

**"It has taken hard work and sacrifice to be where we are today;
it will take even harder work to go forward, the sky is the limit!"**



**Letsema launch,
Hlomendini - Kwa-Zulu Natal**



**Rust De Winter
Nature Reserve dam - Limpopo**



Ilima launch, Magwa Tea Estate - Eastern Cape



**COMMISSION ON RESTITUTION OF LAND RIGHTS
Year ended 31 March 2007**



In their Own Words – Claimants Have their Say

"Ndo imela tshi tshavha tsha Mamphodo, Mushasha, Begwa, Namusi dakalo langa lo dala lwa u fhufhuma ngauri ro vhuela mavuni a vho makhulukuku washu he vhabviswa hone, fhedzi zwo vha zwi tshi mbaisa ngauri ndi kale ro lindela uri khomishini irifhe shango lashu, ro livhuwa."

Mr. Edward Mamphodo - Mudzulatshidulo wa Mamphodo, Mushasha, Begwa claim.

"Al wat ek kan sê is dat dit 'n baie hartseer storie is. In daardie omgewing was die gemeenskap baie geheg aanmekaar. Die gemeenskap het gewaak oor mekaar en daar die respek vir mekaar geleer. Maak nie saak of die persoon 'n wit man, African of 'n kleurling was nie, ons het gekyk na mekaar. Ons het tussen die blankes gebly, daar was nie 'n haat nie." The compensation: "Wel, dit het my gehelp, ek het 'n afdak aangesit en agter gaan ons ook een aansit, ook 'n stoep voor en agter. Baie mense sê dit is te min, maar 'n mens moet tevrede wees. Ons was huurders gewees."

Oom Gerald Alexander (76 years old) - Kanariestraat in Amstelhof, Paarl.

"Ke le thabo go nna go feta batho ka moka, ka lebaka la gore ke be ke sa hlwe kena le tshapho gore pusetso ye ya naga etla be e fedile ka nako ye nna ke sa phela, ka lebaka la gore pušetšo ye ya naga e thomile Pretoria ba e tliša Polokwane mengwaga e metelele, fela moofisiri wa naga ye a thušana le nna ya ba ya fela. Ke leboga seo khomishinare e se diretšego ba Ga Mashung-Matlala".

Messrs Elijah Napo - Modula Setulo wa lefatshe la Ga Mashung Matlala.

"Iphupho lami ngalomhlaba ukuletha intuthuko kuwona besengiletha namaprojects azokwenza ukuthi isizwe sakwaHlomendlini singahlupheki. Ngabe sengibeka u50ha wokwakha ukuze ungahlukumezeki, ngibonga umphakathi esibamisene nawa ngokusebenza njengoba nibona kukuhle ngicabanga ukuthi u25ha sesi wuzamile ukuwutshala nomia bekukhona izingqinamba."

A claimant from the Hlomendini community during the hand-over celebration

"Die vouchers het 'n verskil gemaak, baie mense het iets gedoen met die geld, van hulle will 'n spaza shop oop maak, baie mense sê dankie. Daar is nog 'n goeie paar mense wat moet kry, hulle se in Januarie en dan in Maart, dit het 'n verskil gemaak."

Ms. Maria Matumzi - Kwa-Mandlenkosi

"Sathi uma siqala lesisicelo somhlaba, umphakathi wakwaHlomendlini wathi ayikho into engalungiswa abafazi, kodwa ngithi namhlanje akunjalo. Leprojekthi yakwaHlomendlini akusiyo eyamakhosikazi kuphela, kepha eyawo wonke umphakathi wakwaHlomendlini owahlukunyezwa nguhulumeni wobandlululo. Masibambisaneni mphakathi wakwaHlomendlini! "

Ms Philisiwe Ngcobo - Hlomendlini Community

"When it (claim) was finally approved, it felt like something heavy was dropped from our heads. We didn't know we would at the end get our land back. We really appreciate it. We learnt a lot from the process."

Chairperson of the Magwa claimant community

"Ndi ya qiniseka utataomkhulu apho ekhoyo uyavuya ukuba enga shiyanga umzi wakhe uze. Nantsi into endifuna ukuyibona ku lomhlamba; ndinqwenela ukubona itourism, ndinqwenela ukubona ulimo luyilento iza kwenza ukuba indlala inga bikho kwi lizwe lase Mampondweni."

A claimant from the Magwa community upon receipt of their land

"Let me say that, restitution is the most exciting step in this country. I hope you know by now that I have been in farming sector for years and we need to come together and find ways of helping each other. I thank you."

Peter Mene - Landowner Mamphodo Mushasha Begwa 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 2007 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 Thozì Gwanya
Chief Land Claims Commissioner SA
May 2007



FOREWORD

by the Minister for Agriculture and Land Affairs: Ms Lulama Xingwana



The Restitution of Land Rights Act No. 22 of 1994 (as amended), was one of the first pieces of legislation promulgated by this democratic government; with the main purpose of restorative justice, equitable redress, access to rights in land, national reconciliation and stability as well as economic growth and poverty alleviation.

It is my pleasure to note that as at the end of this financial year, 31 March 2007, the total number of claims settled to date has risen from 71645 last year to 74417. This brings us to 93% settlement of the 79696 claims lodged. This also makes South Africa compare favourably with Germany and Estonia, which stand at just above 80% in their settlement of restitution claims. Australia, New Zealand and Canada are still lagging behind at between 5% and 8%. I am delighted that the number of hectares delivered to date through restitution increased from 1 067 152 ha this time last year to 1 650 851 ha this year and thus more than 579 000 ha have been restored to claimants in the past twelve months. The Commission has spent 100% of the R2.3 billion budget appropriated by parliament for this purpose, with R2.1 billion being spent on the restitution awards, including the purchase of land and financial compensation. Less than R300 million was spent on recurrent costs, which includes the compensation of employees and service providers.

We are entering the most difficult part of the restitution process, where we have to settle the outstanding 5279 rural claims. Most of the outstanding rural claims are in KwaZulu Natal (1822), Mpumalanga (971), Limpopo (700), Eastern Cape (600) and Western Cape (600). The remaining provinces have less than 200 each. Gauteng has only 10 claims outstanding, as most of their claims were urban claims, all of which have been settled. The challenges linked to the processing of rural claims include the following:

- High land cost based on market values in terms of the constitution;
- Unsurveyed and unregistered land rights (no title deed on land); this requires detailed mapping and “in-loco-inspections” on the land with communities to identify historical sites, graves, boundaries etc.;
- Protracted negotiations with landowners and claimants, and disputes taken before the Land Claims Court;
- Community disputes, traditional authorities’ jurisdictional issues and disagreements;
- Incoherent land use practices and need for the alignment of priorities – i.e. communal and commercial land use practices;

In an attempt to address these challenges, we are holding focused meetings with various stakeholders, including current landowners, with a view of obtaining their support and cooperation in resolving the claims in a just, equitable and cost-effective manner.

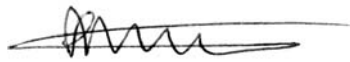
We have increased our capacity in the various commission offices to be able to interact with the claimants and also resolve the problems relating to claimant communities. In the light of the high staff turnover linked to the employment contracts ending in March 2008, we have developed a staff retention strategy that will assist us in retaining the necessary capacity to deal with the outstanding claims.

We have accepted that we need to develop a coherent strategy to address the need for strategic partnership to ensure sustainable settlement and continued agricultural production. We believe the proposed SPV will help address these challenges.

The Belgian government has enabled us to think through the land reform settlement and implementation support (SIS) strategy for sustainable restitution by providing financial support for this process. This strategy will form a good basis for post-settlement support, which should be provided to land reform beneficiaries by the envisaged special-purpose vehicle.

We still face a challenge with most of the land claims that are referred to the Land Claims Court, as these generally take a long time to resolve.

It is my pleasure to present this report to Parliament, to all South Africans and all those who have supported our land reform programme. Let me express my appreciation for your support and also commit myself to honouring our contract with the people; that we shall be "putting land rights in the right hands" under the rule of law. We shall work hard towards the improvement of the quality of life of our people, socio-economic growth, justice and reconciliation.



Ms Lulama Xingwana
Minister for Agriculture and Land Affairs
May 2007



OVERVIEW

by Chief Land Claims Commissioner SA: Mr Thozzi Gwanya



"It is a mistake to suppose that men succeed through success; they much oftener succeed through failures/pains. Precept, study, advice and example could never have taught them so well as failure/allowed pain has done"

Samuel Smiles

Introduction

In his State of the Nation Address on 9 February 2007, the President said: "While the land restitution programme has resulted in more settlements in the recent period, we still need to put in extra effort in dealing with the remaining cases, many of which are much more complex." In this report we shall look at our performance over the past twelve months ended 31 March 2007 and also highlight our plan for settling the outstanding land claims.

We dedicate this report to rural women and their civil society structures, which have expressed their concern that most of the land and agrarian reform programmes do not prioritize the beneficiation of women, despite the fact that they are the most and best tillers of the land, mobilisers of resources for family sustenance and providers of household security. This financial year, the Commission has recorded that no less than 40% of the restitution beneficiaries are female-headed households. It is for this reason that in our strategic plan we have paid special attention to the rights and interests of vulnerable groups (including women, young people and people with disabilities), so that these may be adequately addressed in the development of business plans and land use plans for the restored land.

Our Performance

Financial Perspective

Our expenditure for 2006/7 was R2.3 billion, compared to R1.8 billion during the previous financial year.

The total cost of restitution awards for the year was R4.6 billion where R2.8 billion were for land acquisition, R1.1 billion for financial compensation and R649.7 million for development grants.

The total number of hectares approved for restoration this year was in excess of 579 000 ha, at a total land cost of R2.8 billion for 33,051 households.

A sum of R10 million, which came from the Belgian funding support, was spent on the consultative and training processes as well as the development of the land reform settlement and implementation support (SIS) strategy.

We are enjoying good political support from the Presidency, our Minister, the Portfolio Committee and the Minister of Finance; as such they help us in ensuring that there is adequate financial support for this restitution programme.

Customer Perspective

Section 6 (1) (b) of the Restitution Act provides that the Commission shall take reasonable steps to ensure that claimants are assisted in the processing and settlement of their claims. Let me highlight some of the claims that have been settled this year:

Madiakgame Community Land Claim

This has seen the restoration of 5144 ha of livestock farming land to 451 households of the Madiakgame community in the Bophirima District in the North West.

Bapo Ba Mogale Community Land Claim (Hartebeespoort 410 JQ)

This community was very excited to get its 2791 ha of land back. The current use of the land includes vegetable production, livestock feeding, game farming as well as granite mining.

Rysmierbuilt Community

A total of 2886 ha of land has been restored to the Rysmierbuilt claimant community for the benefit of about 749 people. About 50% of the beneficiaries are women.

The Leeuspruit Community Land Claim

The Leeuspruit community rejoiced when another property, measuring 500.8150 ha was finally restored to them after an agreement was brokered with the land owner to finalize the claim. The settlement of this additional property brought the land restored to the community to a total of 3097.0975 ha.

Baphalane Ba Ramokoka Community Land Claim

The claimed land is situated in the Thabazimbi area in the Waterberg District in Limpopo. This claim has been settled in part, with 10 442.94 ha having been restored to the claimant community of 450 households. Most of these farms are under irrigation and are used for livestock and game farming, whilst others produce seeds such as soya beans, wheat and maize.

Moletele Community Land Claim

We have restored 3 455 ha of high-value land, which is exporting citrus fruit to Japan and also producing vegetables for the domestic market. These properties are in the Hoedspruit area in Limpopo.

Motokolo Community Land Claim

The exciting development on this claim is that a community poultry project has been established and training in beef cattle farming has been supported by the provincial Department of Agriculture. The extent of land restored was 1005 ha.

Mashishimale Tribe Land Claim

We have restored 16 353 ha to the Mashishimale community at the cost of R 147 million. The claim falls on the Kruger National Park in the Phalaborwa area. It includes the Croc Ranch Game farm as well as the Selati Game Reserve. The community is determined to exploit eco-tourism opportunities and citrus production, which will contribute to job creation. The remaining 18 997 ha are yet to be restored to these communities, and it is hoped that the case before the Land Claims Court will be resolved soon in favour of these communities.

Motse Community Land Claim

In this claim we shall see the realization of the concept of the "People and Parks"; more so given the "Moepel Farms Development Initiative" which involves some 28 330 ha,

spearheaded by the Limpopo Department of Economic Development, Environment & Tourism. We have restored five farms previously owned by the State, measuring 5934 ha in extent. We are still negotiating the purchase of privately owned land, which is part of this claim and which is also a matter before the Land Claims Court.

Ga-Mashung Matlala Community Land Claim

The Limpopo Tourism and Parks Board is a strong supporter of "People and Parks". It has undertaken to help the Matlala community become the key stakeholders and landowners of the proposed Rust De Winter Nature Reserve. The extent of land restored so far is 5070.5049 ha; the remainder of the claimed land is subject of the case before the Land Claims Court.

Protea Village and Stone Cottages Museum

No fewer than 132 households were victims of the Group Areas Act forced removals from Protea Village. We have restored 12.35 ha (two erven, 212 and 242, owned by the City of Cape Town and Public Works) to 86 households who opted for land restoration and property development. The other 46 former tenants opted for financial compensation.

Kwa-Mandlenkosi Baufort West Community Claim.

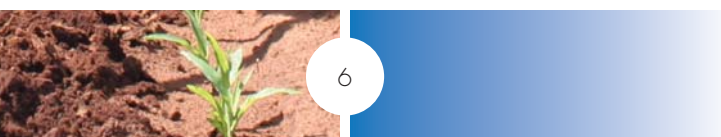
On 16 December 2006, Minister Lulu Xingwana launched the Ilima-Letsema campaign on the occasion of restoring land rights to 243 household claimants who had been forcibly removed from the Old Kwa-Mandlenkosi in the 1960s. The campaign was to encourage beneficiaries to use their restitution award, amounting to R9.6 million, for sustainable rural livelihoods such as food gardens, chicken rearing, sewing, candle-making and other women's development projects.

Paarl, Goodwood, Parow, Kensington, Rondebosch and Bellville Claims

Most of the claimants from these areas have opted for financial compensation for the restoration of their land rights lost as a result of the Group Areas Act forced removals. They have argued that they could not choose land restoration because of their old age and the fact that they are now established where they are and cannot at this late age go and start a new life. More than R33 million in financial compensation have been paid out to these claimants.

Droogfontein Community Land Claim

The settlement of this claim saw the return of 12 057 ha of land (about 25 km from Kimberley) to 445 households, at



a cost of about R44 million. The claimants want to use the land for re-settlement, agricultural development, eco-tourism and other possible economic development projects.

Sydney on Vaal (Vaalbos farm) Community Land Claim

This claim has been settled in part through the restoration of 18 1212 ha to the Vaalboshoeck claimant community of 269 households. The remaining extent of 2180.4403 ha of land is owned by a mining company, Guilford Limited, and this is a matter before the Land Claims Court. The Commission is recommending the expropriation action for the same property.

Pniel Community Land Claim

The Minister resorted to expropriation when it became clear that the landowner, the Evangelical Lutheran Church in SA (ELCSA), was taking too long to accept the market-related land price of R35.5 million offered by the State for the 25 200 ha of land. The land is currently held in trust by the State while the administration of the Pniel CPA is under review. The State has appointed a farm manager to see to the maintenance and development of the farm, while ensuring skills transfer and participation of the claimant community in the development of the farm.

Dalmanutha Land claim for Nhlapo, Sidu and Ntuli Claimant Families

This claim was settled on 13 August 2006, when 2 906 ha of land, which cost R12.6 million, was restored to the claimants. The land is situated about 24 km from Belfast in Mpumalanga and is suitable for livestock farming and crop farming, especially for bio-fuel crops.

Ludlambediwini Community Land Claim

This is one of the forestry claims that have been settled by restoring 23 properties of 8147.9784 ha in extent, costing R79 million, to the claimant community. The land is good for other agricultural development purposes.

Hlangwini community Land Claim

Lisbon Farm 297 KU is situated near the Kruger National Park in Mpumalanga. It is 1466.5584 ha in extent, valued at approximately R16 814 000.00. This farm was returned to the claimant community of more than 836 households. It is producing mango and citrus for both domestic markets and exports.

Mbombela Community Land Claim

The settlement of the Mbombela Community at a cost of R97 461 462.00 to the state, brings a happy ending to the Mbombela community's story following their forced

removal from their ancestral land.

Magwa Community Land Claim

This community was very excited when Minister Lulama Xingwana signed its restitution award to the value of R62.2 million in December 2007. This saw the restoration of the Magwa Tea Estate property, measuring 12 215ha in extent, to the 1651 households of the Mandebeleni, Lambasi and Ntlavukazi villages.

Majola Community Land Claim

The value of this restitution award was R33.6 million, involving 698.4 ha of land, where about 450ha are covered with a tea plantation. There were 1116 households from the Luthengele, Majola and Machibi villages that benefited from this award.

Izinini and Ntshamathe Community Claims

These are commonage claims that affected the Mbizana Municipality in the OR Tambo District in the Eastern Cape. The two awards put together were in excess of R138.5 million, from which more than 2675 households benefited. An agreement was reached, where part of the claimed land was given by the community to the municipality for housing development and to cover the natural growth of the municipality. The total number of hectares restored to the community was 1781 ha.

Tarkastad Group Claim

There were 3552 households that lodged land claims following the Group Areas Act forced removals in Tarkastad in the Eastern Cape. The value of the restitution award for this claim was R42 million.

Bhekeshowe

The Bhekeshowe community received about 2019, 9041 ha of land comprising nine commercial farms which produces sugarcane and citrus fruit, as settlement for their claim. A portion of the land is used for grazing. The community is receiving good support from the previous land owners.

Hlomendini

About 267 ha of land was handed over to 250 claimants from the Hlomendini community as alternative land in settlement of their claim. The total restitution award for this claim amounts to R2 324 800. The South African cane growers association has come on board to assist with issues of skills transfer for the community. The local sugar mill has also tabled a proposal to the community's Board of Trustees to assist with the development of the farm to its full potential.

Inkumbuleni

250 beneficiaries from the Nkubuleni community opted for land restoration without physical occupation. Approximately 308.2409 ha of the land is used for citrus plantations and 492 ha for sugar cane. The total size of the restored land is 953 ha with smaller portions allocated for timber and grazing.

Gumbi

About 657 households from the Emvokweni community received 19 000 ha. The land is good for game farming, cattle grazing and tourism as well as human settlement.

Ximba

Approximately 4 877ha of land was handed over to about 459 claimants from the Ximba community valued at R20 134 494. The land is currently used for game farming and has a potential for other agricultural activities.

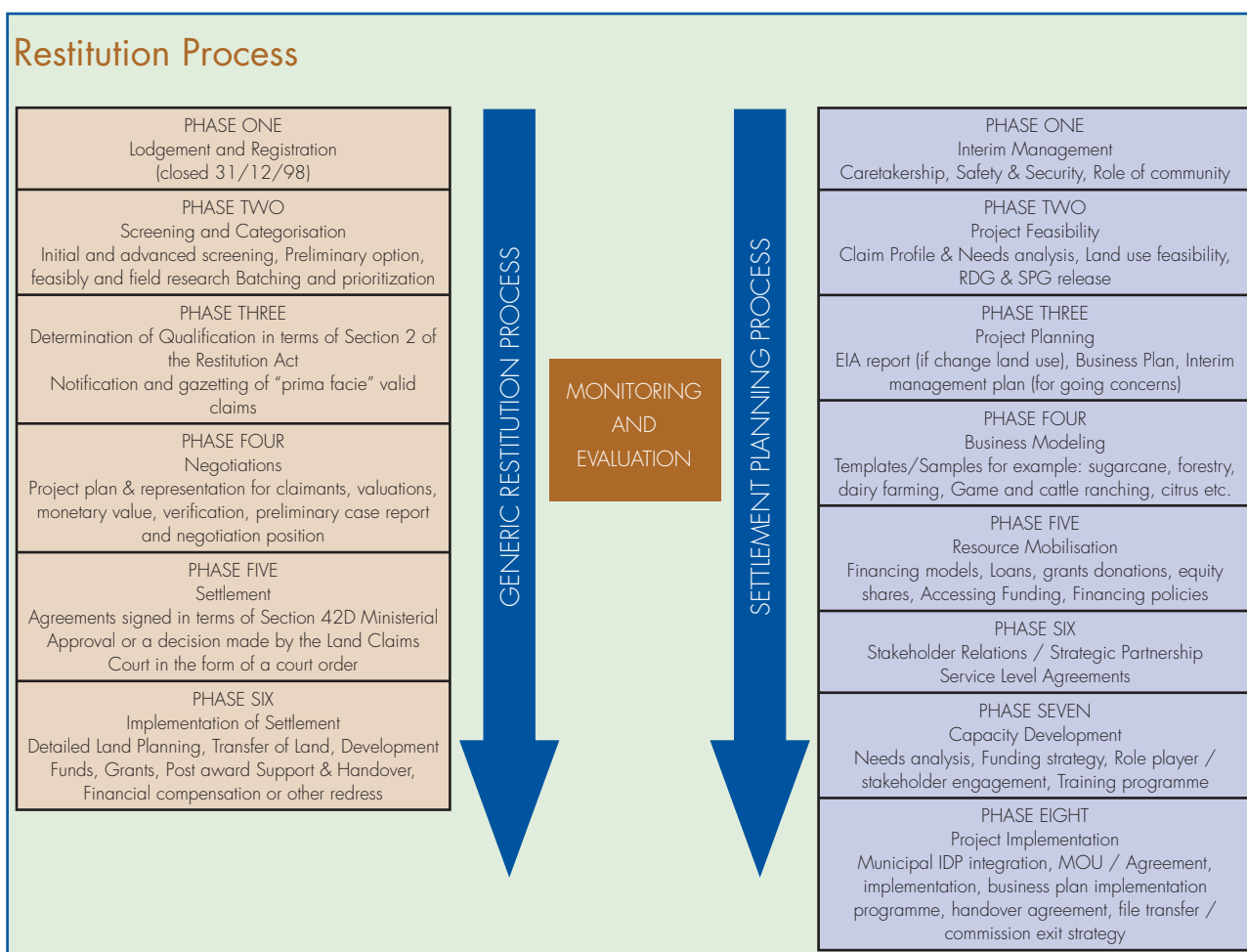
Hluhluwe

About 1117 households from the Hlabisa-Mpukunyoni community will benefit from the 24 210 ha of land as settlement of their land claim. The internationally renowned Hluhluwe-Imfolozi Park (HIP) forms part of the restored land.

