hectares to the community in September 2007. A total of about 1 200 ha was restored in individual title as some of the members of the community held title deed to their land prior to the dispossession. The remainder of 2 986 hectares of land will be held communally through the Communal Property Association (CPA). The state allocated grants to the community towards the development of the land to the value of about R4.7 million inclusive of the development subsidy valued at R2.5 million. A total of about 494 households will benefit from the settlement of this claim.

### **Marabastad land claim**

72 households from the Asian community received title deeds for their land measuring in extent of 31248 square metres in the Marabastad area. A total of about 252 individuals will benefit from the restoration of the land with 126 properties valued at R7.5 million. The state allocated grants to the total value of R216 000.00 towards the planning for the development of the restored land.

### **Barolong boo Modiboa boo Matlwang community claim**

16 956 hectares of land was restored to the 625 households of the Barolong boo Modiboa boo Matlwang community near Potchefstroom in the North West province. Part of the restored land will be utilized for the development of the National Highveld Park in collaboration with the North West Parks Board and 2929 ha will be utilized for agricultural purposes. The total restitution award from the state for this claim amounts to R34.39 million.

### **Richtersveld land claim**

The Nama people from the four communities in the Richtersveld area were jubilant as the Minister for Agriculture and Land Affairs Ms Lulama Xingwana handed back their land in a joyous celebration in December 2007. The State has committed a total of R303 million towards the settlement of the Richtersveld claim. An amount of R50 million was paid to the community as compensation for having been deprived of access to the land and Mineral Rights. R190 Million was allocated towards the payment of the extraordinary reparation to the community as compensation for the depletion of the diamond resource. The State paid Alexkor an amount of R48.9 million for the mineral rights as well as R14.3 for the farm Beauvallon.

### **Prieska claim**

905 households in the Northern Cape province received financial compensation amounting to a total of R35.2 million from the state in settlement of the Prieska restitution claim. The one household which has opted for a housing development was awarded a development package valued at R43 424.00. The Siyathemba Local Municipality has identified and allocated a site to build a house for the household. A total of approximately 4705 individuals will benefit from the settlement of the Prieska claim. The Prieska claim forms part of the claims which were originally lodged with what was previously the Western Cape and Northern Cape office. The claim was later transferred to the Northern Cape and Free State office for processing following the reconstitution of the two offices.

### **Riemvasmaak community claim**

On 29 March 2008 the Riemvasmaak community rejoiced as Minister Lulama Xingwana restored to them 1654.3521 hectares of land as part settlement of their claim. This settlement will benefit a total of 657 households and about 880 individuals from the community. A total amount of R36.1 million has been allocated by the state towards the settlement of this phase. This amount includes R28 million allocated to purchase the land, R1.1 million allocated to the community as Restitution Settlement Grants, as well as R7 million approved for the development of the restored land.

### **Tarka claim**

160 households from the Tarka community in the Mossel Bay Local Municipality in the Western Cape received financial compensation in settlement of their claim. The community opted for financial compensation due to the fact that the people have already established themselves where they are currently staying and are therefore not keen to relocate. The state has allocated a total amount of about R6.2 million as financial compensation which will benefit about 1300 individuals from the community. About 108 households that received compensation are headed by women.

### **Rooikamp tenancy claim**

The settlement of the Rooikamp tenancy claim will benefit a total of 198 households who have been prioritized to receive restitution due to the high level of poverty in the area. The group forms part of a total of about 2000 households who have lodged claims for tenancy rights lost during their forced removal from the Rooikamp Vanrhynsdorp area. The 198 households have opted for financial compensation as settlement of their claim. A total of 1 562 individuals will benefit from the total amount of R7.7 million allocated by the state to settle this claim.

### **Ebenhaeser community claim**

Members of the Ebenhaeser community will benefit from the restoration of 27 agricultural erven measuring in extent of 102 hectares, as partial settlement of their claim. An amount of R14.5 million has been approved to purchase the land towards the settlement of phase 1 of the Ebenhaeser community claim.

### **North Pondoland land claim**

Minister Lulama Xingwana restored land in extent of 10 000 hectares to the Hlolweni, Mfolozi and Etyeni communities in the Bizana District Municipality in the Eastern Cape Province. A total of 4519 households and 8000 individuals will benefit from the total restitution award from the state in settlement of this claim which amounts to R68.8 million.

### **Caquba community claim**

2362 hectares of land valued at R33.9 million was restored to the Caquba community by Minister Lulama Xingwana in February 2008. The settlement of the claim will benefit 2660 households including 6257 individuals from the community. The restored land includes agricultural farms, the Silaka Nature Reserve, the Mt Thesiger Forest, the Bulolo Holiday Reserve, as well as a portion of the Military land in the Naval Base. A total of R17.5 million has been allocated to 660 households as grants towards settlement planning and developmental projects for the community. A further R9.9 million which constitutes 25% of the land cost has been allocated as development grant for the community. The state has committed funds for the compensation of the loss of residential land and structures for each of the 805 households who lost their land rights as a result of the betterment planning, amounting to a total of R37.8 million. The state will also pay financial compensation to the 805 households for the properties which cannot be restored to the community, to a total value of R27 million. In addition, the state has allocated financial compensation for the 195 households who were disposed of their land rights in the area which is now known as Port St John, to the total value of R10.1 million. The total amount involved in the settlement of the Caquba community claim amounts to R92.6 million.

### **Leightonville community claim**

112 households from the Leightonville community in the Amathole District Municipality in the Eastern Cape received financial compensation in settlement of their claim. Approximately 900 individuals will benefit from the total financial compensation amount of R8.9 million allocated by the state. The claim is in respect of land rights lost by the community in the Ginsberg area in King Williams Town, as a result of the forced removal which took place in 1959.



### **Mazangweni community claim**

A total of 353 households from the Nyandeni Local Municipality in the Eastern Cape Province received financial compensation for their claim at a total cost of R6.9 million to the state. About 294 of the households that received compensation are headed by women. The claim will benefit a total of 828 individuals.

### **Double Drift community claim**

264 households from the Double Drift community will benefit from the settlement of their claim at a total cost of R13.68 to the state. The amount is inclusive of R6.6 million which has been allocated to the community as compensation for the loss of residential structures during the time of dispossession, R1.7 million allocated as Restitution Grants for the community, as well as R5.25 million which the community will receive towards the development of the restored land.

### **Letebele Mporu Moraba community claim**

Acting in terms of Section 42E of the Restitution Act No. 22 of 1994 (as amended), the Minister expropriated the farm Callais 226 KT situated in the Limpopo Province, in January 2008. A total of 310 households and approximately 1860 beneficiaries will benefit from the restoration of the 2355.8802 hectares of land to the community. The land has been transferred to the Strategic Farm Management (SFM) company as an interim caretakership arrangement and will later be transferred to the beneficiaries. The land is currently utilized for commercial citrus farming. SFM has been tasked with the responsibility to ensure that the farm remains viable for future Joint Venture possibilities. Expropriation was effected following a deadlock on negotiations on the issue of price for the land with the previous land owners. An amount of R13.3 million which constituted the state's offer for the land, has been approved as final payment to the previous land owners in respect of the property.

### **Matabane community claim**

A total of 79 households and 116 individuals will benefit from the settlement of phase 1 of the Matabane land claim in the Mogalakwena Local Municipality in the tourist attraction area of the Waterberg District in the Limpopo Province. 44 of the households that have received restoration of the 1214.494 hectares of land are female-headed households. The settlement of the Matabane claim has generated interest from prospective strategic partners who have approached the community with a view of taking part in the economic development of the project. The state has allocated grants amounting to a total of R350 760.00 towards the developmental plans for the land. The total award allocated

for the settlement of the Matabane community claim is R38.8 million inclusive of the land cost and the development subsidy which constitute 25% of the land cost.

### **Moeketsi Ga-Chaketla community claim**

66 Households and approximately 100 individuals will benefit from the settlement of this claim a total cost of R4,5million to the state. An approval was granted for the release of an amount of R1 million as development grant for the Moeketsi Ga-Chaketla community in the Vhembe District in Limpopo. The amount constitutes 25% of the land cost for the land which was approved for restoration to the community by the Minister in 2006. An amount of R124 500.00 will be utilized to purchase movable dairy equipment for the community.

### **Levubu community claim**

401 households and approximately 1820 individuals will benefit from the restoration of 258.7889 hectares of land in the Vhembe District Municipality area as settlement of their claim at a cost of R14.6 million to the state. Seven communities including the Ravele, Masakona, Tshakuma, Shigalo, Ratombo, Tshitwani and Tshivhazwaulu have lodged separate claims on the land. The claim is being settled in phases due to the large number of communities and land owners involved.

### **Greater Tenbosch community claim**

On 19 June 2007 the Minister restored 32 000 hectares of highly commercial land valued in excess of R1 billion as settlement of the Greater Tenbosch claim in the Nkomazi Municipality area in the Mpumalanga Province. More than 8000 households of the Ngomane of Hhoyi, the Ngomane of Luggedlane, the Ngomane of Siboshwa as well as the Mkhathshwa of Mbambiso communities will benefit from the settlement of the Greater Tenbosch land claim.

### **Manala Mgibe community claim**

The office of the Regional Land Claims Commission: Mpumalanga purchased 29 properties measuring in extent of 9427 hectares at a cost of R69.7million towards the settlement of the Manala Mgibe community claim. In total, the community has lodged claims for land measuring in extent of 100 000 hectares in the Emalahleni Local Municipality. The claim is being settled in phases as a result of the large number of claimants and land owners involved.

### **Mangweni community claim**

A total of R8.5 million was allocated to 123 households from the Mangweni community as financial compensation in settlement of their land claim regarding the farm Tenbosch

162JU in the Mpumalanga Province. The settlement will benefit a total of 285 individuals from the community.

#### **Ndebele Ndzundza community claim**

The state allocated R93.1 million towards the restoration of 10433 hectares of land to the Ndebele Ndzundza community in respect of their land claim in the Greater Sekhukhune area. A total of 1600 households from the community will benefit from the settlement of this claim.

#### **Shabalala, Maseko, and Gama community claim**

Approximately 3924 hectares of land valued at R68 million was restored to the Shabalala, Maseko, as well as the Gama communities in the Gert Sibande District Municipality in the Mpumalanga Province. A total of 58 households will benefit from the total amount of R257 520.00 allocated by the state as grants towards the development of the restored land. The total value of the settlement of this claim amounts to R68.7 million.

#### **Business Process Perspective**

In line with the state Presidential directive, the Commission is currently engaged in the process of finalizing outstanding restitution claims, as well as providing support to the restitution beneficiaries. We have set ourselves to settle between 97% and 98% of all the outstanding claims by March 2009. This means that we would only have about 2% of the claims which will not have been settled. These are claims which fall under the category of claims which are either in the courts, or those that are too costly for the state.

The outstanding 4949 rural claims pose numerous challenges for the Commission and are not easy to finalize. Currently there are about 145 claims which are still in the Land Claims Court due to disputes on the issue of validity. Until such time that these claims have been resolved by the court, there is not much that we can do about such claims. Our experience is that legal matters take a long time to resolve particularly if one considers that in Australia, some of the restitution cases took up to 15 years to resolve through the judicial approach. The slow pace of dealing with claims in the court is largely due to the structure of the institution. We find that it is easier to resolve cases in instances where the parties already have an agreement in place to be ratified by the court. We have always maintained that the negotiated approach is the better option. We have engaged with the members of the Land Claims Court and reflected on issues that need to be addressed in order to facilitate a speedy resolution of restitution cases in the court.

Prohibitive land costs remain a challenge for the restitution process as well as the land reform programme in general. It is a fact that international offers for land in South Africa are contributing to the distortion of the land market in the country. Some of the land owners are using these offers as a yardstick for determining the price for their land. We have found that there are instances where we need billions of rands in order to settle a single claim. We are pressing ahead and will continue to implement the expropriation laws in consultation with the Department of Works in order to fast track land delivery. Currently, a total of 53 Notices of Possible Expropriation has been served to land owners whom we feel are just employing delaying tactics, and are bent on disrupting the restitution process. The Commission continues to engage land owners through the various Agricultural Unions with the view to deal with some of the challenges relating to the settlement of outstanding claims.

Another challenge in settling outstanding claims concerns the issue of community disputes, including boundary disputes involving Traditional Leaders. The Homeland system contributed to some of the problems currently faced by the Commission in this regard, e.g. in the North West, the Bophuthatswana government created more chiefs than the number of chiefs who were in place prior to the homeland's independence, this unfortunate situation is now a source of dispute on issues relating to the jurisdiction of Traditional Leaders when dealing with restitution claims. Through the implementation of a dispute resolution mechanism, the Commission is addressing the issue of community disputes in order to speed up the settlement of claims. We are continuously engaging Traditional Leaders through the National as well as the Provincial House of Traditional Leaders with a view to fast track the processing of claims in the rural areas. We are encouraged by the commitment undertaken by the Traditional Leadership institutions to work together with the Regional Commissioners to address some of the challenges.

The reluctance to release state land by other government departments and institutions is also hampering the process of transferring land to the beneficiaries. The Commission will seek intervention at ministerial level in order to address this challenge.

The types of claims that we are processing are mainly categorized as claims on agricultural land; claims on forestry land; claims on protected areas; as well as claims on land where there are mining activities taking place. We are currently negotiating with the various industry role players regarding the settlement of these claims. It is not an easy process as there are no normative models for us to refer to,

and thus we are developing the models as we go along. Issues relating to budget implications also require meticulous consideration in order to be able to settle claims where there are established commercial activities taking place.

We have signed a Memorandum of Agreement (MoA) with the Department of Environmental Affairs and Tourism (DEAT) which will assist us with the finalization of claims on Conservation land. Currently we are dealing with approximately 122 claims on land which falls under protected areas. We are working closely with DEAT towards the development of best models that can be applied which will ensure that there is equitable compensation for the claimants, as well as sustainability regarding the current land use.

Memoranda of Agreement have been signed with Mondi and Sappi regarding the finalization of claims on forestry land. The MoA with Mondi and Sappi addresses issues of consultation regarding the available options for the beneficiaries in settlement of their claim. This entails the issue of transferring the title of the land under claim to the community, the involvement of the community in the co-management of the restored land, details of how the community will benefit from the continued use of the land by the forestry companies, issues of equity shareholding, skills transfer, capacity building and other business opportunities which will benefit the claimant community. The Commission is processing a total of about 739 claims on forestry land.

The Commission has established a working relationship with the mining company Anglo-American towards the settlement of claims which have a mining aspect. A Memorandum of Agreement between the two parties will be signed in the next few months. The agreement will address some of the issues that must be addressed in line with the Mining Charter when settling claims on mining land, e.g. where housing development forms part of the settlement agreement, issues pertaining to the mining company's social plans; the effects of the mining activity on the immediate environment; etc must be taken into consideration. There are currently about 170 claims across the country on land where there are mining activities taking place.

### Corporate Governance Perspective

Section 21 of the Restitution of Land Rights Act states that each year we must table our annual report in Parliament by no later than 1 June. Our annual report is presented to both the National Assembly and the National Council of Provinces (NCOP). In line with the statutory requirements, the Commission has participated in all the meetings of the portfolio Committee on Agriculture and Land Affairs, as well as the meetings of the Select Committee of the National Council of Provinces. We also participated in the public hearings organized by the NCOP.

The Commissioners participated in the Commissioners' quarterly meetings in line with Section 5 of the Restitution Act. During the year under review the Commissioners' meetings focused primarily on the finalization of the outstanding claims; the launch and implementation of the Settlement Implementation Support (SIS) strategy; as well as risk management and quality assurance, including the enhancement of the integrity of the institution's information management system.

### Learning and Growth Perspective

We have successfully implemented the staff retention strategy in line with the approval received from the Department of Public Service and Administration (DPSA). The majority of our contract staff members have been converted to permanent employment in the Department of Land Affairs. All the staff members who have been converted to permanent employment are currently seconded to the Commission on Restitution of Land Rights until such time that all the restitution claims have been finalized. The implementation of the strategy will contribute towards attaining stability in our human capital as well as retaining the necessary skills needed to implement the land reform programme.

The launch of the Settlement Implementation Support (SIS) Strategy by the Minister for Agriculture and Land Affairs Ms Lulama Xingwana heralded a new era in the implementation of the South African land reform programme. Developed through the financial and technical support received from the Belgian Technical Corporation (BTC), the SIS strategy is aimed at providing comprehensive post settlement support to land reform beneficiaries. The strategy places settlement support at the centre of the Provincial government and the Municipalities who act as the implementing agents in the provision of support for the beneficiaries. The SIS strategy will be implemented as part of the Land and Agrarian Reform Programme (LARP). Together with the Departments of Agriculture and Land Affairs, we are currently working on the implementation plan for the SIS strategy as a component of LARP. We are busy looking at the re-alignment of our resources and modes of delivery in order to enable us to provide efficient service delivery to our primary clients - the land reform beneficiaries.

### Strategic Plan: Finalizing outstanding claims

We have projected that we will be able to settle a total of about 2585 rural claims by the end of the 2008/2009 financial year. This will bring the total figure of all the claims settled to 98% out of all the claims lodged with the Commission by December 1998. Our projections reveal that we will need a total of R15 billion in order for us to be able to finalize the outstanding claims. Cabinet has taken note of our submission



in this regard. The outstanding rural claims per Province are outlined below:

Kwa-Zulu Natal	1740
Mpumalanga	851
Limpopo	674
Western Cape	599
Eastern Cape	555
Northern Cape	218
North West	215
Free State	97
Gauteng	0

**Total 4949**

#### **International Interest**

A team of eight delegates made up of staff members from the Department of Agriculture, the Department of Land Affairs as well as the Commission on Restitution of Land Rights went on a five day study tour to Canada, sponsored by the Canadian government. The tour took place from 30 July 2007 until 3 August 2008. The study visit was primarily aimed at gaining some insight on the Canadian land reform programme with a view to improve our own performance at home, based on the lessons learnt from the Canadians. The visit focused particularly on the assessment of the impact of the Canadian restitution process and the settlement support programmes on the lives of the beneficiaries. As part of the assignment, members looked at the role of the state, NGOs, parastatals as well as the private sector in supporting the restitution programme. The team also shared experiences with their Canadian counterparts on the overall development process in settling restitution claims. A detailed report on the study tour is available on the website of the Department of Land Affairs: <http://land.pwv.gov.za>

The Commission is currently hosting a researcher from the University of Illinois, Chicago - Kent College of Law in the United States of America, Professor Bernadette Atuachene who is conducting research on land claims. Professor Atuachene's study is specifically focusing on the Effect of compensation given to restitution beneficiaries on urban claims. She will be in South Africa for a period of eight months, ending in September 2008.

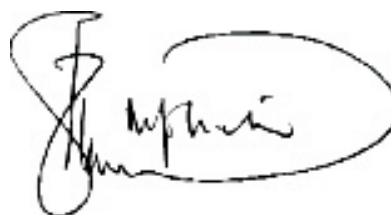
#### **Conclusion**

We are grateful for all the support that we have received during the year under review. We thank the President, the Deputy President, the Minister for Finance, our Minister, our Deputy Minister, as well as all the members of Parliament for their leadership and strategic direction.

We thank the members of the Minister's Committee as well as the members of Stratcom in the Department of Land Affairs for their continued support on restitution matters. A special applaud for all our stakeholders for their continued support and participation in the restitution programme, thus contributing to our national reconciliation and nation building process.

We also commend our staff members for their commitment and endurance. Once again they have gone the extra mile and put in a lot of energy and effort as we raced to finalize the outstanding claims in line with the Presidential directive. Despite the pressure and challenges that come with the work that we do, they have kept on producing good results and thereby enabling us to deliver on the promise of our constitution. These are the men and women who are working hard to ensure that the restitution process remains on track.

Once again, we say thank you to all the people who have continued to lend us their support. We could not have done it without your participation. We rely on your continued involvement and contribution in order to accomplish a sustainable South African land reform, under the rule of law.



**Mr Andrew Mphela**  
**Chief Land Claims Commissioner SA (Acting)**

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## Reports from the Regional Offices





# Regional Land Claims

## Commissioner:

### KwaZulu-Natal

#### OVERVIEW

The year under review was a challenging one for the KwaZulu-Natal office. It has been a learning experience for a lot of practitioners involved in the processing of claims in KwaZulu-Natal. We experienced a paradigm shift from the traditional ways of processing claims to more innovative approaches following the strategic planning session conducted with our stakeholders towards the end of 2006.

The gains which flowed from the Strategic Planning Process are numerous. The office registered a great success by managing to complete the research process on 95% of the 1500 claims which are being verified and gazetted. This process has helped to strengthen our working relationships with the Redistribution and Tenure Reform business units which assisted a great deal through the provision of Land Reform Practitioners to reinforce our capacity during this exercise.

As part of our new approach to doing business, we have restructured our teams in line with the Local Government demarcations, thus promoting easy access to the Commission by critical stakeholders.

In instances where negotiations with land owners dragged on for a long period with no finalization, we had to refer the claims to court and recommended others for expropriation. This was necessary in order to deal with the unnecessary delays in resolving claims, and to demonstrate our seriousness and commitment to finalize claims in the region.

Financial compensation as restitution awards remains a challenge in view of the fact that it does not contribute to the overall objective of the land reform programme to address the skewed land ownership patterns in our country. The office tries hard to encourage claimants to opt for land restoration and development as it is a sustainable option. We are using various media such as the local radio stations to educate the community regarding the fact that land is a valuable resource for economic development.

September 2007 marked the first 365 days since the Commissioner was appointed. The appointment of the Commissioner has contributed to the improvement in staff morale as well as the increased pace in settling claims in the region. In addition, the Commissioner's appointment has led to an improvement of relations with the various stakeholders involved in the restitution process in the region.



Khoshwane Community sugar cane project

#### HIGHLIGHT ON SIGNIFICANT CLAIMS SETTLED BY THE OFFICE

##### Phinda Game Reserve

The dedication and tireless efforts put in by Restitution practitioners in the KwaZulu-Natal office paid off handsomely through the settlement of the Phinda Game Reserve which saw the Qhubekani Mnqobokazi and Makhasa Trust receive title ownership of the land. The settlement of this claim followed the successful lodgment of the claim by the late Inkosi Hulumeni Gumede on behalf of the communities.

The land restored to these communities has been developed to a highly viable internationally renowned tourism destination which is home to the much sought after Big Five. There are lodges on the land catering for the accommodation needs of the mostly international tourists who visit the area. This land will bring great returns to the Qhubekani Mnqobokazi and Makhasa Trust. Conservation Corporation Africa, the previous land owner with a lot of experience in the field of tourism and game ranching, has agreed to assist the beneficiaries in terms of skills development which will enable them to actively participate in the economic activities arising out of the settlement of their claim.

The skills development initiative will empower the beneficiaries in areas such as the management of tourism entities which they will put to good use when they get an opportunity to develop their own lodge in line with the settlement agreement. The community will also receive a share of the proceeds from the current operations by Conservation Corporation Africa on the property.

The settlement of the Phinda Game Reserve claim will benefit a total of 505 households involving 11,500 hectares of land at

a cost of R 334, 7 million to the state. An additional injection of funding from the state and Conservation Corporation Africa will assist the community towards the development of relevant infrastructure to expand the hospitality business at the Reserve, for the benefit of the Qhubekani Mnqobokazi and Makhasa Trust.

### **Mpaphala Community land claim**

On the 28<sup>th</sup> December 1998, Garnet Thamsanqa Dlamini successfully lodged a restitution claim on behalf of the Mpaphala Community in Eshowe. The resolution of the Mpaphala claim brought an end to a sad chapter in the lives of the community regarding the loss of their land rights through the cunning actions of a white man named John Fry alias Mhlakaza.

Under the leadership of Inkosi Biyela, the community warmly welcomed Mhlakaza into their land and allowed him to implement what they believed was an economic development initiative which would benefit the community. Mhlakaza requested a small site in which he could build a store which was going to assist the community by bringing services closer to the people and most importantly, create employment opportunities for the community.

Permission to build the store was granted to Fry who later discovered that the land had great potential for agricultural development. He started extending the piece of land initially allocated to him and evicted people from the land. Fry later registered the land as Fort Yolland Farm, under his name in

1927. Fry's son, Aubrey Fry, also evicted people from the land so that his area of farming could be extended. This was how the Aubrey farm came into existence. The area was officially declared as a farm on the 18<sup>th</sup> of July, 1934.

During Fry's reign of terror, the communities lost their rights to the land, including valuable assets as they were forcefully removed from the land. The community was denied their land rights to land measuring in extent of approximately 802 hectares. The land is currently being utilized for sugarcane, timber and citrus farming.

