

DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM
NOTICE 866 OF 2016

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, No 22 of 1994 (AS AMENDED)

Notice is hereby given in terms of Section 10(4), in conjunction with section 16, of the Restitution of Land Rights Act, No. 22 of 1994 as amended, that the Chief Land Claims Commissioner in consultation with the Minister of Rural Development and Land Reform compiled and issued the Election Rules annexed herewith, pertaining to the investigation of the following claims:

Claim Reference No. F284 [KRK 6/2/2/A/1/0/0/1] & F462 [KRK 6/2/3/A/41/241/0/18]

Claimant: Christo Frantz [on behalf of the Saron Gemeenskap; Gemeenskap/Rhenish Missionary Society of Saron]

Description of properties: F462 – Foot of the Cape, Twenty Four Rivers (the portion from Vier-en-Twintig Riviere until Groot Berg River in the west, and in the south until the origins of Klein Berg River) including De Hoek Estates no. 35

F284 – (a) Leeuwenhoek (b) Saron (c) Diepkloof (d) Arnim (e) Arnem (f) Morrison (g) Halfmanshof (h) Septemberskraal (i) 24 Riviere and (j) Portion of La Gratitude

Extent of properties: Approximately 70 000 hectares

Owners: Various + SanLucar De Hoek (Pty) Ltd.

Date Submitted: 11 August 1998 & 28 December 1998

These Rules prescribe;

The steps which may be taken to give public notice of claims and notice to persons who have an interest in the matter under investigation by the Commission.

The manner of giving notices to parties to attend meetings for the purpose of determination of the lawful individual members of the claimant Communities and their lawful representative(s) in the continuation and conclusion of the aforementioned land claims.

Generally, notices with regard to any other matter which she considers it necessary or expedient to prescribe in order to achieve or promote the object of this Act.

Any party who may have an interest in the above mentioned land claim is hereby invited to submit, within 30 days from the publication of this notice, any comments information to:

Office of the Regional Land Claims Commissioner: Western Cape

14 Long Street- 1ST & 2ND Floors

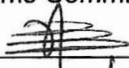
CAPE TOWN, 8000

Tel: 021 4090300

Fax: 021 418 0205



L.H Maphutha
Regional Land Claims Commissioner

APPROVED:  _____

DATE: 2016/11/29 _____

CHECKED: _____

DATE: _____

ELECTION RULES

In relation to the Land Claims **F284** and **F462** (*the Land Claims*), instituted on behalf of respectively, the Claimant Community of Saron, and the Saron Sendingstasie, (collectively "*the Claimant Communities*"), the Chief Land Claims Commissioner, in consultation with the Minister of Rural Development and Land Reform and/or his duly appointed representative have compiled and hereby issue the following Rules in terms of sections 10 (4), in conjunction with section 16, of Restitution of Land Rights Act 22 of 1994:

1. **RULES** ("*the Rules*") for the determination of the lawful individual members of *the Claimant Communities* and their lawful representative(s) in the continuation and conclusion of the aforementioned Land Claims, pursuant to Court Directive issued thereanent by the Honourable Mr Justice Bertelsman on 13 November 2015 under **Case numbers 122 & 129 /2012** in relation to the said Land Claims.

2. **THE PURPOSE OF THE RULES:-**

In as much as a dispute has arisen in the adjudication of the said Land Claims concerning the mandate of Christo Fantz ("*the Applicant*") to lawfully act on behalf of all the members of *the Claimant Communities*, the objectives of these rules are:-

- 2.1. To determine the identity, address and personal details of the individual members of *the Claimant Communities* and to draw up a list of such members.
- 2.2. To elect the lawful representative(s) authorised to act on behalf of *the Claimant Communities* in the continuation and conclusion of the said Land Claims.
- 2.3. To put in place procedures for meetings and notices which may be necessary to assist in the determination of the individual members of *the Claimant Communities* and their authorised representative(s)?