Business Process Perspective

In our effort to shorten our project life-cycle and to fast-track the settlement of land claims, we have refined our land claims process and post-settlement support process. The business processes are summarized in Box 1 as follows:

Box 1



We are taking every step to ensure that all our interested parties understand the processes that we have to follow before any claim is settled. We have learned that some of the steps take much longer than anticipated, precisely because of the intricacies involved in each of the steps, which appear to be very simple and straightforward. One example is the simple step of land valuation to agree on the price at which to compensate the landowner. In carrying out this step, we must follow a due process to appoint a professional and registered valuer, who must follow credible and accepted methods of land valuation to arrive at a recommended market value for the subject property. To work out just and equitable compensation we must ensure compliance with Section 25 of the Constitution, which outlines factors to be considered; these include the current use of the property, the historical acquisition of the property, the market value, the extent of state investment and subsidy for any capital improvement on the property, as well as the purpose for the expropriation. We need a detailed enabling legislation, a new expropriation act that will expand on the application of these factors in the implementation of expropriation. We hope that the new Expropriation Bill, which is to fall under the Department of Public Works, will be able to do this.

One other supposedly simple step is that of claimant verification, where we must ascertain the rightful claimant. In this case we compile a family tree, linking the land to the originally dispossessed person or the rightful descendant/s. The challenge always comes in cases where there are family disputes, where some of the family members want to exclude other family members for various reasons. This becomes complex whenever there were several wives or where there are “illegitimate” or “adopted” children. Sometimes the claimants or other members of the family are not available/ not traceable for verification. Yet in other cases copies of the ID documents, marriage certificates, death certificates, etc. are not available when needed. Commission officials always have to be diligent and eliminate fraudulent claimants who may simply want to infiltrate the system. It takes time to finalize the list of the rightful claimants, especially for community claims.

The restitution programme provides for redress in the form of land restoration, alternative land, financial compensation, a combination of the above or access to any other developmental programme of government. One may think that this is one simple, quick step that should see the settlement of the land claim in days. To take the vulnerable claimant communities through this process is a very tedious affair, which requires patience, social facilitation skills and development planning experience

as well as business process mapping expertise, not to mention conflict resolution and advanced communication skills. One has to explain each of the options, analyze its merits and demerits in the short and long term and get the consensus and the choice of the claimants. After several meetings and workshops, you may think that the community is sharing a common position on a particular matter, only to find that the various parties have totally different views. The new view may be coming from “the clever ones of the community from Johannesburg”, some aspirant leaders who see some “growth and leadership opportunities in the future of this project” or who have a sheer hunger for debate and “deeper analysis”. Sometimes the poverty-stricken claimants are misled to opt for financial compensation, while the “clever ones” hold onto the productive asset, the land. One has to adjust to all of this and take the claimants through to what is considered just and equitable redress. A developmental state has to protect its vulnerable citizens so that they are not taken for a ride by those who have no scruples. It would be the worst travesty of justice if the opportunity for correcting the evil wrongs of the colonial and apartheid past would be lost to the advantage and benefit of the powerful and “clever” few.

The implementation of the restitution awards, as stated in Section 6 (2) (a) of the Restitution Act, is supposed to be as simple as transferring and registering the land in the name of the claimants or processing the payment of financial compensation. Our experience in transferring the 1.6 million hectares of land in these restitution awards has demonstrated that the conveyancing process takes a very long time, both with privately owned land and even more so with the protracted State land disposal processes. The victims of racial land dispossession have gone through a very long and systematic process of de-skilling, where most of the restitution beneficiaries have lost their farming skills; they have lost interest in agricultural production and self-sustenance rural livelihoods. Most of them prefer to be employed or to depend on social grants. This is the direct result of the apartheid spatial planning, where the assets in the hands of the rural people were minimized and devalued through betterment planning and similar racial policies and practices. A typical rural homestead was reduced from two hectares to less than a quarter of a hectare, under dry land farming. Crop fields were reduced from ten hectares to no more than one hectare per household of six. All of these led to a sharp decline in agricultural production for each rural household, loss of livestock and loss of focus on food production. We need a very intensive campaign to revive the interest in agriculture, especially for women and young people. We must have a deliberate programme to educate our people about the importance of agriculture

in the sustenance of a nation as well as in the overall national economic development and growth. The one valid point that has been emphasized over and over by some of the critics of our land reform programme is the need to double, if not treble, our efforts to provide a comprehensive agricultural support programme to our land reform beneficiaries. We need a dedicated institutional capacity and a business-like approach to provide such pragmatic support to all the land reform beneficiaries. It is hoped that the proposed special purpose vehicle for land reform will have such capacity.

We have made use of Section 42 C (1) to provide development support to restitution beneficiaries, but we have realized that this may not be adequate, hence the referral of claimants to the CASP technical assistance to land reform beneficiaries. We have used the Belgian government's assistance to appoint a Sustainable Development Consortium (SDC) to help us develop our sustainable implementation support (SIS) strategy. This strategy will feed into the work of the special-purpose vehicle to assist in fast-tracking the implementation of our national land reform programme.

Corporate Governance Perspective

In terms of Section 21 of the Restitution Act, we have to table our report in Parliament not later than 1 June each year, and thus before both the National Assembly and the National Council of Provinces (NCOP). During this year under review, we have attended all the meetings of the Portfolio Committee on Agriculture and Land Affairs as well as those of the Select Committee of the NCOP. At these meetings we explained our strategic plan document, our progress reports and also participated in hearings organized by the committees. The committees have made comments, raised concerns and provided guidance on the implementation of the restitution programme as part of their oversight function.

We have complied with the provisions of Section 5 of the Restitution Act, as we have held all our planned statutory meetings of commissioners this year. Our meetings this year focused on the implementation of Section 42E (expropriation) of the Act, the staff retention strategy, identifying strategies to deal with the complex outstanding rural claims, monitoring and reviewing cases with the Land Claims Court, risk management and quality assurance, the integrity of our information management system (the Landbase) as well as the development of the land reform settlement and implementation support (SIS) strategy, which

is to assist in the implementation of restitution awards.

Learning and Growth Perspective

The Minister looked at our land claims process and decided to shorten the project cycle by giving the Commissioners delegations to approve the settlement of land claims in terms of Section 42 D of the Restitution Act. This decision has led to the faster pace in the settlement of land claims over the last six months of the financial year under review and this will be sustained in the following financial year.

The Commission and the Department of Land Affairs (DLA) have made proposals to the Department of Public Service Administration (DPSA) concerning the staff retention strategy for the Commission. This was a response to the exceptionally high staff turnover within the Commission, which is related to the fact that the majority of the Commission staff is on employment contracts ending on 31 March 2008. Most of them were therefore resigning in favour of permanent jobs within the civil service or elsewhere. DPSA has accepted some of the recommendations and rejected others; thus the DLA is reviewing the situation and it is hoped that a solution will be found soon.

We have successfully launched the Ilima-Letsema campaign in Kudung near Heidelberg in Gauteng, in the Magwa and Majola communities in the Eastern Cape, in Rysmierbult in the North West, and in Hlomendini near Stanger in KZN. The purpose of the campaign was to encourage all our rural communities to make optimal use of their land and thus improve the productivity of the assets and resources in the hands of the poor.

The Commission has facilitated the development of the land reform settlement and implementation support (SIS) strategy. The purpose of this strategy is to ensure a comprehensive and sustainable support to all land reform beneficiaries so that the aims of restorative justice and redistributive equity are realized and may never be reversed. It is to empower these beneficiaries so that they can participate effectively and benefit for generations to come in economic growth and development opportunities, thereby improving their quality of life. The elements of the strategy therefore include:

- Secure property rights such that the restored land is not taken away through any other means;
- Access to resources which enable land reform beneficiaries to optimize the use of their land; these may include water, agricultural input, finance,



appropriate development technology, research and development information, extension and other services as well as markets;

- Technical assistance, especially on farms, to ensure success for each farming season. This could take the form of secondment of technical staff, especially for large commercial going concerns.
- Improved public and private utilities/services such as roads, sanitation, electricity/ energy, communication, health, education, transport, storage, processing/ pack-houses, and irrigation infrastructure such as dams and canals ;
- Entrepreneurship, business development, diversification, rural livelihoods for the creation of more opportunities for employment and income generation;
- Facilitation for enabling macro-policies such as fiscal, price, trade and investment policies;
- Full and equitable integration of women, young people and people with disabilities in the implementation of all related programmes/projects.

We believe that all of these should be the integral part of the services of the special-purpose vehicle (SPV) for land reform. We also believe that the pillars of support for the SIS strategy will be:

1. *Livelihood, Enterprise and Technical Support: development grants, loans, enterprise development, extension services.*
2. *Integrated Natural Resource Management and Sustainable Settlements: water rights, biodiversity, grazing, fire management, settlement planning.*
3. *Capacity and Institutional Development: protection of land rights, empowerment of Community Property Institutions (CPI) and customized training*
4. *Functional and Spatial Integration: area-based planning, integration with PGDS/ IDPs, /LEDs.*

Strategic Plan: Project Gijima for Outstanding Claims

The Minister has launched project Gijima (which means "to run fast") to speed up the settlement of outstanding land claims. We have 5279 rural claims outstanding and these are as follows:

Eastern Cape	600
Free State	100
Northern Cape	229
Gauteng	10
North West	247
KwaZulu Natal	1822
Mpumalanga	971
Limpopo	700
Western Cape	600

Total 5279

We intend to settle all outstanding rural claims by the year 2008. We acknowledge, however, that we will not be able to settle claims that are:

- referred to the Land Claims Court for adjudication;
- facing conflicts with traditional leaders on issues such as jurisdiction (who is the rightful leader), land ownership (is land owned personally by the iNkosi or the community) as well as boundary disputes between communities;
- Disputes with current landowners on issues such as land prices or the validity of the claim;
- Untraceable claimants (incomplete claimant verification list).

We have estimated that these complex cases constitute about one third of the outstanding rural land claims. It must be noted that all restitution cases are claims against the State and thus any outstanding claims will not be thrown away but will have to be processed through the Department of Land Affairs. The completion report by the Commission, at the end of the 2008 financial year, will include this list of complex claims, with provision being made for their finalization. The White Paper on Land Reform Policy provides that the Department of Land Affairs or a competent authority will be responsible for the implementation of restitution awards.

In our strategic plan for 2007/08 we have honed the strategies for speeding up the settlement of outstanding rural claims and these include:

- The shortening of the project cycle, including delegations to Commissioners for the finalization of claims in terms of Section 14 (3) and s42D of the Act.
- Eliminating protracted land price negotiations by implementing expropriation.
- Batching of claims with similar circumstances of dispossession, similar models for redress/ settlement packages and within close proximity.

- Continued engagement with agricultural unions and landowners to solicit their cooperation necessary for the speedy settlement of claims.
- Consulting with traditional authorities and houses of traditional leaders to get their support for restitution.
- Working closely with other State departments (including Public Works, Defence, Housing, Agriculture, DPLG) as well as municipalities to make State land available faster for land reform purposes and to support land reform beneficiaries.

International Interest

On 12 June 2006 we interacted with a large group of American academics who were on an exchange programme with South African universities. Their interest was in the progress made in the implementation of the South African restitution programme.

On 4 August 2006 we welcomed a delegation of the Women's Caucus in the Parliament of Sri Lanka. They were interested in the South African land reform and the extent to which it benefits vulnerable groups, especially women and young people.

A network of community development NGOs in the SADC region, known as Community Organization Regional Network (CORN: advocating for enabling rural livelihoods in SADC), met us on 2 February 2007 with the view to understanding how restitution and other land reform programmes benefit rural communities and how these beneficiaries participate in and own the development processes linked to these programmes and projects.

The Minister has approved a study visit to Canada to look at the Canadian land restitution programme and to assess its effectiveness with special reference to the impact of redress and post-settlement support programmes. This one-week study visit, sponsored by Canadians, is scheduled to take place around July/ August 2007.

Conclusion

This year under review was a very successful one indeed, as it saw an improved performance and service delivery.

A special thank you to the President, the Deputy President, the Minister of Finance, our Minister and Deputy Minister as well as to the members of Parliament, both national and provincial, for their political leadership, will and support for the restitution programme. Sometimes the challenges that we face with the implementation of this programme are daunting, but your encouragement gives us more strength and a reason to continue.

The Ministers' Committee (Mincom) and members of Stratcom in DLA have been a source of inspiration on a number of issues, particularly on issues of capacity, staffing, delegations, risk management and budget expenditure for the Commission.

A word of appreciation to all stakeholders who have helped us resolve some of the challenges, and who have made it possible to settle all those land claims that we have settled this year.

Let me thank the Judge President of the Land Claims Court, together with his colleagues, as we have had good interaction over the year under review.

We could not have made all of these achievements without the dedication and commitment of our staff. Often they work long hours, over weekends and public holidays because these are the times that communities are available for community meetings. If it was not their patriotic activism and job satisfaction, we would have lost a greater number of employees. Most of our staff are between the ages of 25 and 45 years, hence the energy and enthusiasm.

Once again thank you all for your continued support. May the good Lord richly bless you.



Mr Thozzi Gwanya
Chief Land Claims Commissioner SA
May 2007.



MINISTRY: AGRICULTURE AND LAND AFFAIRS



LULAMA XINGWANA

Minister for Agriculture and Land Affairs



DIRK DU TOIT

Deputy Minister for Agriculture and Land Affairs

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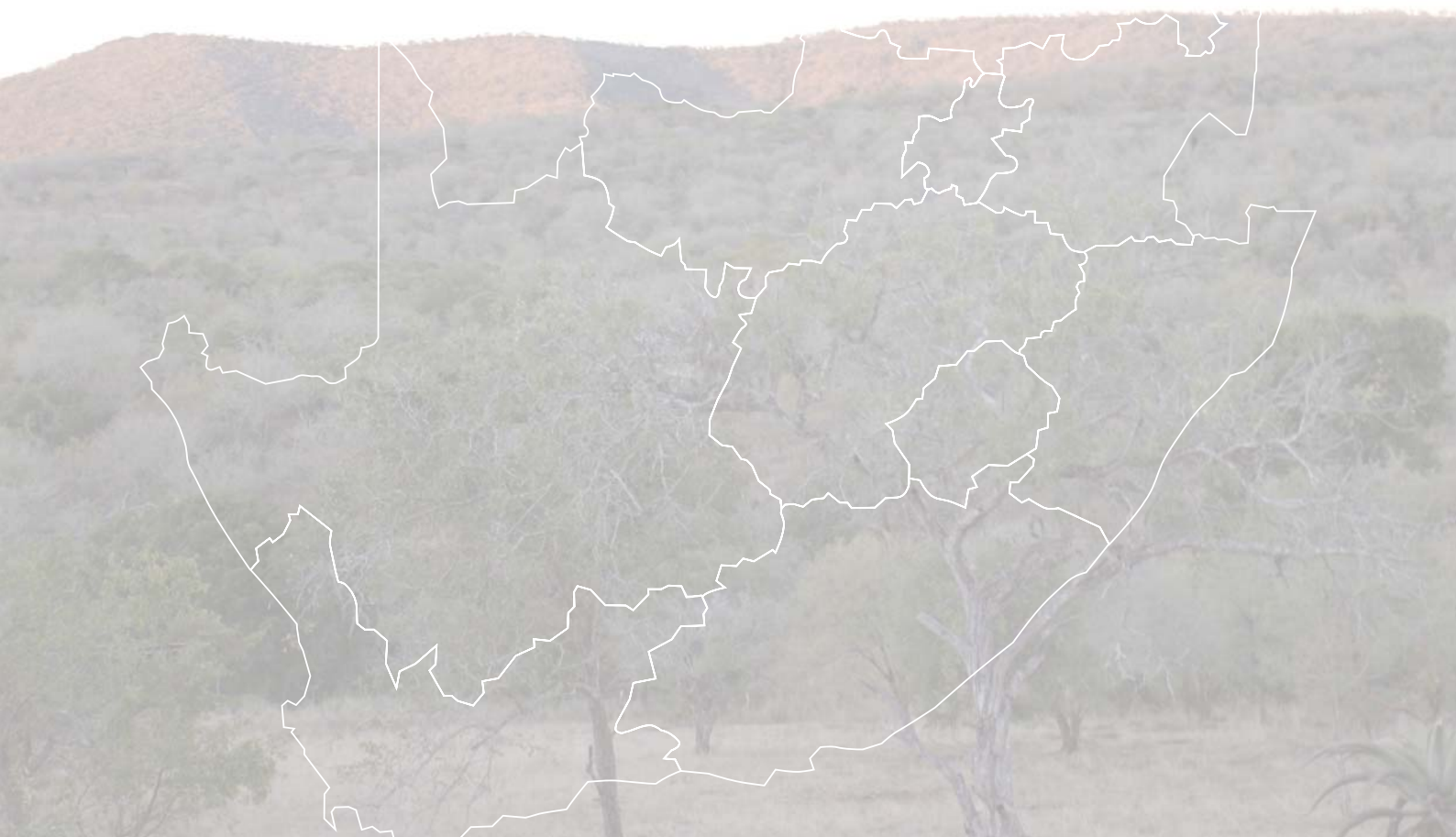
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Reports Regional Land Claims Commissions:



GAUTENG AND NORTH WEST



The area-based planning approach provides a remedy through which the various government departments can collectively utilize their resources to enhance not only the land reform programme, but also the overall social and economic development programme to improve the livelihoods of the majority of our people. It is our firm belief that an integrated approach to the development of our communities by all role players in government will help us achieve much more than any single-effort approach could ever achieve.

Regional Land Claims Commission:

OVERVIEW

The culture of improved service delivery is now well entrenched in the Commission on Restitution of Land Rights in Gauteng and North West Province. The year under review presents an excellent opportunity for the office to share some of the successes and challenges experienced in the Gauteng and North West Provinces.

Our performance for this year has improved tremendously. During this financial year, 138 878 ha of land has been restored benefiting 55 853 beneficiaries, a significant improvement compared to the 5 372 ha of land restored during the 2005/2006 financial year.

While the office has experienced an exponential increase in the pace and scope of getting the people back to the land, the office continued to battle with the many challenges that comes with the restitution programme in general. In line with the department's Gijima campaign, the office has begun on a process to roll out the strategies put in place to address some of these challenges.

Sustainable development forms the basis for the success of the restitution programme, and without proper settlement support from all the relevant role players, the Restitution programme will not be as effective as intended. The recent launch of the Ilima – Letsema campaign in Kudung (Gauteng Province) by the Minister for Agriculture and Land Affairs, Ms Lulama Xingwana provides a basis for collaboration between the provincial government, the local government and the restitution beneficiaries to ensure that the restored land is optimally utilized and that no land should lie fallow.

ACHIEVEMENTS

Gauteng Province has settled 13 148 claims out of the 13 158 claims lodged. The office is now left with only 10 claims outstanding. Marabastad, Wallmansthal and Kudung represented some of the difficult claims settled by the Gauteng office, with significant development opportunities for the communities.

The North West Province has settled most of the claims lodged. A total of 247 rural claims are still outstanding. Some of the claims settled in the province include Leeuwspruit, Bakgatla Ba Kgafela, Tweerivier, Volgefontein and Hartebeestpoort. The Commission did not enjoy the cooperation of all landowners in the case of the claimed properties in the Hartebeestpoort area. Nonetheless, 2 500 hectares of land have been acquired for restitution purposes in the area through negotiated settlements.

During this financial year the Gauteng and North West office experienced a significant increase in the number of claims settled compared to the previous year. This outstanding performance is attributed to the delegations issued by the Minister to the Chief Land Claims Commissioner and the Regional Land Claims Commissioners to settle claims to the value of R100 million and R50 million respectively. As a result of the delegations, Gauteng and North West Province recorded an increase from 22 000 ha of land given back to communities in September 2006 to a record high of 138 878 ha restored by the end of the financial year. The office further managed to spend 110% of the allocated capital funding by spending R294, 4 million during the year under review.

On 2 August 2006, the office became the first office in the Commission to decentralize the supply chain management function with the responsibility to procure goods and services below R200 000-00. This was done to ensure expediency in providing our day-to-day services.



In pursuance of the development of a good basis for sustainable development on restored land, the Commission has established a sound and healthy working relationship with various key institutions such as the National Development Agency, the Land Bank, the Gauteng as well as the North West provincial legislatures, the North West Department of Agriculture, Conservation and Environmental Affairs, as well as the various media institutions. This was done through the office's outreach programme - the Land Restitution Mass Awareness Campaign. We are pleased to announce that discussions with the Parks Board and DACE pertaining to the restoration of communities' rights on conservation land have now reached an advanced stage. Communities involved in these discussions include Barokologadi, Bakgatla Ba Kgafela and Bakwena Ba Mogopa claimants.

Through the municipalities' area-based planning programme, municipalities are able to prioritize land and agricultural programmes in their respective budget activities. This has positively contributed towards the restitution programme in the area.

CHALLENGES

Although the office has achieved its target to process all the urban claims lodged in the two provinces, the implementation of these settlements has not been without challenges. The Commission is faced with the challenge of locating untraceable claimants and the subsequent difficulty in obtaining outstanding verification information. The problems experienced in cases where beneficiaries are deceased and where there are family disputes further compound our challenges. Further challenges relate to incidents where urban claimants vacillate between settlement options, i.e. changing from financial compensation to land option and visa versa; as well as the actual implementation of the development option.

Although exponential progress has been made in terms of the settlement of rural claims, the process is fraught with complexities that hamper progress. These complexities include community disputes; traditional authority and border disputes; disputes with legal entities; exorbitant land prices; land use disparities; as well as protracted litigation resulting from some of the disputes mentioned.