John Fry subsequently developed the trading store into a much bigger complex which today consists of a Wholesale, Liquor Store, Supermarket, Butchery and Filling Station, all of which are fully operational.

The transfer of the land to the Mpaphala community has been relatively smooth and the farm workers who were employed by the previous landowner have been re-employed to continue to work on the land. The farm is currently operating to its full capacity.

The state has allocated an amount of R6.1 million towards purchasing the land for the community. The affected 19 households will receive a total award of R60 000.00 as Restitution Discretionary Grants, as well as R28 000.00 as Settlement Planning Grant to enable the community to participate in economic development activities on their land. 40% of the affected households are female-headed households.



Mpaphala Community sugar cane project



## Nhlanhleni Community land claim

True to its commitment towards the land reform programme, the office impacted positively on the lives of yet another poor community in the Umzinyathi District Municipality, one of the poorest areas in the province. The Nhlanhleni community was overcome with joy to get back their land from which they had been forcefully removed in 1960s. They came in large numbers, the grannies and the youngsters, to witness the restoration of their land rights by the new democratic government.

The community was relocated to eMondlo, about 150 kilometres away from their ancestral land. After 10 years of waiting, the Nhlanhleni people's dream to return to their land was finally realized.

43 households out of the total number of 96 households who got their land back, are female-headed households. Approximately 576 individuals will benefit from the settlement of the Mpaphala claim. The land will be held under the Nhlanhleni Community Trust on behalf of the community.

There are commercial farming activities taking place on the land with a specific focus on livestock farming. A portion of the land has been leased to the previous owners to ensure that there is continued optimal use of the land until such time that the community is in a position to take over all the farming activities on the land. A part of the land is currently used for maize production. The area has an abundance of water for irrigation and other purposes. This gives the Nhlanhleni Community an opportunity to use the 3842 hectares of land restored to them, fruitfully.

Game farming is another activity taking place on the land. At the moment the community does not own game. The Commission on Restitution of Land Rights is negotiating a deal to purchase the game on the land in order to enable the community to partake in the game farming business. There are also plans for the development of accommodation facilities on the property. The community has also indicated that they want to develop homesteads for residential purposes on a portion of the land. The Commission has appointed service providers to conduct the land use and spatial development plan.



A partial view of the shopping complex which formed part of the restitution package for the Mpaphala Community.

The state has committed a total amount of R8,7 million in this project. The total amount includes costs towards purchasing the land for the community; compensation for properties where it is not feasible to restore the land to the community; Settlement Planning Grant (SPG); as well as Restitution Discretionary Grant (RDG). The Local government structures within the Mzinyathi District Municipality including the Endumeni Local Municipality and the Department of Agriculture and Environmental Affairs have committed themselves to support the Nhlanhleni Community Trust to ensure sustainability of the land reform project.

## Khoshwane Land Claim

The Khoshwane community's bliss was abruptly ended when they were forcefully removed from their land. The community was relocated against their will to what was then known as Native Location No. 5. The people were uprooted from their ancestral land and suffered great loss without any compensation from the previous government.

The restoration of the land to the community will have a positive impact in the lives of the members of the community in the area, where poverty is rife. The Ugu District Municipality will benefit from the capital injection into the area, in the form of development grants which are geared to benefit the community. The restored land which measures in extent of 2780 hectares, is currently under banana and sugarcane production. The agricultural venture serves as one of the main contributors to the Gross Domestic Product (GDP) in the province.

The land is currently being leased to the previous landowners, while the Commission and other government departments are developing a plan to ensure that the community benefits are maximum on this project. In addition to the income from leasing the land, the communities are also benefitting from the transfer of skills by the previous owners. The beneficiaries have entered into a mentorship agreement with the neighbouring farmers to enable the new land owners to participate in the commercial agriculture sector. The Cane Growers Association and the Department of Labour are also providing relevant training for the beneficiaries, aimed at empowering them to take over the farming activities when the lease expires.

Approximately 414 beneficiaries have received full title deed on six farms on which sugarcane and banana farming activities are taking place. The state has committed a total amount of R 24,86 million towards the settlement of this claim for the Khoshwane community. The amount is inclusive of the land costs as well as development grants allocated by the state to enable the community to utilize the land in a productive manner.

### Siyaphambili Community Trust

The community was dispossessed of their land rights in the 1960s as a result of the Native Service Contract Act of 1932, which banished black communities to small, unproductive pieces of land in remote areas far away from any economic activity. The community was forcefully removed without any form of compensation for their loss.

Approximately 10 years ago, Mr Manyathela Mlangeni lodged a claim on behalf of the community in respect of the 258 hectares of land from which they were forcibly removed. The land has been handed over to the Siyaphambili Community Trust on behalf of the community. The claimants are not physically occupying the restored land, but have instead opted to maintain the land use and continue with the production of sugarcane on the land.

As a result of the mentorship and training initiative with the previous lessee, the Siyaphambili Community Trust has been able to successfully take over the sugarcane farming activities. A total of about 250 households will benefit from the settlement of this claim. The state has allocated a total amount of R6,1 million which includes development grants, for the settlement of the claim.

### Emasosheni Community Trust

After a period of 45 years since the Emasosheni community was forcefully removed from their ancestral land, the land reform delivery vehicle finally arrived to deliver the land to the community. For the Emasosheni community, the resolution of their claim on the land ushered in a new age of hope in the history of the community.

The Emasosheni Community was first removed from their land in 1942 as a result of the Native Service Contract Act of 1932. Members of the community lost some of their assets as they were forced to relocate to other areas, due to the implementation of the Act.

The community suffered another blow during the late 50s – 60s when one of the white 'masters' known as "Mpama" which means "Slap", restricted each of the households to keep no more than four cows on the land. Mpama imposed this restriction on the community in line with the Stock Limitation Act of 1950. The community suffered a great loss as a result of the implementation of yet another piece of legislation designed by the previous government to discriminate against the people on the basis of the colour of their skin.

The claimant community consists of 76 households who are the direct descendants of the Emasosheni community which was forcefully removed from their land. As compensation for their loss, the community has been awarded land rights in the

Umkhambathini Local Municipality under the jurisdiction of the Umgungundlovu District Municipality. The land which is in extent of 2072 hectares, is currently used for the production of timber, sugarcane as well as livestock grazing.

The provincial government structures have been invited to provide expert services to ensure sustainability for the community project. The Provincial Department of Economic Development has been requested to assist in the process of exploring marketing and investment opportunities for the project. An agreement has been reached with the Provincial Department of Agriculture and Environmental Affairs to provide agricultural inputs and mentorship support for the beneficiaries, valued in excess of R 4 million.

The Provincial Department of Arts and Culture and Tourism will provide customer relations and tourism management training for the beneficiaries to the value of R250 000.00. Ezemvelo KwaZulu-Natal Wildlife has provided support in the identification of risk areas in the biodiversity management as well as the conservation of the Blue Swallows that are natural inhabitants in the area.

A portion of the land will be used as a tea plantation with employment opportunities for approximately 50 skilled personnel as well as 350 general workers. It is envisaged that the construction of a tea-processing factory and packing facility on the property will create more jobs for the community. The development of an avocado plantation and a pack house on the property forms part of the plans for the economic activities which are being considered.

About 70% of the households in the Emasosheni community are female-headed households. The state has committed an amount of R10,6 million which is made up of land costs as well as development grants for the beneficiaries. The settlement of the Emasosheni claim will benefit approximately 420 individuals.

Wild animals in the Phinda Game Reserve which has been restored to the QhubekaniMngobokazi and Makhasa Trust.



# Regional Land Claims

## Commission:

### Gauteng and North West

#### OVERVIEW

Since 1998 the office of the Regional Land Claims Commission: Gauteng and North West has settled about 13158 land claims comprising financial compensation and restoration of land for agricultural and housing development. The successful settlement of these claims is largely attributed to the good relationship that the office has fostered with other key stakeholders in the land reform process, such as the Provincial Department of Agriculture, Conservation and Environment; the Department of Labor; Department of Public Works; as well as the District and local municipalities in the Gauteng and North West provinces.

The office has put a lot of effort in creating awareness among the municipalities and other key stakeholders regarding the nature of support required by restitution beneficiaries. Although Project Steering Committees have been established in most local municipalities, there is still room for improvement regarding the extent of inclusion of restitution projects in the municipalities' development priorities. The collaboration with the various stakeholders is crucial in order to ensure sustainability for projects that have been handed over to the beneficiaries of the restitution programme.

As we approach the finalization of the settlement of land claims in the region, the office intensified its efforts to clean up its records with regard to the claims on its books. This includes the reconciliation of actual records and statistical information in respect of claims lodged; claims settled and outstanding claims.

The financial commitments with regard to claims where land has been restored are high in terms of the costs involved for purchasing the land, as well as the amount of grants that has been allocated in order to ensure sustainability of the projects. In the year under review, the Commission spent 100% of the R460 million capital budget allocated for the settlement of claims in the Gauteng and North West province. The North West office is left with a number of complex rural claims which must still be finalised. Most of the claims have been partly settled in phases.

The Gauteng office on the other hand is finalizing four major rural claims involving large communities located in the south-east and north of the province. Furthermore, the office is settling 319 labour tenancy claims which were rejected as non-compliant but had to be reviewed as a consequence of the Constitutional court judgment on the Popela claims in the

Limpopo province. In terms of the said Judgment, labour tenancy claims have to be settled as restitution claims.

#### **ACHIEVEMENTS**

Despite a number of challenges experienced during the financial year, the Gauteng and North West office continued to maintain its high service delivery standards in order to deliver on the targets set for the year. During the period under review, the office managed to release restitution and development grants valued at approximately R14,7 million to settled projects.

As a result of the campaign initiated by the office to track down on untraceable claimants, the office was able to get in contact with a total of 45 claimants who could previously not be contacted. This has assisted the office in processing a substantial amount of the settlement payments which are still outstanding.

In an effort to provide support to beneficiaries for the sustainability of projects acquired through restitution, the office entered into agreements with various provincial government service departments and district municipalities. An agreement has been reached with the Department of Labour for the provision of capacity building training through the labour centres in the North West Province. As a result of these agreements, the Commission together with the labour centres have identified pilot projects for capacity building on the DoL programme. Another collaborative initiative involves the implementation of a Memorandum of Understanding (MoU) with the North West Department of Agriculture, Conservation and Environmental Affairs regarding the provision of agricultural support to restitution beneficiaries. Critical aspects regarding the implementation of the MoU was evaluated at the beginning of January 2008. The office has also established a good working relationship with agricultural organizations such as AgriSA Gauteng, Agri North West, NAFU North West and TAU.

The Business Consultative Forum involving stakeholders in both the public and the private sector has become a permanent feature on the calendar of all our stakeholders. Through this forum the office has managed to secure the interest and support of development agencies for restitution projects.

The implementation of some of the approved measures aimed at the retention of staff in the Commission on Restitution of Land Rights has led to a dramatic reduction in the staff turnover.



The office supply chain unit is up and running although teething problems manifested in the delayed settlement of claims. Corrective measures recommended by the performance audits in this regard are being implemented. Internal monitoring measures have been put in place and the impact will be assessed progressively.

The office has spent a record R460 Million on its capital budget expenditure, including expenditure towards land purchase, grants as well as conveyance fees. As part of the settlement support initiative aimed at ensuring sustained productivity for restitution projects, the commission has handed over farm implements valued at R800, 000 to the Banogeng community.

A total of six land hand over celebration events were hosted for the Madiakgame community, the Apple-Green, Tsolo-Maine, Sebitloane, Sehole and Mothudi families in the Bophirima District; the Wallmansthal; the Marabastad Asian community; the Barolong Boo Modiboa Boo Matlwang Tribe (Machavie community); Barokologadi community; and the Bagatla Ba Kgafela, RKM and Welgeval communities. The Barokologadi community (Madikwe Game Reserve); and the Bagatla Ba Kgafela, RKM and Welgelgeval communities (Pilanesberg Game Reserve) received the restoration of the land in title and will not physically occupy the land due to the fact that the restored land is classified as Protected Areas.

## CHALLENGES

The office is still faced with the challenge of untraceable claimants who cannot be contacted for the purpose of obtaining outstanding information and documentation crucial for the verification process. This has an adverse impact on the finalization of the implementation of approved awards. The issue of family disputes is also hampering the process of finalizing claims. Further challenges experienced in terms of urban claims relate to the claimants vacillating between settlement options (changing from financial compensation to land option and visa versa) as well as the actual implementation of the development option.

Complexities relating to the settlement of rural claims include community disputes, traditional authorities, legal entities, boundary disputes, exorbitant land prices, land use disparities and protracted litigation. The conflicts between the Communal Property Association (CPA) and Traditional Leadership, compromises the level of progress in settling some of the claims.

At the level of support, the inadequate funding allocated for post settlement support projects at the local government level has a negative impact on the performance of the Commission's Settlement Implementation Support Unit.

The strategy to address complexities relating to protracted negotiations resulting from uncooperative current landowners and high land prices has been to settle the claims in phases. The challenge in this regard however is that planning on the acquired land continues to be carried out on a piece-meal basis rather than in a holistic and comprehensive manner. The ability of claimants to engage and sustain enterprises for which they are not ready also poses a challenge for the Commission.

The Commission has developed a comprehensive and responsive Settlement and Implementation Support (SIS) for Land and Agrarian Reform in South Africa aimed at addressing most of the challenges which are related to inadequate settlement support for the new land owners.

## BAKGATLA BA KGAFELA LAND CLAIM

The settlement of the Pilanesberg National Park land claim has once again demonstrated that the government is indeed serious about the land restitution programme. Situated in the North West Province, West of Pretoria the Pilanesburg National Park is rated amongst the world's outstanding geological phenomena.

On 24<sup>th</sup> February 2008, the Minister for Agriculture and Land Affairs handed over land measuring just over 8.3 million hectares to the Raborife, Kube-kube and Maleka Moloane Communal Property Association, the Welgevaal Community, as well as the Bakgatla Ba Kgafela Tribe. The land comprises a total of ten farms which include the Doornpoort 57JQ, Koedoesfontein 42JQ, Kruidfontein 42JQ, Legkraal 45JQ, Rooderrand 46JQ, Schaapskraal 170JP, Saulspoort 38JQ and Vogelspruinsnek. The settlement of this claim is expected to benefit over 11000 individuals.

The Pilanesburg National Park forms part of the claims on land classified as Protected Areas which were settled by the office during the period under review. The other claims in the same category include the Madikwe game reserve and the Machavie National Highveld Park in the North West Province. The beneficiaries will have rights on the land through title deed without physically occupying the land.

The Pilanesburg National Park is TB and Malaria free which makes it an ideal tourism destination for local and international tourists. The Park boasts a variety of animal species including the Big Five, i.e. lion, elephant, the black and the white rhino, leopard, and buffalo. Other animals in the Park include the Giraffe, Zebra, brown hyena, and many more.

The plans to establish a corridor between the Madikwe game reserve and the Pilanesburg National Park, and subsequently merging the parks to form one huge park are underway. The



Moses Kotane Municipality has agreed to support the claimants through the provision of bulk services, and to include the project in the Municipality's Integrated Developmental Planning.

The North West Department of Agriculture, Conservation, and Environment has committed itself to prepare a "winning business plan model" in collaboration with the North West Parks Board, which will be used as a cornerstone for development in the area. The Department of Land Affairs has allocated a total of R15,3 million as restitution discretionary grants (RDG) and settlement planning grants (SPG) for the community.

The settlement of this claim will contribute towards poverty alleviation and rural development in the area. The claimant community will be given a preferential status with regard to jobs and other opportunities within the Park.



L to R: Seated: Minister for Agriculture and Land Affairs Ms Lulama Xingwana, Premier for the North West Province Mme Edna Molewa and the MEC for Agriculture, Conservation and Environment Mr Jan Serfontein signing the settlement agreement for the Bakgatla Ba Kgafela land claim. Looking on is the minister's legal advisor, the Director General for Land Affairs and one of the beneficiaries Mr Gill Maleka.

### **BAROKOLOGADI BA GA MAOTWE LAND CLAIM**

The Barokologadi Ba Ga Maotwe claim became the first claim in the North West Province to be settled in line with the National Framework on the settlement of claims on land classified as Protected Areas. The framework which has been endorsed by Cabinet, is outlined in a Memorandum of Agreement signed by the Minister for Agriculture and Land Affairs, Ms Lulama Xingwana and the Minister for the Department of Environmental Affairs and Tourism Mr Martinus van Schalkwyk.

Against this backdrop a total of 26 166 hectares of land involving land in the Madikwe game reserve was restored to the Barokologadi Ba Maotwe community. The land, valued at R23 million is expected to benefit approximately 3 498 individuals from the community.

The restored properties include the farms: Rooderand 117KP, Leeuwenhoek 112KP, Tweederpoort 113KP, Mooiplaats 94KP, Genadendal 116KP, Lotteringskop 115KP, Doornhoek 134KP, Wolwehoek 135, Eerstespoort 137KP and Sebele 931KP.

Although most of the restored land falls under Protected Areas and will be used for conservation purposes, the farms Doornhoek 134KP and Wolwehoek will be utilized for cattle and crop farming.

The North West Provincial Department of Agriculture, Conservation and Environment (NWDACE) and the Bojanala district cattle farmers have been identified to provide support for the Wolwehoek and Doornhoek farm ventures. The Moses Kotane Local Municipality has also pledged its support to ensure that the Barokologadi beneficiaries participate in tourism structures in the province.

The office is currently engaged in discussions with the Department of Water Affairs and Forestry for the allocation of water rights on the Molatedi Dam for the community. The discussions include looking at the various options to utilize the buffer areas of the dam for projects that will benefit the community.

The Commission has released an amount of R3.9 million as development grants for the community. This will enable claimants to initiate development projects aimed at improving the livelihood and quality of life for the community. In addition, the Commission will make available R2.4 million as development subsidy in terms of section 42C of the Restitution Act. This will enable beneficiaries to engage in agricultural initiatives, working closely with NWDACE.

A process to establish a project steering committee which will map out a development strategy for the Barokologadi community is already underway. The committee will be constituted by all relevant stakeholders including the North West Provincial Government led by the office of the MEC for Agriculture, Conservation and Environment, the Local Municipality, the North West Parks Board, the Department of Land Affairs and the Commission on Restitution of Land Rights.

### **WALLMANSTALL LAND CLAIM**

On 08 September 2007 the Minister for Agriculture and Land Affairs, Ms Lulama Xingwana addressed a jubilant crowd which came in large numbers to celebrate the return of their land. The Wallmansthal community was happy to have their rights as Bomastandi restored to them after a long sad period of landlessness.

In an electrifying atmosphere, Minister Xingwana handed over a total of 4186 hectares of land made up of various portions of the farm Wallmansthal 278JR, portions of the farm Buffelsdrift 281JR, Haakdoringlaagte 277JR, Avenues 1, 2, and 3, as well as the last Phase of the portion made up of 400ha of land, to the community. During the event, the minister handed over 22 title deeds and a registration certificate to the Communal Property Association. The



Mrs Raisobe Malema (88 yrs) congratulated by Minister Xingwana during the land handover celebration -Wallmansthal.

settlement of this claim is set to benefit about 4270 individuals.

The Department of Land Affairs will award an amount of R1440 to each household as Settlement Planning Grants (SPG). This will amount to a total of R711 million.

Accepting her title deed 88 years old Mme Raisobe Malema could not hold back her tears of joy as she declared: "We lost more than just land. We are a generation disconnected from our heritage, taken out of our livelihood and thrown into poverty. Today we are rising from the ashes."

The Wallmansthal community first occupied the land under the leadership of Kgosi Kekana of the Ma-Ndebele tribe in 1867. The community was later joined by the Berlin Mission society which had been invited by the Kgosi to cater for the spiritual needs of the community. The community lost its right to the land to the Berlin Mission Society following the promulgation of the Native Land Act of 1913 which prohibited natives to possess land.

During the 1930s the Berlin Mission Society made the land available for sale to black people. The people took advantage of this rare opportunity and purchased large portions of the land. Unfortunately, the community's good fortune was short-lived when the Wallmansthal area was declared a "Black Spot" area and the land was expropriated from the black people by the previous government. The community was displaced to unproductive neighboring areas such as Soshanguve and Hammanskraal.

- Following the restoration of the land, the beneficiaries have expressed a desire to build high quality residential housing structures, and to utilize the restored properties for agricultural purposes which will include amongst others, vegetation & crop growing, pastoral farming as well as poultry farming.
- The area has a great potential for becoming one of the Gauteng Province's tourist destination. The establishment of

an industrial park and other tourism related activities in the area will go a long way to improve the livelihoods of the Wallmansthal community.

The Metsweding District Municipality has agreed to include the project in their Integrated Development Planning. The Municipality has committed itself to provide basic infrastructural services on the land.

The Gauteng Provincial Department of Agriculture, Conservation, Environment and Land Affairs has committed itself to provide much needed employment as well as investment opportunities in the area through its North Eastern Gauteng Initiative Project which aims to establish a biosphere reserve in the area. The settlement of this claim saw the first lot of transfers of rural state land to restitution beneficiaries.

### MARABASTAD LAND CLAIM

The Gauteng and North West office restored land measuring in extent of 31248 square metres to 72 households of the Asian Community who were forcefully removed from Marabastad by the previous government. The land comprises 126 properties with a total value of R7.5 million. The settlement of this claim is set to benefit approximately 252 individuals from the Asian community.

The land restored to the Asian community is situated north west of Church Square in Tshwane. The area, described as Portion 298, a portion of the farm Pretoria and Dorpsgronde No. 351 Division JR, Pretoria District, (a portion of the town known as Asiatic Bazaar, Pretoria), is bordered by Bazaar Street, DF Malan Drive, Struben Street and 11<sup>th</sup> Street.

Under the previous government, there were three separate areas in central Pretoria set aside for people of 'colour'. These were Marabastad for Africans, established in 1867; the Asiatic Bazaar for Asians, established in 1903; and The Cape Boys Location for coloureds, established in 1963.

Speaking during the land handover celebration Minister Xingwana congratulated the Asian community for having opted for land restoration as opposed to financial compensation. "I must commend you for having opted for land, an option which stands to say, government's goal for land redistribution is on track and the patterns of land ownership are gradually changing", she said.

The land is currently utilized for business activities including formal and informal trading, a bus and taxi depot, as well as informal housing. Once the office of the Regional Land Claims Commissioner: Gauteng and North West together with the City of Tshwane Metropolitan Municipality have finalized the transfer of ownership to the claimant community, the land will be used for resettlement by the beneficiaries.



Minister Xingwana congratulates one of the Marabastad beneficiaries under the watchful eye of the MEC for the Gauteng Provincial Department of Agriculture, Conservation, Environment and Land Affairs, Kgabisi Mosunkutu.

The Asian community was disposed of their land rights in 1967 in line with Section 12 (2) of the Community Development Act 1966. Their land was subsequently vested in the state through the Community Development Control Board. From thereon, life was never the same for the Asian community including other communities such as the black people who suffered a similar fate.

Reflecting on the sad events of the past, restitution beneficiary Mr A.R. Dawood said: "I still have a vivid picture of what transpired, it is like it happened yesterday when the apartheid bulldozers razed everything that meant life to us to the ground. Our houses, our businesses and our temples flattened on the ground. The demolition of Marabastad marked a sad chapter in my life"

Like many mixed racial townships of the time including Sophiatown, District Six and Cato Manor, Marabastad bore testimony to the fact that the notion of a rainbow nation is not a pipe dream, and that it is possible to live together harmoniously as a nation.

### **BAROLONG BOO MODIBOA BOO MATLWANG LAND CLAIM**

The Machavie Community (Barolong Boo Modiboa Tribe) situated approximately 20 km from Potchefstroom, is proving to be one of the significant successes of the land restitution programme.

The Barolong first occupied the land in the 1800s and enjoyed beneficial occupation of the land. Problems for the community started in the 1940s when the community was notified by the Potchefstroom Municipality that they were trespassing on municipal land. The community was subsequently dispossessed of their ancestral land 1971.

The promulgation of the RESTITUTION OF LAND RIGHTS ACT, No. 22 of 1994 as amended, by the new government, gave the Machavie community an opportunity for redress for

the injustice meted out to them by the apartheid government.

Before the cut off date of December 1998, Mr Morris Gorekoang and Mr Simon Chopo Makodi lodged a claim on behalf of the Machavie community. The claim was successfully approved by the Minister for Agriculture and Land Affairs.