3. **PROCEDURES**

- 3.1. The Chief Land Claims Commissioner shall appoint a genealogical researcher, and if required, additional researchers, to assist with the determination of the current members of *the Claimant Communities*, bearing in mind the dynamic nature of communities and the fact that they can change over time, in order to guide the process of drawing up the list of the names of the members of *the Claimant Communities*.
- 3.2. Any meetings convened and held in terms of these Rules shall take place under chairmanship of a representative ("*the Chairperson*") appointed thereto by the Chief Land Claims Commissioner or his authorised representative.
- 3.3. The Chairperson shall determine the time, date and location of any meeting to be held and give notice thereof as provided in *the Rules*.

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- 3.4. Save as provided hereinafter the agenda of any meeting to be held shall be determined by the Chairperson in consultation with the Applicant and any other member(s) of the *Claimant Communities* with whom the Chairperson in his sole discretion may wish to consult. In the event of any dispute as to the time, date, place and the agenda, the Chairperson's decision thereon shall be final.
- 3.5. The Chairperson shall commence these procedures by convening an inaugural meeting with the Applicant and a representative(s) of the Church Council or like controlling bodies of the following congregations:-
- 3.5.1. The *Verenigde Gereformeerde Kerk Gemeente of Saron*
 - 3.5.2. The *Apostoliese Kerk*
 - 3.5.3. The *Nuwe Apostoliese Kerk*
 - 3.5.4. The Baptist Church.
 - 3.5.5. The Seventh Day Adventist Church
- 3.6. The agenda of the initial meeting, subject to supplementation thereof in the sole discretion of the Chairperson, shall be to:-
- 3.6.1. Obtain a list of names and details of current congregation members, including their telephone and mobile contact numbers, physical addresses and emails (where available).
 - 3.6.2. Inform the inhabitants of Saron and others who may contend that they are members of the *Claimant Communities*, of the nature of the proceedings in the Land Claims Court in the aforementioned claims, the nature of the relief claimed and the dispute referred to in Rule 2 above.
 - 3.6.3. Obtain further input in relation to the cultural values of the *Claimant Communities*.
 - 3.6.4. Determine the criteria to be applied in deciding whether any person of the age of 18 or older qualifies as a member of the *Claimant Communities*.
 - 3.6.5. Determine the criteria to be applied in deciding which of the Community members referred to in the previous subparagraph, are entitled to vote for a representative(s) of the *Claimant Communities* to continue and conclude the said Land Claims.
 - 3.6.6. Determine whether the aforesaid voting process will be directed towards voting for a single representative or a committee of representatives, not being of even number.

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3.7. The Chairperson shall:-

- 3.7.1. Compile a list of the individual members of the *Claimant Communities* who qualify to vote as such (hereafter "*the list of voters*"), given the aforementioned criteria and bearing in mind the cultural values of the *Claimant Communities* as appears from the input referred to in Rule 3.6.3 and having regard to the research conducted in respect of the *Claimant Communities* referred to in Rule 3.1 here above.
- 3.7.2. Determine, bearing in mind the aforementioned criteria and input, whether the voting process will be directed towards electing a single representative or a committee of representatives, and in the case of the latter, determine the number of committee members (not being of even number) which stand to be so elected.
- 3.7.3. Consult with the Independent Electoral Commission with a view of obtaining the commission's assistance, if possible, in order to accomplish a free, fair, effective and transparent election as envisaged in these Rules.
- 3.7.4. Apart from the inaugural meeting aforementioned, in his sole discretion, convene any further meeting to give effect to these Rules.
- 3.7.5. Convene a final and concluding meeting(s) to which all the individuals whose names appear on *the list of voters* are invited, through the notification process prescribed in Rule 5 here below, in order to:
 - (a) Finalise *the list of voters*;
 - (b) Compile a list containing the names and identificatory details, including the physical addresses, and where available email addresses, of the nominees and candidates to be elected as provided for hereinabove as representative(s) of the *Claimant Communities*;
 - (c) Receive nominations of the prospective candidates to be elected as the authorised representative(s) of the *Claimant Communities*;
 - (d) Determine the time, date and location(s) of the voting points for the election of the said representatives;
 - (e) Determine arrangements to be put in place for the conveyance and assistance of the disabled and aged members of the *Claimant Communities* to reach the voting points.