The manifestation of internal factionalism between the Communal Property Association (CPA) and the traditional leadership within a community compromises the pace of development and progress in the land restoration process.

The strategy to address complexities resulting from protracted negotiations with uncooperative current landowners as well as exorbitant land prices has been to categorize the claims and settle them in phases. The challenge posed by this method is that planning for the acquired land continues to be carried out in a piecemeal manner instead of a holistic and comprehensive manner.

Another prevalent challenge experienced on settled rural claims relates to claimants' demand for the subdivision of the restored land, which is usually contrary to the pre-settlement agreement for communal land holding. This results in lengthy surveys and subdivision processes as well as legal entity formation and registration processes for the various sub-groups/families. In addition, this state of affairs compels the State to hold the land in trust rather than transferring the land directly to the beneficiaries. This limits the claimants' access to maximum economic benefit from the restored land.

The claimants' inability to engage in sustainable high-level enterprises due to inadequate skills once the land has been restored to them poses a challenge to the Commission. Capacity-building initiatives will address this challenge, but only as a long term intervention mechanism.

SPOTLIGHT ON SIGNIFICANT CLAIMS SETTLED BY THE OFFICE

Bessiesvlei 149 IQ Project

"We are going to work closely with the youth in our area and will be managing the farm, poultry business, livestock and other mining business that defines the activities on this farm." These were the sentiments shared by the claimants' representative, Mr. Ramolai Mafete, during the land hand-over celebration for the Bessiesvlei 149 IQ farm outside Lichtenberg in the North West province.

The event coincided with June Land Month celebrations, which focuses on the achievements made in reversing the effects of 94 years of racial land disposessions and the measures taken to ease the pain and grief that was inflicted by the forced removals.

The Minister of Agriculture and Land Affairs presided over the event, ensuring that 424 ha of land with high potential for crop production, game farming, livestock grazing and cattle farming were returned to Bafokeng Ba Ha Mafethe after seven decades of dispossession.

The claim was lodged by Abram Piet Mafete on behalf of the direct descendants of the original owner, Mr. Moss Mafete, and other dispossessed owners. The claim was submitted to the commission on 10 January 1996. The claimants held registered land rights as defined in Section 1 of the Act as amended and the claim was validated. The claimants have overwhelmingly agreed that the best way to honour those who went before them is to work tirelessly on the land to ensure that its fruits are forever produced for the benefit of generations to come.

The Minister appealed to the claimants to make sure that the land is utilized productively and to ensure that there is stability and consistency with regard to farming activities. She also called on the private sector to invest in the farming business, for it is through such partnerships that the economy of the country will prosper and grow.

The cooperation received from the current land owner as well as his commitment to act as mentor for the new land owners and to assist them with issues of market access is commendable. We trust that his action will serve as an example to other land owners in the area who have agreed to sell their land.

The Commission is jointly working with the Provincial Department of Agriculture Conservation and Environment (DACE) to conduct a full agricultural feasibility study on the farm. About 121 households have begun to benefit from crop and livestock farming activities. Some of the portions of the farm are utilised for resettlement purposes to address the settlement challenges experienced by the community. The closer the communities live to the farm, the better this is for production and sustainability.

Vogelfontein No.191 J Q

The Vogelfontein land claim was settled on 19 February 2007. Through hard work and effective mentorship programmes, the farm has the potential to become a successful eco-tourism center, which will greatly benefit the communities of Madibeng Local Municipality in the Bojanala District in the North West Province. The office is intensively engaged with the communities to ensure that the full potential of the project is realized.

Previously known as Vogelfontein No. 11, the property, which measures 2152.8441 hectares, was used for game farming and tourism by the outgoing landowner. It is pleasing to note that the new land owners want to maintain the current status quo and use the land optimally to generate income and thus improve their livelihood.

According to archival records, a black man named Mr Masilo bought shares on the Vogelfontein farm from the white land owners in 1910. More black people started buying shares on the farm and ended up owning 11000 hectares of the farm. The black shareholders became co-owners of the farm with their white counterparts. However, this arrangement was short-lived, due to the promulgation of the Development Trust and Land Act of 1936. In line with the Act, black people could not own land. The area was declared a black spot and ultimately expropriated.

In line with the settlement agreement, the claimants have no legal claim on the movable assets and game animals. In order for the community to engage in game farming activities, the farm needs to be restocked with game.

As part of the settlement support for restitution beneficiaries, the Commission facilitated a process, which led to an auction of game on 30 September 2006 at the Nico Roux Game Auction. The community acquired game at the cost of R 800 000.00 through the auction process. The CPA has acquired an office from where members are operating and it is envisaged that the CPA will soon be launching a website as part of the marketing activities to promote the game farm.

The Commission will spearhead a process to establish a project steering committee, which is to be constituted by various stakeholders such as NW DACE, NWK, Bojanala District Municipality, North West Parks and Tourism, development and implementation service providers as well as the claimants. The project steering committee will focus on issues relating to the proposed business plan, the implementation strategies, partnerships and caretakership arrangements for running of the farm.

The office received 72 claim forms on behalf of the direct descendants of the original owners, and after thorough discussion with everyone concerned, the claims were amalgamated with those submitted by Messrs Komane, P Masike and Legane.

Madiakgame Community Project

The Madiakgame community lodged one of the largest claims in the history of the land restitution programme. The claim was settled on 17 April 2006.

The settlement of the claim gave the community a renewed sense of pride and purpose through the restoration of 5144.8329 hectares of land to 451 predominantly female-headed households and a total of 2 022 beneficiaries.





The Chief Land Claims Commissioner, Tozi Gwanya; Executive Mayor Mr. Lobelo; North West Premier Ednah Molewa; Deputy Minister Advocate Dirk du Toit; Kgosi Lotlhogile and Mayor of Naledi Municipality Ruth Mompoti together with the representatives of families from Madiakgame land claim in Vryburg, North-West Province

Prior to dispossession, the property was known as Madiakgame Native Reserve 241, on the Vryburg road. Subsequent to the area being declared a "Black Spot" in terms of the Black Land Act No. 27 of 1913 and the forceful removal of black people from the area in 1959, the previous government sub-divided the farm into small farms. As a result of the subdivision of the property, farms Helgaard 421 IN measuring 1714.9534 ha, Zerwick 422 IN measuring 1714.9378 ha and Klerwil 423 IN measuring 1714.9417 ha, came into existence. The properties are situated in the Ganyesa and Bophirima district in the North West Province.

The community held unregistered land rights to the property from the time of occupation in 1800 to 1959 when they were served with an ultimatum to either vacate to a no-man's land or to Austrey and Goodwood. The community was meant to forget about the wealth of the land of their ancestors, graveyards and the history that they were leaving behind.

On 28 March 1998, Mr Tlapaneng Johnson Lobelo lodged a claim on behalf of the Madiakgame Community in his dual capacity as chairperson of the Madiakgame community and as a person who was forcefully removed from the farm Madiakgame.

The farm is currently used for livestock farming and the claimants have publicly communicated their resolve to continue with farming activities. It is evident that the land is fairly developed and currently well managed. The carrying capacity in the area is estimated at 10 hectares per matured livestock unit (MLU).

The office has received commendable support from the local government and other institutions such as the North West Provincial Department of Agriculture, Conservation and Environment and Tourism (DACET), the municipality as well as organized agriculture. These institutions have provided the necessary support such as technical skills and extension support to ensure that the communities are empowered to engage in sustainable agricultural activities on the restored land.

Hartebeespoort 410 J Q Project

The claim on the Hartebeespoort B 410 J Q was lodged on 23 December 1998, with only seven days to go before the cut-off date of 31 December 1998; it drew attention from many pessimists who wondered whether the Commission would succeed in restoring the land back to the Bapo Ba Mogale community.

Despite many challenges, the Commission settled the claim in September 2006 and restored 2791,474 hectares of land to the Bapo Ba Mogale community, which comprised 34 verified families and 577 beneficiaries.

Bapo Ba Mogale claimed back the land known as the remaining extent of the Eastern portion of the quitrent farm Kareepoort No. 623 and portion A of the Eastern Portion of the quitrent farm Kafferskraal No. 597. Under the previous government, the properties were consolidated into Hartebeespoort B 410 JQ.

The claimants held registered rights to the farm which they acquired through Deed of Transfer No. 2036/1906 registered on 12 March 1906. In line with the racially discriminatory laws and practices of the day, the property was subsequently transferred to the Commissioner of Native Affairs of the Transvaal, who held the land in trust for Darius Mogale, Chief of the Bapo Tribe.

After June 1913, the Bapo Chief's trustee status was discarded in favor of the Union of South Africa Governor General, who was invested with absolute power to confiscate land as he deemed fit by the Hartebeespoort Irrigation Scheme ("Crocodile River") Act No. 32 of 1914.

The dispossessed community was meant to forfeit the land, which has rich black turf soil and water with a huge potential for agricultural development, and was banished to a land of dry gravel sand soil with rock and patches of poor agricultural potential consisting of sourveld, which is not suitable for either cattle or goat farming.

The two portions are situated in the former district of Rustenburg, to the North West of Brits in an area known as Hartebeespoort Irrigation scheme, which now falls within the Madibeng Local Municipality, Bojona District in the North West Province.

The farm is currently used mainly for vegetables and lucerne crops, game farming and granite farming. Credit is due to the claimants who opted for the land and continued

with farming activities instead of claiming financial compensation. The farm Hartebeespoort B 410 JQ is one of the economic generators of the region and ultimately contributes to the GDP of the country.

Different stakeholders have made meaningful contributions towards the success of the project. The Department of Agriculture in the North West Province contributed four tractors and other implements valued at R 1 500 000.00.

THE LEEUWSPRUIT PROJECT

The farm Leeuwspruit set the scene for agrarian land reform in this country, when it became the first acid test for expropriation. More importantly, this claim has turned out to be the best model through which greater co-operation has been brought about between the landowners / claimants and the commission.

The Minister signed Phase One Section 42D for Portions 4, 5 and 10 of the farm Leeuwspruit 300 IQ on 19 February 2004 and Phase Two Section 42D for Portion 6 of the farm Leeuwspruit 300 IQ on 16 May 2005. As agreement could not be reached with the current landowner about Portions 7 & 9 of the farm Leeuwspruit 300 IQ, expropriation processes were initiated and the Minister signed Section 42E on 6 September 2005.

The landowner refused the Commission's valuation price and asked for R6 000 000.00 in settlement of the land claim. After several attempts by the Commission to persuade the landowner to accept the offer of R1 750 000.00, he reduced his asking price to R3 000 000.00, which was later confirmed by his own valuation, which he had conducted on the property on 28 October 2005.

After thorough discussion, all parties concerned wished to settle the matter without proceeding with an expropriation process. To achieve this, the Commission then appointed Mr DCC Rademan, who valued the property in 2003 to update the valuation so as to reflect today's market value of the property. The valuer's report still maintained that, based on an analysis of recent sales and properties in the region, the estimated price of between R1 500 000.00 and R1 700 000.00 was fair and reasonable.

The claim in question was lodged on 4 March 1997 by Mr. M. Molamu J. Moropa before the final lodgment date of December 1998 on behalf of the direct descendants of the original owner.



The settlement of this additional property brought the land restored to the community to a total of 3097.0975 ha. The claimants held registered land rights as defined in Section 1 of the Act as amended. At the time of dispossession, the property was registered under Abram, Johannes, Thomas, Andreas and Joseph Molamu. The transfer of the property took place in the name of the Leeuwspruit Community Association in terms of registration certificate number CPA/04/0665/A.

The land is a balance unit with maize, sunflower and cattle farming and is situated in an area that is sought-after from an agricultural point of view. There are nine families residing on the farm. There is also an abattoir with modern meat processing facilities as well a butchery operation on the farm.

The Commission and the Department of Agriculture, Conservation and Environmental Affairs in North West province have collectively mapped a business plan that will assist the claimants in ensuring that the farming operations continue successfully. It is encouraging to note that most of the claimants in the community have a strong farming background, which will come in handy to ensure that the farm remains profitable.

RYSMIERBUILT PROJECT

Through the settlement of the Rysmierbuilt claim, the commission has demonstrated that the concept of 'restitution in our lifetime' is not just an empty rhyme but a mantra that compels the office to deliver on the promise of the Constitution to the people of South Africa.



Launch of Letsema/Ilima in Rysmierbuilt, North West Province

On 31 October 2006 the Minister for Agriculture and Land Affairs, Ms Lulama Xingwana, handed over a total of 2886 ha of land to the Rysmierbuilt claimant community as compensation for their tenancy rights. The settlement of this claim will benefit about 749 people, 50% of whom are women. The claim was lodged by Messrs. Petrus Mosweu and Jacob Lebogang Montingoe on 7 of July 1996.

The claimants had held unregistered rights to the land, since their occupation of the land in 1866. Just like with most forced removals, no compensation or assistance for relocation was offered to the community at the time of their removal.

The property is situated in Venterdorp in the southern part of North West Province and has a high potential for crop and stock farming on natural grazing, cultivated and irrigated lands. The farm is well situated in a prime area, where the average annual rainfall ranges between 600 mm and 700 mm. The claimants will continue with crop and stock farming.

The market access will not be a real challenge for the community, due to their relationship with the previous landowner, Mr Casper Botha, who had a good working relationship with key players in the market, including McCain Food LTD. The company has expressed an interest in continuing with the contract with the current land owner and the land beneficiaries.

The Commission is working on a proposal for a business model in line with the interest shown by McCain Food LTD to extend his business dealings to the new land owners. There has been active participation from the Department of Agriculture's extension officers, who are on board to ensure the success of the farming venture. Mr Botha has pledged his support for the new land owners and has indicated that he will be actively involved with the claimants to ensure transfer of skills.

"I am convinced the goodwill cannot be expressed through the word of mouth but through the active involvement in mentoring the new land owners. In fact most of them have been part of the personnel on the farm, they only require some business acumen to effectively manage the land," said Mr Botha. The claimants regard Mr Botha as a good farmer, who has shown great interest in improving the social lives of those who are less privileged.



Regional Land Claims Commission:

OVERVIEW

As we continue to process and settle land claims, we need to remind ourselves of the 2008 deadline. The challenge remains great. The year under review posed many challenges and yet it held some exciting moments for the Office of the Regional Land Claims Commissioner: Limpopo.

We have reported in the past that the claims in our province are mainly rural claims and most of them are for highly commercialized farms. Those who are specialists or caretakers of our country's economy continue to advise that land restitution should be done carefully. They have indicated that, if not carefully done, it can cause the collapse of this country. In our province, we have seen in the past year the resolution of major land claims like BaPhalaborwa ba Mashishimale. Some 17,000 hectares of land were acquired, including the farm Croc Ranch formerly owned by Game Vest. We have also witnessed the finalization of major land claims in Thabazimbi for the Baphalane ba Ramokoka community. The road leading to the settlement of the claim was not an easy one, as the community lodged a claim in Limpopo while residing in North-West Province.

We expect to see progress on claims such as the Waterpoort Cluster, Muhovha Cluster in Makhado, claims in the Sekhukhune District and elsewhere in the province. We also wish to thank the Minister for her decision in agreeing to delegate her authority to approve claims. This is according to Section 42D of the Restitution of Land Rights Act 22 of 1994 (as amended). We are confident that this will indeed simplify the bureaucracy that we were faced with when seeking approval to finalize land claims.

ACHIEVEMENTS

Our Post-Settlement Support Unit is continuing to assist various communities with development plans. With the assistance of the Limpopo Provincial Department of Agriculture, Trade and Investment and the Maruleng Municipality, we were able to appoint two strategic partners for the Moletele community in Hoedspruit. This arrangement will ensure that the current farming enterprises are sustained and improved. The Limpopo Tourism & Parks Board (LTPB) has donated game to the Manavhela, Tale Ga-Morudu, Mashishimale and Modimolle communities. The purpose of the donation is mainly for breeding purposes. The LTPB has entered into an agreement with the Tshwane University of Technology, University of Limpopo and Venda University of Science and Technology, where claimants will be taken for accredited training.

The Limpopo Department of Agriculture has committed R2.2 million from CASP funds in favour of the Mamahlola project. They have also committed R4 million from CASP to purchase implements and factory equipment on behalf of the Sekororo claim. The Makhado municipality committed itself to providing services to the Mavungeni settlement. The Department of Labour committed itself to funding various training programmes for restitution beneficiaries in 2006/2007. The Department also conducted training in housing construction for the Mtiititi, Kutama-Senthumule and Nthlaveni-Thengwe claimants, who have since graduated. The Limpopo Department of Public Works has allocated R2 million towards the completion of the Hlomela Community Office, and for that we are eternally grateful.

CHALLENGES

Conflicts among communities still haunt us even today. There are communities that apply for court orders to prevent the Commission from meeting with them. This demonstrates the level of confusion and misunderstanding of what we are about (e.g. Bakgaga ba Maupa Community). Just recently we have been encouraged to hear that the Bakgaga ba Maupa community has since distanced itself from the above court order. We still continue to disagree with land owners on the validity of claims and the purchase prices in the Rust de Winter area and elsewhere in the province. We continue to experience challenges of limited capacity, resources and a poor understanding of restitution processes by our local municipalities.



IN CONCLUSION

We cannot over-emphasize the excitement we felt on the recent announcement on the future of employees of the Commission. It has been announced that all contract posts will be converted to permanent posts with immediate effect, as well as that all vacant posts in the Commission will be advertised as permanent posts. Surely this will give secured tenure to our officials and it will help attract the best candidates for the vacant posts. In the office, we still maintain that expropriation is the last resort if all else fails. According to our reading and comparisons with other countries, we are doing far better and of course we can improve and do much more. Finally we wish once again to salute the men and women, who continue to work endlessly and tirelessly in ensuring that the wheels of restitution move in Limpopo. In Xitsonga we say to them: Ha khensa, ku dya i ku engeta! (Thank You!)

SPOTLIGHT ON SIGNIFICANT CLAIMS SETTLED BY THE OFFICE



Baphalane ba Ramokoka soya beans project

BAPHALANE BA RAMOKOKA

The land restitution process is like a journey of a thousand miles with many mountains to climb and rivers to cross.

So is the journey of the Baphalane Ba Ramokoka Community. Mr. Kobete A. Ramokoka lodged a claim on behalf of the Community on 31 December 1998.

The Office of the Regional Land Claims Commissioner in Limpopo has finalized the first and second phases of this claim, yielding 10442.94 hectares of land situated in the Thabazimbi area of the Waterberg District of Limpopo Province.

The road leading to the settlement of the claim was not an easy one. It is worth noting that the claimants lodged claims with both the Limpopo and the Gauteng & North West RLCCs. Quite often the claimants would not attend meetings arranged with the Limpopo Office but would attend meetings arranged with the Gauteng & North-West Office on account of the majority of their members being resident in the North-West Province. The challenge was that the land claimed is situated in Limpopo.

The two offices devised a strategy that eliminated the problem. They worked collectively to produce one claimant verification list as well as one legal entity. Thereafter RLCC: Limpopo took the claim forward to finality. The community consists of 450 households with 1520 beneficiaries.

Most of the restored properties are high-value irrigation farms situated along the Crocodile River and utilized for seed production. Seeds such as soya beans, wheat and maize are produced on the land. Some of the properties are used for cattle and game farming.

Continued productivity, retention of current jobs as well as income generation for the claimants have been ensured through interim leases with previous landowners, whilst long-term plans are being finalized. In order to ensure sustainability and skills transfer, the Settlement Support and Development Unit (SSDU) of the RLCC and the Limpopo Department of Agriculture (LDA) have already embarked upon a process of inviting potential strategic partners to join hands with the claimants in managing the farms. It is anticipated that strategic partners will be appointed by August 2007.

It is important to note that most of the members of the Baphalane ba Ramokoka CPA are cattle farmers, albeit on a small scale. Therefore, the LDA will assist them with planning for the restored cattle production farms so that they can become large-scale commercial cattle farmers. The RLCC is currently processing the third (last) phase of the claim.

MOLETELE COMMUNITY LAND CLAIM

The Office of the Regional Land Claims Commissioner in Limpopo mainly deals with rural claims and most of them are for highly commercialized farms. The Moletele Community Land Claim is no exception. The restored farms are mainly used for high-value commercial agriculture. Citrus is the main crop produced in the area, followed by vegetables. The citrus is mostly exported to international markets such as Japan, whilst the remainder is locally processed into juice.

The total size of the claimed land is 78791.7704 hectares. The cost to the state for the settlement of the claim amounts to R79 093 137.00, including state grants towards settlement support. To date, 3453.2567 and 2.1026 hectares have been restored in the first and second phases, respectively. A valuation has been conducted and offers made in respect of the third phase, for which approval is anticipated by June 2007. There is a pending court application between the RLCC and a group of about 124 landowners who are challenging the validity of the claim. The matter was referred to court in June 2006 and an outcome is still being awaited.

The Settlement Support & Development Unit (SSDU) of RLCC: Limpopo and the Limpopo Department of Agriculture (LDA) have facilitated the appointment of two strategic partners in respect of the first phase of the claim. Shareholders' and lease agreements are being finalized, in which the Moletele CPA will hold 50% of the shares, the strategic partners 48% of the shares and the workers 2% of the shares in the operating (joint venture) companies over a period of 10 years. The SSDU has facilitated interim arrangements in the form of short-term leases with previous landowners in order to allow time for long-term post-settlement arrangements. This has assisted in ensuring continued productivity of the land, the securing of current jobs and income generation for the CPA.

It is worth noting that the second phase of the claim involves an established pack house (Hoedspruit Pakkers) utilized by surrounding farms for the packing and exporting of citrus. The pack house will enable the Moletele CPA to pack and export its fruit with ease. Furthermore, the CPA will also generate income from the pack house by handling fruit from neighbouring farms.

In the true spirit of BEE, the claimants will be acquiring shares in a company currently exporting fruit from the purchased packhouse. This will bring downstream benefits to the claimants.