The restored property measuring in extent of 16 956 hectares of land, will benefit a total of approximately 1 556 individuals. The land is valued at R107 million. The farm is currently utilized for cattle, poultry, piggery, crop and game farming.

A part of the restored land has been earmarked to establish a national park which will be known as the Highveld National Park. The park is a joint venture between the beneficiaries, the South African National Parks Board, and the North West Parks and Tourism Board.

According to feasibility studies conducted by the Commission, the park will provide job opportunities for the people in the area. Commenting on the proposed venture, the Regional Land Claims Commissioner, Tumi Seboka said: "The new venture between the Barolong Boo Modiboa tribe and the South African National Parks Board will in a way reverse the syndrome of rural – urban migration to urban - rural migration."

In recognition of their Business acumen, the community received an award for 'Best emerging product owner 2006' from the Potchefstroom Tourism Association. Two students from the community were awarded bursaries to study agriculture at the Potchefstroom Agricultural College.

The community has established a strategic joint venture with the previous landowner Mr John Fourie through the poultry project. As part of the joint venture, the produce from the poultry project is supplied to the Chubby Chicks company which supplies chicken to big retailers in the North West Province and other provinces. The company has over 32 staff members, most of whom are from the Machavie community.

The Barolong project has been included as part of the Southern District Integration Developmental Planning as well as the Local Economic Development plan. The Potchefstroom Local Municipality has prioritized the construction of an access road for the community projects valued at R3 750 000. The municipality will also assist with the supply of electricity to the value of R2 700 000, as part of its Integrated Development Planning. The commission has purchased 230 cattle to enable the community to get their livestock farming off the ground.



### BATAUNG BA GA SELALE COMMUNITY LAND CLAIM

After 10 years of going to and fro, including a legal battle in the Land Claims Court, the office of the Regional Land Claims Commissioner: Gauteng and North West together with the affected landowners finally reached an out of court agreement towards the settlement of the Bataung Baga Selale community claim in respect of the Zephanjeskraal farm 251JQ. The property is situated in the Kgetleng River Local Municipality in the Bojanala District, North West Province.

The claim received strong resistance from the previous landowners who disputed the validity of the claim, stating that the claimant community received a just and equitable compensation at the time of dispossession.

The claimant community objected the allegation, indicating that the money which was paid as compensation for the land by the Native Commissioner was subsequently taken back. The claimants further argued that the additional land which was promised to them at the time of dispossession, never

materialized. Instead, the community was relocated to Vrichgewaagd, an unproductive piece of land which had no resources, not even water.

Following a breakthrough by the pre-trial conference which was attended by the legal representatives of the claimants as well as the previous landowners, the parties agreed that the claim was valid, and subsequently a proposal to purchase the land was put on the table.

The Commission has restored the remainder of Portion 4 and Portion 5 of the farm Zephanjeskraal 251JR, measuring in extent of 768.9402 hectares of land to the 93 verified households, of which 51 are female-headed households. The settlement of this claim is expected to benefit an estimated total of 1082 individuals.

A total of R3.1 million which comprises the land cost, Restitution Discretionary Grants, Settlement Planning Grants as well as development grants in line with Section 42C of the Restitution Act, has been allocated by the Department of Land Affairs for the settlement of this claim.

Barolong Boo Modiboa Boo Matlwang poultry project





# Regional Land Claims

## Commission: Western Cape

### OVERVIEW

The past year saw the Western Cape office tackle some administrative challenges and settle claims which involve intricate land development options. The office engaged in negotiations with various stakeholders including the municipalities, land owners and even school governing bodies who currently own land on which restitution claims have been made. Negotiations with some of the stakeholders take a long time to finalize, and this has a direct impact on the pace at which claims can be settled.

We wish to thank all our stakeholders who worked hard to assist the office to settle claims, including the claimants and claimant committees. The contribution of our staff members who work tirelessly on the claims is highly appreciated.

The claims received by the office before the 31 December 1998 cut-off date consisted of about 80% urban claims and 20% rural claims. Many claimants in the Western Cape opted for financial compensation as they felt that they did not wish to be dislodged from their current areas of residence where they had re-established themselves as communities. Some beneficiaries felt that the financial compensation would improve their quality of life and some of them utilized the financial compensation to extend their homes.

We are pleased with the fact that a considerable number of claimants have opted for land restoration as a settlement option for their claims. In our view, land restoration is the more sustainable option even though it takes a longer time to restore land than to pay out financial compensation.

Most of the claims have now progressed to project status, such as the District Six project. Claimants will soon be returning in phases to a development project in excess of R6 billion which has been committed by the state. The vision for the District Six project is the establishment of a comprehensive development entity where commercial, educational and spiritual activities will integrate to create a vibrant urban community. In the South Peninsula, about 36 households will be returning to Gabriel Road, Plumstead as well as to the Kirstenbosch Botanical Gardens. All these will be made possible by the assistance received from the City of Cape Town. Some individual claimants have returned to Simon's Town, after ten years of waiting.

The Commission does not only view its role as returning people to residential areas, but also to return claimants to good agricultural land. A feather in the cap for the office is the return of 27 erven in extent of approximately 102 ha

purchased from six farmers, for the Ebenhaeser community in Lutzville, West Coast. A partnership agreement involving different stakeholders will be implemented to ensure that there is sustainable economic activity on the restored land.

One of the serious challenges faced by the Commission is to gain the support and cooperation of all stakeholders affected by the land reform programme towards the provision of the necessary settlement support for restitution beneficiaries in order to ensure sustainability, not only for the land reform programme, but for the country's economy. The Departments of Agriculture and Land Affairs cannot achieve success on the land reform programme alone. We need the participation of the municipalities, ward councillors, mayors, politicians, established commercial farmers, as well as other government departments.

State land is also a very huge challenge since land prices in South Africa are very high. If other government departments and municipalities who own land can assist by handing over land for free or at a low price, which is being done in some instances, we can assist our claimants quicker where land restoration is required. It is a fact that many municipalities benefited from the Group Areas Act. These municipalities now view the Commission with suspicion and in a competitive way.

Another challenge relates to the issue of keeping skilled staff on board. A substantial number of staff members left, largely due to the high demands of work in the Commission. During this year again, our staff members were required to work long hours, over weekends, travel long distances, and spend time away from their families. Training and adequate remuneration is the only way to keep experienced staff.

The task of the Commission on Restitution of Land Rights is to settle all claims which were lodged, to pay out financial compensation for those who opted for such, as well as to offer settlement support to those who opted for land and thus contribute towards the eradication of the housing backlog in the province. The year has been an eventful one. We hope that we have brought relief to those claimants who received compensation in this financial year.

### Achievements

The settlement of the Tarka claim in Mossel Bay will see the return of 60 former tenants to their land. The property is on prime land which offers a beautiful view of the bay. The Mossel Bay Municipality will provide municipal services on the restored land.

The Western Cape has in the region of 599 outstanding local claims which have to be settled. As claims are nearing their conclusion it is always a challenge to settle them as amicably as possible. Administrative glitches do creep in sometimes which lengthens the time before claimants can receive their compensation. We are however always trying to minimize mistakes and learn from them in order to settle the remaining claims as soon as possible.

The office has so far settled a total of 15 500 claims since 1995. We are committed to settle all the outstanding claims as quickly as possible. We would like to thank the claimants for their cooperation and patience in this regard.

### Challenges

- The issue of untraceable claimants remains one of the challenges which hamper the processing of all the outstanding claims in the office.
- The high staff turnover is negatively impacting on the pace at which the office is able to process claims due to the loss of experienced staff members.
- The workload of staff members will always remain a challenge due to the fact that the restitution process is labour intensive and involve complex processes that can be taxing on both the officials and the claimants involved.
- The Post-Settlement Support & Implementation unit is continually grappling with the challenges of getting restitution projects included as part of the municipalities' Integrated Development Plan (IDPs).
- Negotiating through the State Land Disposal Committee: Western Cape for the release of state land for restitution purposes remains a challenge due to the high level of demand for housing in the Province.

### HIGHLIGHT ON SIGNIFICANT CLAIMS SETTLED BY THE OFFICE

#### TARKA CLAIM

On 9 August 2007, the Commission together with the Mossel Bay Municipality and the Tarka Claimant Committee signed a Memorandum of Agreement as part of the settlement of the Tarka claim. Some of the 257 former tenants requested restoration in Tarka while 160 have opted for financial compensation.

In terms of the agreement with the Mossel Bay Local Municipality, the Municipality will make provision for the development of housing for the 60 claimants who have opted for a housing development, in the Municipality's IDP plans. This will include the facilitation of construction of roads, water reticulation and any other services that fall within the Municipality's jurisdiction.

Each household that has opted for financial compensation for their tenancy rights was offered the standard settlement offer of R38 984.00. A total award of R6.2 million was allocated as financial compensation for the 160 households that have opted for financial compensation, 37 claims are still being processed by the office. Approximately 1 300 individuals form part of the beneficiaries of the settlement of the Tarka claim.

Tarka holds great significance for those who were dispossessed of their land rights, as well as the broader members of the Mossel Bay community. Tarka's origin dates back to 1898 when fishermen moved to the area. During that time the area was known as "New Rush", the only demarcated area for coloured people. When forced removals took place in Mossel Bay central from 1961 onwards, the people were moved to Tarka which was at the time an unserved area with no social or physical infrastructure. From 1970 onwards, racial boundaries divided the commonage, making provision for members of the coloured and white groups. As a result, some claimants were again removed from the white group area. The coloured people were moved to a new location. Some people were compelled to move to "The Valley", an area created in terms of the group areas legislation. Some of the people opted to move to the surrounding towns instead.

The Deputy Minister for Agriculture and Land Affairs Advocate Dirk du Toit, the Chief Land Claims Commissioner Mr Thoziz Gwanya together with the Regional Land Claims Commissioner for the Western Cape, Ms Beverley Jansen were part of the participants during the celebration ceremony.

### EBENHAESER

In 2005 an agreement was concluded between the Department of Land Affairs and the Ebenhaeser Land Claim Committee regarding the allocation of a total amount of R100 million which would be released over a five year period, towards the settlement of the Ebenhaeser claim. The settlement of the Ebenhaeser claim will benefit a total of 1 700 verified households.

The community will benefit from the restoration of approximately 3 485 hectares of land. Part of the land in extent of 1 566 hectares is currently owned by about 53 different private owners. The alternative state land

earmarked for the settlement of the claims is in extent of 1 919 hectares.

The 264 allotments which are currently owned by the 53 private owners are utilized for agricultural purposes. As part of the settlement of phase 1 of the this claim, an amount of R14.5 million has been approved towards the purchasing of 27 agricultural erven from six private landowners, measuring in extent of 102 hectares. The settlement of the Ebebhaeser claim is in line with the Memorandum of Understanding signed by between the Department of Land Affairs and the claimant community. Restoration of the land will take place in phases that are feasible to the state and sustainable for the project.

The office of the Regional Land Claims Commissioner in the



Some of the community members during the Tarka settlement ceremony held in the D'Almeida Community Hall in Mossel Bay.

Western Cape has consulted with the Provincial Department of Agriculture and the Department of Local Government and Housing with regard to the appointment of a service provider who will be responsible for the interim management of the 27 restored properties, until such time that the land is transferred to the beneficiaries.

### ROOIKAMP TENANCY CLAIM

The Rooikamp claim was lodged in respect of tenancy rights by the Coloured community currently residing in the Makamsig and surrounding areas. The claim was lodged by the “Grondeise Rooikamp Vanrhynsdorp Komitee of Taakspan” on behalf of the community concerning land in the Matzikama Municipality.

The settlement of this claim affects a group of 198 households who have opted for financial compensation and accepted the negotiated settlement offer of R38 984.00 per tenancy right lost. The total amount of financial compensation approved for this claim amounts to R7.7 million which has been allocated by the state for the beneficiaries. A total of 1 562 individuals will benefit from the settlement of the Rooikamp tenancy claim.

The Rooikamp community lost their tenancy rights when they were removed from their homes in the Rooikamp Vanrhynsdorp area by the previous government in terms of the Group Areas Act, Proclamation 201 dated 8 July 1966. The community was forced to settle in the Makamsig settlement, reserved for the coloured population on the outskirts of Vanrhynsdorp, West Coast.



A partial view of the piece of land on which the Municipality is going to build houses for the Tarka land claim beneficiaries.



# Regional Land Claims

## Commission: Eastern Cape

### OVERVIEW

The year under review presented a mixed bag of successes and challenges for the Eastern Cape office, which we managed to take in our stride. Armed with insight gained from the successes and challenges of the previous year, we proceed into the new financial year with vigour, ready to consolidate the gains of the previous year, and deal effectively with any challenge that we may encounter. During the year under review, the office focused more on refining our techniques in fast-tracking the settlement of all the outstanding claims in our province. We have managed to settle a significant number of claims and are currently left with approximately 555 claims that are still outstanding.

For us it is always a pleasure when claimants choose land restoration as an option regarding the settlement of their claims. We always do our best to educate claimants about the different options available to them, including the value of land as an economic resource that can be handed down to future generations. It is always fulfilling to witness the transfer of land to beneficiaries. It gives meaning to the work that we do. Claimants are now beginning to see the importance of choosing land as a settlement option. This is evident in the nature of the claims that we have settled this year. We encourage our teams to work hard in order to maintain the momentum and ensure that the restitution process in the province contributes meaningfully to the government's 30% target for land to be transferred to black people by 2014.

### ACHIEVEMENTS

The settlement of the North Pondoland community claim and the Caguba community claims have benefited a large number of individuals in the two communities by giving back vast hectares of land to the people of North Pondoland and Caguba.

As a result of the settlement of the North Pondoland claim, the communities of Hlolweni, Mfolozi and Etyeni are now proud owners of a sugar cane plantation and 10 000 hectares of land. The Caguba community lodged a claim in respect of the whole town of Port St Johns including the surrounding agricultural farms. We are proud to have been associated with such positive community gains and are committed to ensure that the projects receive comprehensive settlement support from all the relevant stakeholders.

During the year under review, we have managed to fill all our vacant posts and this has helped us to ease the workload of our staff members, and thus contributed towards improved

efficiency in our service delivery. The relationships that we have established with the various government structures in the province over the years are starting to bear fruit, and our successful post-settlement support initiatives bear witness to this. One such example is the Chatha project in Keiskammahoek. Such is the success of this project that it was identified as one of the projects that were showcased during the launch of the Settlement Implementation Support (SIS) strategy in February 2008. We are working hard to ensure that all our projects should progress in the same manner as the Chatha project, and thus silence all the sceptics who think that the restitution process does not go further than the land handover celebration.

### CHALLENGES

One of the main challenges that this office is experiencing relates to the settlement of rural claims. These claims have over the years proven to be difficult to finalize due to the fact that in some instances the land is unregistered and unsurveyed, which makes it difficult to process claims within the specific timeframes.

Another challenge emanates from the fact that most claimants from the rural areas usually leave their homes in search for employment and better opportunities in the cities, and this in turn leads to an increase of untraceable claimants as most of the people have not updated their contact details. We are hopeful that our communication team will assist us in effectively dealing with the issue of untraceable claimants.

Our office has been struggling with poor service from some of our service providers and this has created delays in our work. We are now planning to host an information sharing session with all our service providers, especially those who provide services for our core business, in order to address those issues that could be detrimental to our mandate.

The restitution process has been receiving a lot of negative publicity recently, and this could mostly be due to the fact that the media is uneducated about the restitution process, including the amount of time involved in resolving some of the claims. This challenge is further compounded by the fact that there are a few individuals within communities who seem to be pursuing their own agendas, and are keen to sabotage the land reform process by causing divisions and confusion within their own communities.



## Significant claims settled by the office

### North Pondoland Community Claim

The settlement of the North Pondoland claim entails settlement options that are geared to yield great economic spin-offs for the community.

Considering the history of how these communities were dispossessed of their land, it becomes evident that the settlement of this claim is not only appropriate, but that it is also long overdue. It was indeed a sad occasion when the communities lost their beneficial occupational rights to the land and had to make way for sugar cane plantations, under the apartheid government. For many years members of the Hlolweni, Mfolozi and Etyeni communities could only sit and observe the extent of wealth accumulated by other people, from the land that rightfully belonged to the communities.

The history of land conflict and ultimate dispossession of the land rights of the North Pondoland communities dates as far back as the early 1960's during the period when the betterment removals were at their highest peak in the former Transkei homeland. The people in the Pondoland area resisted attempts by the previous government to remove them from their land and this heralded the beginning of what was to be later known as the Congo War or Pondo Revolt.

It was in early 1979 when the people of Hlolweni, Mfolozi and Etyeni were all summoned to the Chief's place where they learnt that their land had been sold to a sugar cane company and as a result should vacate the land. Promises of alternative land were never kept. The settlement of this claim by the office of the Regional Land Claims Commissioner: Eastern Cape, has made it possible for the people of North Pondoland to realize their dream of returning to their ancestral land from which they were forcefully removed between 1979 and 1982.

Not only are the communities proud owners of the sugar cane estate, they are also shareholders due to the fact that all the shares that once belonged to the North Pondoland Sugar (Pty) Ltd have been transferred to the claimant communities, through the Communal Property Association (CPA). The settlement of the North Pondoland community claim will benefit a total of 4519 households from the three communities. Each household has been allocated Restitution discretionary grants as well as Settlement Planning grants valued at R3 000 and R1 440 respectively.

Compensation for the loss of land and residential structures has also been allocated to each of the 883 households who were 'originally dispossessed' of their land rights, which amounts to R42 000 per household. This adds up to a total amount of just over R37 million.

An additional financial aid of R11.7 million has been allocated to the community. This amount constitutes 25% of the current market value of the claimed land, and will be used for development purposes on the restored land.

### Caguba community claim

The settlement of the Caguba community claim has brought about a significant sense of ownership and pride to the community. The restoration of land rights will enable the community to participate in the economic opportunities that currently exist in the province.

This kind of settlement clearly demonstrates the fact that restitution is not meant to be a once-off celebration, but is actually intended to leave a sustainable improvement in the lives of the beneficiaries, well beyond the celebration event. The Caguba community claim was in respect of the whole town of Port St Johns. The extent of the land under claim stretches from the west of Umzimvubu River through Pantu, Cape Hermes Hotel, Lighthouse and up to the Sicambeni Location. The Mt Thesiger Forest, the old Transkei Military Base, the Airstrip, the Silaka Nature Reserve, Bulolo Holiday Resort are some of the properties which formed part of the claim.

Following the settlement of their claim, the Caguba community entered into an agreement with the municipality, the provincial government departments as well as other significant private sector stakeholders to ensure maximum development, growth and sustainability in the economic developments in the area.

Port St Johns boasts some of the best Eco-tourism sites in the area, the land contains numerous natural resources, the sea with its marine resources, natural herbs as well as a large variety of medicinal plants.

The Caguba communities were given back 2362.0900 hectares of land against the 3473.17 ha which they had originally claimed because it is not feasible to restore certain portions of land to the community. This is due to the fact that over the years, major developments have taken place on the land which now belongs to the municipality. The state has allocated financial compensation for the community in view of the fact that they will not be able to get back all the portions of land that they have claimed.

A total of 805 households from the Caguba communities will benefit from the total award of R92.6 million approved by the state towards the settlement of this claim. The award is inclusive of Restitution Settlement Grants valued at R17.5 million.

## Leightonville Community Claim

The sad story of the dispossession of land rights from the Leightonville community is a typical example of how the previous government disregarded the rights of black people in this country. The commitment of the new government to redress the injustices of the past is clearly demonstrated in the settlement of land claims for the victims of racially motivated land dispossessions.

The Leightonville community opted for financial compensation as settlement for their claim. A total amount of R8.9 million was approved for the 112 households. The settlement of the Leightonville claim will benefit a total of approximately 900 individuals from the community who have patiently waited for their claim to be settled.

The claim is in respect of various erven in the area now known as Ginsberg in King Williams Town, in the Amatole District. The forced removals occurred as a result of the Group Areas Act and the Urban Areas Act No 25 of 1945. The claimants were initially forcefully removed from the Brownlee Location between 1939 and 1940 and relegated to Leightonville, an area which was occupied mostly by black communities. The community did not receive any compensation for their loss resulting from the forced removal. To make matters worse, the area to which the community was forced to relocate did not have enough houses to accommodate all the members of the community. The result was that some of the community members had to rent and became tenants in other people's homes.

As if they had not suffered enough, the community suffered yet another blow when Leightonville was proclaimed as a Black Community area by the previous government in 1957. As a result, the Coloured people had to leave the area and relocated to other places such as Breidbach and Shornville, which are also situated in King Williams Town. Other families from the Coloured community moved as far as East London, Port Elizabeth, Cape Town and Johannesburg.

The settlement of this claim brings closure to a painful history of humiliation in the lives of the members of the Leightonville claimant community.

## Mazangweni Community Claim

Research shows that this community lost their land rights as a result of racially discriminatory laws and practices between 1958 and 1960. It was around that time that the previous government embarked on "soil conservation" and "agricultural rehabilitation" programmes in the district of Ngqeleni, which culminated in the complete removal of the Mazangweni Community from their land. The community did not receive compensation or any form of assistance from

the government in return for their land.

As a result of the forced removal, the 162 families suffered the loss of land measuring in extent of 1 627 hectares. The community has opted for financial compensation instead of land restoration, as they are not prepared to relocate at this stage in their lives. An amount of R61 957.31 was allocated as financial compensation in respect of the loss of land rights and access to residential and arable land, for each of the 111 originally dispossessed households. In addition, the Van Der Henry Anthony family household was allocated an amount of R141 957.32 for their loss. The family suffered greater loss due to the fact that their property was worth more than that of the other community members at the time of the dispossession. The total financial compensation allocated for this claim is R6.9 million.

## Double Drift Community Claim

The Double Drift community was dispossessed of their rights in land in 1936 when the Victoria East District was declared a released area in terms of the Trust and Land Act No. 18 of 1936 and the Bantu Act of 1971. The area from which the community was forcefully removed was ultimately proclaimed a game reserve in 1984.

A total of 264 originally dispossessed households and their direct descendants will benefit from the restoration of 13546.4783 hectares of land as part of the settlement of their claim. The resolution of this claim brings hope to approximately 1381 individuals who will benefit from the economic development initiatives emanating from the project.

The community has undertaken to maintain the current land use for conservation purposes. The beneficiaries will now become part of all development ventures taking place on the game reserve, and the land shall be co-managed in terms of Section 45 of the Provincial Parks Board Act No.12 of 2003 and Section 42 of National Environmental Management Act No. 107 of 1998.

The 264 originally dispossessed households will be awarded a total amount of R6.6 million as compensation for the loss of residential land and structures as a result of the dispossession. In addition, a total amount of R1.7 million has been approved as Restitution Settlement Grants (RSG) for the community. The state has also approved an amount of R5.2 million as development subsidy for the community. This brings the total cost of the settlement of the Double Drift claim to R13.68 million.

Prior to the dispossession, the claimant community stayed on the farms as labour tenants. They had mud houses, cattle, sheep and goats that they kept at the farms. Before the

claimed land became a game reserve, it belonged to a white farmer known as MT Knott who used the land to graze his livestock. The black families who resided as labour tenants on the property, were effectively managing the farms.

Mr Knott later donated all his properties to the World Wildlife Organization (WWO) towards the establishment of a game reserve. He did this to demonstrate his protest over demands by the then government that white farmers should be removed from that area so that the land could be incorporated into the Ciskei Homeland.

The donation of the land to World Wildlife Organization did not take into consideration the labour tenants who were staying and using the land. The community lost out as they were evicted from the land. Between 1984 and 1990 notices of the impending removals were issued to the labour tenants informing them that the area was to be a game reserve. The claimant families were transported by trucks and dumped in near-by villages where they had to look for land to stay. They were not provided with alternative land or any type of assistance to re-build their houses. The Double Drift community is now delighted to have their land rights restored to them.



Minister for Agriculture and Land Affairs, Lulama Xingwana and mister Mzolisi Mthakhathi, Mayor of Port St Johns Municipality during the Caguba hand over Celebration.



Part of the land claimed by the Caguba Community.



Chairperson of the CPA Mr ATS Mlenzana and other beneficiaries during the North Pondoland land hanover celebration.



# Regional Land Claims

## Commission: Free State and Northern Cape

### OVERVIEW

2007 was a difficult and demanding year for the Free State and Northern Cape Offices. Staff members in the two offices have worked tirelessly to restore land rights to those who were forcefully removed from their land by the previous government. In addition to restoring land rights, the offices worked together with stakeholders in the two provinces to ensure sustainability of the projects which were handed over to the restitution beneficiaries.