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3.7.6 Attend to the appointment of skilled personnel to create social media discussion groups and information platforms on *Facebook* and *Twitter* through which the inhabitants of Saron and others who may have an interest in the instant Land Claims may be informed of; *the Land Claims*, the dispute (referred to in paragraph 2), *the Rules*, the dates, times, agenda and subject matter of, meetings, the election, and ultimately, the results thereof.

3.7.7 Report to the Court, the action taken in discharge of his/her obligations under *the Rules*.

3.7.8 Have the power in his sole discretion to take any step and make any decision concerning any matter that may arise which is not provided for in these Rules and which he may consider necessary or expedient to achieve the objectives of the election Rules.

4 CONDUCT OF THE ELECTORAL PROCESS

4.7 The members of *the Claimant Communities* referred to in Rule 3.7.1 above shall be entitled to cast a vote during the said elections (hereafter, *the voting members*).

4.8 Only such adult *voting members* shall be entitled to nominate or be nominated as a representative(s) of the said communities.

4.9 The election shall take place between the hours of 07h00 and 18h00.

4.10 Ballot papers shall be made available at the voting points to enable the said voting members to cast their vote by making the appropriate endorsement against the name of the nominated member of their choice.

4.11 The vote thus cast by a member shall be confidential.

4.12 The votes shall be counted and recorded by the Chairperson and four other members of *the Claimant Communities* appointed by the Chairperson in consultation with the nominated representative(s).

4.13 The result of the election shall be announced by the Chairperson as soon as practicable and published in the manner provided for in Rule 5 hereinbelow.

4.14 The ballot papers shall reflect the names of all the nominees and make provision for each member of the relevant Claimant Communities to exercise his/her choice of representative(s) among the nominees by indicating such choice by placing the letter "X" against the name of the said nominee(s) of his/her choice.

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4.15 Any completed ballot paper which does not accord with the prerequisites contained in these Rules shall not be counted as a vote in the election.

4.16 Any dispute relating to the validity or otherwise of any completed ballot paper shall be determined by the Chairperson, whose decision thereon shall be final.

4.17 The outcome of the election shall be recorded by the Chairperson and the resultant list reflecting the representative(s) shall be furnished to the Court in his/her report to the Court.

5 NOTICES

5.1 These Rules shall be published within 10 calendar days after being issued by the Commissioner and Minister as mentioned in Rule 1, as follows:-

5.1.1 In the Government Gazette in Afrikaans and English,

5.1.2 In the Afrikaans and English languages in newspapers circulating in the areas of residence of the members of *the Claimant Communities*.

5.1.3 In both languages by handing true copies of *the Rules* to the Applicant and to the preachers of each of the churches mentioned in Rule 3.5.

5.1.4 In both languages by displaying true copies of *the Rules* on the notice boards of the appropriate municipality, schools and the said churches.

5.1.5 Posted in Afrikaans and English on, and through, the social media platforms such as *facebook* and *twitter*.

5.2 The Chairperson shall give written notice of all proposed meetings at least 5 calendar days before such meeting in both the said languages in which the time, date and place and agenda of the meeting is reflected, in the following manner:

5.2.1 By furnishing adequate quantities of leaflet copies of such notice to the Applicant, schools, church congregations, municipality as well as the local clinic in both Afrikaans and English for dispersal amongst congregation members, parents, visitors and attendees.

5.2.2 By displaying copies of the notification of such meeting(s) on the notice boards of the appropriate municipality, schools and the said churches.

5.2.3 By posting in Afrikaans and English on, and through, the social media platforms such as *facebook* and *twitter* referred to in Rule 3.7.7.

5.2.4 By emailing such notices to the persons whose email addresses have been obtained in terms of Rule 3.6.1.