Lastly, the SSDU and Trade & Investment Limpopo (TIL) are currently facilitating a partnership between the CPA and a fruit and vegetable processing company called MOLT. MOLT will establish a multimillion fruit and vegetable processing plant on one of the restored properties. This venture is expected to benefit the claimants through job-creation, lease rentals, profit share and processing of their second-grade fruit and vegetables.

MOTOKOLO COMMUNITY LAND CLAIM

Saturday the 20th of November 2004 did not only bring joy to the Motokolo Community. This day also brought change to the lives of the community, when 1005 hectares of ancestral land was officially handed over by the former MEC for Agriculture in Limpopo, Dr Aaron Motsoaledi. It was on this occasion that the MEC gave very worthy advice to the community on how they should sustain their restored land. The MEC indicated that some projects are failing due to conflicts, lack of commitment by the community or greed, which leads to the mismanagement of funds. It is clear that the community listened and took the MEC's advice very seriously. Today the Motokolo project is on a success trajectory. The total settlement cost of the claim amounts to R2 443 000.00

After they were removed from their land, the Motokolo community went to settle in various villages such as Maja, Maboi, Mothiba, Mamahule and Ga-Thaba outside Polokwane. The Motokolo community fell victim to the notorious racially discriminatory laws of 1913 and subsequent practices by the past apartheid regime, when they were ordered to evacuate the farm Kleinfontein 172 KS. They lived on the farm for more than 40 years and used it for the purposes of grazing their livestock, gravesites, ploughing and exploiting the natural resources. These rights diminished shortly after the arrival of white people on the farm who subjected the community to the notorious "drie maand" forced labour system without pay. The Motokolo Community refused to be reduced to subservience on their ancestral land and was summarily issued with "trekpasses" to vacate the land.

Today the Motokolo Community is telling a different story. They are actually saying that they are prepared to work and develop their land. In 2006, the RLCC enlisted the assistance of the Limpopo Department of Agriculture (LDA), which developed a business plan for the community. The LDA also sent some of the beneficiaries for training in beef cattle farming and poultry farming. The business plan culminated in the construction of poultry houses towards the end of 2006. Currently the RLCC is assisting the Motokolo



Community in purchasing the first brood of day-old chicks. It is anticipated that the first batch of chickens will be sold by the end of April 2007. The business is indeed creating jobs for the community.

The Chairperson of the Motokolo Community, Mr. Johannes Nkuna, has indicated that they are very excited about the project. "Our poultry will be one of the best in Limpopo, and it is all thanks to the benefits of land restitution. In future we will invite other restitution beneficiaries to visit our project, so that they can learn and take note of what could be achieved after land restoration," Nkuna said.

BAPHALABORWA BA GA MASHISHIMALE TRIBE LAND CLAIM

Four Ba-Phalaborwa Tribes, viz, Mashishimale, Makhushane, Maseke and Selwane, lodged a joint land claim covering the area from the Kruger National Park in the east to Gravelotte in the west and the Great Letaba River in the north and the Olifants River in the south. The four tribes were subsequently advised by the Commission to lodge separate claims, which they did. The Mashishimale Tribe lodged a claim for 35350.0325 hectares of land in the area between Namakgale Township and Gravelotte. This land also includes the famous Croc Ranch Game farm as well as a portion of the Selati Game Reserve. Whilst the RLCC was busy with investigations on this claim, the owners of Croc Ranch took the RLCC to the Land Claims Court, arguing that the RLCC should summarily dismiss the claim on the basis of insufficient information given on the claim form. The Court dismissed the application with costs, as there was not yet an administrative decision to be reviewed. Croc Ranch took the matter to the Supreme Court of Appeal and once again lost.

The Mashishimale Tribe land claim was subsequently gazetted on 5 April 2002. An immediate response from all affected landowners was one of outright objection to the claim. Some landowners appointed Professor Hartman to conduct research to rebut the claim. However, some of the landowners began to change their minds and agreed to sell their properties. Accordingly, the RLCC purchased two farms during the first phase of the Mashishimale Tribe land claim in 2004. In 2006, the RLCC finalized the second phase of this land claim. This phase involved 16353.1855 hectares of land, which were acquired at a cost of R148, 620,000.00. Interestingly, the properties acquired in the second phase included Croc Ranch. These properties are mainly used for game farming, game breeding, eco-tourism and citrus production.

The RLCC has managed to facilitate one-year leases with the previous landowners in order to enable the claimants to ready themselves for take-over. The community is receiving about R300, 000.00 per month in rental income. Currently, the RLCC is in the process of inviting potential strategic partners to work with the Mashishimale Tribe in carrying forward the current business activities. This will bring about sustainability, skills transfer and job creation in the claimant community. Preliminary indications from the claimants are that they would like to consolidate the restored properties into one major game reserve, which will also have the Big Five. If this plan comes to fruition, it is clear that the Mashishimale Tribe will reap the benefits of eco-tourism, especially given their close proximity to the Kruger National Park. Furthermore, the properties are situated along the road which links South Africa with Mozambique through the Phalaborwa Gate of the Kruger National Park. It is envisaged that the tourists who will be travelling along this road will be attracted to places such as Ngulube Lodge and Croc Ranch. It is worth noting that the third phase of the Mashishimale Tribe land claim has been referred to the Land Claims Court because the current landowners are challenging the validity of the claim. In the meantime, the Mashishimale Tribe is saying "bo seka bo eja", which means: they will deliberate on the outstanding properties whilst taking advantage of what has already been restored to them.

MOTSE COMMUNITY LAND CLAIM

The Motse Community lodged three land claims with the Office of the Regional Land Claims Commissioner in Limpopo. These claims were later consolidated into one. The claim was gazetted in June 2005 and later in January 2006. The difference in the time of gazetting was that some of the claimed properties were either consolidated or renamed.

The claimed land involves 46 farms, of which ninety percent are private game reserves. This claim falls mainly within the Waterberg biosphere, of which the famous Lapalala Wilderness and Touchstone Game Reserves are affected. There are also small portions on agricultural and cattle-farming land. Thus far, five farms have been restored to the Motse Community, involving 5934 ha of State land. The total costs of the settlement grant amounts to R217 1160.00 for 229 households, including 1887 beneficiaries. Some 101 households that benefited from this claim are female-headed households. Some parts of the claim have been referred to the Land Claims Court, whilst there are currently negotiations with the owners of Lapalala Wilderness and Touchstone Game Reserves to

purchase their properties. The RLCC is doing its best to finalize this claim. There are bigger initiatives that are earmarked for the claimed land.

The Limpopo Department of Economic Development, Environment & Tourism has come up with an initiative that will change many lives, including the Motse Community. The initiative is called the "Moepel Farms Development Initiative", which involves about 28 330 hectares. This area has been identified as one of the prime destinations in the province. The initiative proposes to develop the Moepel farms as a massive nature reserve and the main objective is to conserve the unspoilt wilderness of the Waterberg whilst creating jobs for the local communities, including Motse Community. Several claimant communities will contribute some of their claimed land to the initiative.

It is envisaged that concessions will be granted to investors to develop game lodges to cater for various categories of the eco-tourism market. Furthermore, bush camps, ethnic accommodation, wilderness trails, etc. will be in the offing. It goes without saying that there will be a lot of service-related job opportunities. The sensible combination and integration of these activities and experiences should make Moepel Farms Development Initiative a true eco and adventure destination. It is estimated that 150 temporary and 300 direct permanent jobs will be created. The surrounding communities will also benefit indirectly by supplying fresh produce and artifacts to tourists. Surely this project will change the lives of the Motse Community.

GA-MASHUNG MATLALA COMMUNITY LAND CLAIM

Saturday, 28 October 2006 holds great memories for the Ga-Mashung Matlala Community. The day ushered in a new era for the community as the MEC for Agriculture in Limpopo, the Honourable Dikeledi Magadzi, who is also a beneficiary to the claim, together with the Chief Land Claims Commissioner, Thozì Gwanya, officially handed the land back to its rightful owners.

Research conducted by the Commission revealed that the community had occupied the land from time immemorial. The research also revealed that by 1923 the members of the Ga-Mashung Matlala Community had already been reduced to labour tenants on their ancestral land, working for three months in a year for the Europeans without any remuneration in lieu of a right to continue residing on the land. This gradual erosion of the community's rights in land culminated in their removal to places such as Pankop, Lady Selbourne and Phake.

The land restored to the community includes the Rust De Winter Nature Reserve, which is a popular tourism facility because of its pristine dam. The land measures 5070.5049 hectares. The cost incurred by the State in the settlement of this claim amounted to R21 782 560.00. The properties include the renowned Didimala Lodge and Kumnandi game farm. Other farms are utilized for cattle and poultry farming. Furthermore, the land which has been restored also borders the area earmarked for the Dinokeng Game Reserve, which is championed by the Gauteng provincial government.

The Office of the Regional Land Claims Commissioner: Limpopo and the Limpopo Tourism & Parks Board are currently assisting the Ga-Mashung Matlala Community with the process of inviting potential investors to develop the Rust De Winter Nature Reserve. The objective of this process is to develop the nature reserve into a world class eco-tourism facility, which will create a lot of jobs and generate income for the community. So far, a draft master plan for the restored land has been developed and discussions pertaining to its refinement are in the process. This plan will guide future land use on the restored land.

The RLCC has enlisted the assistance of the Department of Agriculture in facilitating a strategic partnership between the claimants and experienced farmers in order to ensure transfer of skills and sustainability of the farming enterprises. In the meantime, the land is currently being leased to the previous landowners, whilst long-term plans are being put in place in order to avoid its vandalism and deterioration. It is important to note that some of the claimed properties are still under dispute, with current owners disputing the validity of the claim. This part of the claim has accordingly been referred to the Land Claims Court for adjudication.



The pristine Rust De Winter dam located in the Rust De Winter Nature Reserve forms part of the land restored to the Ga-Mashung Matlala community





Regional Land Claims Commission:

OVERVIEW

Another year in the life-cycle of the Commission has gone by at a very fast pace. With the 2008 deadline looming, the theme in the office is Gijima! as staff race to settle the remaining claims. By 31 March 2007, the Western Cape office had settled 15 499 land claims - a huge achievement when one considers the enormous challenges that exist regarding land reform in general. Though not fully sanctioned by some people for to various reasons, this achievement will one day be fully appreciated by future generations.

Deputy Minister Dirk du Toit summed up the restitution process well when he said: "Restitution was not designed to make good for everything that happened, it is there to wipe away your tears."

The verification of claims under the auspices of Umhlaba Development Services, funded by the Belgian government, is progressing well. Since 2005, a total of forty-four churches, two institutional claims and twelve community claims were handed over to the development unit for settlement, following verification by external service providers. A total number of 14 000 persons will benefit from the settlement of those claims. This includes about 4 700 claimants, with an average of 3 beneficiaries per household. A total of 16 projects are currently undergoing verification by the compliance unit and service providers contracted by the Commission.

Seven of these claims are community claims, and nine are institutional claims.

Noteworthy is the excellent support we are getting from municipalities and government departments after the workshop that was held at the Cape Administration Academy, Kromme Rhee, and Stellenbosch on 18 March

2005. One of the objectives of the workshop was to bring the district and local government on board and to obtain their commitment for support towards the Commission's endeavour to settle all outstanding claims by 2008. The issue of mapping out a development framework for each project as part of the settlement support for restitution claimants is also being addressed with the various stakeholder groups.

We again wish to acknowledge the role played by claimant committees. Their continued support and cooperation under sometimes difficult conditions with pressure coming from all sides is truly appreciated.

ACHIEVEMENTS

A noteworthy achievement has been the settlement of the second phase of the Protea Village claim in Kirstenbosch on 24 September 2006. The community received 12,35 ha from the City of Cape Town and the Department of Public Works in this pristine area. There were initially some misconceptions from current residents in the area regarding how the restitution process would affect them. After the resident associations had meetings with the Protea Village Action Committee, everybody involved realized that the 86 returning claimant families were fellow South Africans moving in next door. In a letter dated 30 November 2006 from a lawyer's firm, the spirit of reconciliation was demonstrated again: *"Our instructions are to advise you that the Fernwood Residents Association resolved at its Annual General meeting that it will not proceed with an Application to review the Minister's decision and that it wishes to participate in the restitution process and assist returning residents wherever it can."*

Another noteworthy settlement was when 243 members of the Kwa-Mandlenkosi community in Beaufort West received an overall amount of R9 610 629,00 at a settlement ceremony on the 16th of December 2006. The handover ceremony coincided with the launching of the Ilima-Letsema campaign by Minister Xingwana, aimed at addressing the current problem, where vast amounts of arable land in the hands of communities tend to be underutilized. She encouraged communities, by breaking ground herself, to work the land which they receive.

The Western Cape has 1 610 outstanding claims which it has to settle before the 2008 deadline as set by the president. 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 receive their compensation. The Commission is, however, always trying to minimize mistakes and learn from them as it relentlessly tries to settle the remaining claims as soon as possible.

CHALLENGES

The office continued to experience challenges with regard to claimants who are untraceable. This includes claimants who have failed to notify the office about changes regarding their contact details. This presented a challenge for the office in its effort to obtain outstanding documents from claimants for verification purposes. Other challenges experienced by the office related to the following:

- High staff turnover is a challenge, as the office needs people with restitution work experience to settle all the outstanding claims in the last year of the life of the Commission.
- The workload on staff will always remain a challenge, as the restitution process is a labour-intensive process that is very taxing for both the officials involved and the claimants.
- The Post-Settlement Support & Implementation Unit's negotiations with the local government to allocate resources as part of settlement support for restitution projects remains a challenge, considering that the local government is faced with many other challenges such as the delivery of low-cost housing to beneficiaries as a matter of priority.
- Negotiating through the State Land Disposal Committee: Western Cape, to make State land available for restitution purposes also remains a challenge, considering the pressure that exists in the area to meet the housing deadlines due to the ever-increasing population growth.

SPOTLIGHT ON SIGNIFICANT CLAIMS SETTLED BY THE OFFICE:

Batch 4 Tenancy Claimant Pay-out - Paarl

A total of 272 claimants received financial compensation to the value of R25 580,00 for the tenancy rights which they lost when they were forcefully removed from Paarl. The payments were made place during the period from Sunday, 30 April to Sunday, 21 May 2006 at the Paulus Joubert Primary School in Paarl.

Approximately 6000 claimants lodged claims for tenancy rights in the Paarl area as a result of the forced removals. The dispossessions in Paarl were carried out in terms of the Group Areas Act No. 77 of 1957 and various other proclamations in terms of the Act. The land dispossessions took place as early as 1956. One claimant, Mrs. Z. Moerat, recalled how she was forced to sell her 687 m² erf to an estate agent for , £ 2 500,00 in 1956.

During the 1950s, Paarl was demarcated into five areas: Paarl North, South, East, West and Central Paarl. The northern, southern and western part of Paarl were proclaimed as white group areas. The Berg River was used as a natural boundary between the race groups and Central Paarl and East Paarl were proclaimed "Coloured" group areas. The African inhabitants of Paarl were forcibly removed to an emergency transit camp called, Langabuya. Later, some African people were deported to the now defunct "homelands" and others had to move to Mbekweni, a formal township in Paarl created to accommodate the African population. The coloured families living in Paarl North and West were compelled to sell their properties to the Group Areas Community Development Board and members of the white group population when these areas became "affected".

Hundreds of coloured families were moved from Paarl North and West to Paarl East, their newly declared residential area across the Berg River.



Claimants receiving their vouchers at the Western Cape offices.

Western Cape Land Claimants receive R33 million

The office paid out a total of R33 million in financial compensation for 2 644 claimants for the rights they lost as a result of forced removals from various areas around the city of Cape Town, including Goodwood, Parow,



Kensington, Rondebosch and as far afield as Paarl and Worcester. The payouts took place from 20 November 06 to 8 December 06.

In one instance, a total of 313 individual claims were lodged for 386 properties of various sizes for the Parow, Goodwood (Vasco, Acres, Richmond Estate) and Bellville areas. The claimants were dispossessed of their properties and moved to areas such as Ravensmead. While some of the people were allocated smaller municipal houses by the government of the day, others were not given alternative accommodation and were left to fend for themselves and find their own accommodation in places such as Elsie's River, Bellville South or Thorton. People were compelled to build "hokkies" in the backyards of those individuals willing to assist them. As part of the restitution programme, the 313 claimants received a total amount of R21 819 620,00 in financial compensation.



Mrs Van Gussling receives her certificate of ownership from the Deputy Minister, Mr Dirk du Toit.

12, 35 ha of land returned to ex-Protea Villagers - Kirstenbosch

Negotiations with the City of Cape Town, the Department of Public Works and the National Botanical Institute have led to the release of a part of the land under claim free of charge towards the settlement of the remaining 86 claimants who opted for land development as compensation for tenancy rights. A signing ceremony involving all the stakeholders took place on Sunday, 24 September 2006 as part of the settlement of the claim.

The 46 members of the community who opted for financial compensation received a total amount of R805 000.00 in May 2002.

The settlement agreement also makes provision for the establishment of a museum by the Protea Village Action Committee (PROVAC) in the stone cottages, in collaboration with the National Botanical Institute. The agreement includes grants valued at R381 840.00 as well as R2 101 954, 92 in lieu of the shortfall on the land due to the claimants.

Erven 212 and 242 owned by the City of Cape Town and the Department of Public Works respectively have been secured for release to the claimants. The City of Cape Town will provide the external bulk services for the two erven subject to budgetary constraints. The claimants will provide funds for the development of the 12, 35 ha land restored to them.

The Protea Village settlement, situated directly below Rhodes Drive and the Kirstenbosch Botanical Gardens, was incorporated into Bishopscourt in 1848. In 1957, a substantial area surrounding Table Mountain was proclaimed a white group area in terms of Proclamation No. 190 of 1957. In 1959, the inhabitants living in the Bishopscourt Estate area were removed and forced to find accommodation in areas such as Lansdowne, Steenberg and Retreat. The hub of Protea Village was a large concentration of cottages called the Stegman Cottages, where most people lived as tenants. By 1970, all the inhabitants of the Protea Village had been relocated to poor areas in various parts of the Cape Flats.

Financial compensation for Kwa-Mandlenkosi Claimants in Beaufort West

On 16 December 2006, the Minister of Agriculture and Land Affairs, Ms. Lulama Xingwana, and the Regional Land Claims Commissioner, Beverley Jansen, handed over an amount of R9 610 629, 00 to 243 members of this community for tenancy rights lost in the early 1960s. The claimants opted for the standard settlement offer, based on the housing subsidy amount of R31 929, 00 per tenancy right lost. The event took place at the Mandlenkosi Stadium in Beaufort West.

The handover ceremony coincided with the launching of the Ilima-Letsema campaign by Minister Xingwana, aimed at addressing the current problem, where vast amounts of arable land in the hands of communities tend to be underutilized. She encouraged communities to pool their financial resources and to identify projects such as farming, agro-processing activities, candle-making, etc which would contribute to the economic development of their area.



Regional Land Claims Commission:

OVERVIEW

The past financial year has been a year of great achievements for the Eastern Cape Regional Land Claims Commission. Apart from pushing hard for the settlement and finalization of all the outstanding claims, our office contended and responded well to a call by the Minister for the settlement of four big community claims. The true meaning of "Gijima" was evident and was literally put into practice and this resulted in these four big community claims being settled in the month of December alone.

The claims settled this year have been a good mixture and we take pride in the fact that we have settled claims that have brought tangible benefits to the recipients of land through the restitution programme. In this financial year, we have settled 42 claims. The claims have benefited 5648 households and 15 893 beneficiaries. In the rush to settle all the outstanding claims, 15 389 ha of land have been restored to the claimant communities.

At the same time, the Eastern Cape Regional Land Claims Commission participated in the Ilima-Letsema Campaign, which was launched by the Minister for Agriculture and Land Affairs and was aimed at encouraging people to work together to produce food and to fight poverty. This was the brainchild of the Minister to encourage people to plough and use the land effectively, after she had noticed vast hectares of arable land lying fallow and unused in most of the areas in the Transkei. In the Eastern Cape, the Ilima-Letsema campaign was launched together with the handover celebrations for Magwa.

ACHIEVEMENTS

The Eastern Cape Regional Land Claims Commission is

excited to showcase some of the land claims that have been settled with higher economic potential to generate income for the beneficiaries.

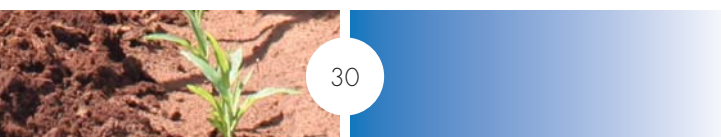
With the settlement of the Magwa and Majola community claims, we have seen a shift from the traditional delivery model of just restoring the land to the claimants: we have forged a strategic partnership between the claimants, development agents and the municipalities. The settlement of these claims resulted in ordinary communities taking over the huge tea plantations and it is hoped that these projects will have direct economic spin-offs and a positive impact on poverty alleviation and the general lives of the local communities. These claimants have made the best choices for the settlement of their claims by assessing their situations and correctly identifying the options that would make the restitution process leave them with an improved standard of living. With the assistance of South African Farm Management (SAFM), which is a strategic partner, business plans will be developed to revive both tea estates in Magwa and Majola in order to become profitable and therefore able to create employment and sustain the local communities.

We have leveraged the full potential of partnership between the municipality and the claimant communities by settling the first community claims on municipal commonage land, i.e. the Izini and Ntshamathe community claims in the Mbizana local municipality. Here we have seen the real alignment of national, provincial and local government strategies and plans in a very sustainable manner to ensure effective utilization of land that has been restored to the communities.

We are also excited that, through the settlement of other claims for financial compensation, we have contributed to the national cause of addressing the immediate issues of poverty that relate to basic needs and resources. By paying out financial compensation to thousands of victims of racial dispossessions, we have responded well and contributed to the government's integrated poverty alleviation strategies. More tangible results of such settlements still remain to be seen.

CHALLENGES

The greatest challenge that lies ahead of our office is the settlement of all outstanding claims, more especially the outstanding rural claims for forestry and conservation areas. However, we have set ourselves a clear operational plan on how to deal with the challenge.