The Northern Cape office comprises five districts i.e. Frances Baard, Pixley Ka Seme, Siyanda, Namaqualand and Kgalagadi. All the staff members assigned to deal with claims in the various districts were given one mandate of settling all the outstanding claims in the areas assigned to them. Emphasis was placed on close collaboration with the local municipalities as part of the process of settling claims, and ensuring that the municipalities are taken on board throughout the process cycle, including the verification of claimants; settlement support; capacity building for the communal property associations; as well as dealing with the issue of untraceable claimants.

Following a protracted legal battle regarding the Richtersveld claim by the Nama people, the claim was settled in October 2007 by the Land Claims Court, making the Deed of Settlement an Order of the Court. The land that will be restored to the community includes seven (7) farms claimed by the Richtersveld Community, a strip of diamond- rich land which is currently mined by the state-owned company, Alexkor seven (7) farms held by the Provincial Government in the Northern Cape as well as four (4) farms under the National Department of Public Works as alternative state land. The total hectares of land to be restored to the Richtersveld Community is approximately 85 000 ha.

The Free State office comprises five districts, i.e. Motheo; Fezile Dabi; Thabo Mofutsanyana; Lejeleputswa; and Xhariep. Similarly to the Northern Cape office, the Free State office is implementing an integrated approach to dealing with the outstanding claims through the engagement of key stakeholders in the province. Officials from the various units in the office embarked on an outreach assignment and traveled throughout the province as part of our efforts to take our service to the people and provide a one-stop restitution service ranging from the pre-settlement stage to the post-settlement support stage. As part of the outreach project, officials conducted verification of claimants; dealt with legal issues; and processed payments for the beneficiaries.

The Oppermansgronde project has registered positive progress as a result of the R13 million contribution by the Department of Agriculture. All the activities in our two offices have been focused on bringing down the suspense account, and processing all the outstanding claims in line with the Presidential directive.

Signing the settlement agreement for the Richtersveld Community claim (L to R) Commissioner Sidney Hlongwane, Deputy Minister Adv. Dirk du Toit and MEC Tina Joemat-Pettersen.



## HIGHLIGHTS ON CLAIMS SETTLED BY THE OFFICE

### Richtersveld Land Claim

On 01 December 2007 the Nama people celebrated the settlement of their claim to a diamond-rich piece of land situated in the north-western corner of the Northern Cape Province, near the border between South Africa and Namibia. Hailed as one of the biggest land claim settled so far as part of the restitution process, the settlement of the Richtersveld claim followed a decade long legal battle from which the community emerged triumphant and poised to take possession of their ancestral land. A total of about 2375 members of the four communities will benefit from the settlement of this claim which involves approximately 85 000 hectares of land.

The Commission paid an amount of R50million to the Richtersveld Community as compensation for having been deprived access to the land and Mineral Rights. The money is being held in an interest bearing trust account held by the community's attorneys. We will also make an extraordinary reparation payment of R190million to the Richtersveld Community as compensation for the depletion of the diamond reserve on the land. The amount will be paid in three equal installments. 100% of the shares must at all times be held by the Community Trust. The profit accrued must be utilized for the social and economic development and benefit of the Richtersveld community. An amount of R48.9 million for the mineral rights; as well as R14.3million for the farm Beauvallon has been paid to Alexkor Limited on 19<sup>th</sup> march 2008, following the signing of a Memorandum of Agreement between Alexkor and the Department of Land Affairs.

A portion of the land in Richtersveld claimed by the Riemvasmaak community.



For centuries, the Nama people from the four villages in the Richtersveld Reserve, i.e. Kuboes, Sanddrift, Lekkersing and Eksteenfontein inhabited the land and enjoyed beneficial occupational rights on the land, including mining rights.

Throughout the lengthy legal battle, the Richtersveld community never lost hope of one day returning to their land. In the first instance, the legal issue at hand was the determination of whether the community was entitled to restitution. Following an unfavourable ruling by the Land Claims Court, the matter was then taken on appeal to the Supreme Court of Appeal by the Community. The Supreme Court of Appeal ruled in the community's favour. Alexkor thereafter appealed to the Constitutional Court. The Constitutional Court upheld the decision of the Supreme Court by pronouncing that the Richtersveld community was indeed entitled to restitution in line with the Restitution Act.

The second round of the legal battle focused on the determination of the form of restitution award to which the community was entitled. The Land Claims Court ruled in favour of the community and pronounced that the claimants were entitled to the restoration of their land including mineral rights. The court also ruled that the community was entitled to reparation for the depleted diamond reserves. Negotiations conducted between the Legal Representatives of the community and the State resulted in the establishment of task teams who were tasked with the development of a settlement proposal which was subsequently tabled before the Cabinet by the Ministry of Public Enterprise. In April 2007 a Deed of Settlement was signed by the Minister for Agriculture and Land Affairs and the Minister for Public Enterprises as part of process for the settlement of the Richtersveld claim.



## Prieska Land Claim

The Prieska land claim was lodged by Mr. Barend Van Staden for restitution of land rights lost by the community as a result of the forceful removal of the people from the land by the previous government. The claim was initially lodged with what was previously the Western Cape and Northern Cape office of the Commission on Restitution of Land Rights. The claim was later transferred to the Northern Cape and Free State office for processing.

The office of the Regional Land Claims Commissioner: Northern Cape and Free State has approved a total amount of R38 984.00 as financial compensation per beneficial occupational rights lost by each household. The total restitution award for beneficial occupational rights for the 906 households amounts to R35.3 million. A total of 905 households have opted for financial compensation while one household has opted for a housing development as compensation. The Siyathemba Municipality which currently owns the land has pledged their support and identified erf 823 for the erection of a house for the claimant who has opted for housing development. The total development package for the residential structure amounts to R43 424.00. A total of approximately 4705 individuals will benefit from the settlement of the Prieska claim.

Prieska is situated on the south bank of the Orange River at the foot of the Doringber. The area was originally named Priechap. The town was founded in 1882 and renowned for its semiprecious stones. People came from around the Northern Cape to seek employment in the area due to the mining activities which took place in Prieska.

The Prieska claimant community consisted of Coloureds and Africans. The community lived together in the same area where they shared social amenities and lived harmoniously together. Prieska was divided into numerous areas including Katatoera, Rooikroek, Donkerkroek, Sakkiesdraai, Donkiekroek, Rooiblock, Juliwe, Voorkroek and Mareya. The White location was called Witbuilt where a few number of Coloured people stayed.

## Riemvasmaak Community Claim

On 29<sup>th</sup> March 2008, the Minister for Agriculture and Land Affairs Ms Lulama Xingwana, handed over 1654.3521 hectares of the Vaaldrift/Oomdraai Farm to 657 households from the Riemvasmaak community. This important event was attended by the MEC for Agriculture and Land Reform Ms Tina Joemat-Pettersen, the Regional Land Claims Commissioner for Free State and Northern Cape Mr Sidney Hlongwane, as well as the Mayor of the Siyanda District Municipality Ms M.L. Ntuli.

The Riemvasmaak community originally lodged their land claim on the farm Riemvasmaak 498 with the now defunct Advisory Commission on Land Allocation (ACLA). At the time, the community was assisted by the Legal Resources Centre and the Surplus People's Project (SPP) from the Western Cape. The claim was settled in February 1994 through an ACLA recommendation which was accepted by the former President of South Africa Mr F W De Klerk. Through this process the Riemvasmaak Community Development Trust became the new land owners of the previously State owned military ground, Riemvasmaak farm 498 measuring in extent of 74 562,8124 hectares, with a total settlement package of R3.28 million.

The Riemvasmaak community claim regarding the restoration of the outstanding farms was later submitted to the Commission on Restitution of Land Rights.

The settlement of this second phase of the Riemvasmaak community claim will benefit approximately 880 individuals. The total package for the settlement of this claim amounts to R36.1 million, inclusive of R7 million earmarked for the development of the restored land out of which R3 million has been allocated to purchase farm implements. A total amount of R1.1 million was approved as Restitution Settlement Grants to assist with training and other projects of the Trust. R28 million was allocated for the purchasing of the land.

In collaboration with the Provincial Department of Agriculture as well as the Department of Labour, the office is facilitating training for the beneficiaries on farm management issues including: irrigation, bookkeeping, financial management, crop production, beef production management, as well as harvesting. The office will also facilitate workshops for the claimants concerning the roles and responsibilities of the Trust Executive members, Labour Relations issues, as well as basic financial management training in conjunction with other Stakeholders such as the Development Bank of South Africa. Additional training will be identified in line with the skills assessment exercise.

The Riemvasmaak people were forcefully removed from their land measuring in extent of 122 000 hectares between 1973 and 1974 by the previous government with the purpose of utilizing the land for Military training and the testing of weapons. The community settled in this area at the turn of the Twentieth Century. Some of the founders of the Riemvasmaak community originate from the Damara, Nama families and people of Herero origin who were later joined by coloured pastoralists and Xhosa people from the south of the Orange River. Agricultural and livestock farming constituted the main source of livelihood for the community.



Despite the different ethnic origins, there was a close sense of community as almost 95% of the members of this community were Christians. The people lived peacefully together until they were unceremoniously removed from their ancestral land.

Some of the people who were removed from the land were deposited into South West Africa (Namibia) and Welcomehood (Ciskei) in the Eastern Cape without any compensation. Those that were offered compensation, received far less than what they had lost.

In 1982, an area of about 4000 hectares within the Riemvasmaak area called Melkbosrand was proclaimed a National Park.

The properties claimed by the Riemvasmaak community include: portion 2 of the farm Aries No. 434, portion 1 and the remainder of the farm Narougas 435, portion 3 and 4 of the farm Enna No. 436, portion 2 of the farm Toeslaan West No. 437, Farm No. 609, portion 4, 5 and 6 of the farm Cyndas West

No. 438, Farm No. 490, Farm No. 495, portion 1,2,3,4,5 and the remainder of the farm Omdraai No. 492, Farm 496 and portion 1 and the remainder of the farm Waterval No. 497. The properties are situated in the Siyanda District Municipality. 11 properties are located about 150 kilometres west of Upington, on the borders of the Augrabies Falls National Park.

There are bigger plans on the table for the Provincial Department of Tourism and Economic Affairs to assist the community with tourism development on the restored land. The National Development Agency is assisting the community with development activities, focusing specifically on the youth. These include training, HIV/AIDS education campaigns, as well as tourism and agricultural development.

The office is currently negotiating the restoration of about 46000 hectares of land in respect of the last phase of the Riemvasmaak claim. We would like to commend the affected current land owners for their positive and cooperative attitude towards the restitution process in the Province.

Members of the Riemvasmaak Community during the land handover celebration.



# Office of the Regional Land Claims Commissioner: Limpopo

## OVERVIEW

We started this financial year with great enthusiasm based on the fact that we had done our planning with regard to the processing of land claims which fall within the nodal point of the Greater Sekhukhune area, where many claims were gazetted and research was commissioned to undertake rights enquiries. We had also planned to undertake bulk historic valuation on a number of claims lodged by white claimants in the area. The fact that we had facilitated the conclusion of shareholder and lease agreements between the claimants and strategic partners also contributed to our confidence as we embarked on the new year.

However, let it be noted that the processing of the claims in the Sekhukhune area has turned out to be a mammoth task due to the fact that claims in this area are characterized by tribal conflicts and boundary disputes. To compound the issue, a total of about 169 consolidated claims were inherited from the office of the Regional Land Claims Commissioner: Mpumalanga as a result of the re-alignment of provincial borders between Limpopo and Mpumalanga provinces. As it happened, most of these claims fall within the Sekhukhune District.

Despite the many challenges that we encountered, we continued to execute our primary mandate and acquired a total of 22822 hectares of land for 26 new projects. In addition, the office secured a total of 14118 hectares by settling additional phases for claims that had been partially settled. We have noted with concern that the price of land in the Limpopo Province has gone up quite dramatically. The fact that we have spent our entire budget for the financial year, and yet only managed to deliver 36940 hectares of land to beneficiaries is indicative of how expensive land is.

A significant breakthrough for the office was the finalization of the Letebele-Mpuru-Moraba land claim, our first expropriation case in Limpopo. As a result of this case, we have amassed a lot of experience which we intend to use in number of similar cases. The new financial year will see more expropriation cases in order to expedite the finalization of some of the claims.

## ACHIEVEMENTS

We saw for the first time, the approval of the settlement of claims within the Office of the Regional Land Claims Commissioner: Limpopo in terms of the delegated authority.

The delegations were implemented in October 2007 and by the end of the financial year, the office had managed to finalize 9 new claims and 7 phased claims with a total value of R113,598,622.88 in terms of the delegated powers. The following claims are examples of the claims that were settled in line with the delegations which marked the beginning of this new era: Mpuru-Letebele (Phase 1), Babirwa (Phase 1), Bahlalerwa (Phase 2), Baphalane ba Ramokoka (Phase 3), Mabula Mosima (Phase 2 & 3), Mamahule (Phase 2), Muhohodi (Phase 1), Ga-Magashula (Phase 2).

It is with great pleasure to report that a number of partnership agreements have been finalized and agreed upon by claimants and Strategic Partners amongst the following communities, Moletete, Shigalo, Masakona, Ratombo, Tshivhazwaulu, Tshitwani and Ravele. It is our hope that the relationship established between the claimants and strategic partners will contribute towards the realization of sustainable land reform programme in the province.

The Constitutional Court judgement on the Popela claim has paved a way for us in dealing with similar cases in the province. It is important that our judiciary must assist to create an environment that is conducive for the land reform programme, we therefore welcome the decision of the court on the matter.

We are satisfied with the fact that we have managed to spend the entire allocated budget, in spite of all the challenges that we had to deal with.

## CHALLENGES

We continue to experience challenges with regard to resistance by white land owners who insist on exorbitant land prices for their land. The lengthy negotiations lead to an unnecessary delay in the processing of claims.

Another challenge relates to the fact that claims on communal land leads to a lot of conflict within communities and consequently delays in the finalization of claims. Tribal conflicts are noticeable in about 118 claims in the Sekhukhune District Municipality. These conflicts have a negative effect on the processing of claims, particularly due to the fact that the issue of chieftainship falls beyond the ambit of the Restitution Act.

We continue to experience challenges relating to claims that are in the Land Claims Court such as Baphalaborwa Ba Seloane, Mamahule, Makgato, Monyeki-Makgae, Moletete, Makahane and others. The delay in the finalization of these claims that are in the courts means that we cannot do anything about the claims until such time that a decision is made by the court.



## SPOTLIGHT ON SIGNIFICANT CLAIMS SETTLED BY THE OFFICE

### Letebele Mpuru Moraba community claim

The saying: "There shall be restitution", was given effect through the expropriation of the farm Callais226 KT in the Maruleng Local Municipality in Hoedspruit, Limpopo. The Minister for Agriculture and Land Affairs finally approved the expropriation of this farm on 12<sup>th</sup> December 2007, following a deadlock on price for the property. The state took possession of the farm on 24<sup>th</sup> January 2008. A total of 310 households and approximately 1860 individuals will benefit from the restoration of 2355.8802 hectares of land to the community.

The negotiations with the land owner dragged on for more than two years, including numerous valuations conducted on the property as well as several offers made by the Commission to purchase the property. Throughout the negotiation process, the landowners were negotiating in bad faith. We discovered that the landowners removed some of the orchards from the property after receiving an offer from the Commission. The landowners accepted a revised offer from the Commission and at the same time entered into a Deed of Sale with a third party to sell a portion of the property.

When the Commission pursued the landowner (Rivermouth Exporters (Pty) Ltd) in order to finalize the acquisition of the farm, we discovered that the landowner had been liquidated, and Sechaba Trust had been appointed as the Administrators.

Sechaba Trust disregarded the land claim on the property and decided to sell the farm through a public auction in spite of the offer that the landowner had accepted from the Commission and in effect rejected the state's offer of R13.3 million, instead demanding R19 million for the property. The Commission was left with no alternative but to approach the Court to interdict the auction process. The court interdict was granted.

Eventually, the Commission decided to expropriate the farm. The Commission has appointed Subtropical Farm Management (Pty) Ltd as a caretaker for the property while other administrative processes are being finalized in order to transfer the land to the Letebele-Mpuru-Moraba Community. This case has set the tone for dealing with difficult landowners in the Limpopo Province. We intend to finalize more expropriation cases in the new financial year in all the instances where we feel that the landowners are just playing hide and seek with us.

A symbolic hand over of the farm Callias 226KT by ACLCC Tumi Seboka to SFM as part of the interim caretakership arrangement, under the watchful eyes of the beneficiaries.





## Matabane land claim

There future looks very bright for the Matabane community after part of their claim was settled in the Mogalakwena Municipality in the Waterberg District, an area that has a high potential for tourism related enterprises. The Office is already receiving proposals from different organization such as, the Clive Walker Foundation, the Limpopo Department of Economic Development, Environment and Tourism as well as the Waterberg District Municipality regarding the restored farms.

The Matabane people are happy with the the progress made on their claim. The first phase relates to portion 7 of farm Muisvogelkraal 654LR (also known as Rhino Museum), portion 1 of the farm Muisvogelkraal, portion 2 of farm Libanon 653LR and the remaining extent of the farm Doornsloot 36KR which is situated in the prestigious area of the Waterberg Biosphere.

A total of 79 households and 116 individuals benefited from the restoration of the 1214.494 hectares of land. 44 households from this community are headed by women. The state has allocated a total amount of R38.8 million towards the settlement of this claim.

It was between 1940 and 1970 when the Matabane community was dispossessed of their land by a group of white farmers called the 'Kwalata" family. As a result of the dispossession, the community was scattered and the people moved to stay in different areas such as Mokopane, Vaalwater, Haartbeesfontein and Hammanskraal. Like many communities who were forcefully removed from their land, the Matabane community lost their livestock and other belongings in the process.

Sapphire Wings Trading, Clive Walker Trust Le Thabo Co. Pty Ltd and Intrax Investment 148 (Pty) Ltd are among the land owners who have shown support to the Restitution process taking place in the province by willingly selling their land without creating unnecessary delays.

## Levubu land claim

The Levubu land claim involves one of the highly commercialized properties that are under claim in the province. The magnitude of the number of communities involved in this claim from different tribes contributed to the challenges that resulted in the slow pace of the settlement of this claim.

The seven communities involved in the Levubu claim include the Ravele, Masakona, Tshakuma, Shigalo, Ratombo, Tshitwani and Tshivhazwaulu communities who have lodged

separate claims in respect of the farms Levubu 15LT, Laatsgevonden 20LT, Appelfontein 35LT, Barotta 17LT, Entabeni 251MT, Klein Autralien13LT, Lisbon 12LT, Nooitgedacht 14LT, Schoonuitziccht 10LT, Tsakoma 18 LT, Valetta 16 LT as well as Vireers 24LT. The farms are situated in the Makhado local Municipality in the Vhembe District.

A total of 401 households and 1820 individuals will benefit from the restoration of the 258,7889 hectares of land, at a total cost of R14.6 million to the state. The claim is being settled in phases due to the large number of communities and land owners involved. The land is currently used to produce Citrus, Macadamia nuts, Bananas, Litchis, Mangoes and Avocados.

In order to assist the communities with capacity building, the office of the Regional Land Claims Commissioner: Limpopo together with Provincial Department of Agriculture, managed to appoint two strategic partners in 2005. Umlimi was appointed after one of the strategic partners, MAVU Management Services, which had entered into a partnership agreement with the Ratombo and Shigalo communities, withdrew from the partnership in 2007. The other five communities are in partnership with South African Farm Management (SAFM), since 2005.

The arrangement with regard to the partnerships is that each community will enter into a partnership with the strategic partner in an operating company for farming purposes, whereby the partner will hold 48%, the community 50% and the workers trust 2 % of the shares in the operating company. An initial period of 15 years has been agreed upon as the time frame for the partnership to ensure the transfer of skills in relation to farm management. The communities are benefiting from the exposure to the local and international markets. The Levubu farms are some of the highly productive farms in the country. The strategic partnership arrangements have been put in place to ensure long term sustainability of the restored farms.

The office of the Regional Land Claims Commissioner has so far managed to transfer over R40 million into the various operating companies with regard to the seven communities. The transferred funds will be used among others towards the development of the restored farms.

Some of the restored farms were not well maintained by the outgoing owners who neglected to apply the necessary chemicals to the crops. The result was that the Strategic partners could not immediately get the best crop from the harvest, and had to channel funds towards the revitalizing of the farms.

## Moeketsi Ga-Chaketla land claim

The Moeketse Ga-Chaketla community lodged a claim in 1995 in respect on the farms Ontervreden 358LS and Bonne Esperance LS434. The farms are situated in the Makhado Municipality in the Vhembe District.

A total of 1569.6692 hectares of land at a cost of R4.5 million has been restored to the community. 66 households and approximately 100 individuals will benefit from the settlement of this phase of the Moeketse Ga-Chaketla community claim.

The restored land excludes those properties that are still entangled in disputes with the current land owners who are challenging the validity of the claim. After numerous negotiations between the Commission and the 11 land owners of the land under claim, only two land owners have accepted the offers to purchase their properties.

The people from the Moeketse Ga-Chatleka community were dispossessed of their land rights between 1918 and 1952.

The community is presently residing in the Botlokwa and Venda areas. The Minister for Agriculture and Land Affairs Ms Lulama Xingwana approved the first phase of the settlement of the Moeketse Ga-Chatleka Community land claim in 2006.

The project is still at a planning stage and the office is busy with the process of finalizing a business plan for the restored properties. An amount of R1 million has been allocated to the community to assist them with the development of the restored property. We have managed to acquire dairy equipment and other farming implements valued at R124,000.00 which will assist the community with their Dairy enterprise. In addition, we have also facilitated the process of acquiring 54 dairy cattle for the community. Once the business plan has been finalized, the office will assist the community with the appointment of a reputable project manager in conjunction with the Provincial Department of Agriculture. The restored land is currently under the caretakership of the Community Property Association.

Green pepper field from the Moeketsi Ga-Chaketla project



Produce from the Moeketsi Ga-Chaketla project





# Regional Land Claims

## Commission: Mpumalanga

### OVERVIEW

Once again the Mpumalanga office registered a steady progress in our quest to deliver land rights into the right hands during the period under review. We intensified our efforts in settling large claims that affect a substantial number of people, in line with the provisions of section 6(2)(d) of the Restitution of Land Rights Act. We also began to respond decisively to challenges related to post settlement support in line with our high drive mode. It is therefore not surprising that the office secured the approval for the largest restitution award ever in the history of its existence, valued at R1billion, during the period under review

We managed to secure restoration of additional land in respect of three of our large claims in the province. Regarding the Greater Tenbosch claim, phases 6 & 7 were settled in respect of 14 000 and 9033 hectares respectively. In Manala Mgibe an additional 9 427 hectares was restored to the community. Additional 10 433 hectares of land was also restored to the Ndebele Ndzuba community. We also settled new claims during the year. A survey of the settlements made during this period reflect that a large number of the settled claims are high value projects which present a lot of opportunities for the beneficiaries, specifically with regard to the issue of poverty alleviation. One example of such projects is the Shabalala, Maseko and Gama community claim, a forestry project with potential for maize and soya bean production.

We are committed to a speedy restoration of land to our communities who have been patiently waiting for the return of their land. Payment of financial compensation was made in settlement of a number of claims including the Mangweni,

Graskop, Spitzkop – Ermelo, Magadeni -Volksrust, as well as the Old Vuka – Grobblersdaal communities.

With regard to post settlement support one of our challenges has always been to ensure that all the settled claims are productive and sustainable. We have identified the lack of expertise and equipment as one of the challenges that communities sometimes have to grapple with when they take over farms. We managed to purchase equipment for some of the communities, including the Mankele community which received a tractor, as well as irrigation equipment for the Giba Community.

Claims which are affected by overlapping boundaries such as the Shongwe/Mashinini – Mnisi, Malambo Mahlalela – Sboshwa, including cases where there are community disputes, pose a serious challenge in finalizing the outstanding claims. The high cost of land and uncooperative land owners continue to delay the restitution process. This has led to some of the claims having to be referred to the land claims court.

Although the retention strategy implemented by the Commission has assisted a lot in managing the high staff turnover rate in the office, we still find it a big challenge to find people with the relevant skills in the job market.

Whilst we have seen an increase in the number of claims processed by the office, we acknowledge that there is still a lot of room for improvement. We have made an undertaking to improve our performance in the new financial year to ensure that we settle a significant number of the claims which are still outstanding. We have also made a commitment to ensure that all our projects which are at post settlement stage receive adequate attention in line with the Settlement Implementation Support (SIS) strategy.

Hhoyi/Siboshwa Community sugarcane project.







Hhoyi, Luggedlane and Siboshwa sugarcane project.

## Highlight on Significant claims settled by the office

### Greater Tenbosch community claim

On the 18<sup>th</sup> of December 2007 the Minister approved the settlement of Phases 6 and 7 of the Tenbosch claim, one of the largest claims ever settled in the Mpumalanga office. The claim comprises four communities, i.e. the Ngomane of Luggedlane, the Ngomane of Siboshwa, the Ngomane of Hhoyi as well as the Mbambiso of Mkhathswa from the Nkomazi Local Municipality

The four communities and 72 individual claimants lodged different claims which were later consolidated into one claim. Four legal entities were established for ease of administration and processing of these claims, as well as for the purpose of transferring the land once the claim had been settled. The legal entities established are the Mjejane Trust for the Ngomane of Luggedlane community, the Siphumelele Tenbosch Trust for the Ngomane of Siboshwa community, the Ingwenyama Simhulu Trust for the Ngomane of Hhoyi community, as well as the Mhlaba Trust for Mbambiso of Mkhathswa community.

More than 10 000 households will benefit from the restoration of land in respect of Phase 6 and 7 of this claim, i.e. 14 463 hectares for Phase 6, valued at R601 million as well as 9033 hectares for Phase 7 valued at R250 million. This brings us to a total of 32 387.1171 hectares approved for phases 1 up to 7, with a total award of R1 billion. In total, the land under claim measures in extent of 107 115.3400 hectares, known as Tenbosch 162 JU and others.

We are working hard to ensure that the remaining hectares of land are restored to the communities. 85% of the 100 farms that are under claim are privately owned. Sugar-cane, citrus, bananas and mangoes are mainly produced in the area. These outstanding achievements did not come without challenges. It may be added that there are land owners who are contesting the validity of the claim and the matter is currently before the Land Claims Court.

The office of the Regional Land Claims Commissioner: Mpumalanga has facilitated strategic partnership agreement with various entities to ensure continued productivity as well as sustainability of the projects. The four trusts have entered into strategic partnerships with the private sector geared towards the stimulation of economic activities that will benefit the community. Hanrob & Associates has entered into a partnership with the Mjejane Trust in respect of a tourism venture. Mr Ian Lourens from the Lourens Group which previously owned portions of the land restored to the community, has entered into a partnership agreement with the Siboshwa Trust. The relationship has resulted in the formation of the Siboshwa Agricultural Management Company (SAMC), as well as Thumela Export Company. Another strategic partner, Umlimi, is working together with the Mjejane and Mhlaba trusts.

In line with the Strategic Partnership arrangement between TSB Sugar, one of the major sugar producing companies in the country, and the Siboshwa and the Hhoyi communities, some properties which were previously owned by TSB Sugar and other landowners have already been transferred to the communities.

A partnership agreement between TSB Sugar and Siphumelele Tenbosch Trust (Siboshwa) and Ingwenyama Simhulu Trust, two farming companies, Mgubho and Libuyile for Siphumelele Tenbosch and Ingwenyama Simhulu have been established. The Hhoyi and Siboshwa Communities are entitled to receive rental guaranteed at R1 million per month with effect from July 2007, over a period of four years. The Siboshwa-Siphumelele Tenbosch Trust has utilized some of the rental money to build offices and purchase a company vehicle towards the running of day to day errands for the farming enterprise. The Hhoyi Community and the Ingwenyama Simhulu Trust have distributed a total amount of R2.2 million for the benefit of the 898 households. Each household was awarded an amount of R2 500.00. The money came from the accrued rental from TSB and Novasun.

TSB Sugar, Siboshwa and Hhoyi communities agreed with TSB Sugar that the company will make advance payments for leasing the land in order to ensure the continued production and supply of sugar cane to the Sugar Mill. The Sugar Mill employs a large number of people in the area.

In December 2007 Thumela Export Company undertook a trip to London, Lyon and Rotterdam to meet prospective clients. During the overseas trip, the company met with the executives of TESCO and SAINTSBURRY supermarkets in London, Municipality officials at Rotterdam harbor as well as the Management of Rungis Market in Lyon, France. The meetings were intended to establish linkages which would lead to the export of produce such as Citrus, Mango and Bananas to Europe, through The export company.

During the land hand over celebration which took place in 19 June 2007, Minister Lulama Xingwana commended Mr. Ian Lourens, Hanrob and Associates, Umlimi, Novasun as well as TSB for their cooperation regarding the settlement of the claim, including their continued involvement and support for the beneficiaries.

#### **Manala Mgibe Community Claim**

The Manala Mgibe community lodged their claims on 14 farms in the Emalahleni Local Municipality. The total size of the land claimed by the community is about 100 000 hectares of land involving over 500 land owners. Approximately 1050 households will benefit from the settlement of the Manala Mgibe claim.

During the period under review, a total of 29 properties measuring in extent of about 9427 hectares were purchased for the community at a cost of R69.7 million to the state. The claim is being settled in phases due to the fact that the land consists of multiple properties which are currently owned by different individuals or entities.

The office of the Regional Land Claims Commissioner: Mpumalanga, is facilitating discussions between potential strategic partners and the claimants as part of the post settlement support for the beneficiaries. The strategic partnership will focus more on the operation of the cheese factory that is located on the property. A possible lease is being considered whilst the strategic partnership agreements are being finalised.

The office is engaged in processing the settlement of the outstanding phases. The land is currently utilized for game farming; eco-tourism, and grazing. There are factories and lodges on some of the properties, as well as a few irrigation schemes.

#### **Mangweni community claim**

123 households from the Mangweni community received payment of a total of R8.5 million as financial compensation for their claim. The Mangweni claimants are part of the Ngomane of Luggedlane community who were removed from the Tenbosch 162JU farm in the Barberton District. The claimants are made up of individual households who owned private land parcels prior to dispossessions. A total of 285 individuals will benefit from the settlement of this claim.

The Mangweni community opted for financial restoration due to the fact that it is was not feasible to restore the original land from which they were forcefully removed. This was also due to the fact there was no suitable alternative land that could be offered to the community as compensation for the rights they lost as a result of their forceful removal from their land.

#### **Ndebele Ndzundza community claim**

The Ndebele Ndzundza community lodged a claim in respect of about 60 000 hectares of land in the Groblersdal Local Municipality, in the Greater Sekhukhuni area. During the year under review, the office managed to restore a total of 10 433 hectares of land valued at R93.1 million to the 1600 households of the Ndebele Ndzundza community.

The property that has been handed over to the community comprises a lodge, restaurant, Curio shop, conference facilities as well as an irrigation system.

As part of the settlement support for beneficiaries, the office will secure the services of a reputable service provider to assist the community with the development of a business plan which will take into consideration the full potential of the land, in line with the projects identified by the community. Furthermore suitable strategic partners will be identified to assist the community to ensure sustained productivity on the restored land.



### **Shabalala Maseko and Gama Community Claim**

The Shabalala, Maseko and Gama communities lodged individual claims for farms situated in the Piet Ritief area. This claim consists of approximately 653 beneficiaries from a total of 106 households from the Mkhondo Local Municipality.

The total size of the land claimed by the community is 8759.4943 hectares. The office has so far restored approximately 4629.3299 hectares to the community, at a total settlement cost of R 69.7 million. The land is currently divided into forestry, grazing and crop farming.

The office is currently engaged in the process of assisting the claimants to appoint a suitable strategic partner who will assist the with the management of the forestry enterprise, including the transfer of skills to the beneficiaries. Role

players from the Forestry industry will be encouraged to submit proposals as part of the selection process.

The community occupied the land during the late 1700's. For many years the people stayed peacefully on the land, they planted crops, had plenty of land for grazing, and also used the land for hunting. Over the years the community's customary rights were degraded to labour tenancy by white farmers who claimed to have brought the land. Those who resisted working as labour tenants were given trek passes and ordered to vacate the property. Those who remained on the property were subjected to harsh working conditions by the 'new' land owners. Despite the harsh living conditions to which the members of the community were subjected to, a few households remained on the property.

Shabalala, Maseko and Gama Forestry project







Chief Director Restitution and Management Support: Vusi Mahlangu

## CHIEF DIRECTORATE RESTITUTION AND MANAGEMENT SUPPORT

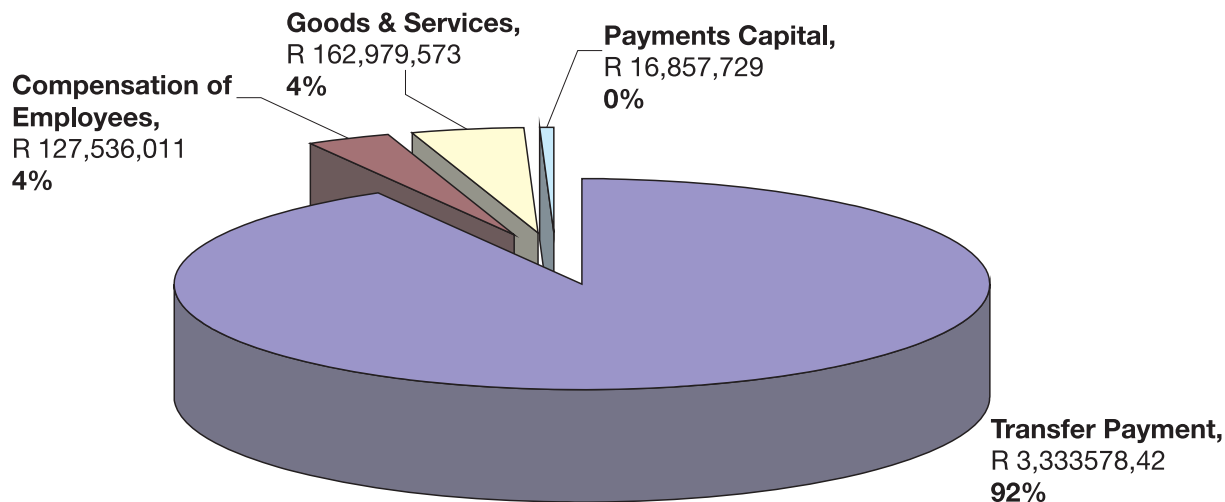
The Chief Directorate Restitution and Management Support is responsible for all the support services to the Office of the Chief Land Claims Commissioner, the Deputy Chief Land Claims Commissioner as well as the Regional Offices in aligning their operational plans with the strategic plan of the organization, as well as managing budget allocations and expenditure. The office also assists the Regional offices with regard to the development of internal policies in line with the Restitution Act and the Public Finance Management Act (PFMA).

For the year under review the Chief Directorate Restitution and Management Support Division continued to provide strategic support to the Regional Land Claims Commissioner's offices with regard to corporate services such as communication and client liaison services, human resources management, policy issues, post settlement support, Legal services, risk management, quality control, as well as the improvement of systems to ensure efficient service delivery.

## CORPORATE SERVICES REPORT

STANDARD ITEM	ORIGINAL ALLOCATION	AJUSTMENT	AJUSTED ALLOCATION	EXPENDITURE
Transfer Payment	R 2,996,764,000	R 334,000,000	R 3,330,764,000	R 3,333,578,423
Compensation of employees	R 226,644,000	-R 92,843,000	R 133,801,000	R 127,536,011
Goods & Services	R 101,667,000	R 56,639,000	R 158,306,000	R 163,484,628
Payments Capital Assets	R 2,020,000	R 18,485,000	R 20,505,000	R 16,377,524
<b>Total</b>	<b>R 3,327,095,000</b>	<b>R 316,281,000</b>	<b>R 3,643,376,000</b>	<b>R 3,640,976,586</b>

### EXPENDITURE PER STANDARD ITEM FOR THE FINANCIAL YEAR 2007/2008



The original budget allocated to the Commission was R3,327,095,000. With the adjustment budget an additional amount of R250 million earmarked for Richtersveld was allocated. Virements were done between DLA and Restitution during March 2008. The final total budget for the Commission amounted to R3, 643,376,000.

In terms of the budget expenditure, the Commission was able to dispense of a total of R3,64 billion. A breakdown of the expenditure is outlined below:

Transfer payments	91.6%
Land acquisition accounts for:	82.5%
Financial Compensation accounts for:	17.5%
Compensation of Employees	3.5%
Goods and Services	4.5%
Capital Assets	0.4%

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

Eastern Cape	6.23%
Free State and Northern Cape	7.77%
Gauteng and North West	14.14%
Kwa Zulu-Natal	25.27%
Limpopo	15.37%
Mpumalanga	27.68%
Western Cape	2.74%

Land acquisition accounts for more than 80% of the expenditure towards the settlement of land claims. This is due to the fact that the claims settled for the year were rural claims which involve the acquisition of land. Most of the rural claims that were settled are in Mpumalanga, KZN and Limpopo.

## HUMAN RESOURCES

The Commission has for a long time been affected by a high staff turnover rate due to the contract nature of appointments and the lack of job security. The situation had an adverse effect on the operations of the Commission. In response to this, a proposal has been made and approved to convert of all contract posts to permanent positions. This conversion process was finalised and implemented with effect from 1 April 2008. In addition, the Commission also instituted measures to implement incentives to deserving staff members to retain talents and scarce skills. These measures have been implemented.

### Capacity Building

Following the line function delegations by the Minister, and the accounting officer delegations by the Director-General (DG), as well as the Presidential Directive to settle all claims by 2008, the Commission had requested approval from the DG and the Minister for the establishment of 328 posts and the upgrading of 49 posts. The approval was granted and the creation and upgrading of posts were effected.

### Challenges

The Commission endeavoured to fill all vacant positions, inclusive of the newly created ones. Due to the fact that the majority of positions were filled with internal vertical movement of staff, i.e. rank promotions, the vacancy rate remained at an unacceptable level. The Commission is committed to fill all vacant positions via positive recruitment methods. Most of the vacant posts are at different stages of being filled, i.e. short-listing, interview and waiting for letter of appointment. Another challenge which the Commission is facing is in relation to the prescripts of the Employment Equity Act, 1998. According to the Employment Equity targets contained in the Employment Equity Plan of the Department of Land Affairs, the Commission needs to correct the skewed representation of the different race groups. The Commission has an over-representation of Africans, and therefore priority should be given to the appointment of Whites, Coloureds and Indians when filling vacancies. The Commission will introduce a strategic staffing intervention to ensure compliance with the set targets.

The status of staff capacity as at 31 January 2008 was as follows:

OFFICE	TOTAL POSTS	POSTS FILLED	VACANT POSTS	%
HEAD OFFICE	89	73	16	18
EASTERN CAPE	108	73	31	28
FREE STATE & NORTHERN CAPE	122	96	12	9
GAUTENG & NORTHWEST	173	128	45	26
KWAZULU-NATAL	198	140	57	28
LIMPOPO	152	104	48	32
MPUMALANGA	180	94	86	48
WESTERN CAPE	134	93	41	31
TOTAL	1137	801	336	29,55

#### Quality Control , Risk Management and Improved Systems

The 2007/08 financial year saw the establishment of the Quality Assurance Directorates at the Provinces. The incumbents have been through a vigorous training programme and are currently in implementation phase of the delegations. The National Risk Assessment Committee (NRAC) was institutionalized at the National Level and the Provincial Risk Assessment Committee (PRAC) was established in the Provinces as well. These structures are

addressing the risk areas and implementing further control mechanisms. Risk registers with action lists have been standardized and implemented in the Commission.

The planning environment for Information Management was scoped and finalized in the 2007/08 financial year. Information Management has been prioritized for implementation and completion in the 2008/09 financial year.

Compliance and financial audits were undertaken during the financial year, with housekeeping matters to be addressed. No matter of emphasis was found.

### SUMMARY OF APPROVALS FOR THE FINANCIAL YEAR 1 APRIL 2007 TO 31 MARCH 2008

<b>Total submissions approved</b>	<b>415</b>
<b>Rural claims</b>	<b>330</b>
<b>Households</b>	<b>33 485</b>
<b>Total beneficiaries</b>	<b>142,766</b>
<b>Hectares</b>	<b>432,226.65</b>
<b>Section 42D</b>	<b>R 3,344,360,576.37</b>
<b>Section 42C</b>	<b>R 1,074,567,007.52</b>
<b>Grants</b>	<b>R 133,788,595.00</b>
<b>Total award</b>	<b>R 4,552,716,178.89</b>

Risk Registers and the Fraud Prevention Plan are currently being completed. The Barnowl System for risk management will be implemented as soon as Treasury approves.



## COMMUNICATION

The Commission continues to engage with its various stakeholders on issues relating to the restitution programme. Members of the public, including the claimants and other stakeholders, were kept informed about the progress on the settlement of claims through the different stakeholder briefing sessions conducted throughout the country.

Land Reform stakeholders were invited to participate in the launch of the Settlement Implementation Support (SIS) strategy which took place on 17 February 2008 in Pretoria. The launch of the SIS strategy by the Minister for Agriculture and Land Affairs Ms Lulama Xingwana followed a two year consultative process with various land reform role players towards the development of a plan to provide a comprehensive settlement support to the land reform beneficiaries. The technical and financial support received from the Belgian Technical Cooperation (BTC) was very crucial in the development of the strategy.

The Commission participated in various regional and national exhibitions including the National Council of Provinces' (NCOP) 'Taking Parliament to the People' and the Rand Easter Show where members of the public had an opportunity to obtain information on the processing of land claims. A total of approximately 18 000 and 8 500 people went through the two exhibitions respectively. The Community Liaison function of the Commission continues to handle enquiries from claimants and other stakeholders regarding the finalization of claims, on a daily basis.

In its efforts to address the issue of untraceable claimants, the Commission carried out communication campaigns through the regional media, calling on claimants with outstanding information to come forward with the necessary information for verification purposes. The process is ongoing, and continues to yield some positive results.

## POLICY SUPPORT

The Restitution Settlement Planning Grant (SPG) and the Restitution Discretionary Grant (RDG) have now been consolidated into one grant, the Restitution Settlement Grant (RSG) which is allocated for each individual verified household that benefit from land restoration. The consolidation allows for a more flexible utilization of the grants by the beneficiaries. The grant amount has been increased to R6 595.00 and will be adjusted annually in line with the CPI.

The Commission continues to engage Traditional Leaders on issues relating to the settlement of claims in the rural areas, where there are disputes. The two parties have agreed to a closer working relationship both at the provincial and national

level. It is envisaged that further discussions between the parties may lead to the signing of a Memorandum of Understanding with regard to the finalization of rural claims where there are challenges which involve Traditional Leaders.

The Commission and Provincial Land Affairs Offices (PLRO) are working closely together in dealing with land reform projects where there are overlapping issues, e.g. in instances where an overlap exists regarding Labour tenant claims and restitution claims, the department can provide alternative land to labour tenants or restitution claimants in line with the various applicable legislation. In certain instances the two affected groups can be dealt with together, in addressing their need for land. Another option could be to subdivide the land and allocate portions to both the labour tenancy and restitution beneficiaries, with possible additional financial compensation depending on the circumstances.

The unavailability of state land is delaying the finalisation of some of the rural claims. The Commission has been addressing the issue of state land on a case-by-case basis, but has now expressed the need to request political intervention in terms of cooperative governance in order to speed up the process of finalizing outstanding claims.

In terms of the White Paper on Land Policy, as well as the Restitution Act, restitution can take various forms including land restoration, financial compensation and/or a combination of both. It had been confirmed that the Commission cannot make prescriptions concerning the type of restitution which the claimants must opt for, and further that the options cannot be ranked in order of priority. The Commission has to take the current "profile" of the claimants into consideration. For instance, some of the claimants may be old and thereby not interested in land restoration, alternatively, one might find that the claimants have dispersed so much that they cannot return to the land as a cohesive community. In line with the broader land reform objective of correcting the skewed land ownership patterns in our country, the Commission encourages the claimants to opt for land restoration or a combination of land restoration and financial compensation where possible.

The Commission has committed itself to engage farm workers in terms of securing their land rights, as part of the process when negotiating the settlement of a claim and purchasing land for restitution beneficiaries.

The Restitution Policy Unit provides continuous support service in the area of policy analysis, formulation, advocacy, review and implementation frameworks and guidelines, as part of the interpretation and implementation of the Restitution of Land Rights Act, 22 of 1994 (as amended). Restitution policy and procedures are developed to ensure that the Act is interpreted in line with other government

policies. The policy unit presents training sessions on policies and procedures at least twice a year to new staff members. The unit also facilitates discussion on policy and related issues, as required.

## LEGAL SUPPORT

The year under review saw radical reforms focused on the improvement of overall performance of the Commission particularly as a result of the delegation of administrative powers to settle claims, and delegation of accounting officer functions to the Chief Land Claims Commissioner. These crucial interventions necessitated a restructuring process which is aimed at building efficiencies in the Commission. Of relevance to the current topic, was the establishment of a Directorate: Legal Support for the Commission, situated in the office of the Chief Land Claims Commissioner. The function of the Directorate is to provide legal support services to the whole Commission. The staff complement of the Directorate consists of a Director, two Deputy Directors, two Assistant Directors and one secretary.

As has been the trend in the last few years, there has been an increase in the number of cases being referred to the Land Claims Court for adjudication. As a result there are 145 active cases before Courts. This is an indication of the complexity of the restitution claims that are remaining. To rise to this challenge, the Commission has strengthened legal teams in all eight offices of the Commission under the co-ordination and support of this newly established Legal Support Directorate.

## JUDICIAL SETTLEMENT OF CLAIMS

Judgments in the following matters were handed down by our Courts during the period under review:

### **Department of Land Affairs v Goedgelegen Tropical Fruits, Constitutional Court**

This matter concerned the rights of former labour tenants to restitution of land rights under the Restitution of Land Rights Act, 1994 ("Restitution Act"). Section 2 of the Restitution Act provides for entitlement to restitution of rights to land where persons or communities were dispossessed of their rights as a result of past racially discriminatory laws or practices. A labour tenant interest is a right to land in terms of the Act.

Nine claims were lodged on behalf of the Popela Community for rights to land that were lost as a result of past racially discriminatory laws or practices. The claim relates to land which is part of the remaining extent of the farm previously known as Boomplaats, which is presently consolidated into Goedgelegen Farm, in the Limpopo Province. The claims were accepted by the Regional Land Claims Commissioner,

Limpopo as a community claim, alternatively as nine individual claims. The current owner's opposition of the claim culminated in a referral to the Land Claims Court ("LCC").

The LCC dismissed the claim, holding that the Claimants' labour tenant status had been terminated because the labour tenancy system was an inefficient system of farming and not because of any racially discriminatory law or practice. On Appeal, the Supreme Court of Appeal ("SCA") confirmed the decision of the LCC holding that there was no evidence that the owners of the farm were an instrument for directly carrying out or promoting a practice of a government institution or functionary as required by the Act and therefore there was no causal connection between racially discriminatory laws or practices and the dispossession of the Claimants. The SCA did not find it necessary to pronounce on whether a community existed or not as it had found that the individual claims were not dispossessed. The appeal was therefore dismissed with costs.

The Claimants, supported by the Department of Land Affairs and the Commission, further appealed to the Constitutional Court on the judgment and order of the SCA. In a landmark judgment Moseneke D C J, writing for a unanimous Court, found that nine individuals were entitled to restitution. From the outset, the Court indicated that the entire case had turned into an enquiry whether the termination of the labour tenancies by private farmers entitles labour tenants to redress under the Restitution Act. Consequently, more than half of the Court's judgment dwells on answering the above question, by interpreting the phrase "as a result of" in section 2 of the Act.

The Court found that "the term 'as a result of' in the context of the Restitution Act is intended to be less restrictive and should be interpreted to mean 'as a consequence of' and not 'solely as a consequence of'. It is fair to add that, on this construction, the consequence should not be remote, which means that there should be a reasonable connection between the past discriminatory laws and practices of the State, on the one hand, and the dispossession, on the other. For that determination, a context-sensitive appraisal of all relevant factors should be embarked upon..."

On the facts of this case, the Court found that the past racially discriminatory laws or practices favoured the farm owners to dispossess the applicants of their labour tenancy rights. A normal society based on dignity and equality and a truly representative government would have had a duty to protect and respect existing rights held by the Claimants. The farm owners would have been compelled by law or practice not to take away vested rights to land as would have been others who accepted title before 1913. The Court accepted that the dispossession did not occur in a social and legislative vacuum.