As our focus is now on settling the rural claims, which are very complex by nature, we are faced with challenges related to chieftainship and boundary disputes between the communities. This challenge is compounded by the unavailability of documented evidence.

We are also facing challenges in reaching agreements when negotiating the big claims and this is largely due to the contested valuations and disputed validity of the claims by the current owners or the claimants. This has resulted in some of our cases landing in the Land Claims Court for adjudication.

One of the challenges is to improve more on our relations with our stakeholders. Together with the local and district municipalities and other important stakeholders, we have managed to gain more insight into the challenges that faced us and have managed to make breakthroughs. Our challenge now is to strengthen such relations. With evident fruits of such relations, we are pressing forward with vigour to settle all outstanding claims by 31 March 2008.

Another challenge is to build a more formidable post-settlement strategy that will also include the capacity building for our beneficiaries within our scarce time and capital resources. We have to put in place the mechanisms to ensure that they receive training and mentoring.

SPOTLIGHT ON SIGNIFICANT CLAIMS SETTLED BY THE OFFICE

Magwa Community Claim

One of the successes of land restitution in the Eastern Cape was the restoration of 12 215 hectares of land, which consists of 2 800 hectares of tea plantation, to three Magwa communities, namely Mandebeleni, Lambasi and Ntlavukazi. The Magwa communities were forcefully removed from their land and had their traditional system severely affected in 1961, when the so-called 'betterment planning' was introduced in the area, and this heralded the beginning of what was to be known as "Congo War or Pondo Revolt".

The settlement of the Magwa community claims benefited 1651 households, which were also paid R 30 000 each for the loss incurred by the claimants at the time of dispossession in respect of residential land and structures. The total cost for the settlement of the Magwa community claims was R 62.2 million and this comprises R 20 million for financial compensation, R 18.1 million for development



Minister of Agriculture and Land Affairs, Lulama Xingwana during the Letsema/Ilima launch at the Magwa Tea Estate in the Eastern Cape province

funds, R 7.7 million for restitution grants and R 16.8 million in additional financial aid for management and sustainability of the Magwa settlement in terms of Section 42 (C) of the Restitution Act. The settlement of these claims also meant the revitalization and rehabilitation of the tea estate in a manner that seeks to optimize the benefits for the Magwa communities whilst alleviating poverty in the area.

Majola Community Claim

Another significant settlement for the Eastern Cape Land Claims Commission is that of the Majola communities, which also comprises three villages, namely Luthengele, Majola and Machibi. The settlement of the Majola community claims benefited 1116 households that were forcefully removed from their 698.40 hectares land in 1965 and 1977 after the area was declared a "betterment area" and subsequently identified for the establishment of tea plantation in terms of Proclamation No. 116 of 1949, the main intention of which was to satisfy the provisions of the Land and Development Act of 1936.

Through the settlement of these claims, 698.40 hectares of land, including 450 hectares of tea plantation, was restored to the claimants, and the claimants were paid R 30 000 per households in financial compensation for the loss of residential land and structures at the time of



Minister of Agriculture and Land Affairs, Lulama Xingwana hands over a certificate to commemorate the handover of Majola tea estate to the Chairperson of Majola Trust Mr. Marriot Sithole, Mayor Mtakati Dudul'isikhova looks on.

dispossession. The total cost for the settlement of the Majola community claims was R 33.6 million and this consists of R 15.9 million in financial compensation, R 8.4 million for development funds, R 4.9 million for restitution grants and R 4.5 million in additional financial aid for the management and sustainability of Majola settlement in terms of Section 42 (C) of the Restitution Act. The settlement of these claims provided the people of Majola with an opportunity to enhance their quality of life on a significant scale through the revitalization of the tea plantation in the area.

Izinini Community Claim

The settlement of the Izinini claim benefited 1279 households, including 814 households that were originally dispossessed of their land rights and had their houses demolished as a result of dispossession, and 465 households that had user rights and were using the land for grazing purposes. The settlement of this claim resulted in a combination of land restoration and payment of financial compensation to the claimant households for the land that could not be restored to them. Part of the commonage land, i.e. forestry plantations of 1629 hectares, was restored to the community, and each dispossessed household was in turn paid R 50 000 for the land that was not restorable and for the loss of their residential land and structures which were demolished as a result of dispossession. The total monetary value of this claim was R 49.5 million, including R 37.1 million paid in financial compensation, R 6.4 million for development, R 5.5 million for restitution grants and R 431 787 was given to the community as additional financial aid in terms of Section 42 (c) of the Restitution Act.

Ntshamathe Community Claim

This claim was lodged for the municipal commonage land

and was settled, resulting in the formation of a partnership between the municipality and the claimant community. The settlement of the Ntshamathe community claim benefited 1396 households, which were dispossessed of their right to land when the municipal boundaries were demarcated and the Bizana Village Management Board (VMB) was established.

The settlement of this claim also resulted in a combination of land restoration and payment of financial compensation to the claimant households for the land that could not be restored to them, as it is currently where the town of Bizana stands. However, 152 hectares of land have been restored to the community to be used for their development projects. In addition to that, each household was paid R 50 000 in lieu of the land that was not restorable and in recognition of the fact that the claimant households lost their residential land and their houses were demolished at the time of dispossession. The total monetary value of this claim was R 89 million, consisting of R 70.7 million paid in financial compensation, R 12 million for development, R 6.1 million for restitution grants and R 133 000 was awarded to the community as additional financial aid in terms of Section 42 (c) of the Restitution Act.

Burgersdorp community claim

This claim benefited 201 households that were dispossessed of their right to land in 1947 when their area was declared in terms of and affected by the Group Areas Act. The settlement of this claim resulted in the payment of financial compensation to the amount of R 7 million, with each household receiving R 35 190.

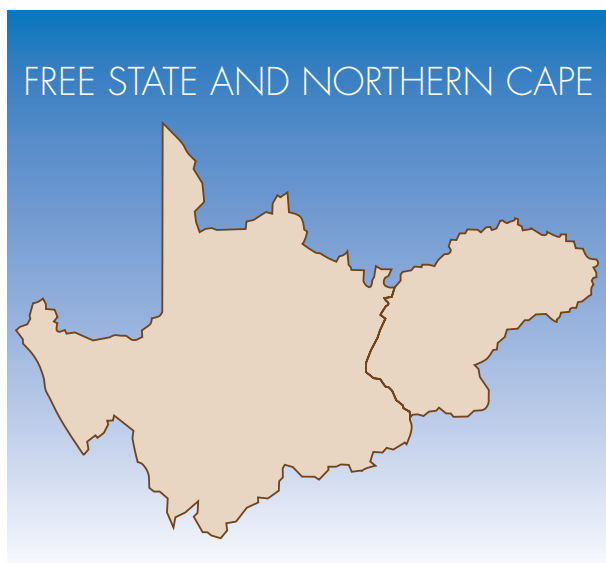
Jamestown community claim

This is a community claim that was lodged in respect of the land that was dispossessed when the Jamestown district was declared a Group Areas affected area. The settlement of this claim benefited 268 households and the cost of settlement was R 12 million, with each household received money ranging from R 46 615 to R 47 000 in financial compensation for the rights which were lost as a result of dispossession.

Tarkastad group claim

We have also settled the Tarkastad group claim, comprising 3552 households that benefited from the R 42 million approved as financial compensation for the rights which they lost when they were removed and displaced from their land as a result of their area being declared a Group Areas affected area.





Regional Land Claims Commission:

OVERVIEW

In evidence of the hard work carried out in the two provinces, the office is pleased to report that it has expended its entire budget allocated for the 2005/2006 financial year. This is in line with the high drive mode of personnel based in the Free State and Northern Cape offices in a quest to settle all claims by 2008 as per presidential directive. The office would therefore like to commend its staff members for their dedication and for a job well done.

This report will further indicate that not only did the office manage to spend the budget, but that the office even went beyond the allocated budget for the settlement of claims. A total of R151 million was allocated for the financial year, but R290 million were spent on claims settled by the Northern Cape office.

All the claims settled during the year under review were urban claims. The primary reason for this focus was to honour the directive issued by the Minister to have all urban claims settled by March 2006. The office has in total settled 2582 claims in the Free State and 3623 claims in the Northern Cape to date. The total settlement of claims for both offices is 6205.

The total number of outstanding claims within the Regional Land Claims Commission Free State (100) and Northern Cape (229) is about 329. Most of the outstanding claims are rural claims earmarked for finalization by 2008. The

office has scheduled a strategic planning session towards the end of May 2007, where the focus will be on strategies to fast-track the settlement of all the remaining claims.

ACHIEVEMENTS

In the Northern Cape, the most significant claims settled were the Droogfontein and Vaalboshoeck (Sidney on Vaal) claims, which, when combined, involved 385 households and 1790 beneficiaries. The total settlement cost for Droogfontein was R43 981 714.00 and R50 502 292.00 for Vaalboshoeck (Sidney on Vaal).

The most significant claims settled in the Free State were the Goldfields urban claims. The Goldfields urban claims were combined, since the disposessions were similar in nature. The claims involved 674 claimant families and were settled through a combination of a financial award and housing development. The hand-over ceremony of the title deed to the Herschel claimant community was also one of the major highlights in the Free State. Even though the claim was settled in 2002, the official hand-over took place on 24 October 2006. The total award for this claim was 3 816 792.63, which benefited 129 households with 774 beneficiaries.

The signing of the memorandum of understanding valued at R30 078 698.40 towards a housing development for claimants in the Thaba Nchu area by the M.E.C of Department of Local Government and Housing, Mr. Joe Mafereka, and the Chief Land Claims Commissioner, Mr Thozzi Gwanya, highlighted the commitment of the Commission and the provincial government to provide settlement support for restitution claims that have a housing development component.

The commission brokered an agreement with the Executive Committee of the House of Traditional Leaders in the Free State. This agreement will expedite post-settlement support for claims that involved misunderstandings with the traditional leadership.

CHALLENGES

- The office is still experiencing a high staff turnover. A staff retention strategy has been proposed to the Ministry as well as to the DPSA.
- Current landowner's negative position on claims prolongs the process. Expropriation has to be implemented to expedite processing of such claims.

Pniel is one of the examples of measures taken by the office to address such delays.

- Procurement is still a challenge, as it takes the Shared Service Center (SSC) longer than expected to appoint service providers. SSC and our Admin Unit are in the process of developing a strategy to address this issue.
- There are a limited number of service providers to render services like valuation and research. This resulted in the same service providers being allocated more work, resulting in some deadlines being missed.
- Community dynamics in terms of family conflicts and external interference by potential partners in terms of joint ventures. We still need to be robust in countering unscrupulous business people who take advantage of our communities. It should be noted that the Commission works only in the interests of our claimant communities. The Commission will do everything in its power to prevent such mishaps; even if that means that the Commission should take legal action to deal with such individuals.
- The increased volume of cash pay-outs through the distribution of vouchers will further stretch our current capacity. More staff will be deployed to deal with this matter.

SPOTLIGHT ON SIGNIFICANT CLAIMS SETTLED BY THE OFFICE

NORTHERN CAPE:

Droogfontein Community Claims

The community of Droogfontein was blessed with the presence of the Minister of Land Affairs, the Honorable Ms Lulama Xingwana, together with the Provincial M.E.C for Agriculture Mrs Tina Joemat-Pettersson, during the handover celebration held on the Droogfontein farm.

The Farm Droogfontein is situated approximately 25km north-east of Kimberley. Initially the farm was owned by Mr. Tom Hill, who was married with two children by the name of Thelma and Jimmy Hill. After the death of Mr. Hill, the property continued to be managed by his wife and two children under title deed number T 708/1955. In the early 1920s, an agreement between the community of Droogfontein and the owner of the land was reached. The agreement entailed that people could stay on his farm, provided that those with livestock will then have to pay

grazing fees. Even though the agreement was verbal, it was still respected and enforced by his wife long after his death.

The dispossession of the Droogfontein farming community started around 1947 and continued until 1952. At the time of removal, the community members did not have any title deed to the said property, even though they had stayed there for more than three decades. Plans were made to move the community to the adjacent property which was owned by the Kimberley Municipality.

The municipality instead alleged that it had received a number of complaints about the natives' unruly behaviour, trespassing, alcohol abuse and squatters on the Hill Estate. The municipality communicated its intention to erect a fence, and that all natives entering the property would have to produce permits. Failure to produce such permits would result in natives being charged with trespassing. The advisory board rejected the municipality's plan.

This did not deter the municipality from their plans to evict the community of Droogfontein. As the municipality removed people whom they regarded as squatters from the Hill Estate, only a few remained behind and those were employed at the municipality's water purification plant and the Riverton pleasure resort. As part of their employment contracts, the workers were provided with houses at a settlement for municipal workers. The rest of the community members were moved to areas such as Kimberley, Barkly West and other nearby farms.

A total number of number of 445 households benefited from the settlement award of R43 981 714 for the restoration of 12057.293 hectares of land.

Successful land use participatory planning has been completed and the claimants have identified tourism, settlement, and the possibility of mining, agriculture with irrigation and livestock. The committee has signed a 6-month caretakership agreement with the previous land owner for continued support and skills transfer.

Farm Vaalbos (Sidney on Vaal) Land Claims

A day after the Droogfontein handover celebration, on 3 September 2006, the Vaalboshoeek claimant community members had their chance to celebrate the handing over of their land. The Minister of Agriculture and Land Affairs, Ms Lulama Xingwana, together with the Provincial M.E.C for Agriculture, Mrs Tina Joemat-Pettersson attended the event.



In 1998, the Commission received claims lodged by the late Reverend John K Kweetsane on behalf of the community. A family claim was lodged by Mrs. Sarah Ruiters on behalf of Mr. Hendrik Langeveld as the originally dispossessed person. A third restitution claim was lodged by Mr. Petrus Johannes Riddles, also on behalf of the Sidney on Vaal Community. The claimed land is situated in the Barkly West district and is approximately 15 kilometres from Barkly West. This area is rich in diamonds and lies along the Vaal River.

A total number of 269 households with 1345 beneficiaries benefited from the total settlement cost of R50 502 292.00 during the hand-over. Some 118 households opted for financial compensation, whilst 88 households opted for restoration to 18 121, 8305 hectares of land.

The state acquired Vaalbos National Park from SANParks (the previous owner). SANParks has set up a new national park at Wentershoek. The CPA is now the current caretaker of the land, while the Commission is facilitating the transfer of title deed. A land use plan has been developed with the involvement of the claimant community.

This claim was settled in two phases due to an objection to the claim from Guilford Limited, a mining company that owns a portion of the land under claim. By agreement, the Commission and the land owner decided that the land owner will not proceed with the court action. The land owner would instead await the detailed research report from the Commission.

In June 2006, a meeting was held to discuss the way forward; the land owner still objected to the validity of the claim, but at the same time was willing to negotiate a deal. The deal entailed a condition that the owners be allowed to mine Vaalboshoek National Park and would then withdraw their objection to the claim.

An offer of R9.1 million was made by the commission to the current land owner; however, this offer was rejected. The land owner instead proposed an amount of R55 million. This amount was not supported by any valuation report, even though one was requested. A deadline for the submission of the valuation report from the land owner passed and no report was forthcoming. The expropriation proceedings were initiated, as negotiations had been prolonged. The Commission has currently commenced with expropriation of the remaining portion. A notice of possible expropriation is en route to the Minister for her approval in terms of Section 42E of the Restitution Act.

FREE STATE:

Herschel Community Claim

On 24 October 2006, the office organized a press conference as part of the handover celebration for the Herschel Community claim. A total of 15 members of the committee representing the claimant community, including the former Regional Commissioner, Sugar Ramakarane, formed part of the event. Members of the local and national media were briefed on developments regarding the claim.

Herschel - Farm Roodewal No 137 and the farm Thabong no 832, Thaba Nchu fall under the jurisdiction of the Motheo District Municipality in the Free State. The claimed property is known as Palmietfontein No. 82, located in the Herschel administrative district of Sterkspruit. The farm is situated 70 km from Bloemfontein and about 12 km from Thaba Nchu.

In 1978 about 129 families were recorded to have left Herschel and to have resettled in the Phuthaditjhaba former homeland of Qwaqwa. In 1975, the districts of Herschel and Glen Gery were excised from the Ciskei by proclamation 95 of 1975 on 25 April 1975, without consulting the community and in 1975 by Proclamation R245/1975 transferred to Transkei on 17 November 1975. The community had stated in a referendum that they did not wish to lose their South African citizenship, as the Transkei at that time was deemed to be another country, yet part of South Africa, because it was given nominal independence by the South African government.

The move to incorporate the Herschel and Glen Grey districts into Transkei led to harassment of the Herschel residents opposed to this move by the Transkei government, resulting in mass removals. Many other tribes within Herschel moved to various destinations, whilst this group, led by Chief Malefane, left for Phuthaditjhaba. Three other clans left for Thornhill, under Chief Bebeza of the Amavundle Tribal Authority. A total of 129 are to benefit from the settlement of this claim. About 79 families have opted for lands restoration whilst 50 families opted for financial compensation.

The total monetary value of the claim is R3 816 792.63. The amount is inclusive of financial compensation for 50 families as well as settlement and development grants for the 79 families who opted for alternative as compensation for their lost rights. A total of 511, 9078 ha of land was restored to the community.

THE GOLDFIELDS URBAN CLAIMS

These urban claims involve approximately 674 claimant families. The claims were grouped together due to the fact that the dispossessions took place under similar circumstances as a result of the implementation of the Group Areas Act. The areas involved are Odendaalsrus (Marobe) (435), where a group claim was settled on 17 April 2006; Henneman (129), where a group claim was settled on 26 June 2006. The Wesselsbron (130), group claim was settled in 2005. Combined together, the value of the claims amounted to R30 606 160.00, paid out to 11 531 beneficiaries. Out of this amount, R24 million will be spent on financial compensation and the remaining R6 million on housing development.

This money was injected into one area, i.e. the Lejweleputswa District Municipality, which covers a radius of about 200 square kilometers. Thus this money has been spent on driving back the frontiers of poverty in an area that has seen an increase in the unemployment rate due to the slump in the gold price, which subsequently led to the closure or downscaling of gold-mining operations in the vicinity of the claimed lands.

In avoiding a cheque book type of restitution, negotiations were entered into with municipalities, which culminated in a developmental option. Therefore some of the claimants will be beneficiaries of housing developments within their localities.

Thus far, the Commission has made payment to the value of R10 188 537.23 to about 50% of the claimant families. The outstanding amount of financial compensation is R13 901 462.77, which will be paid in phases.

The following have resulted in delays in the payment process:

- Claimant families are not coming forward with the documents necessary to effect payments. Efforts are being made to create dedicated teams that deal specifically with payments and the collection of outstanding documents from claimants.
- Claimant families have disputes and these disputes are causing delays in the payment processes. Experienced project officers on dispute resolution will be deployed for such cases.
- Untraceable claimants. These claimants have not come forward for verification; therefore payments can not be effected. The office has developed a communication strategy, the "Sizo Bathola" campaign to address this matter.

Pniel Community Claim

The Pniel Farm 281 in the Northern Cape Province became the first property to be expropriated by the State in line with Section 42E of the Restitution of Land Rights Act, No. 22 of 1994 as amended. The farm, which was previously owned by the Evangelical Lutheran Church in South Africa (ELCSA), is now vested in the State. An amount of R28 400 000.00 has been paid into the church's bank account. The amount constitutes 80% of the total amount of R35.5 million which will be paid to the Church in compensation for the property, which measures 25 200 ha.

As negotiations with the landowners regarding the price for the land dragged, the Commission had no option but to recommend expropriation in terms of section 42E of the Act to the Minister. On 5 October 2006 the Minister approved the Section 42E Memorandum for the Expropriation of Pniel 281.



Chief Land Claims Commissioner, Thozzi Gwanya addresses some members of the media during the physical takeover of Pniel Farm in the Northern Cape by the State on 15 March 2007

A notice of possible expropriation was then sent to ELCSA to inform them about the Department's intentions. In line with the provisions of the Act, ELCSA was given 21 days to present a written response to the notice in order for the Minister to make a final decision. The church was afforded an elaborate hearing to present its case. On 1 November 2006, ELCSA requested an extension to respond until 30 November 2006 so as to provide a more detailed response.

The expropriation followed the approval by the Minister for Agriculture and Land Affairs, Lulama Xingwana, after negotiations between the State and the church reached a stalemate. The expropriation came into effect on 26 January 2007 and the State effectively took possession of the farm on 15 March 2007. The farm is administered by SAFM on behalf of the State. SAFM is also expected



to draw up a business proposal plan in consultation with the community to ensure that the land is optimally used to benefit the claimants.

Section 9(1) of the Expropriation Act, requires that the church must submit a written statement to the Minister within 60 days, indicating whether or not it accepts the compensation offered for the land. Within the 60-days period, the church must also provide details of any contracts of lease or sale; any builder's lien; or any other right to which the property is subject. ELCSA has submitted a written correspondence, indicating that the church does not accept the amount of R35.5 million offered by the State. The Commission is in the process of reviewing the correspondence received from the church.

Palmietfontein Claim – Unveiling of the Reverend Kgoronyane Bust

The Reverend Goronyane bust was unveiled during an occasion hosted by the Commission, together with the Department of Sports and Culture, in the Free State province. The event was held at the Rusfontein Dam on Palmietfontein farm on 29 September 2006. The M.E.C for Sports and Culture, Mrs Susan Mnumzana, and the former Regional Land Claims Commissioner, Mr. Sugar Ramakarane, attended the event. In a long-anticipated gesture, the M.E.C for Local Government and Housing, Mr. Joe Marefeka, unveiled the Goronyane bust.

Rev. Goronyane was one of the pioneers of land struggles in Thaba Nchu during the early days of the promulgation of the notorious Land Acts of 1913 and 1936, which disadvantaged the majority of Africans. He was the first black minister and land owner in Thaba Nchu. He became a member of the Becuana Mutual Improvement Society, which represented the interests of the black land owners in Thaba Nchu. His contribution to education and religious activities will always be remembered by those who knew him, especially within the Methodist church fraternity.

In pursuance of the redress of past injustices, the Regional Land Claims Commission for the Free State and Northern Cape offered the Goronyane family alternative land and honored Rev. Joel Goronyane through the erection of the bust. The bust will serve as a symbol of reconciliation to the family and all those affected by racially motivated dispossession.

The event formed part of the heritage month celebrations in the Free State. The unveiling of the bust of Rev. Joel Goronyane will remain an historical symbol for generations to come.

Message by the Free State Commission on the Rev. Goronyane bust

"The Restitution Programme is a constitutionally inspired programme which seeks to redress injustices of our unfortunate past. In pursuance of such ideals, the Regional Land Claims Commission for the Free State and Northern Cape has offered the Goronyane family alternative land and honoured the late Rev. Goronyane through the erection of this bust. This gesture serves as a legacy of reconciliation to the family and all those affected by racially-motivated dispossessions."

Finalization of the claimant verification process

The office successfully conducted the verification of claimants in terms of the national campaign initiated by the Minister in 2005. Service providers were appointed through the support of Belgian funding. Most of the service providers finalized their work within the prescribed timeframes. This will enable the office efficiently to determine the monetary value of claims on the basis of verified claimants and to minimize risks during the payment periods.

A project coordinator on verification was appointed for the Regional Land Claims Commission: Northern Cape from July 2005 onwards and has been actively involved in the co-ordination of the verification of claims. The coordinator completed his function in July 2006. Almost 90% of projects outsourced by the RLCC have been completed. The remaining projects have been dealt with internally, as most of the work was outsourced. The Commission has covered a lot of ground since the verification of claims has been outsourced to external service providers. Along with that process, a number of challenges and successes were experienced. These served as guidelines to a verification approach used by both the Regional Land Claims Commission and service providers for the verification of claimants within communities.

The Chief Land Claims Commissioner, Thozzi Gwanya and MEC for Housing in the Free State Mr. Joe Marefeka during the signing of the Memorandum of Understanding between

the Provincial Department of Housing in the Free State and the Commission on Restitution of Land Rights for a housing development project for restitution claimants in the Thaba Nchu area.





Regional Land Claims Commission:

OVERVIEW

The year under review has brought many positive results. The Mpumalanga Land Claims Commission has moved in a robust State-driven approach to intensify the pace of settling claims in the province. We still acknowledge that much more work needs to be done to accelerate the pace of the settlement of the claims in the province. We are excited and thankful about the support played by role players such as various government departments, municipalities, farmers' unions, claimants and land owners in their participation in the Land Restitution Programme.

In this financial year alone, the Commission has transferred 113 238 hectares in the rural communities of the Mpumalanga Province at a value of R1.3 billion. The beneficiaries in the urban areas opted for financial compensation for various reasons, such as old age, social instability and problems associated with relocation. In the Mbombela area, a substantial number of the beneficiaries received their monetary compensation.

From our previous experience, settlement support and development to the new owners of the land is critical for the purposes of development and sustainability. For settlement to be sustainable, we have continued to forge partnerships with strategic partners such as South Africa Farm Management, municipalities, the Provincial Department of Agriculture and Land Administration, the National Development Agency and agro-business companies to assist with providing capital, mentoring, capacity building, skills development.

Also, through our business process, we have created a workable dialogue with both internal and external clientele. We have managed to open channels of communication

with the media and various stakeholders at local, provincial and national level.

ACHIEVEMENTS

We are encouraged by the farmers' willingness to cooperate with the office towards the settlement of claims which has increased over the years. We managed to restore more than 60 000 hectares of highly commercial land to the communities. The settlement of the Tenbosch claim valued at R601 million to about 10 000 beneficiaries is one good example of our accomplishments during the year under review. The claim involves approximately 19 000 hectares of land.

The cooperation received from the various institutions including the business sector and the provincial government in fast-tracking the process of land restitution is truly appreciated.

CHALLENGES

There has, however, been frustration regarding delivery of services from support units (supply chain management, legal) which had led to delays in meeting targets as per the office strategic plan. There has also been an alarming exodus of staff, thus exerting enormous pressure on the limited existing skeleton staff that has shown incredible courage in its resolve to serve the clients.

The resistance to the land restitution programme in some parts of the province remains a key challenge, as it stalls the finalization of claims. The Commission intends to apply the expropriation clause in the Restitution Act, as well as to involve the Land Claims Court in addressing these challenges.

Untraceable claimants lead to difficulties in obtaining relevant documentation which assists in the research, verification and finalization of the claims we package for the approvals. Inter-tribal disputes remain an inhibiting factor for the Commission's attempts to facilitate a cooperative and swift process of settling claims.



SPOTLIGHT ON SIGNIFICANT CLAIMS SETTLED BY THE OFFICE

Nhlapho, Sidu and Ntuli Families – Dalmanutha Farm

On 13 August 2006, the community celebrated, because through the settlement of their claim, the Commission has taken away their shame. The event symbolized the community's discarding of their garment of humility, which they were forced to put on for many years.

The event took place at the Dalmanutha 376 JT farm, situated about 24 kilometres from Belfast along the N4 toll road from Machadodorp in the magisterial district of Belfast in Mpumalanga Province. The property measures 2 906 hectares. The land was forcefully taken from the community by the previous government during the period between 1962 and 1993.

The communities were dispersed to various localities within the so-called "scheduled" or "released" areas such as Kwamhlanga, Kwaggafontein and other areas within the developing Bantustan of KwaNdebele, which was established in terms of the Promotion of Self-Government Act (Act 46 of 1957) and the Self-Governing Territories Constitution Act (Act 21 of 1971). Their rights were gradually reduced by the farm owners to those of labour tenants, and those who resisted were issued with "trekpasses" and removed from the farm with the help of the police and the abovementioned legislation.

Dignitaries who graced the ceremony included the MEC of Agriculture and Land Administration, Madala Masuku, the Chief Land Claims Commissioner, Thozzi, Gwanya, the Local Municipal Mayor for Emakhazeni, Councillor Linkie Mohlala, the Acting District Mayor for the Nkangala District, Councillor Thembanani Maseko, and many others. The newly appointed Minister for Agriculture and Land Affairs, Lulama Xingwana, presided over the event.

Speaking during the occasion, Councillor Mohlala assured the community of support in the development of the restored land. She appealed to the Minister to speed up the settlement of claims in the area. Another speaker, Mr Mthombeni, urged the community to utilize the land in a profitable manner.

The Minister warned all the uncooperative land owners that "if they want to play hard" they leave the government with no choice but to expropriate the land in line with

the provisions of the Restitution Act. She encouraged the community to consider bio-fuel crops, as their land has a high potential in this regard. Agricultural products specifically grown for use as biofuels include corn and soybeans, flaxseeds and rapeseed, sugarcane, as well as palm oil. Soybean production is concentrated in the Mpumalanga and Free State areas.

The Minister cautioned the community not to expect huge dividends soon when they have not even begun ploughing money, time and energy into their land. She urged them to make use of the MEC's office to access agricultural assistance programmes such as the Comprehensive Agricultural Support Programme (CASP). She applauded the community for opting for land instead of financial compensation. "Money perishes but land is profitable," she said. "This land will be used by generations to come."

Ludlambedlwini Community Claim

The Ludlambedlwini Community claim consists of 23 properties and about 4 000 beneficiaries at a value of R 79 million. The claim covers approximately 8147.9784 hectares of land in the Gert Sibande District Municipality area. The land is predominantly a forestry area with a rainfall average of between 800-1 000 mm per annum. Plantations found in the area include Eucalyptus Macarthurii and E Niten.

The process of dispossession of land involving the Ludlambedlwini community was two-fold. The initial dispossession occurred as the community was ordered to move from the area to make way for timber plantations. The people moved from one farm to the other as the plantations increased. The second phase of dispossession occurred after the demarcation of the KaNgwane homeland. The community was ordered to move to areas that were demarcated for African occupation.

As part of the settlement process, a land claim committee was formed to represent the interest of the claimant community. A legal entity has been established in terms of the Trust Property Control Act, Act 57 of 1988. The committee is responsible for facilitating developmental planning for the sustainability of the projects in the area. A process is in underway to find a management company that will assist claimants in managing their plantations while at the same time assisting with the issue of skills transfer to the claimant community.



Minister of Agriculture and Land Affairs, Lulama Xingwana during the Nhlapo, Sidu and Ntuli land hand over celebration

Ndwandwa Tribe – Lushangwe Community Claim

Around the 1800s, prior to the establishment of the boundary fences between South Africa and Swaziland, King Mswati II of Swaziland had two regiments fighting the Sotho-speaking people in a large part of the Badplaas area.

As a result of those fights, the Swazis claimed ownership of the area which is today divided into a number of farms and sub-portions. According to history as narrated by the claimants, the whites started flocking into the area by 1836, and around 1866 new boundaries were established. The Swazis then organized themselves in a communal way, led by chiefs and indunas.

A large number of the communities were forcefully removed from the land between the 1940s and the 1980s. The result is that most of the claimants are now staying in one of the overcrowded areas identified by the past regime through the Group Areas Act, called Elukwatini (Eerstehoek).

The approval of phase one of the claim by the Minister of Agriculture and Land Affairs Ms Lulama Xingwana led to the restoration of land to 14 000 beneficiaries and 2 000 households, including 100 female-headed households. Grotto and Engelschedraai are big tourism areas. The office has so far spent an estimated R 56 million to purchase more than 9 000 hectares of land for the claimants.

Currently the farms contribute substantially to the gross domestic product. Overseas investors and strategic partners have developed a good business partnership with the farms in the area. The Simunye Dlomdlomo

Badplaas Development Forum, which is composed of members of the Regional Land Claims Commission: Mpumalanga, the Provincial Department of Agriculture and Land Administration, the National Department of Housing, the Provincial Land Reform Office, the Albert Luthuli Municipality, Tourism Badplaas, the land owners and claimants have set a concrete and more focused vision as a foundation for the success of the project.

Ngoanesi Community Project

The farm Weltevreden 257 just outside Nelspruit, about 10 km from the Sudwala caves in Mpumalanga, was given back to the Ngoanesi community in November 2004. The Ngoanesi community consisted of Nguni-Swazi and Sotho-Pedi-speaking groups who were removed from the land to establish forests in the Makobulaan area.

The Regional Land Claims Commission restored 295 hectares to 733 households, at a cost of R 11 million to the state, from the Appleton family.

The community has acquired a strategic partner, ekhaya iAfrica, to assist them with the operation of the Riverwild lodge which forms part of the property. ekhaya iAfrica is a private management and consulting company that specializes in the assessment, planning, community development, management and monitoring of tourism projects and services in Southern Africa, Swaziland and Mozambique, which was formed in 2004.

Issues of sustainability, job creation skills transfer, the marketing and promotion of River Wild, technical and logistical support remain high on the list for the community.

Some of the challenges faced by the new landowners included bad publicity from the media regarding the sustainability of the business, including the fact that the company was declared permanently closed in the websites. eKhaya iAfrica and Ngoanesi Trust have employed Norman Rogers as the Lodge Manager. The new Lodge Manager has promised to develop a good working relationship with the provincial government department as a start and take that relationship to a higher level. He also promised to tap on his passion for conservation, nature and tourism to nurture the River Wild & River's Edge ventures.

River's Edge and River Wild – both unique in their setting, offer guests a choice of accommodation and ambience to experience. Some of the highly successful events include management/union interface, workplace interaction and



motivational seminars. It also offers social events such as family weekends, 4X4 driver training, 4X4 driving, adventure training clinics and youth camps and some outdoor activities such as abseiling, a 4X4 trail, hiking and mountain biking.

Hlangwini Community Project

The farm Lisbon 297 KU was officially handed to the Hlangwini community on 14 August 2004. The farm is situated in the magisterial district of Pilgrim's Rest in Mpumalanga Province. The property is located 5km from the Kruger National Park's Hazyview-Skukuza Road entrance.

At the time of restoration, the farm was on State land belonging to the former Gazankulu under the Department of Agriculture and used as a large-scale agricultural farm for mangoes and citrus, with the other portion not utilized. The claimants discarded the option of resettlement on the farm and agreed on the continued land use of the farm. The biggest challenge, however, was inheriting the 150 workers at the farm who are not beneficiaries. As a result of this set-up, most of the community members are unable to find employment at their own farm but are only taken as seasonal employees. The situation is exacerbated by the fact that the claimant community consists of over 836 households. Altogether, this translates to a community of about 3000 households, 60% of whom are unemployed.

A strategic partnership has been formed with Slip Knot Investment (Boyes Group) and there are currently two farm managers who assist with the day-to-day running of the farm. Fanie Kritzinger, the Packhouse Manager on the farm, described his duties in a nutshell: He conducts a routine inspection of the mangoes, oranges, grapefruit as well as lemons to see that they meet the minimum requirements of the government, Kaapsan, as well as the Perishable Product Export Control Board (PPECB). He explained the importance of taking extra care of one's produce as the market, especially the international market, can easily reject one's products if they are not up to standard.

The farm has a marketing partner – Seven Seas - which is responsible for ensuring that the farm receives competitive return for its products. Seven Seas also provides information on current marketing trends. Mr Kritzinger spends some of his time passing on his expertise knowledge of product management to farm workers.

With good financial planning, the community has an opportunity to use the R16 million cash boost which they

received as part of the restitution award to implement their business plan successfully. Part of their plan is to use some of the money for eco-tourism development.

Part of the community's future plans include:

- Training for the first group of beneficiaries at the Agricultural College in Nelspruit, who will thereafter be gainfully employed on the farm.
- Replacing old trees with new ones. A survey has already been conducted and the project should be completed by the end of this year.
- Repair works at farm houses, including the pack house, and
- Developing old orchards, such as bananas, as they take a shorter period to harvest than citrus.

Mbombela Claim

The settlement of the Mbombela claim benefited about 2184 households including 6000 beneficiaries at a cost of R97 461 462 million to the state. About 1200 households that benefited from the Mbombela claim are female-headed.

The communities previously occupied the areas which were later used for industrial operations. As a result of the removals, Africans were removed to an area 25 kilometers out of town in a location called Kanyamazane, Indians to a location called Valencia Park 3 km away and the coloureds to Nelsville, 5 km away from Nelspruit. They were issued with smaller stands and with four-roomed houses which they had to rent from the town council. Overcrowding became an issue and they could not extend their houses due to limited space.

The claimants of Mbombela and Newvillage indicated that they were interested in financial compensation. They also put forward some ideas regarding the possible ways in which such compensation was to be calculated by the Commission on behalf of the State. They maintain that certain factors should be taken into account, (e.g. the size of the land that they had per square meter, the houses that they lost, the businesses that they lost and the pain and suffering that they were subjected to when they were removed, as well as the transport and incidental costs incurred, etc).

The Regional Land Claims Commission is committed to offer compensation that amounts to an all-encompassing equitable redress for the land rights losses suffered by the communities. The total settlement amount for the Mbombela Community claim amounts to 97 461 462 million.



Regional Land Claims Commission:

OVERVIEW

As we embraced the 2008 land restitution deadline, the KwaZulu-Natal Land Claims Commission decided to convene a strategic workshop to reflect on its performance. Time was set aside to focus our attentions on assessing the context and the opportunities that were created by the new delegations. We further examined the impact of current business processes and explored new processes aimed at facilitating and speeding up the finalization of the 1 700 outstanding claims in the province.

For the first time, we involved all stakeholders in tackling the challenges faced by the restitution programme that led to slow delivery and finalization of claims.

The key strategies that emerged from this process and were adopted in our provincial strategic framework are:-

- To focus on our core business, with the emphasis on fast-tracking research on the 1 500 unverified claims.
- To settle all outstanding claims
- To restructure teams in a manner that ensures easy access to stakeholders – (claimants, land owners and municipalities)
- To limit negotiations period to no more than 6 meetings per claim
- To discourage financial compensation as restitution awards and promote land and other sustainable developmental options.
- To mobilize resources and support for the post-settlement phase
- To improve our human and management capacity to ensure a culture that attracts more high performance employees and best performance; and
- To incorporate and promote corporate ethics and principles in the organization culture and to encourage communication.

In September 2006, Ms S N Mayu Sosibo was appointed to the position of Regional Land Claims Commissioner for the KwaZulu Natal office. The appointment brought renewed hope and enthusiasm among staff and stakeholders. She is no stranger to the restitution process, as she previously worked for the Commission as a project manager. She brings with her extensive development and management experience which is critical to the work of the Commission.

A warm welcome was received by the new Commissioner and an unwavering commitment and support was pledged by both staff and stakeholders.

We should like to express our sincere gratitude to Commissioners Mr Blessing Mphela and Ms Linda Faleni, who served as acting Commissioners in the absence of a Commissioner in our province. Their support and wisdom helped to keep fires burning and significant achievements were made under their leadership.

Despite lack of permanent leadership, the KwaZulu Natal office demonstrated a high level of commitment to the noble course of the restitution of land rights by making remarkable progress in the number of claims settled.

ACHIEVEMENTS

Some 67 difficult and complex rural claims were settled, which translated into 100 087 hectares of land and 6 266 households benefiting. This land is generally of high agricultural value, worth R274 million. Over and above the cost of land, R318 million was provided as financial aid to assist the new land owners. The settled claims included the Greater St Lucia and Hluhluwe, which were big claims

Furthermore, various partnerships and memoranda of understanding were signed during this period. These include the KZN Department of Agriculture and various companies in the sugar industry.

Some of the claims are of high economic benefit to the restitution beneficiaries and neighbouring communities. These benefits include income-generating projects, employment opportunities and empowerment in business management.

CHALLENGES

The processing of land claims has not been smooth



sailing nationally and KwaZulu-Natal is no exception. The challenges include:

- lack of documentation on rural dispossessions
- stiff opposition to land restitution by certain individuals and sectors in the farming community
- the protracted negotiations
- untraceable claimants
- family and community conflicts
- ensuring proper beneficiation to all claimants; and
- high land prices and post-settlement support.

The biggest challenge facing the Land Claims Commission is to ensure that the land restored through the land restitution programme is utilized to its maximum and in a sustainable manner.

Most of the land reform beneficiaries lack adequate skills, therefore requiring assistance and support from the government and private sector.

Settled land claims such as Roseland, Beshawe, Okhonjweni, Zulu and Buthelezi provide communities with great opportunities to engage in commercial farming. This requires a consistent mentorship and support to continue with productivity and ensure that jobs created are secured.

Now the challenge is to ensure that every member of the community benefits from land ownership and business opportunities that come with the restitution programme. Our experience has proven that land reform beneficiaries expect immediate tangible benefits from the restored land. This is not always achievable, especially where the restored land has been acquired as a "going concern", thus ruling out the possibility of resettlement.

The high staff turnover still remains a serious threat to the Commission, despite attempts to retain staff. This factor has a negative impact on the 2008 deadline, since experienced staff is leaving and the Commission has to continue recruiting and training new staff.

SPOTLIGHT ON SIGNIFICANT CLAIMS SETTLED BY THE OFFICE

BHEKESHOWE PROJECT

One of the great success stories of land restitution and a prime example of land restitution done right is the Bhekeshowe project. The iNkosi Sam Zulu lodged a land claim on behalf of his people. The white farmers who were

affected by this application agreed to co-operate with the commission. This positive attitude made it easy for them to continue work with the community as soon as the claim was settled.

The restituted land consists of prime commercial farms nestled between the mountains surrounding the Nkwadini valley, with a strong river running throughout the year. It stretches from eMpangeni to eShowe along the Nkwadini road in the heart of KwaZulu. It is comprised of nine commercial farms and is about 2019, 9041 hectares in extent. The settled farms produce sugarcane and citrus with a portion of the land being open for grazing.

When news of the claim reached the farmers, some of them formed a trust and then approached the claiming community, which had also formed a trust, to establish a joint venture company. The Bhekeshowe Farming (Pty) Ltd was then conceived out of this association. The company was formed to manage, operate and administer the farming operations.

The Bhekeshowe Farming (Pty) Ltd then entered into a management agreement with the management team, which consisted of the previous landowners.

The objectives are:

- to ensure effective and efficient management of the farm; and
- to transfer skills to the new farmers.

Though transfer of land was much easier and successful, the management of the farm has proved more challenging. The Department of Agriculture provided chemicals and fertilizers to the company and an amount of R1 million to cover initial operational costs. However, further funding is still required for the coming financial year until harvest time.

The support of the previous landowners in this project is encouraging and exemplary. When it became clear that funding from other sources like the private banks was not forthcoming, the farmers agreed to lease their equipment to the farming company to ensure that the operations continued smoothly.

The previous landowners negotiated advanced funding from their long time suppliers, Cape Med, to assist with the operational costs. Cape Med granted a R2.7 million loan, which allowed them to operate for some time while other funding applications are being processed.

Such partnerships between the local indigenous community, previous landowners, the private sector and the government are encouraged. There is a commitment from all involved to see the project succeeding. Of course the battle is far from over: this is but the beginning of a long journey. Lots of hard work will have to be put into realizing this dream and close monitoring and support will be required.

HLOMENDLINI

This claimed land is located in the historic centre of the Zulu kingdom, a stone's throw away from the site of the famous battle of Endondakusuka. The Hlomendlini Community Trust has an exciting land reform project, where both restitution and redistribution programmes were combined to address the land needs in the province. This small yet focused sugarcane operation comprises 250 household, which have benefited from the Department of Land Affairs' land reform and the Provincial Department of Agriculture's support programmes.

by the Provincial Department of Agriculture in supporting the project by providing significant chemical inputs was applauded.

While the community has made maximum use of the R 750 000 start-up grant from the Commission, other partners in the sector have taken note and thrown their weight behind the initiative. The South African cane growers have allocated an extension officer to the project and have identified candidates for training at the world-class training station at Kwa Shukela Training Centre, Mount Edgecombe.

Significantly, the local sugar mill, located only 7 kilometres from Stanger, has put a proposal to the Board of Trustees to assist them in developing the balance of the farm to its full potential. This proposal entails the donation of seed cane and access to working capital on a loan basis. Given the high level of goodwill and cooperation this project has received, it is positioned for great success.