The Court held further that the “causal connection under s2 of the Restitution Act should not be understood to require that the State or public functionary should itself perform the dispossession of right in land. It is sufficient if the termination of the rights in land is permitted, aided and supported by past racially discriminatory laws or practices of the State or other functionaries exercising public power. The question is not whether the dispossession is effected by the State or public functionary, but rather whether the dispossession was as a consequence of laws or practices put in place by the State or other public functionary”.

The Court held further that whether or not the farm owners had knowledge of the discriminatory laws or practice, or whatever their motive was, the social and legislative context had been that, even with the proclamation abolishing the labour tenancy rights, farmers in the area were actively ending labour tenancy on their farms based on the Amendment Act, and not the proclamation.

The Court concluded by finding that the individual applicants were dispossessed of rights in land after 19 June 1913 as a result of past racially discriminatory laws or practices and their claims are valid.

#### **Haakdoornbult Boerdery CC v Mphela, Supreme Court of Appeal**

This was an appeal following a decision of the LCC that the Mphela family was entitled to restitution of the whole land claimed by the Mphela family.

A claim was lodged by the Mphela family following the dispossession of the farm Haakdoringbult that was owned by Mr. Klaas Phali Mphela. Mphela took transfer of the claimed land in 1913, just before the Native Land Act, 1913 came into force. The farm was sold under compulsion to white farmers during 1951, the government insisting that the family relocate to a nearby farm, Pylkop. Haakdoringbult was worth less in value compared to Pylkop, but the white farmer who purchased the farm was willing to pay the Mphela family an amount enough to purchase the farm Pylkop. The purchase price for Haakdoringbult was therefore used to purchase the farm Pylkop, where the family had to be resettled.

The basis of the current owner's contention that the claim is not valid was that the Mphela family received just and equitable compensation at the time of their dispossession, therefore their claim does not satisfy the qualification criteria in section 2 of the Restitution Act.

The Court held that the requirements for just and equitable compensation in terms of section 25 (3) of the Constitution must be applied at the time of dispossession. The Court held further that the amount of compensation has to be "just and

equitable", reflecting an equitable balance between the public interest and the interests of those affected" having regard to "all relevant circumstances" of which market value is but one of five. Market value is in the context of this case the only factor listed in s25 (3) capable of quantification. Once the market value has been determined an upward or downward adjustment, having regard to other relevant factors, can be made.

The SCA applied the factors listed in s25 (3) of the Constitution and found that the Mphela family satisfied the requirements for restitution and were entitled to restoration as they did not receive just and equitable compensation at the time of dispossession and awarded the Mphela family the major part of the claimed land, but not all the land that was claimed.

The Mphela family has appealed the judgment and order of the SCA to the LCC and are contending that they are entitled to the whole of farm Haakdoringbult.

#### **Nkomazi Municipality v Ngomane of Ngedlane Community, Land Claims Court**

An application in terms of section 34 of the Restitution Act was brought by the Nkomazi Municipality in Mpumalanga. The applicant sought an order that when the land claims in respect of land within its jurisdiction is finally determined; certain land shall not be restored to any claimant. This application was supported by the Commission.

The land sought to be excluded from restoration is that which fell within the delineated urban edges of the towns of Malelane, Hectorspruit, Komatipoort and Marloth Park in Mpumalanga.

The Municipality contended it was in the public interest that the land in question should not be restored and that the public will suffer substantial prejudice unless an order declares that restoration of the affected land was not possible.

The Land Claims Court held that the restoration of land to the Claimants would entail expropriation of that land by the State for the purpose of restoring the same to the Claimants. The State will have to pay just and equitable compensation to the owners of expropriated properties taking into account the current market value of such properties. Properties in the four towns would be expropriated at huge and prohibitive financial cost to the State and restored to Respondents who were dispossessed of rural land, the value whereof by any standard must have been significantly less than the expropriated built up land, restored.

The Court held further that the public will be substantially prejudiced if, in the circumstances, a lengthy and costly trial



with little prospect of success were to ensue to deal with restoration as well as equitable redress, given that public funds will continue to be used to fund the Respondents.

The effect of the Court's finding was that the Claimant Communities led by chiefs Ngomane of Hhoyi, Ngomane of Siboshwa, Ngomande of Lugedlane and Mkhathswa of Mbamiso have no reasonable expectation that they will be able to return to the land. The Claimant Communities' application for leave to appeal was dismissed by the LCC. The Claimant Communities have indicated that they will petition the SCA for leave to appeal to that Court.

### **Crystal Holdings v RLCC KZN, Natal Provincial Division**

This judgment relates to an application by Crystal Holdings (Pty) Ltd and 20 others to interdict the Regional Land Claims Commissioner, KwaZulu-Natal ("RLCC") from preventing the Applicants from managing farms operations in land that was awarded to Claimants in terms of the Restitution Act.

A claim was lodged by Vusumuzi Mbatha and Catherine Ngubane on behalf of AmaNgcolosi and AmaKhabela Communities. These claims were settled by the Minister for Agriculture and Land Affairs by awarding title of the land that was claimed to Trusts that were created to hold and manage the restored land on behalf of the two communities. Because of the commercial value of the land and the unsophisticated communities who would own the land and as part of the settlement of the claim, the RLCC, Community Trusts and Crystal Holdings entered into a Memorandum of understanding in terms of which the RLCC would be central in the negotiations, facilitation and conclusion of a Shareholders agreement which would be entered into between Crystal Holdings and the Claimants trusts to regulate a joint venture between them.

Crystal Holdings and the Community Trusts entered into a Shareholders Agreement without the intervention of the RLCC. RLCC addressed numerous letters to Crystal Holdings. Attorneys representing Crystal Holdings informed the RLCC that those shareholders' agreements had been entered into by the Trustees and were valid. They then informed the RLCC to desist from communicating with the Trustees if such communication was related to the validity of the shareholders agreements. This was followed by an exchange of correspondence and culminated into an application for an urgent interdict in the Natal Provincial Division of the High Court to prevent the RLCC from interfering in the joint venture. The interim interdict was granted, and later confirmed.

The Court held that there was no legal basis to justify the interference of the RLCC to issues after a claim had been

settled following s42D of the Restitution Act. The judgment and order of the NPD is being appealed against.

### **Minister of Land Affairs and Agriculture v D & F Wevell Trust, Supreme Court of Appeal**

In the settlement of the Ndwandwa Community claim, the Department of Land Affairs entered into sale agreements with the Clarke family and the Wevell Trust for certain land in the Badplaas area based on an agreed price which was payable on the date of registration of transfer into the name of the Department's nominee, the Ndwandwa Trust.

Registration of transfer had to take place as soon as possible once the Department had undertaken to pay the full purchase price and a letter of intent to this effect had been issued.

The contracts of sale were concluded and the sellers' conveyancer proceeded to lodge the registration documents at the deeds office. However, before registration could take place, the office of the Chief Land Claims Commissioner sent a letter to the conveyancer requesting that the transfer documents be withdrawn from the deeds office. The transfer documents were withdrawn and the conveyancer was informed that the outcome of the investigation will be within three weeks.

The investigation took longer than was anticipated. The Department informed the sellers about the delay but the sellers proceeded to bring an application to the Land Claims Court asking for an order that the respondents allow the registration of the transfer to proceed, that the purchase price be paid on registration of transfer, interest and costs.

The Department opposed the application asking for the cancellation of the sale agreements on the grounds that it was discovered during the investigation that the applicants manipulated the valuation of the properties and therefore procured a higher amount in the valuation.

The Land Claims Court granted an order in favour of the applicants. They appealed to the Supreme Court of Appeal. The application for leave to appeal was dismissed with costs. The Department then took the matter to the Constitutional Court. The application for leave to appeal was dismissed thus bringing an end to this matter.

More detailed information on the above cases is available on the following websites:

Land Claims Court: [www/law/wits.ac.za/lcc/](http://www/law/wits.ac.za/lcc/)

Supreme Court of Appeal:

[www.supremecourtappeal.org.za](http://www.supremecourtappeal.org.za)

Constitutional Court: [www.constitutionalCourt.org.za](http://www.constitutionalCourt.org.za)

# SETTLEMENT SUPPORT

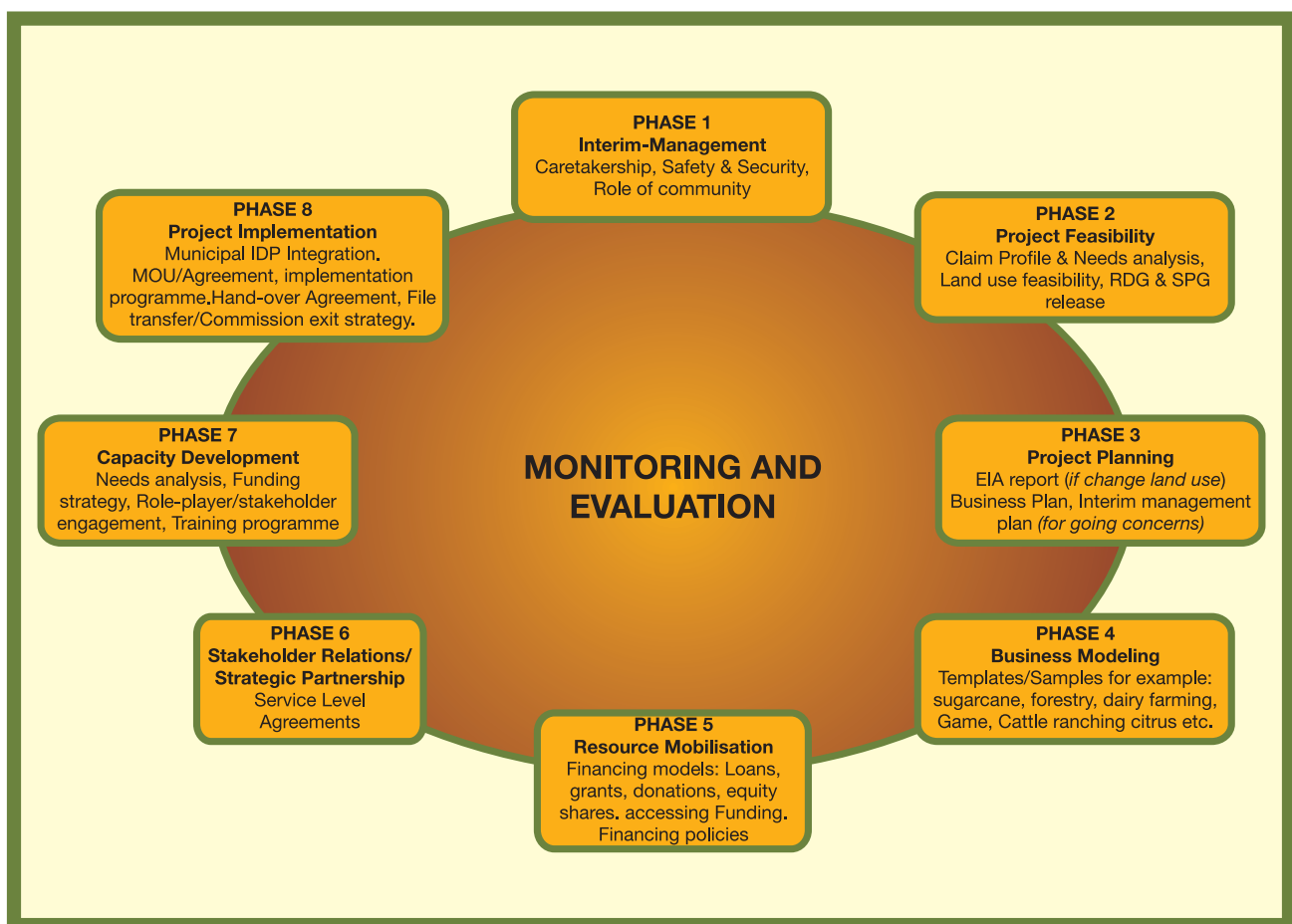
## SETTLEMENT SUPPORT

### 1. Introduction

The settlement support units in the Commission on Restitution of Land Rights aims to provide support to the restitution beneficiaries in order to enable them to utilize the development grants (Restitution Discretionary Grant “RDG”, Settlement Planning Grant “SPG” and the Development Grant “42C” in a manner that will ensure a sustainable livelihood. This also contributes to the priorities of Government to alleviate poverty, create work opportunities and contribute to the overall economic growth of the country.

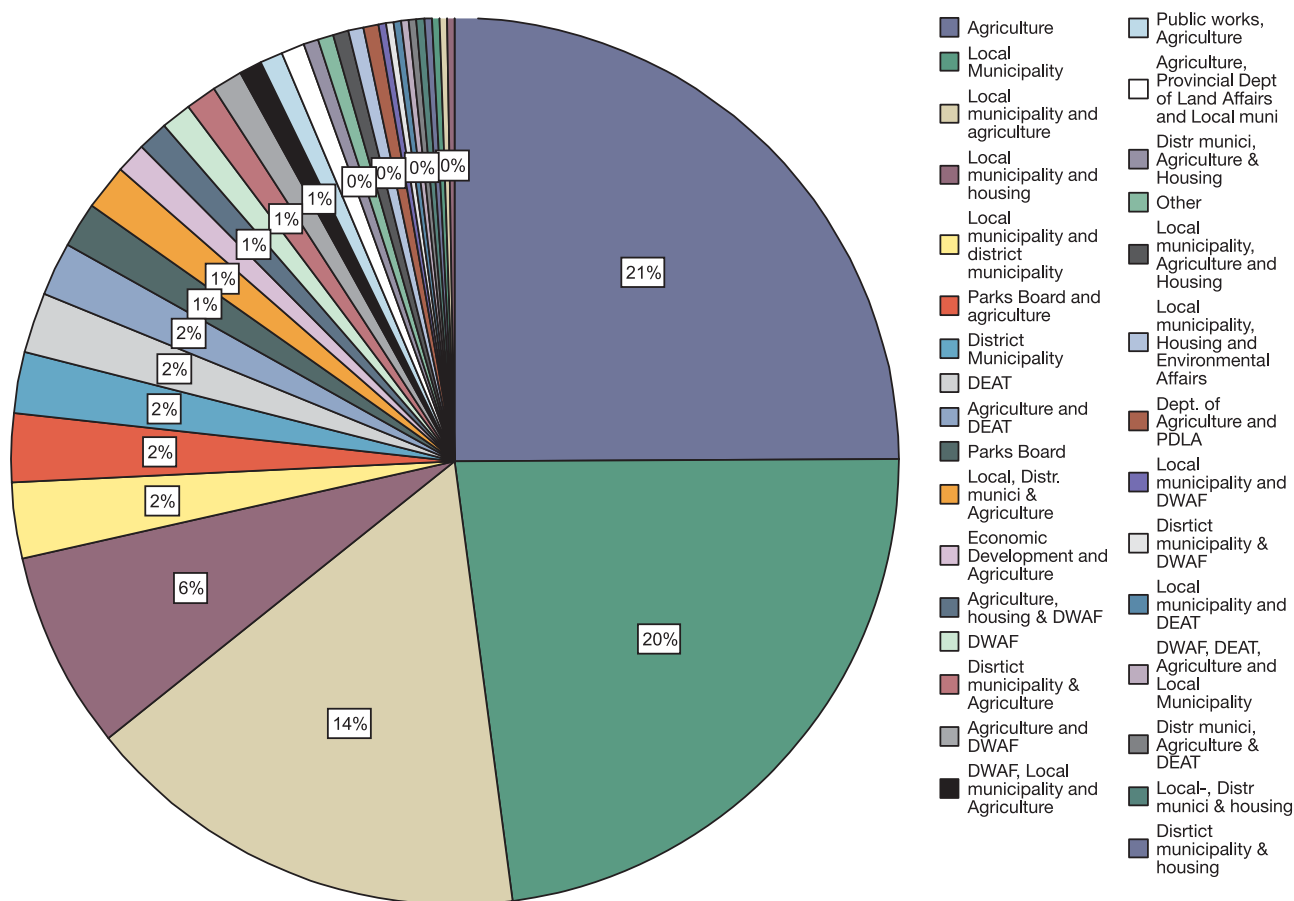
### 2. The key responsibility areas for the settlement support unit:

## SETTLEMENT SUPPORT PROCESS



### 3. Current participation by government departments to ensure support to projects

#### Government departments involved



### 4. Employment created, skills and training received in terms of settled projects

PROVINCE	NUMBER OF PERMANENT JOBS CREATED	NUMBER OF TEMPORARY JOBS CREATED	NUMBER OF PEOPLE WHO RECEIVED SKILLS	NUMBER OF PEOPLE WHO RECEIVED TRAINING
LIMPOPO	0	0	0	6
MPUMALANGA	7	10	7	7
FREESTATE	0	0	0	0
NORTHERN CAPE	11	60	0	0
KWAZULU-NATAL	573	252	26	0
EASTERN CAPE	0	0	0	0
GAUTENG	0	0	0	0
NORTHWEST	0	0	0	0
TOTAL	591	322	33	13



## 5. Achievements

- Mining engagement with Anglo Group on resolution of claims and proposed models. Ongoing discussion with mining companies on the development of mining models in order to provide guidance on options for restitution beneficiaries.
- Ensure a Dispute Resolution Service to ensure that community disputes do not obstruct development of the claim.
- Memorandum of Understanding signed between the Commission on Restitution of Land Rights and the Development Bank of South Africa (DBSA) towards the establishment of a co-ordinated approach for the provision of support to restitution beneficiaries, and ensuring tangible and realistic beneficiation to beneficiaries. Two pilot projects were identified.
- Continuous engagement with the Department of Provincial and Local Government in terms of including restitution projects in the Integrated Development Plan (IDP), as well as interventions with local and metro municipalities for matters regarding settled projects.
- Continuous engagement with the forestry sector (DWAF, FIETA and forestry companies) to provide guidance on options for restitution beneficiaries in a manner that is mutually beneficial for the sector and the restitution beneficiaries.
- The Commission on Restitution of Land Rights received assistance from the Canadian Government, Technical Assistance Facility to undertake a study mission to Canada in order to gain exposure on the Canadian systems, as well as expertise and skills relevant to land reform. The study tour commenced on 30 July 2007 and ended on 3 August 2007. This assistance also entails a second phase whereby technical assistance will be provided in South Africa by Canadian expertise on settlement support. The full report can be accessed on <http://land.pwv.gov.za>

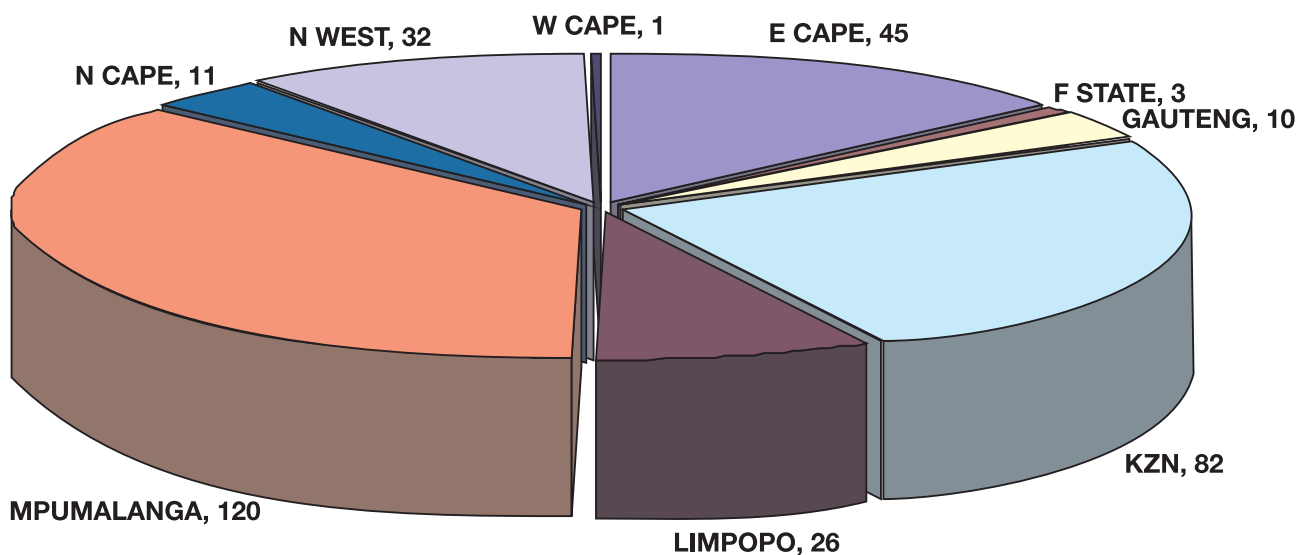
## PROGRESS ON CLAIMS SETTLED TO DATE

### SETTLED RESTITUTION CLAIMS FOR THE PERIOD: 01 APRIL 2007-31 MARCH 2008

PROVINCE	RURAL	HHs	BENEFICIARIES	Ha	LAND COST	FIN COMP	DEVELOPMENT	RDG	GRANTS SPG	RSG	TOTAL AWARD
E CAPE	45	8391	18591	25909	409,701.13	204,996,404.15	17,504,398.87	13,584,000.00	6,520,320.00	19,283,780.00	262,298,604.15
F STATE	3	18	42	154	00.00	330,351.15	82,500.00	0.00	0.00	39,570.00	452,421.15
GAUTENG	10	509	3961	1874	22,850,000.00	4,635,738.73	8,243,044.24	2,919,000.00	1,401,120.00	0.00	40,048,902.97
KZN	82	8185	46597	119733	1,069,318,326.00	17,163,557.29	356,984,843.81	21,609,000.00	10,372,320.00	4,154,850.00	1,479,602,897.10
LIMPOPO	26	2461	11287	36750	435,945,375.00	9,237,737.08	231,121,259.30	5,349,000.00	2,567,520.00	4,471,410.00	688,692,301.38
MPLANGA	120	6696	30973	70545	674,758,191.68	104,493,022.04	49,889,432.74	8,066,640.00	4,053,000.00	4,135,065.00	845,395,351.46
N CAPE	11	1599	7444	107552	42,368,984.00	344,590,661.10	9,588,689.12	219,000.00	105,120.00	2,882,015.00	399,754,469.22
NWEST	32	3861	15689	69607	283,095,442.52	53,539,291.07	112,790,339.44	11,178,000.00	5,365,440.00	415,485.00	466,383,998.03
WCAPE	1	1765	8182	102	14,401,345.43	62,226,448.00	288,362,500.00	4,397,100.00	699,840.00	0.00	370,087,233.43
<b>TOTAL</b>	<b>330</b>	<b>33485</b>	<b>142766</b>	<b>432226</b>	<b>R 2,543,147,365.76</b>	<b>R 801,213,210.61</b>	<b>R 1,074,567,007.52</b>	<b>R 67,321,740.00</b>	<b>R 31,084,680.00</b>	<b>R 35,382,175.00</b>	<b>R 4,552,716,178.89</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 subjected to internal auditing on an ongoing basis.