MEC for Agriculture and Environmental affairs, Mr Mtholephi Mthimkhulu third from the left, during the launch of the Letsema/Ilima campaign at Hlomendlini in Kwa-Zulu Natal

Breaking the mould of a sector that has been dominated by white males is the figure of Ms Philisiwe Ngcobo, the Chairwoman of the Hlomendlini Community Trust, whose desire to succeed where few have gone before has inspired a community.

At the handover ceremony held on 3 December 2006, where 268 hectares of land were handed over to the community, the current MEC for Agriculture and Environmental Affairs, Mr. Mtholephi Mthimkhulu, noted that the community had made a wise decision by preserving the current land use of cane production. The role played

INKUMBULENI

The KwaZulu-Natal Land Claims Commission has formed strong relationships with key stakeholders in the area to give support and to ensure the sustainability of its high-value commercial projects. The Nkumbuleni Community Trust citrus project is located in the heart of the Mkhambathini Municipality and has benefited from the office's approach to develop relationships with key stakeholders. The farms known as Tala Valley Citrus Estate and Mount Desire were acquired through restitution, with the aim of empowering the community to run the operations with the support of interested parties. The office has facilitated collaborative ventures among parties with an interest in the citrus industry.

The Nkumbuleni citrus project is a good example of partnership and collaboration by government departments. This integrated and holistic approach will guarantee successful land reform, whereby the Regional Land Claims Commission, the Provincial Department of Agriculture, the Citrus Growers Association of Southern Africa, citrus export companies, funding agencies and the Nkumbuleni community trust are beginning to work together in a project for the benefit of the community.



The project came as a result of the finalization of the Nkumbuleni claim, which was settled in 2006. The approximately 250 beneficiaries opted for land restoration without physical occupation. This emanated from the claimants' understanding that the restored land will generate maximum benefits if used for commercial agricultural purposes. The project comprises 953 hectares in total, of which 308.2409 are citrus plantations and 492 hectares are sugar cane. Other land uses include small portions allocated to timber, arable land and veld grazing. This land cost the State R14 133 800. Over and above the cost of land, the State allocated R303 840 as a Settlement Planning Grant (SPG) and R633 000 as a Restitution Discretionary Grant (RDG).

Although the project is still in its inception phase, the principle of cooperative governance and public private partnerships is becoming a reality. The Provincial Department of Agriculture's Agricultural Development Support Services (ADSS) has committed itself to supporting the project by allocating grants via the Comprehensive Agricultural Support Program (CASP). These resources will be used to pay for mentorship and training of the claimants who will be involved in the operations on the farms, funding to rehabilitate the citrus and sugar cane crops, whilst mechanization support would follow in subsequent years. Another key partner in the project is the Citrus Growers Association of Southern Africa which has brought in technical support and specialized training. Various parastatals have shown an interest in supporting the project financially.

The KwaZulu-Natal Land Claims Commission has initiated a project-steering committee with clear terms of reference to oversee the collaborative efforts of this high-impact project. The objective is to ensure that produce like citrus can be exported and thus earn valuable foreign exchange, while leading the drive to empowerment and skills transfer to beneficiaries.

This project will significantly contribute to the local economic development and job creation, thus reducing poverty in the area.

GUMBI PROJECT

The land value for this project was R112 863 040. The State allocated the Settlement Planning Grant (SPG) of R946 080 and the Restitution Discretionary Grant (RDG) of R1 971 0000. Over and above these grants, R13 856 860 was allocated as financial aid for development.

The Emvokweni Community Trust, which represents 657 households, received a total restitution award amounting to R 92 million. The Regional Land Claims Commission KwaZulu Natal (RLCC-KZN) has successfully handed over 19 000 ha of land to the claim beneficiaries.

The Uphongolo Local Municipality, where the project is located, has expressed keen interest in supporting the claimants in their ambitious development plans on the restored land.

The land uses are game farming, tourism, human settlement and cattle grazing. The Emvokweni Community Trust has plans in conjunction with potential investors regarding the development of eco-tourism. Ithala Development Finance has been approached to fund and support the tourism development.

The operating costs, including salaries and maintenance, have been sustained through income generated in the lodge and by professional hunting. The office has transferred R1.8 million in financial aid towards operating costs. The trust has established a security company called Somkhanda Security Services to address game poaching, which has emerged as a threat to the community's effort in running a game-farming business.

The project has created 25 sustainable jobs and there is a potential to create more jobs in the near future.

XIMBA LAND CLAIM

Isizwe SakwaXimba lodged a claim with the Commission on Restitution of Land Rights in KwaZulu-Natal, as stipulated in the Restitution of Land Rights Act, No. 22 of 1994 as amended. The claimed land was successfully restored and recently handed over to Isizwe sakwaXimba.

The Mayibuye Community Trust was registered to receive and hold land on behalf of Isizwe SakwaXimba. The trust represents a total of 459 claimants. The total extent of the claimed land is approximately 4 877ha of good agricultural /conservation land. The cost incurred by the State for this claim amount to R18 096 534.

The restituted land falls within the jurisdiction of KZ 226 Umkhambathini Local Municipality, which forms part of the Umgungundlovu District Municipality. The land is located between Ethekeeni (Durban) and about 15km from Pietermaritzburg. It is along the N3 road, turnoff Lion Park. It stretches from Lion Park towards Cato Ridge.

The current land is characterized primarily by game farming. It also has potential for agricultural projects. There are some deteriorated cattle-handling facilities that will require revamping. However, CASP applications were completed and lodged with the Department of Agriculture (DOA) – KZN. The DOA has performed the preliminary assessment and probabilities regarding agriculture were determined. There are numerous houses on the properties. The houses are currently leased out to various private families as a means to generate revenues for the trust in the meantime and to prevent vandalizing of the property.

The most exciting proposal is to develop the restored land into the Umkhambathini Game Reserve, which will have huge spin offs for the district. It will also boost the tourism industry for the Durban Metro and Umgungundlovu corridor ahead of the 2010 Soccer World Cup. This concept is the culmination of the collective efforts initiated by the Umgungundlovu District Municipality, the Umsunduzi Local Municipality and the Tourism Authority in KZN in 1998.

Various proposals were presented to the trust by private institutions, which would like to engage in the joint venture with the community in the development of the reserve. Hence the steering committee, consisting of the RLCC-KZN, the Umkhambathini Local Municipality, Ezemvelo KZN Wildlife and the Board of Trustees has been established.

Phase 1 of the claimed has been settled and Phase 2 is being finalized. The second phase will see the community gaining a big commercial chicken business operating on the claimed land. The financial aid for the project amounted to R2 037 960. The amount is made up of a Settlement Planning Grant (SPG) totalling R660 960 and a Restitution Discretionary Grant (RDG) of R1 377 000.



The Milimani Game Lodge forms part of the land restored to the Gumbi community in Kwa-Zulu Natal

HLUHLUWE LAND CLAIM

Hlabisa-Mpukunyoni lodged a claim with the Commission on Restitution of Land Rights in KwaZulu-Natal, as stipulated in the Restitution of Land Rights Act, No. 22 of 1994 as amended. In terms of this, the claimed land was successfully restituted to Hlabisa-Mpukunyoni.

The Corridor of Hope Community Trust was registered at the Master's Office in 2006 to receive and hold land on behalf of the claimants. The total claimant households amount to 1117.

The claimed land forms part of the internationally renowned Hluhluwe-Imfolozi Park (HIP). The total extent of the claim is approximately 24 210 hectares, known as "The Corridor" and valued at R240 000 000.

The Claimant community has agreed that it will not physically occupy the property. The competent Conservation Authority (KwaZulu Natal Nature Conservation Services-KZN NCS EZEMVELO) will remain managers of the land for conservation purposes.

The RLCC-KZN has appointed the service provider to formulate the business plan. There are ongoing consultations between the Management Authority, the RLCC and the Board of Trustees regarding the development of the co-management agreement. Furthermore, the Management Authority has commissioned the service provider to develop the Integrated Management Plan (IMP).

The allocated project funds are a Restitution Discretionary Grant (RDG) of R3 351,000.00 and a Settlement Planning Grant (SPG) of R1 608 480.00.

Conclusion

The Commission is looking forward to the new financial year and hopes that more gains will be made and that the majority of the people will see their claims being finalized.

Cases settled by the Land Claims Court and the Supreme Court of Appeal

During the period under review, the Commission has seen an increase in the number of cases where the applicants / plaintiffs seek orders to compel Regional Land Claims Commissioners to refer claims to the Court for adjudication. The Court has yet to pronounce on whether a Regional Land Claims Commissioner may be compelled to refer a matter to court as provided for in Section 14 of the Restitution of Land Rights Act, 1994.

Two judgments involving restitution were handed down during the period under review:

POPELA COMMUNITY & OTHERS vs. GOEDGELEGEN TROPICAL FRUITS (PTY) LTD

This case involved an appeal against a Land Claims Court Judgment and order by Gildenhuys J, who dismissed a land claim brought on behalf of the Popela Community by 9 members of that community.

The claimed land is part of the remaining extent of a farm previously known as Boomplaats, presently consolidated into Goedgelegen Farm in the Limpopo Province.

The claimants claimed to be a community of labour tenants (farm workers who work for the farm owner for an agreed period of time for no wages, in return for the right to cultivate and graze cattle on a portion of the farm) whose labour tenancy agreements were terminated by the owner of the farm in 1969 as a result of racially discriminatory laws or practices. Alternatively, the 9 members of the Popela Community who lodged the claim argued that they, individually, were entitled to restitution.

The Claimants argued that they were dispossessed of their labour tenant status as a result of the amendment to the Native Trust and Land Act of 1936, which was introduced by the Bantu Laws Amendment Act 42 of 1964. This amendment empowered the Minister to declare in terms of Section 27bis (1), by giving notice in the Government Gazette, that from a fixed date, "(a) no further labour tenants' contract shall be entered into and no further labour tenants shall be registered in respect of land in the area referred to in such notice, or (b) no labour tenant shall be employed on land in the area referred to in such notice." Failure to comply was made an offence and automatically terminated the labour tenancy contract.

The notice in respect of the Moketsi area was published in the Government Gazette on 31 July 1970. The Claimant's labour tenant status had been terminated the year before. The claimants further argued that by 1969, the owners of the farm knew of the proposed phasing-out of the labour tenancy system in the Moketsi area and decided to terminate the rights of existing labour tenants.

The claimants further argued that white people, and white farmers in particular, had powers under the apartheid government to act in line with government policies of removing black people who created so-called "black spots". They argued further that even today, some farm owners do as they please on farms as indicated by various reports on farm evictions. Their dispossession did not have to be proven in court.

The claimants also argued that there was a community or part of a community on the claimed land at the time of dispossession. This argument was opposed by the current owners of the claimed land, "contending that the farm residents never belonged to a group cohesive enough to be characterized as a community in terms of the Act".

In dismissing the claim, the Land Claims Court held that the claimants' labour tenant status had been terminated for being an inefficient system of farming and not pursuant to any racially discriminatory law or practice. The Land Claims Court held that on the evidence before it, the existence of a community was inconclusive.

On appeal, the Supreme Court of Appeal confirmed the decision of the Land Claims Court, 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. It found that there was no evidence that the owners of the farms had terminated the labour tenancy agreement as a result of racially discriminatory laws or practices. It found that there was sufficient evidence to prove that the termination of the labour tenancy agreements was a commercial decision, and not associated with any discriminatory law or practice. The Supreme Court of Appeal 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 Community, supported by the Department of Land Affairs, is currently appealing the Appeal Court's decision in the Constitutional Court.

The Constitutional Court has been called upon to decide:

- whether the Popela Community qualifies as a community in terms of Sections 1(iv) and 2(1)(d) of the Restitution Act;
- whether the Popela Community, or alternatively the individuals who lodged claims on behalf of the community, are entitled to the restitution of land rights in terms of Section 2(1)(d), alternatively Section 2(1)(a) of the Restitution Act, and in particular whether the dispossession of the Popela Community, alternatively the individuals' labour tenant rights, was as a result of past racially discriminatory laws or practices; and
- whether the Restitution Act requires every dispossession of land taken in the context or even in furtherance of the apartheid doctrine to be made good.

Minaar N.O. vs. Regional Land Claims Commissioner for Mpumalanga and others

A land claim was lodged on behalf of the Daisy Kopje Community in respect of property described in the claim form as "Daisy Kopje Farm Portion D, Register DV JU Mpumalanga, Baberton District 643 JT".

During preliminary investigation into the claim, the Regional

Land Claims Commissioner for Mpumalanga found that the claimants were scattered beyond Portion D, and that they used other parts of Daisy Kopje as well. The claim was accepted by the Regional Land Claims Commissioner as a claim against the entire Daisy Kopje Farm. The details of the claim were then published in the Government Gazette as provided for in Section 11 of the Restitution Act.

After publication of the claim in the Government Gazette, the applicant (Mr. Minaar) made representations for the withdrawal of the notice published in the Government Gazette. The representations were unsuccessful.

The applicant then brought a review application to the Land Claims Court for an order reviewing the Regional Land Claims Commissioner's decision to accept a claim on the entire Daisy Kopje Farm and publish the claim by the Daisy Kopje Community in the Government Gazette.

In finding that the Regional Land Claims Commissioner had erred in accepting that a claim had been lodged in respect of the entire Daisy Kopje Farm, Gildenhuys J looked at the claim form that was used to lodge the claim, considered the requirements of Section 11 of the Restitution Act, and the evidence upon which the Regional Land Claims Commissioner relied in finding that the claim had in fact been lodged against the entire Daisy Kopje Farm.

The Court ordered the Regional Land Claims Commissioner to withdraw the notice in the Government Gazette in so far as it relates to portions of the farm not mentioned on the claim form, publish a new notice that will relate only



to Portion D, and to pay the costs of the application. Gildenhuis J has granted the Regional Land Claims Commissioner leave to appeal his judgment and order in the Supreme Court of Appeal.

More detailed information on the above cases is available on the Land Claims Court website: <http://www.law.wits.ac.za/lcc/>

As at 31 March 2007, the following were statistics on cases involving the Restitution Act that were before the courts:

RLCC	No. of cases in court					
	Referral	Review	Direct Access	Appeal	Other (declarator / compel)	Total
Eastern Cape	0	0	1	0	1	2
Free State & Northern Cape	0	0	1	0	4	5
Gauteng & North West	2	7	1	1	2	13
KwaZulu-Natal	2	4	0	0	9	15
Limpopo	11	2	3	1	8	25
Mpumalanga	2	4	0	0	4	10
Western Cape	0	0	2	0	1	3
Total	17	17	8	2	29	73

The Court may be contacted at:

Physical Address:

Trust Bank Centre, Randburg Mall,
Corner of Hill Street and Kent Avenue,
Randburg, 2194

Postal Address

Private Bag X10060, Randburg, 2125

Telephone:

National: (011) 781 - 2291,
International: + 27 11 781 - 2291

Facsimile:

National: (011) 781 - 2217/8,
International: + 27 11 781 - 2217/8

E-mail

Registrar@landclaims.org.za

CHIEF DIRECTORATE RESTITUTION AND MANAGEMENT SUPPORT

Vusi Mahlangu, Chief Director



Corporate Services report

The Chief Directorate Restitution and Management Support Division in the office of the Chief Land Claims Commissioner continues to provide strategic support to the Regional Land Claims Commissioners' offices with regard to budget expenditure, risk management, quality control and the improvement of the system to ensure service delivery.

Delegations

In an effort to assist the Commission in executing its functions smoothly, the Minister of Land Affairs on 19 October 2006 approved the delegations of powers to the Commission,

giving the Chief Land Claims Commissioner (CLCC) the same accounting powers as the Director-General. This move had the same effect as giving powers to the CLCC as the Accounting Officer, with clear delegations to the Regional Land Claims Commissioners and Chief Director: Restitution. These delegations flow from the Restitution Act, PFMA, Public Service Act and other related legislation. They address all issues, including policy, budget, financial management, risk management, procurement, human resource management, etc. The CLCC, however, regularly reports to the DG on the use of those delegations. Effectively these delegations mean that the Chief Land Claims Commissioner and the Regional Land Claims Commissioners can now approve the settlement of claims and fast-track the finalization of outstanding claims without going through the red tape.

This move did not only ensure improvement in the performance of the Commission but also an improvement in budget expenditure, with the settlement of 2 400 claims to the value of R 3.2 billion as per the under mentioned table.

Summary of approvals from 19 October 2006 to 31 March 2007

Total submissions approved	282
Rural claims	455
Urban claims	1 945
Households	49 263
Total beneficiaries	213 274
Hectares	404 175.64
Section 42D	R2 835 489 930.42
Section 42C	R 272 428 869.99
Grants	R 133 113 482.20
Transfer agreement	R 55 064 173.31
Total award	R3 296 195 672.92

Quality Control, Risk Management and Improved Systems

With the establishment of the Quality Assurance Directorate at the Chief Land Claims Office, additional systems and procedures were implemented to manage the risk areas and also to implement further control mechanisms. Furthermore, the quality of submissions for approval by the Chief Land Claims Commissioner, Director General and Minister also improved. This has indirectly led to an improvement in the budget expenditure as well.

The recruitment of the Quality Assurance Directors at provincial level is currently in the final stages.

Risk Registers and the Fraud Prevention Plan have been completed and are ready for implementation. The Barnowl System for risk management is currently in the process

of implementation. While some staff has attended the training, others will go through this process as soon as the appointment process is over.

With a view to stamping out possible fraudulent claims, the ID Buddy System for claimant verification has been introduced. The training programme is currently underway at provincial and national offices.

Budget Expenditure

The Commission managed to increase its expenditure from R1.8 billion in the financial year 2005/2006 to R 2.3 billion for the year under review. This once again is a remarkable performance and it is clear that the Commission did not reduce its output when the president announced an extension for the finalization of the programme, shifting the deadline from March 2005 to 2008.

Transfer payments (claims payout - land acquisition and financial compensation)	89.5%
Land acquisition accounts for	79.1%
Financial compensation accounts for	20.9%
Land & subsoil assets	1.3%
Compensation of employees	4.2%
Goods and services	4.9%
Financial transactions in assets and liabilities	0.0%
Capital assets	0.1%
Current transfers	0.003%

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

Eastern Cape	4%
Free State and Northern Cape	10%
Gauteng and North West	14%
KwaZulu Natal	13%
Limpopo	23%
Mpumalanga	31%
Western Cape	5%

In terms of budget expenditure, the Commission was able to dispense of a total of R2.3 billion, broken down as follows:

Standard Item	Adjusted Allocation (R'000)	Expenditure (R'000)	Percentage (%)
Capital transfer payments	2,092,489	2,092,540	100
Land & subsoil assets	30,768	31,278	101,66
Compensation of employees	97,404	97,383	99,98
Goods and services	113,896	113,835	99,95
Capital assets	3,759	3,249	86,43
Current transfers	126	74	58,73
TOTAL	2,338,442	2,338,359	99,996

Human Resources

The Commission on Restitution of Land Rights has long been affected by a high rate of staff turnover due to the contract nature of appointments and the lack of job security. This had adverse effects on the operations of the Commission, with the restricted capacity available at any given time. Recruitment and filling of vacant posts was thus hampered to a major extent. Recently a proposal was made and approved to convert all contract posts to permanent posts. In addition, the Commission has instituted measures to implement incentives to deserving staff members to retain talents and scarce skills.

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 requested approval from the DG and the Minister for the establishment of 328 posts

and the upgrading of 49 posts. This recommendation was approved by the DG. Parallel to that, the Minister approved a retention strategy for the Commission. The strategy was referred to the Department of Public Service and Administration for approval and the Minister of Public Services advised the Department of Land Affairs to conduct a job evaluation for the Commission's senior management and to implement the results of the evaluation. This has been done and we are awaiting the Minister's approval. The senior management of the Commission is finalizing the implementation of the rest of the strategy for staff under SMS.

The Commission is now facing the challenge of filling all the newly created posts. A recruitment drive has been put in place to identify and attract people with the required competencies from the labour market.

The status of the staff complement of the Commission as at 31 March 2007 was as follows:

OFFICE	TOTAL POSTS	POSTS FILLED	VACANT POSTS	%
Head Office	69	58	11	15
Eastern Cape	83	58	25	28
Free State & NC	79	59	20	22
Gauteng & NW	144	98	46	32
KwaZulu-Natal	134	97	37	22
Limpopo	95	73	22	21
Mpumalanga	120	82	38	17
Western Cape	90	58	32	20
TOTAL	814	583	231	28

Information Management

The Office of the Chief Land Claims Commission is also responsible for information systems and records management in the Commission on the Restitution of Land Rights. During the year under review, the office compiled and provided management information for utilization by all decision makers in the Commission on a regular basis. It also provided restitution statistics for communication to internal and external clients. The unit has also participated in a project, driven by the IT unit in the Department, to enhance the restitution database.

Communication

In line with Section 6 (C) of the Restitution of Land Rights Act No. 22 of 1994 as amended, the communication unit of the Commission hosted media briefing sessions on developments and progress made with regard to the restitution programme in the various provinces.

The restitution programme continues to attract attention from the local and international media. The Pniel expropriation case in particular received a lot of media attention from across the world as the first property to be expropriated by the Minister in line with Section 42 (E) of the Restitution of Land Rights Act.

Personnel from the Commission participated in various exhibition events across the country, where they interacted with the communities and shared information on the restitution programme processes. The interaction allowed members of the community to make enquiries about progress on their land claims. Through the Community liaison function, the unit provided feedback on the finalization of land claims in response to written, telephone and walk-in enquiries received from claimants.

The unit played a facilitation role regarding the launching of the Ilima-letsema campaign by the Minister as part of the settlement support for restitution beneficiaries. The campaign is aimed at creating awareness of the government's agricultural assistance programmes, and mobilizes the communities to form partnerships with relevant stakeholders to ensure sustainable use of the restored land.

The Chief Land Claims Commissioner participated in various media talk shows, where he was interviewed about developments in the restitution programme in the country. The unit also coordinated responses to enquiries from other stakeholders such as Parliament, the media, academic

institutions, embassies and government departments on land claims.

Policy Support

The restitution policy component provides continuous support services in the area of policy analysis, formulation, advocacy, review and implementation. In this regard the policy unit provides specific implementation frameworks and guidelines as part of the interpretation and implementation of the Restitution of Land Rights Act, 1994.