### SETTLED RESTITUTION CLAIMS FOR THE PERIOD: 01 APRIL 2007-31 MARCH 2008



# STATISTICS ON SETTLED RESTITUTION CLAIMS

## CUMULATIVE STATISTICS:

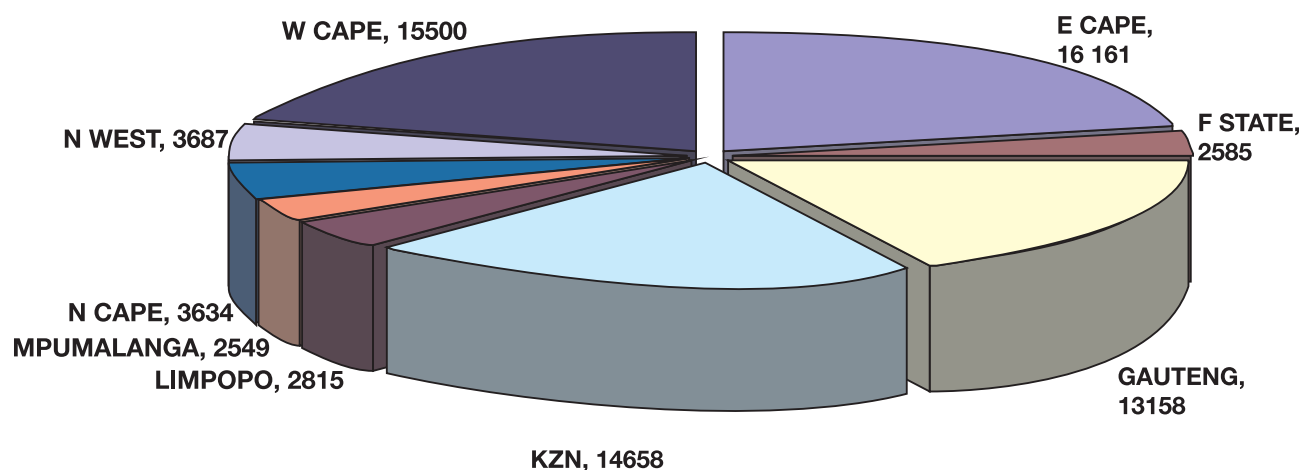
### 1995 - 31 MARCH 2008

PROVINCE	CLAIMS	HHs	BENEFICIARIES	Ha	LAND COST	FIN COMP	DEVELOPMENT	GRANTS	SPG	RSG	TOTAL AWARD
E CAPE	16161	54817	187018	86998	203,336,128.13	1,016,243,951.53	86,796,146.87	93,420,000.00	44,841,600.00	19,283,780.00	1,463,921,606.53
F STATE	2585	4893	37288	44618	7,703,300.00	80,318,352.96	24,176,504.35	9,192,000.00	4,099,680.00	39,570.00	125,529,407.31
GAUTENG	13158	14842	68820	9431	112,483,195.57	633,160,713.73	60,997,001.38	8,617,000.00	2,926,440.00	0.00	818,184,350.68
KZN	14658	61004	365814	563695	2,083,991,545.01	1,098,032,385.09	719,723,200.01	107,061,000.00	48,235,200.00	4,154,850.00	4,067,809,380.41
LIMPOPO	2815	37335	208067	395990	1,743,308,485.92	94,009,379.42	328,005,128.15	90,843,000.00	41,427,360.00	4,471,410.00	2,293,064,763.49
MPLANGA	2549	43525	197605	283905	2,521,158,370.44	307,697,176.04	90,233,950.85	102,986,640.00	49,614,510.00	4,135,065.00	3,075,825,712.33
N CAPE	3634	16263	88150	412928	218,381,398.77	638,809,565.19	44,893,199.20	10,493,640.00	11,114,373.06	2,882,015.00	926,574,191.22
NWEST	3687	30517	149778	277603	881,542,577.33	230,432,680.03	239,021,035.24	81,587,000.00	39,089,472.79	415,485.00	1,472,088,250.39
WCAPE	15500	22105	112652	3217	22,298,287.00	757,557,147.68	290,927,500.00	15,765,540.00	3,427,452.00	0.00	1,090,342,451.00
TOTAL	74747	285301	1415192	2078385	R 7,785,203,288.17	R 4,856,261,351.67	R 1,884,773,666.05	R 519,965,820.00	R 244,776,087.85	R 35,382,175.00	R 15,333,340,113.36

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 subjected to internal auditing on an ongoing basis.
3. Please note that 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:1995-31 MARCH 2008





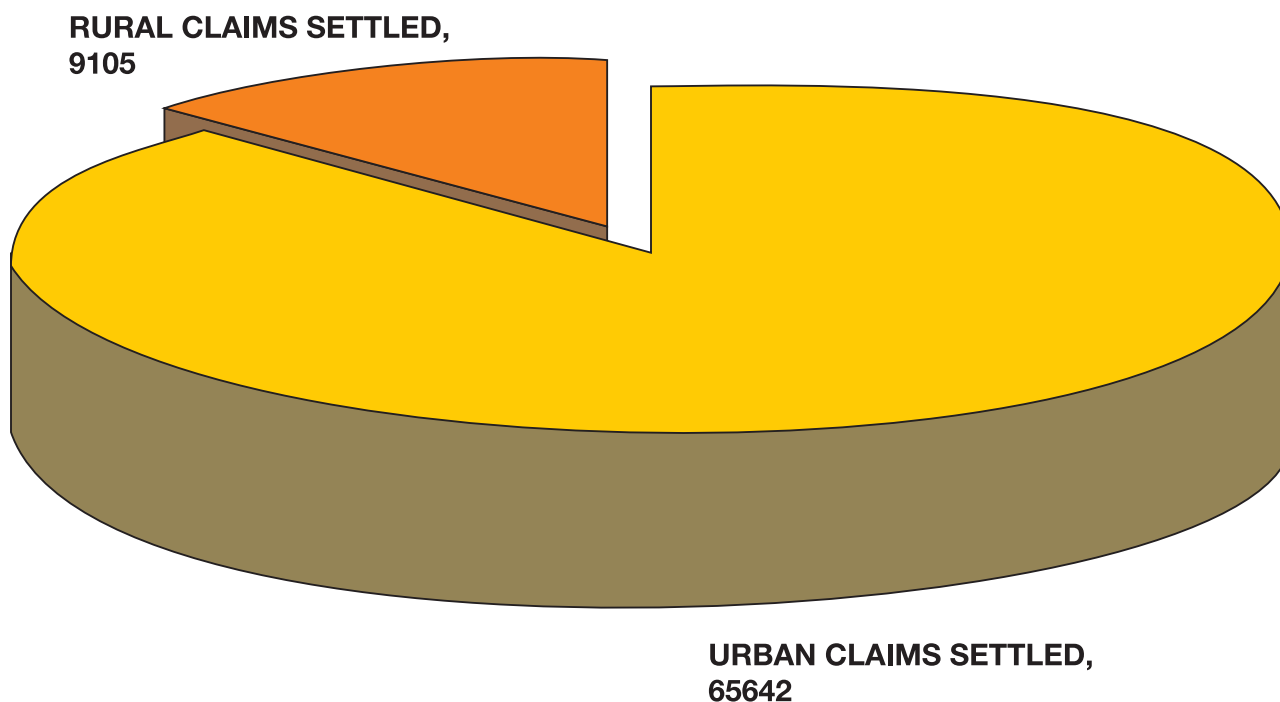
## CUMULATIVE STATISTICS ON SETTLED RESTITUTION CLAIMS

### RURAL AND URBAN: 1995 - MARCH 2008

	LAND	FINANCIAL	ALTERNATIVE	TOTAL NO OF	BENEFICIARIES
URBAN CLAIMS SETTLED	15439	47726	2477	65642	502454
RURAL CLAIMS SETTLED	4423	4247	435	9105	912738
TOTAL	19862	51973	2912	74747	1415192

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 subjected to internal auditing on an ongoing basis.

## CUMULATIVE STATISTICS ON SETTLED CLAIMS RURAL AND URBAN: 1995-31 MARCH 2008



# A tribute to claimants who passed on while in the process of having their land rights restored:

We remember all the victims of racially motivated land dispossession under the previous government who passed on while in the process of receiving back their land – the fallen heroes of the land struggle. In their memory, SiyaGijima to deliver land to our people.

## Eastern Cape Province

Petrus Paki Rululu  
Nzuzo E. Msizi  
Eric N. Mbele  
Mbulelo P. Mtulu  
Henry Bell  
Esther F. Bell  
Nozipho L. Dingana  
Stephen Majola  
Ntozinzima Klaas  
Mieta McCarthy  
Abraham August  
Isaac Fortuin  
William Prinsloo  
Andries Friesland  
Henry Lee  
Raymond R. Barends  
John Carelsen  
Martha Fredericks  
Thamsanqa Majola  
Esther Ntshinga  
Vera A. Jaftha  
Mboya  
Vuyisile Tshisele  
Geoffrey Pamplin  
Wilfred D. Finnis  
Lenah N. Charlie  
Nzimeni D. Bisset  
J. January

## Limpopo Province

Kgoshikgolo Rhyne Thulare  
Mr Seniors Mokwena  
Mr Matseremane Andries Mabuela  
Mr Ratlhogo  
Mr T Serumula  
Mrs Ralefe  
Saterdag Makitlane

## KwaZulu-Natal

Themba Khatwayo  
Adam Mthiyane  
Inkosi M Mbuyazi  
Bhekithemba Ndlovu  
Inkosi B. Ngcobo  
Newlett Nkosi  
Themba Mthethwa  
Sthandiwe Vezi  
Inkosi Gumede  
Cornelius S. Mncwabe  
Mthokozisi Magwenyane  
Bonga Xaba  
Mr Zulu

## Gauteng and North West Province:

Lethoba Polelo Maribe  
Tau Benjamin Mojahi  
Mojabeng Revelation Motlhobi  
Boikie Jacob Mmoleke  
Maleboya Anna Mafethe  
Molwa Godfrey Monnamere  
Smith Godfrey Cook  
Motsuenyane Jacob Segokgo  
J.E.T. Mamogale  
Trevor Serobatse  
Mponye Johannes Thebe  
I.H. Seaga  
R.M. Moagi  
G. Zomba  
T.V. Mndaweni  
B. Sehome  
S. Mabeta  
V.N. Mlotywa  
P.S. Molopyane  
L.J. Sekhaolelo  
M. Mtimkulu  
R.E. Segone  
T.M. Mahlatsi  
C.E. Sinnye  
M.S. Molefyané  
P. Nkoane  
M.P. Sebotsane  
J.N. Mcabini  
S.K. Matlhaku  
M.E. Serojane  
P. Smith  
P.J. Moroe  
P.T. Moetsi  
G.D. Kgallanyane

## Western Cape Province

Piet Skippers  
Christina Ehrenreich  
Matty Booysen  
Nicolas Arnoldus  
Andries Aaron  
Mustapha Green  
Jamila Antar  
Rose Goliath  
Johanna Mack  
Carolus Daniels  
Isaac De Jager  
Willa Abrah  
J.P. Mars  
Dorina Adams  
E. Bushby  
Herman Abels  
Mervin Abrahams

# Belgium donates R83m to boost SA land reform

**The Belgian government has contributed E7 5 million Euros (R83.6m) to further land reform in South Africa**

**Belgium is a staunch supporter of land reform Belgium ambassador Jan Mutton said yesterday at the launch of the Settlement and Implementation Support strategy at the Sheraton hotel in Pretoria.**

**The strategy has been developed to help support beneficiaries of land reform.**

**The launch was attended by Agriculture and Land Affairs Minister Lulu Xingwana, her, deputy Dirk du Toit as well as the head of the Land Claims Commission Thozì Gwanya**

**Mutton said land reform was important for the country's economic development and the eradication of poverty.**

**Gwanya said You can't just drop land on people and hope for the best".**

**Xingwana said the strategy had been drawn up over 18 months and provided a detailed analysis of land reform.**

**"I want to appeal to those involved in land reform not to interpret the strategy as yet another concept but as a science of land reform, because it is a product of our past and current occurrences", Said Xingwana.**

**The minister said she wanted to see improved job creation and sustained growth and skills development through training and mentorship.**

**"Of the E7.5 m, E1. 5m will go towards policy development and the rest will go towards settlement support," said Xingwana.- Sapa**

GCIS Communication Centre: **Cape Argus:** February 19 2008



## Strategie om nuwe boere te steun

*Christel Raubenheimer en Sapa*

Strategie om nuwe boere te steun Landboukoöperasies sal vir die doel onder meer 'herbou' word Christel Raubenheimer en Sapa Die minister van landbou, me. Lulu Xingwana, het gister 'n nuwe strategie bekend gestel om veral diegene wat reeds by grondhervorming baat gevind het, beter te ondersteun. Die ooreenkoms- en implementeringsteunstrategie (SIS) is nie net "nog 'n idee" nie, maar die wetenskaplike grondsiag van grondhervorming, het Xingwana in Pretoria gesê. "Dit is 'n deurdagte reaksie op die oproep en behoefte aan ondersteuning vir vestiging. Die strategie stel voor dat grondhervorming erken word as "almal se sake," het Xingwana gesê. Die strategie is oor 'n tydperk van 18 maande opgestel en bied 'n gedetailleerde uiteensetting van grondhervorming. Dit is in samewerking met die Belgiese regering gedoen. Die regering het €7,5 miljoen (sowat R83 miljoen) geskenk om grondhervorming in Suid-Afrika te bevorder. Die grond- en landbouhervormingsplan, waarvan die SIS deel vorm, se mikpunt is onder meer om armes toegang tot grond te gee om nuwe boere te word en om die aantal swart landbou-entrepreneurs te verhoog, het Xingwana gesê. Die hervormingsprogram het ook ten doel om toegang tot landbou-ondersteuningsdienste te vestig en produksie in die sektor met tussen 10% en 15% verhoog. Die program is al in die Wes-Kaap, die Noord-Kaap, die Oos-Kaap en KwaZulu-Natal van stapel gestuur. Dit word later vandeesmaand ook in die Vrystaat van stapel gestuur. Xingwana het gesê grondhervorming is nie net die oorhandiging van grond nie. Volgens haar kan daar werklik 'n verskil in mense se lewensgehalte gesien word. "Die uitdaging is nou om die landboukoöperasies wat die grondsiag van landbou in Suid-Afrika vorm, te bevorder en te herbou. "Ons moet 'n vothoubare, nuwe klas swart entrepreneurs opbou en familieplase aanmoedig," het sy gesê. Van die beskikbare €7,5 miljoen sal €1,5 miljoen bewillig word vir die formulering van bebid, terwyl die res vir vestiging en ondersteuning aangewend sal word. Die invloed van die projek is onder meer bygewoon deur Xingwana, bar adjunk, mnr. Dirk du Toit, mnr. Tozi Gwanya, die hoofgrondsekkommissaris en innr. Jan Mutton, die Belgiese ambassadeur.



Previously productive farm land in Daveyton, Ekurhuleni, now borders on a squatter camp

PHOTO: NONHLANHLA KAM8ULE-MAKGAFI

## We will be forced to expropriate agricultural land, says minister

The government believes it is on track to transfer 25 million hectares, or 30 percent of agricultural land to previously disadvantaged black farmers by the target date of 2014. It also believes it will cost R16 billion to transfer 5 million hectares to 10 000 black farmers in the next two years. But both the government and agricultural unions say that many of those who have already received farms through the reform programme have failed to make the grade.

Paul van der Walt, the president of the Transvaal Agricultural Union, said about 700 farms had been transferred from white to black hands in Limpopo and a large number were transferred in the North West. However, many of these farms were either sold back to white farmers or were just used as accommodation. He said the tendency was not to farm but to put hundreds of people on the land. Agriculture and land affairs minister Lulu Xingwana

acknowledged that much of the land transfers since 1994 had not produced effective commercial farmers, as people lacked the necessary skills. AgriSA spokesperson Annelize Crosby said that the various commodity organisations of her commercial farmers union-the milk, wool and meat organisations-were involved in training black farmers. But Van der Walt said the state should be involved in this sort of training. With about 3 million hectares

already transferred, the state intends to transfer 2.5 million hectares to black farmers this year and next year and 3.5 million each year from 2010 to 2014. Asked if it was realistic to expect a transfer of 80 percent of the target in six years when less than 5 percent was transferred since 1994, Xingwana said she thought it was possible. "That is why we are reviewing strategies. We are revisiting the willing buyer, willing seller (policy). In many cases it has not worked."

She noted that expropriations would occur, but only after the required processes were carried out.

In terms of restitution legislation - by which land is claimed by people who used to live on it - the state could expropriate when a farmer was not willing to sell. "But we have land claims which have been placed for more than 10 years with people waiting for land," Xingwana said. "We will be forced to expropriate."

DONWALD PRESSLY

# Government and white farmers cross swords over land

Officials push 'public interest', AgriSA insists on 'fair market value' for farms

MURRAY ALFAYANE

THIS government this week clashed with white farmers over the plans to expropriate commercial farms for redistribution to landless and dispossessed farmers.

The Spoke, This Week established the finding of a bitter clash between the Department of Agriculture, Agrisa, which represents mainly the white farming community, argued against the government's expropriation plans.

AgriSA representative Louis Berman told the meeting that farmers wanted government to compensate them at "fair market value" for each plot of land to be expropriated. They also want the amount adjusted in the event of a price dispute between the Land Affairs Department and farmers.

However, Public Works director general Mame Mokoena and officials who drafted the new amendments to the Proclamation Act argued that the state should have the right to take an "expropriation", which the courts could review later in the event of a complaint.

Department of Public Works chief operations officer Mando Mokoena said departmental officials agreed that the expropriation should be the expropriation of land for "public purposes" and "public interest", as stated in the Constitution. He argued, instead of "financial value" of the property, it was a top priority.

"We are aware of consultations. We are not denying it (process). The public will engage through public hearings during the parliamentary process," said Mokoena.

Another government official said that lawmakers who disagreed with the government's view were reminding

of the value that farmers had in their possession as a result of expropriation. They had obtained from the apartheid era government.

Berman said: "We want a fair price to be paid for farms. The direct policy given the industrial expropriation power is to expropriate, determine prices and settle disputes. If we do not agree with government price, that is unconstitutional. We want a court of law to settle the disputes."

"Government wants to punish us for the past and pay no fee for our farms. Our farms are the only assets we have and we should be compensated accordingly."

The Cabinet is set to approve the draft amendment Act in February 2008. Public Works Minister Tshepo Dikwa will table it before Parliament next month. It is to be passed in June or September, he believes.

Although Dikwa has championed the expropriation policy, once passed, the law will largely be used by Agriculture and Land Affairs Minister Lulu Kgama.

Kgama said this week that the government was moving to increase state-owned farming land to the present 17% to 25% by 2014.

"We need a special report that the willingness, willingness to participate in working" he said.

Since coming to power in 1994, the government expropriated 1,000 farms, selling them to the state. The land is being used for a variety of purposes, including housing, agriculture, and other purposes. However, the approach has led to a loss of the government's



# Land claim bid 10 years after end of deadline

Relatives of former farmers say they could not trace documents in time

SUTHENTIRA GOVENDER

DESCENDANTS of former Chatsworth banana farm owners are to petition the Commission on Restitution of Land Rights for financial compensation despite missing the deadline by 10 years.

Relatives of farmers whose land was expropriated by the apartheid government in the 1960s will jointly appeal to the commission for a second chance to apply for compensation.

But the commission's spokesman, Simphiwe Guqa, told the Sunday Times Extra this week: "Unfortunately, the Commission on Restitution of Land Rights can no longer consider their applications, as the December 31 1998 deadline is long gone."

However, the group of more than 100 applicants — some of whom have also staked claims to land in other areas like Cato Manor and Bonella — are determined to secure compensation, saying their claims are legitimate.

Rural Chatsworth, comprising mainly banana farms and some ginger and pineapple plantations, made way for housing schemes when the Group Areas Act was enforced in the 1960s.

Deva Govender, a Glenwood pensioner whose father-in-law lost his 53-acre banana farm, was turned down when he appealed to the commission to lodge a claim last year.

Refusing to give up, he recently placed advertisements in local newspapers calling on landowners who had missed the deadline to contact him.

He has since received more than a 100

calls from families of displaced landowners, many of whom have died.

"We have consulted a lawyer, who advised us that we stand a better chance if we have a large group of people," said Govender.

"People missed the deadline because they were unaware of the claims process, discovered too late that their family owned land or could not trace important documents, including title deeds."

"I strongly believe that the commission should take these factors into consideration. The land that people lost was prime land at the time. Their livelihood was taken away from them in an instant."

He said that the claimants would be meeting to discuss a legal route to compensation.

Former politician and school principal Palanisamy Devan, another late claimant whose family owned a farm in Chatsworth, said: "The commission is adamant that it will not process claims. There are many people who have been battling to trace identity documents, title deeds and details of the expropriation of land."

"Many thought they needed all the relevant documents before making a claim, and eventually it became too late. We feel it is grossly unfair that the commission refuses to entertain late claims."

"They could impose penalties for late applications, but to say point blank that they can't accommodate people is disappointing. People are asking only for what they are entitled to."

# R4,9m paid for families' lost land

THE GAUTENG and North West Land Claims Commission has handed over R4,9 million to 490 claimants at Barokologadi Ba Ga Maotse in the North West.

Addressing claimants on Saturday, Gauteng and North West Land Claims Commissioner Tumi Seboka said each of the verified claimant families received R10 000 as financial compensation for the loss of land under conservation during dispossession.

"Let me take this opportunity to encourage all recipients of this compensation to use it wisely — please do not waste this money as you have waited so long to get it."

According to Seboka, the commission will ensure that the outstanding R3,1 million is paid to 310 beneficiaries in this financial year.

In September 2007, Seboka revealed that at least 16 651 land claimants benefited from land restitution. She said the commissioner in Gauteng had received 11 975 claims from which 11 968 had been settled.

She said her office has also been engaged with the Department of Water Affairs and Forestry with regards to allocating water rights to claimants from the Molatedi Dam and negotiations were still continuing. — BUANEWS

# R1,5 m om oogseer op te knap Marabastad, toeristestad

Aldi Schoeman

Sowat R1,5 miljoen is deur die Tshwane-metroraad opsygesit om een van Pretoria se kopsere op te knap om toeriste te lok.

Die stedelike vernuwing van Marabastad kan nou volstoom voortgaan nadat voortslepende grondeise daar afgehandel is.

Dr. Gwen Ramokgopa, burge-meester van Tshwane, het die naweek gesê een van die planne is om stalletjies vir informele handelaars in Marabastad se strate te bou. Geregistreerde handelaars sal dit teen 'n "minimale bedrag" kan huur.

"Só kan hulle dan besighede op 'n skoon en eerbare wyse bestuur," het Ramokgopa gesê.

Eiendom wat die naweek deur die grondeisekommissie van Gauteng en Noordwes teruggegee is aan afstammelinge van vorige grondeienaars by die Asiatic Bazaar, sal hopelik ook nuwe ondernemings na die gebied bring.

Dié elendomme is nie net in 'n woongebied nie, maar mense sal

ook ondernemings hier kan oprig.

"Hulle kan byvoorbeeld 'n onderneming op die grond hê en bo-op 'n huis," het me. Tumi Seboka, kommissaris van die grondeisekommissie, gesê.

Volgens Seboka word gedenkterreine ook beplan om die "belangrikheid van Suid-Afrika se stryd om grondherstel" te onthou. "Só kan toerisme in die gebied ook bevorder word."

Elkeen van die 74 huishoudings wat by die grondeise gebaat het, kry R3 000.

"Met dié geld kan behoorlike beplanning vir die ontwikkeling van die eiendom gedoen word," het me Lulu Xingwana, minister van landbou en grondsake, gesê.

Sy het ook gesê dat die moskee en Hindoe-tempel in Marabastad herstel gaan word.

In 'n poging om Marabastad se bevolkingsdigtheid te verlaag, is mense reeds vroeër na Mamelodi verskuif.

Ramokgopa sê dié verwikkelinge sal hopelik 'n omgewingskep waarin nog ontwikkeling kan plaasvind.



# ANC muses on expropriation to plough inroads into reform

Will the party's new resolution to fast-track land reform fare any better than the government's previous attempts and failures? asks **RUSSEL MOLEFE**

**M**OTSEPE Molefe, the president of the National African Farmers Union, once gave a stirring call to a revolution in agriculture.

"We must be aware that when a revolution on land comes, it is not just for the sake of the farmer who may have paid dearly for the land he bought."

He continued: "Our responsibility of this issue should never be an option but our nation's priority list."

It was a warning that reflected the frustration of black farmers who argued that the government's land and agrarian reforms had failed South Africans.

Their frustration stems from the non-fulfilment of promises set out in policy documents, drafted and redrafted, without resulting from previously ill-con-

sidered commitments.

From the founding of the ANC in 1912, the land question has been at the core of the liberation struggle in this country.

The 1913 Land Act not only left the majority of the population landless, but destroyed successful black farmers and entrepreneurs.

By the time political liberation was achieved in 1994, 87% of land was under white ownership, with 200 million hectares of agricultural land in the hands of about 65 000 white farmers.

At the time, 1.1 million small-scale black farmers shared about 17 million hectares of land in the Bantustans.

It was this gross disparity that gave rise to expectations of radical land and agrarian reforms.

And indeed, the ANC launched the Reconstruction and Development Programme in 1994, committing itself to redistribute 30% of white-owned land to black people by 1999.

But the programme failed to deliver, as it was internally replaced by the Growth Employment and Redistribution Policy which left the land reform process at the mercy of the market.

So the target to redistribute 30% of white-owned land was shifted to 2014.

But the target remains a mirage. Only 4% of the land has been redistributed since 1994.

According to the Programme for Land and Agrarian Studies at the University of the Western Cape, the most land transferred in 2007 was just in South Africa was 16 000 hectares.

To meet the government's land re-

form target, 170 million hectares needs to be transferred over years.

The slow pace of reform has resulted in much anger and frustration.

Various reasons were advanced for the slow pace, but were pinned on the ideology of helping marginalised groups, mainly through the principle of "the willing buyer, willing seller" approach.

The failure of the market-driven process has perhaps the reason why there were radical shifts in ANC policy on land at its recent Polokwane congress.

The party has made it clear that there should be more government intervention in land reform and rural development.

Molefe says the transition has "offered us an opportunity to reflect on what we have done wrong in the past, what we may do differently and

GCIS Communication Centre: City Press: March 9 2008



# Forestry firms face big land claims

■ Only 3% to 4% of previously white-owned land has been transferred

## KwaZulu-Natal

Three forestry companies face claims for up to more than half their land in KwaZulu-Natal.

About 40 percent of the 400 000 ha held by Mondi is rubber, but Mondi claims it is rubber. Parents say more than 75 per cent of its 125 000 ha was under land claims.

About 20.6 percent of Sappi's 500 000 ha of timber are subject to land claims.

Claims for land belonging to Sappi, one of the largest land owners in South Africa, have been increasing rapidly since 2004 and, if successful, these threaten to reduce the amount of land the paper and pulp company owns in KwaZulu-Natal.

The reduction in the size of the firm's estate in these provinces can have a major effect on the group's operations.

An Johannesburg-based executive of Sappi's southern African operation said the

claimants could include the land claims, was used for things other than timber.

"The claimants do not get the land, do not have some agreement with us and direct use of this land for things like grazing and crop farming, then the country and the industry can lose a huge fibre service provider," said Lushaga. Sappi would not give details of the extent of the expected claims on its operations, saying the process of determining this was continuing.

The land restitution process will, however, not have any cost implications for Sappi, Mondi and Komati and Forest. These companies will be compensated once the claims have been finalised.

Mark Thompson, the chief financial officer of Sappi, writing in the latest annual report, said to date there had been no reduction of 36 000 ha of land claims made for the company's plantations in Mpumalanga and 42 000 ha of claims for plantations in KwaZulu-Natal.

Development and Enterprise only 3 percent to 4 percent of previously white-owned land has been transferred to black local disadvantaged groups. This was mainly through land restitution and was far below the target of 30 percent for 1999.

In January minister Trevor Manuel's October adjustments of national expenditure for 2007/08, it was announced that the government's budget for returning land to claimants would decrease by 5 billion, compared with about 10.3 billion in 2006/07.

Lushaga said two thirds of Sappi's land was planted for forestry operations and the remainder was unsuitable for planting, thus leaving in environmentally sensitive areas, such as wetlands or due to adverse soil conditions, low rainfall and steep terrain.

Jeslie Mthembu, the spokeswoman for Komati and Forest, said the company had admitted that the majority of the land in which the firm's business was situated claimed

"All identified claims are in the first stages of investigation and resolution," he said, adding that the firm was in discussions with the restituting and forestry departments and the land claims commission on how these claims could be resolved to the benefit of claimants and Komati and Forest.

Mthembu said it had expected land claims over land holdings in KwaZulu-Natal and Mpumalanga. The company stressed that the land claims would continue to change as claims were settled or rejected and more were published in the government gazette.

Sappi has a strategy to not set any claim on the open estate. It will leave the land to be from claimant compensation if it can continue with its operations.

## LAND AND AGRICULTURE

# Boost for land reform and assistance to small farmers

Thousands of new extension officers

Naels Blom *FOR AFRICA*

FINANCE Minister Trevor Manuel gave substance to the government's land reform policy in the budget review yesterday, announcing the planned recruitment of about 5 000 extension officers to provide agricultural advice and production assistance to about 450 000 farmers.

Manuel also announced a further allocation of R900m over the medium term to redistribute 30% of agricultural land to black owners by 2014. The additional sum increases the annual budget for land reform from R1 600m in 2007-08 to R4,1bn in 2010-11.

To date, the government has delivered about 4 million hectares of agricultural land to historically disadvantaged beneficiaries, while the land reform target is to redistribute 21 million hectares by 2014.

Manuel said agricultural extension services, which include post-settlement support to beneficiaries of land reform and restitution, would receive an additional R200m over the medi-

## BUDGET 2008

um term through the provinces.

He said the support programmes were intended to improve the effectiveness of land use and productivity, with additional allocations supporting and restoring land and reform.

Earlier this week the government admitted that it had failed to "significantly progress" in establishing the beneficiaries of restitution claims in agricultural enterprises. Much of the criticism by organised agriculture and land reform beneficiaries also was directed at the government for not providing adequate post-settlement support in the form of grants and extension services.

The failure rate of post-settlement agriculture has been estimated at 60%, with the government blaming a lack of skills among emerging farmers.

The department said it also had to find ways to improve efficiency by consolidating its tradition of agriculture co-operatives, deploying technical staff, integrating farming with other rural economic development initiatives and spending more on post-settlement support.

Over the three-year spending period, a further R100m was allo-

cated to settle the outstanding 3 000 land restitution claims.

The Legal Resources Centre, a public interest law firm that provides free legal assistance to township communities, said however that it was not clear whether the restitution process was "swift, fair, transparent".

A spokesman for the centre said the number of outstanding claims did not disclose the number of community land units still unsettled, the number of community members involved, and the extent and situation of land involved.

He said independent tribunals had settled large claims — such as a claim against 45% of paper-occupied Mamelodi's statutory holdings and claims against 70% of the land in Morija and against large tracts of sugar-cane plantations — indicated that the process might still take many years to complete.

The centre said it welcomed the appointment of 5 000 extension officers, against last year's decrease in the agricultural budget. However, the most serious challenge to the delivery of land was the steps that had to be taken to secure the rights of beneficiaries required by the constitution.

The restitution programme is scheduled to end this month. Manuel said that money, human and financial resources were being shifted to accelerate the pace of land redistribution.

He announced that state-owned mining company Sasefer would receive a further allocation of R250m. This is to establish a waste mining operation that would be jointly owned with the Richards Bay community — giving effect to the community's restitution claim that was successfully concluded last year.

Manuel allocated R100m to the agriculture department's inspection services "to ensure that South African agricultural reports meet the certification of international markets".

## FARM EXPROPRIATED

*Citizen Reporter*

FARM EXPROPRIATED A HOEDSPRUIT commercial citrus farm has become the latest victim of the government's land-reform policy. Tomorrow the farm Callais will be handed over to Strategic Farm Management for interim caretakership before being given to the Letebele, Mpuru and Maraba communities. More than 300 households and 1 860 people would benefit from the land going back to the communities, the Commission on Restitution of Land Rights said. We are going ahead with expropriation in instances where we feel land owners are giving us the runaround, acting chief land claims commissioner Tumi Seboka said. — Citizen Reporter

## Land affairs minister approves farm expropriation

**SYDNEY MASINGA**

Land affairs minister approves farm expropriation SYDNEY MASINGA AGRICULTURE and Land Affairs Minister Lulu Xingwana has given the go-ahead for a Limpopo farm to be expropriated after it was liquidated and the owners refused to reduce their asking price. Liquidators Sechaba Trust wanted R19 million for the farm in Hoedspruit, but the government was only willing to pay R13 million. The northern branch of the Transvaal Agricultural Union (TAU-SA North) said the farmer who previously owned the farm had been willing to sell the farm as far back as 1998 for R12 million. But the provincial land claims commission had delayed negotiations until 2005. He said the land claim against the farm was formally gazetted in 2000, but the land claims commission only offered to buy it five years later in 2005. "During all those years the debts were piling up against the farm, until it was liquidated in 2006," said TAU-SA North chairperson Dries Joubert. Agriculture and land affairs spokesperson Pulane Molefe confirmed this week that the department served the expropriation order because Sechaba Trust would not bring its price down. "We took possession of the farm on January 11 and we will later transfer it over to the Letebele, Mpuru and Maraba communities who were dispossessed of their rights to the land in 1965. We have already deposited more than R10 million into Sechaba Trust's bank account the outstanding amount will be paid in due course," said Molefe.



# Land handover — Barokologadi ba ga Maotwe land claim

By Mercia Smith

**T**his land claim was the first in the North West Province to be settled within the National Framework on how to settle claims on protected areas, said Ms Lulu Xingwana, Minister for Agriculture and Land Affairs.

Nationally the Department of Land Affairs has handed more than approximately 1,6 million hectares of land to the total value of more than R5 billion; thereby including land acquisition and development grants. All this has benefited approximately 251 862 households.

To date in this Province alone approximately 305 389 hectares of land have been handed over to the total value of R1 billion (including grants) benefiting approximately 26 656 households.

"Over and above the land restoration I am glad to announce that each of the verified claimant families will receive R10 000 as financial compensation for the loss of use of the land under conservation", Ms Xingwana said.

In total 884 families were verified who were physically removed from this land and therefore the total financial compensation for those families will be R8,84 million. Further, this community will be given development grants amounting to R3,9 million ( $884 \times R4\,440 = R3\,924\,960$ ). These grants will enable them to initiate development projects that must improve their quality of life.

Further, Government is going to make available R2,4 million as development subsidy in terms of section 42C of the Restitution Act. This will enable them to specifically engage in agricultural development, working closely with the office of MEC Mayisela.

The Minister wants to see that a Project Steering Committee meets to map the way forward on development priorities for this community. The Steering Committee shall be made up of relevant stakeholders, including the provincial government led by the office of the MEC, the Municipality, the Parks Board, Land Affairs and the Land Claims Commission.

Madikwe Game Reserve has a potential for growth, especially now that the concept of the heritage park has been introduced. In future Madikwe game reserve will merge into a giant Park with Pilanesberg Park.

The Minister urged the community to take advantage of this great opportunity presented to them. Negotiations between the Land Claims Commission and the North West Parks and Tourism Board and other stakeholders are continuing to conclude a settlement and co-management agreement in terms of which their partnership in the park will be determined.

Barokologadi will own properties adjacent to the Molatedi Dam, an internationally acclaimed dam around which there is a treaty between the governments of the Republic of South Africa and Botswana.

Through the assistance of the Provincial Department of Agriculture, Conservation and Environment, Bojanala District cattle farmers have been identified for support on Wolwehoek and Doornhoek farms.

The democratic government of South Africa respects the rights of its citizens which are enshrined in the Constitution of the country. The Constitution provides for the restitution of property or equitable redress to victims of racially motivated land expropriations.

CCIS Communication Centre: Agri News: July 1, 2007



# District Six landowners meet to discuss concerns

**BABALO NDENZE**

A GROUP of disgruntled District Six landowners who aren't satisfied with the land reform process in the area met in Rondebosch yesterday, where they discussed a way forward following their court application in the Land Claims Court to halt all development in the area.

The group, represented by the District Six Advocacy Committee, launched an urgent application in the Land Claims Court in December to halt all development in the historic area, and for a forensic audit of the District Six Trust.

The trust has been acting on behalf of claimants throughout the land restitution process, but the committee does not accept this. The applicants are Mogamat Majiet and Hannah Manley, who represent the advocacy committee.

They are also seeking an interdict preventing the City of Cape Town, the Land Claims Commission and the trust from implementing a restitution and redevelopment agreement, the Tripartite Agreement, signed in November 2000.

Most of the District Six landowners have yet to receive fair compensation for the land from which they were removed under the apartheid government's Group Areas Act, which removed coloured and African communities to the peripheries of Cape Town.

Committee spokesperson Tanie Kleynhans said some of the valuable and historic land had been sold at a pittance, with some erven fetching as little as R40 000.

"We are going to court to get an audit on the books of the trust ... We believe a lot of agreements were signed under duress," said Kleynhans.

"We also want to know why the trust is claiming to represent everyone."

The first hearing is on February 13.

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CCIS Communication Centre: Cape Times: January 21, 2008

Nuwe grondhervormingswet wêreld groot koninkryk by Agri SA

**P**lastiek riep de nieuw leen-  
rechtswaardige prijs ont-  
sien werd in: als die voor-  
getoonde wysheid, met die  
Wet op Ontoelening van  
de Meis in die parlement aasvaar  
wera.

Die begaande wysings is pers d'ur die Zabbot gindekom. Dies is dand gemik om die rogering en groncher vruudingsplan dromies te versnel en die byzusse gewil'ge koport wrognor al in aser wat koert 'roet gidd.

...indien die bewegingsbevoegdheid  
vrij Dinsdagmiddag is, zal die  
bouw niet meer om die prijs van  
grond boden warmer daar dispu-  
teren die rector van grondbevoegd-  
heid is.

Die woorgenoemde veranderinge sijn die minister van openbare werke volring om die prijs van omliggende plaa.

was to show how each different kind of  
business of the state proceeded in the  
different provinces, and so.

Vorgesetzt, nicht die Landwirtschaft aufzuwickeln, sondern die Bezahlungen für Grundbesitzer Rechte in die Pflanz der Rückzahlung, was die heutige Unternehmungswelt vorstellend, auch das, was wir verheerend geworden sind.

De begroep van de voorgenoemde  
naam wist is eger dat "openbare hu-  
ter" belandte in de wijk van  
wente wist in de wijk van  
Dus word daar nu de eerste  
aan de wijk van de wijk van  
aan de wijk van de wijk van  
aan de wijk van de wijk van

Volgens haar ontwerper die voorgaande reysies grondwetgevoel had grondwettelijke rug op toegang tot die baai en naby die die grondwetlike bepaling dat valseiding regverdig en billik moet wees.

"Het anders in bulk te vergoeding  
een markvervalsing pree?"

Die coöperatieve wysigings bepal-  
 ist die eersieningsprinsips in die  
 skappe sal gehuur. Hier word die  
 grond vir afluëling uitgelys na die  
 eienaar verwittig; dan word die reg-  
 tiging, die aanslag van daardie word  
 die verspreiding van gesel

De betrokken overheid zal vaststellen of er een middel kan worden gevonden voor overheidseisen en dat er nog langer zal duren als die afspunt in die brief.



## **Skool stap uit vergadering oor grondeis ILSE FREDERICKS**

PAARL. – Die beheerliggaam van die Hoër Moisieskool La Rochelle het gister geweier om 'n ooreenkoms te onderteken wat verband hou met 'n uitgerokke grondeis oor dié skool se hokkieveld.

Dié hokkieveld van meer as 2 ha op staatsgrond in die middedorp is sowat R10 miljoen werd. Sowat 350 families het in 1996 'n grondeis hierop ingedien. Hulle is in die 1960's ingevolg die Groepsgebiedewet uit die gebied verwyder en beplan om onder meer winkels en woonstelle op die stuk grond te laat bou.

Die onderskeie rolspelers – wat die Drakenstein-munisipaliteit, die Wes-Kaapse onderwysdepartement (WKOD), die provinsiale departement van openbare werke en van vervoer en die grondeisekommissie insluit – sou gister 'n memorandum van ooreenkoms onderteken, maar die verteenwoordigers van die beheerliggaam het uit die vergadering geloop. Die ander partye het die dokument onderteken.

Die voorsitter van die beheerliggaam, mnr. Gert Combrink, het gesê die skool wou die hokkieveld vir vyf jaar huur totdat die WKOD 'n alternatiewe sportterrein vir hulle kon vind.

Die beheerliggaam is egter gister ingelig dat die eisers beplan om die grond binne die volgende 12 maande te begin ontwikkel.

"As hulle die grond net wogvat, waar gaan ons kinders sport bedoen? Ons het opsies op die tafel gesit en die ander partye gevra om daarna te kyk."

Die beheerliggaam sal volgende week besluit hoe om die kwessie te hanteer.

Mnr. Moutie Richards, voorsitter van die komitee wat die eisers verteenwoordig, het gesê hulle is verlig dat die kwessie nou einde se kant toe staan. Hy het gesê die skool wou die hokkieveld in 1996 verkoop. "Ons verstaan dus nie hoekom hulle nou op alternatiewe grond aandring nie."

Combrink wou nie hieroor kommentaar lewer nie.

Die provinsiale minister van openbare werke en vervoer, mnr. Marius Fransman, het komkom uitgespreek omdat dit so lank duur om " 'n onreg reg te stel".

"Ek is nie getukkig met die manier waarop die regering die kwessie laat sloer het nie. Ek is ook ontevrede dat ons ingestem het tot alles waarvoor die beheerliggaam gevra het en tog wil hulle steeds nie deelneem nie."

Fransman het gesê die skool het nie te goeder trou opgetree nie. Hy het 'n beroep op die beheerliggaam gedoen om sy standpunt te hersien. Indien hy dit nie doen nie, sal die regering egter voortgaan om die proses af te handel.

Me. Beverley Jansen, streekgrondeis-kommissaris, het gesê nadat die skool van die grondeis ingelig is, het hy verbeterings van sowat R180 000 op die hokkieveld aangebring. Na verwagting sal die skool hiervoor vergoed word.

Mnr. Gert Witbooi, woordvoerder van die provinsiale minister van onderwys, mnr. Cameron Dugmore, het gesê die WKOD het nie 'n verpligting om alternatiewe grond te verskaf nie, maar Dugmore het hom daartoe verbind om alternatiewe te ondersoek.

LAND

PROV-WC

EDU

# Bid to halt building on District Six land

## Land Claims Court considers matter 'urgent'

By **ELLA SMOOK**  
Staff Reporter

The court action by the District Six group seeking to halt development temporarily in the historic area has gained momentum, following a decision by the Land Claims Court that the matter could be considered urgent.

Last month, disillusioned District Six land owners launched an application calling for all development in District Six to be halted pending a forensic audit of the District Six Beneficiary Trust.

The group also sought an interdict preventing the City of Cape Town, the Land Claims Commission and the Trust from implementing a restitution and redevelopment agreement signed by the three parties in November 2000.

The court was satisfied that



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the allegations, if established, rendered the matter urgent and justified the relief sought.

The case is set to be heard by the President of the Land Claims Court, Judge Fikile Bam, on February 12 and 13.

The respondents in the case are the trustees of the District Six Beneficiary Trust, the Western Cape Commissioner on the Restitution of Land Rights, the Director General of Land Affairs, the City of Cape Town and the Master of the High Court.

The Master of the High Court has indicated that he would abide by the court's decision, while the Land Rights

Commissioner and the DG of Land Affairs will contest the application.

The city, however, will not oppose the application.

"We will not oppose the application, because a number of concerns raised are similar to the concerns raised by the city," executive director of housing Hans Smit said on Friday.

More than a decade after the first democratic elections, most of the District Six land owners have yet to receive fair compensation for the land from which they were ousted during the apartheid era and many have died waiting to be returned to the area.

The Trust has been acting on behalf of claimants throughout the drawn-out land restitution process, but not all claimants accept its bona fides or the restitution agreements it

entered into on behalf of claimants.

In court papers, applicants Mogamat Majiet and Hannah Manley, representing the Advocacy Committee, contend that "property owners were at all material times left in the dark as far as the restitution process of District Six was concerned".

They say the Trust accepted an amount of R40 000 compensation per erf on behalf of property owners without being mandated to do so and had never convened an annual general meeting or submitted its books for auditing.

On Friday, Nas Ally of the Trust said they admitted there had been significant difficulties with the process, but that the issues had now been "worked out" and that the Trust was "ready to go ahead" after 13 years of delays.

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## Government to fast-track land distribution

The government intends acquiring 5-million hectares of land next year in an effort to have 30% of agricultural land in the hands of black farmers by 2014, according to Agriculture Minister Lulu Xingwana.

She told a press briefing in Cape Town yesterday that currently black farmers owned 4,7% of farmland. "We are saying that if we acquire 5-million next year we will be on target."

This would go to about 10 000 black farmers.

Xingwana said she thought this target was realistic and that strategies previously used were being reviewed.

"We also need financial resources. The willing buyer, willing seller principle is not working. The public works minister is tabling the expropriation act, so we hope that with all these we can fast-track the process."

Xingwana said regulation of foreign land-ownership was a certainty. "At this point in time

we definitely agree that we have to regulate foreign land-ownership. We will look at the options and international best practices."

She hoped that half of the outstanding land claims would be settled by the end of this year. These were mostly rural claims held up by disagreements between tribal chiefs over where boundaries lay, and white farmers disputing the validity of claims.

Expropriation would be

used to settle claims not finalised by the end of 2008, Xingwana said.

Social Development Minister Zola Skweyiya said efforts to speed up land redistribution were part of President Thabo Mbeki's "apex priorities", announced in his State of the Nation speech.

More attention would be paid to supporting the beneficiaries of restituted and redistributed land, to ensure it was productive. - Sapa

GCIS Communication Centre: **Star:** February 15 2008

# Notes





# Notes



# In their own Words – Claimants have their say

Now that I have this title deed, I can die knowing that my children and grand children have a better future”.

**Ms Esther Raisebe Malema, Wallmansthal**

Ke itumetse thata go bowela nageng ya rona. Re tlusitswe Gabotlhoko nakong eo re ne re kubiwa. Ga modimo a dumela, ke tla bowela nageng ya rona mme ke simolle go ruwa dikgomo gape.”

**Louisa Kgokgoa, Wallmansthal land claim**

“We lived at 14 doors, Athlone as tenants, we were then removed in 1961 to shacks in Gugulethu. Thereafter we came to live here in Khayelitsha. We lived in a mixed community in Athlone. With the R31 000,00 that we received we put in a pine ceiling in the dining room and extended the house with one room. I am a pensioner and the money meant a lot to me”.

**Mr Gladman Zolile Qoko (71 years old) from 35 Ruth First Street Mandela Park, Khayelitsha**

“My mother, Sophie Oliphant was born in Rockeby Road, Crawford and we were moved in 1961 to Gugulethu, I was 14 or 15 years old. Although we were tenants, we had a better life. We had no choice. It was a big loss for us. My mother was sick and old, we used some of the financial compensation to bury her and we bought new things for the kitchen. At least it alleviated the pain.”

**Ms Mirriam Mewe Oliphant (62 years old) from Khayelitsha**

I feel so happy; I've waited so long for this day to come.” I want to thank the Western Cape Regional Land Claims Commissioner: Beverley Jansen for being able to help us in finalizing our land claim. We would like to say keep up the good work.

**Linah Bokwe, Steurhof community claim**

“When we were forced to move we felt sad because we loved this place. We wanted to come back because we were denied access to the land of our ancestors”.

**Jake Matlala, Wallmansthal**

“Our people have laid down a good foundation by releasing the land for the establishment of a National Park. We are the first community to this.

**Joseph Lerefolo, Chairperson of the Barolong boo Modiboa CPA**

“Ons het in die Ys-blokke in Simondium, Paarl gebly, daar by die Vrugte pakhuise. Ons was huurders en toe het mense die blokke gekoop en ons moes gaan in die 1960's. Toe kry ons munisipaliteit huise, die 'flatse', die '1 Pond Tien huise', en toe kom bly ons hier in Groenheuwel. Mense wat deur die Groepsgebiede verwyder is het huise gekry. My man is oorlede, hy het die helfte van die R25 580,00 gekry in Maart 2005. Ek wag nog vir my helfte.”

**Me. Dinah Fortuin (60 years old) from 8 Begonia Street in Groenheuwel, Paarl**

“Ons was huurders gewees in Simondium, Mofsen cottages. Toe hulle die Vrugte pakhuise koop wou hulle, hulle werkers daar in die blokke sit en toe moes ons gaan. My swaer het ons onder sy vlerk geneem in New Orleans, Paarl. Ons ouers se geld het iets beteken, ek het my deel gekry. Die R25 580,00, ek moes 50/50 gaan met my vrou. Dit kon 'n gaatjie toemaak, dit het maar in ons skuld ingegaan.”

**Mnr. Neville Watson (60 years old) from Wonderboom Laan Nr. 10 in New Orleans, Paarl**

“Daai tyd het blankes gekom en gesê ons moet trek. Dit was 'n lelike manier van trek, hulle het gesê die plaasmense moet in ons plek bly en ons moet in die plaasmense se plek bly. Ons was huurders in die Ys-blokke in Simondium, ons het gou die ding reggestel en weer terug getrek, maar in die 1980's moes ons toe maar gaan. Die R25 580,00, dit het baie beteken vir my, ek het my huis buite reg gemaak, 'n fiber crete muur gebou en mooi gemaak. Ons wag nog vir ons ouers se vouchers.”

**Mnr. Petrus Snyders (58 years old) from 23 Begonia Street in Groenheuwel**

“Ek kom uit Berg straat, aan die westekant van Paarl Berg. Ek het toe in die 1958-59's die huisie hier in Amstelhof gekry. Ek het vroeg my man verloor en toe met die kinders hiernatoe gekom. Ek het vir die burgemeester in Paarl gewerk, hulle huishouding gedoen. Hier was nie beligting aan die begin nie. Ek het vir die kinders almal iets gegee van die R25 580.00 wat ek gekry het, en iets weg gesit”.

**Me. Ida September (80 years old) from 49 Kanarie Street in Amstelhof, Paarl**



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