Restitution Policy is also developed to ensure that the Restitution Act is interpreted in line with other government programmes policies and thus promoting the co-operative government principles contained in chapter 3 of the Constitution.

The Gijima project is geared towards speeding up the resolution of claims. Moreover, as part of Gijima, particular operational areas have been identified for intervention, especially pertaining to the settlement of rural claims. The following measures have been taken as an intervention;

- The development of an engagement strategy on traditional leadership and restitution. This strategy is aimed at assisting with the unblocking of existing and potential challenges between traditional leaders and the restitution programme.
- The development of procedures to implement Section 6(2)(b) of the Restitution Act, which has to do with the provision of alternative redress to claimants who do not qualify for restitution. In this way, the restitution programme would be contributing to the socio-economic upliftment of persons previously excluded by racial laws from owning property.
- Facilitating the release of state land where there are restitution claims.
- Employing the proactive land acquisition strategy to acquire land where land owners are willing to sell but other administrative processes have not yet been finalized.
- Expropriation of land in deserving cases.
- Continual engagement of the agricultural unions and current landowners to solicit the cooperation necessary towards the settlement of claims. Letters of undertaking were given to TAU and AGRISA,

indicating commitment to working with all land owners and organized agriculture in the process of finalizing the restitution programme, and acknowledging the commitment of organized agriculture to working with the Commission. Close working relationships between the Commission and organized agriculture are promoted, specifically to process restitution claims at a provincial level.

- Setting up of a valuation review panel at the national office

Further challenges in terms of policy issues will be identified and addressed as we are engaging with the challenge to finalize the remaining outstanding claims.



SETTLEMENT SUPPORT

The settlement support units in the Commission on Restitution of Land Rights aim to support the claimants or beneficiaries to utilize the development grants (Restitution Discretionary Grant “RDG”, Settlement Planning Grant “SPG” and the Development Grant “42C”) in a manner so as to ensure a sustainable livelihood. This also contributes to the priorities of the government to alleviate poverty, create work opportunities and contribute to the economic growth of the country.

Commitment and resources

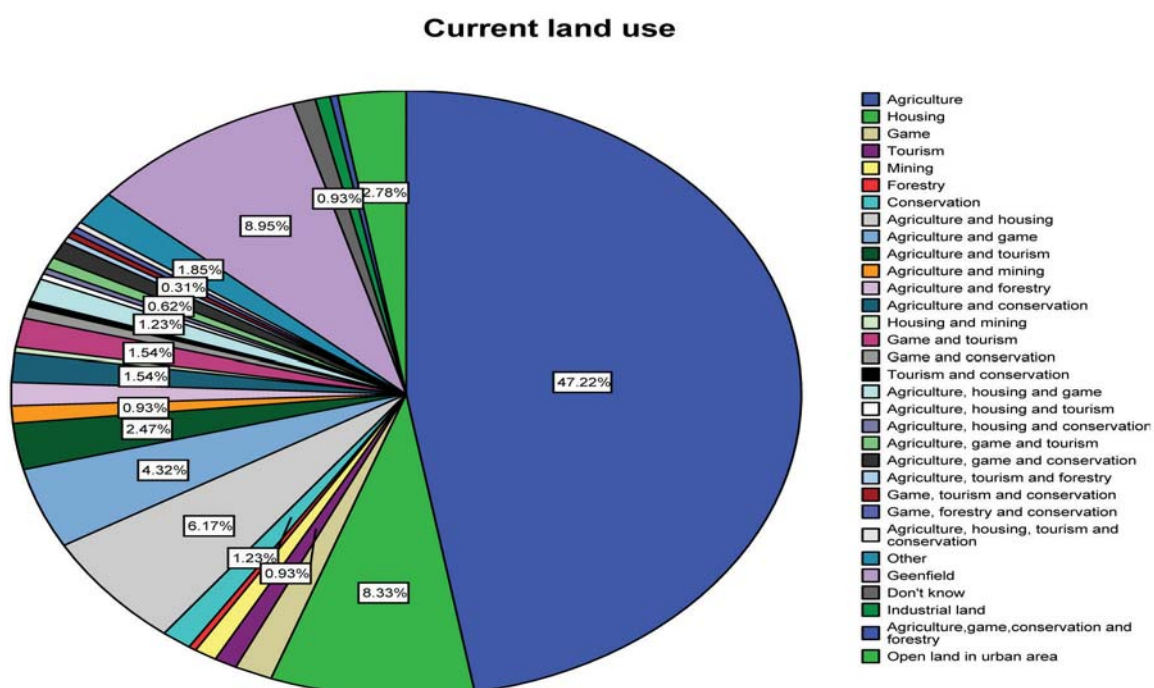
The success of this process relies on co-coordinating and ensuring commitment of resources from various resources, based on the viable land use of the specific project.

Land use activities on settled claims

In an analysis conducted of 324 settled claims from a developmental point of view by the Commission offices, the following was established:

i) Current Land Use Activities

The following pie chart depicts the current land use on the settled projects. The current land use on 47.2% of the projects is agricultural. On 8.3% of the projects housing is the current land use. Other land uses, i.e. a combination of land uses such as agriculture and forestry, is responsible for 8, 95% of the projects.



b. Support required and identified

- In terms of co-operative governance:
 - Municipalities need to assist with local economic development initiatives, planning, infrastructure and services to beneficiaries in their area of jurisdiction;
 - Government departments need to assist in terms of their area of expertise, for example the Department of Minerals and energy needs to provide resourceful assistance with mining projects, the Department of Environmental Affairs and Forestry with conservation and forestry projects, the Department of Housing with Housing subsidies etc.
- Commercial farmers to share their expertise and to mentor commercial agricultural activities
- Financial institutions to provide accessible, low interest rate resources to the new land owners for business opportunities
- Parastatals to develop special-purpose vehicles to ensure project implementation and support
- Donor partners to provide resources (knowledge and or finances) to ensure the creation of efficient sustainable land use practices
- Domestic and international markets to support products from these projects and, if necessary, to subsidize specific enterprises
- Non-governmental organizations to play a supportive role at grass-roots for these projects
- The private sector to go into partnerships with specific projects and support projects in terms of resources

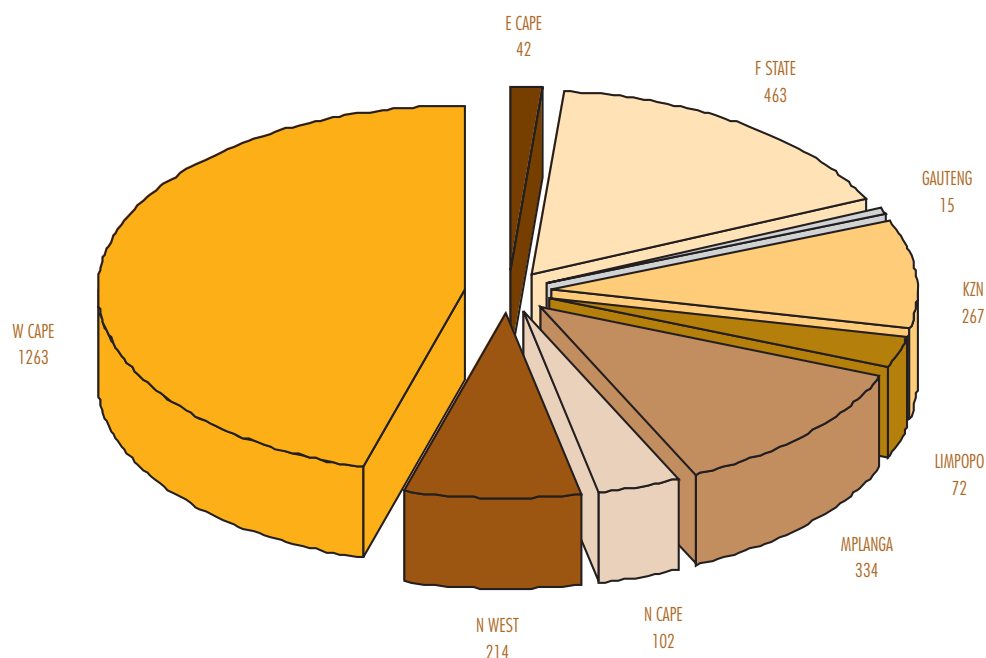
Achievements

- Development of an evidence-based settlement and implementation support strategy with the support of the Belgium Technical Co-operation
- Memorandum of understanding with the Department of Environmental Affairs and Tourism concerning the restoration of land rights in protected areas
- Draft memorandum of understanding and proposal with the Agri-Sector Education and Training Authority (AgriSeta) for training restitution beneficiaries in the agricultural sector
- Negotiations and modelling of forestry enterprises with the private sector role-players in the forestry sector to ensure a “win-win” situation for all the role-players.
- Agreement with the University of Pretoria to pilot the “Operational Framework for Post Settlement Interventions” with the assistance of the Canadian International Development Agency.
- Memorandum of agreement with the Local Government and Housing Department in the Free State Province towards the implementation of housing projects valued at R30, 078,698.40 for restitution beneficiaries.
- Continuous engagements with the Department of Provincial Local Government to ensure the inclusion of restitution projects in the integrated development planning process.
- Training of all provincial RLCC offices in the Statistical Package for Social Science to ensure project management and monitoring of the developments of the projects.

PROGRESS ON CLAIMS SETTLED TO DATE

SETTLED RESTITUTION CLAIMS FOR THE PERIOD: 01 APRIL 2006- 31 MARCH 2007

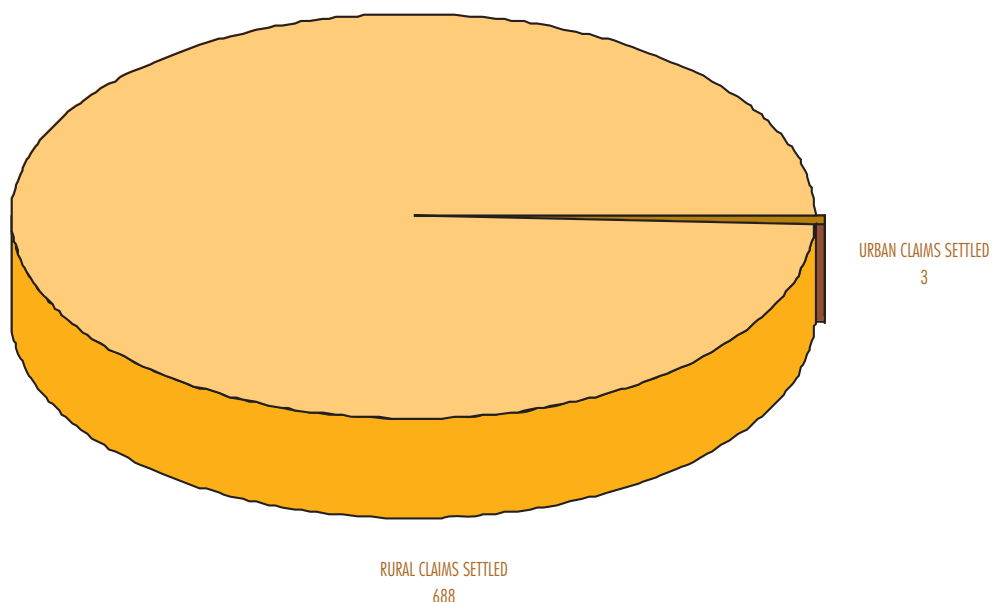
PROVINCE	CLAIMS	RURAL	URBAN	HHs	BENEFICI- ARIES	Ha	LAND COST	FIN COMP	GRANTS			TOTAL AWARD
									Development	RDG	SPG	
E CAPE	42	15	27	5648	15893	15389	5,270,000.00	225,254,619.93	69,100,228.00	17,520,000.00	8,409,600.00	325,554,447.93
F STATE	463	4	459	646	10279	0	0.00	23,406,984.00	8,065,000.00	1,566,000.00	751,680.00	33,789,664.00
GAUTENG	15	7	8	1352	6494	4002	27,095,828.57	10,573,870.00	52,753,957.14	528,000.00	148,320.00	91,099,975.71
KZN	267	67	200	11717	72748	100087	273,452,793.65	318,114,213.95	178,202,518.50	16,497,000.00	7,918,800.00	794,185,326.10
LIMPOPO	72	71	1	7297	48090	152687	594,258,462.50	32,832,876.61	29,550,060.61	18,195,000.00	8,733,600.00	683,569,999.72
MPLANGA	334	315	19	7159	30346	113238	1,343,943,525.26	136,836,837.00	22,396,518.11	16,635,000.00	7,984,800.00	1,527,796,680.37
N CAPE	102	11	91	4698	26195	58710	127,249,554.00	179,620,843.25	238,934.08	785,640.00	564,120.00	308,459,091.33
N WEST	214	213	1	10863	47073	134876	475,106,129.29	18,050,310.98	133,011,770.50	31,785,000.00	15,256,830.00	673,210,040.77
W CAPE	1263	3	1260	2691	11992	15	120,000.00	186,231,533.21	2,565,000.00	369,000.00	177,120.00	189,462,653.21
TOTAL	2772	706	2066	52071	269110	579004	2,846,496,293.27	1,130,922,088.93	495,883,986.94	103,880,640.00	49,944,870.00	4,627,127,879.14



CUMULATIVE STATISTICS ON SETTLED RESTITUTION CLAIMS RURAL AND URBAN: 01 APRIL 2006- 31 MARCH 2007

	LAND RESTORATION	FINANCIAL COMPENSATION	ALTERNATIVE REMEDY	TOTAL NO OF CLAIMS SETTLED	BENEFICIARIES INVOLVED
URBAN CLAIMS SETTLED	3	2063	0	2066	269110
RURAL CLAIMS SETTLED	688	18	0	706	
TOTAL	691	2081	0	2772	269110

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

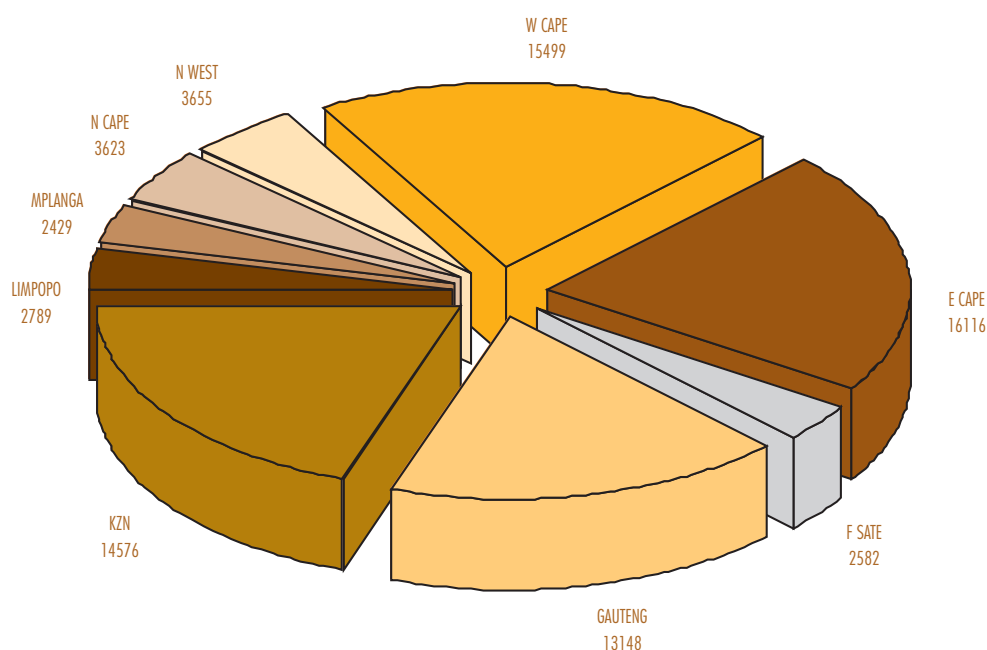


STATISTICS ON SETTLED RESTITUTION CLAIMS

CUMULATIVE STATISTICS: 1995 - 31 MARCH 2007

Rural & Urban combined										
PROVINCE	CLAIMS	HHs	BENEFICIARIES	Ha	LAND COST	FIN COMP	GRANTS			TOTAL AWARD
							Development	RDG	SPG	
E CAPE	16116	47826	173387	72075	216,811,427.00	811,247,547.38	69,291,748.00	84,036,000.00	40,337,280.00	1,221,724,002.38
F STATE	2582	4875	37246	44464	7,703,300.00	79,988,001.81	24,094,004.35	9,192,000.00	4,099,680.00	125,076,986.16
GAUTENG	13148	14333	64859	7557	89,633,195.57	628,524,975.00	52,753,957.14	5,698,000.00	1,525,320.00	778,135,447.71
KZN	14576	51417	314299	435190	1,006,829,286.01	1,080,868,827.80	361,100,156.50	81,438,000.00	35,936,160.00	2,572,539,430.31
LIMPOPO	2789	34777	196434	356042	1,290,419,310.92	84,771,642.34	96,883,868.85	85,203,000.00	38,720,160.00	1,595,997,982.11
MPLANGA	2429	36821	166550	213360	1,846,400,178.76	202,724,154.00	40,344,518.11	94,920,000.00	45,561,510.00	2,229,950,360.87
N CAPE	3623	14817	81709	305389	176,012,414.77	293,712,112.09	35,304,510.08	10,274,640.00	11,009,213.06	526,312,890.00
N WEST	3655	26656	134089	213659	601,959,134.81	177,260,918.98	125,282,890.80	67,943,000.00	32,540,352.79	1,004,986,297.38
W CAPE	15499	20340	104470	3115	8,216,187.00	695,330,699.68	2,565,000.00	11,368,440.00	2,727,612.00	720,254,938.68
TOTAL	74417	251862	1273043	1650851	5,243,984,434.84	4,054,428,879.08	807,620,653.83	450,073,080.00	212,457,287.85	R 10,774,978,335.60

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 on an ongoing basis subjected to internal auditing.
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].

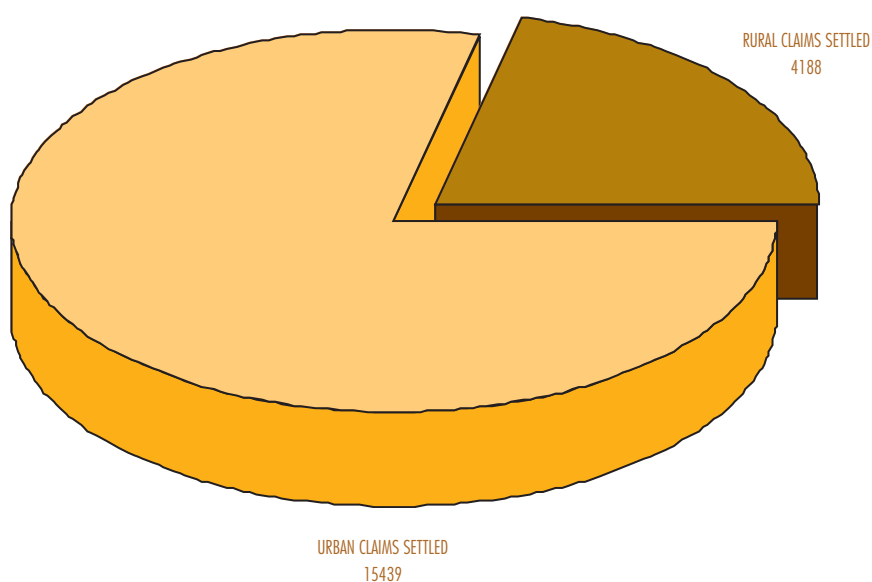


CUMULATIVE STATISTICS ON SETTLED RESTITUTION CLAIMS

RURAL AND URBAN: 1995 - 31 MARCH 2007

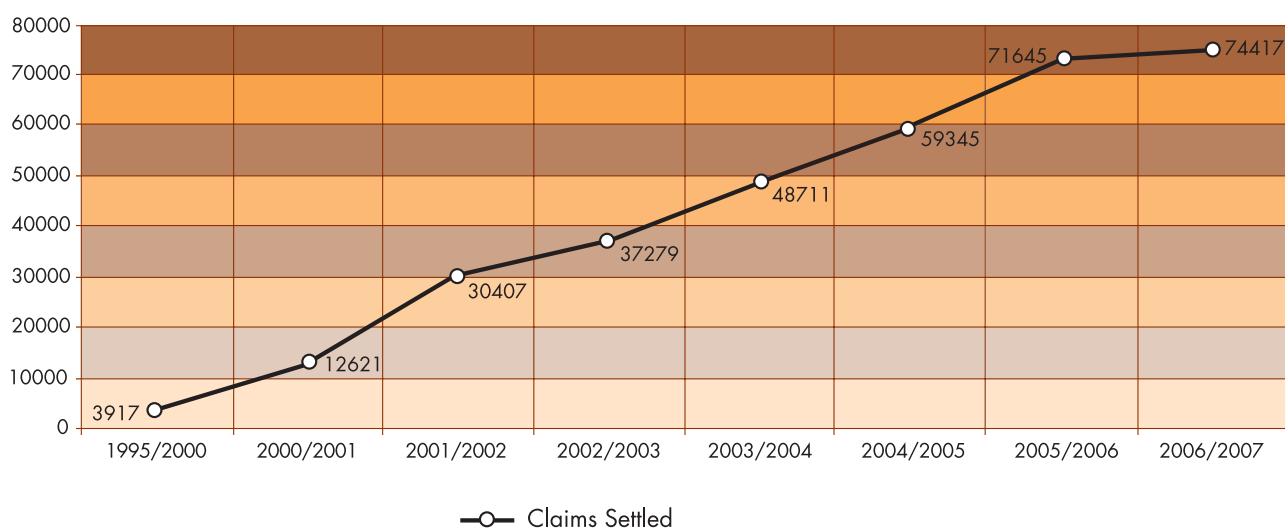
	LAND RESTORATION	FINANCIAL COMPENSATION	ALTERNATIVE REMEDY	TOTAL NO OF CLAIMS SETTLED	BENEFICIARIES INVOLVED
URBAN CLAIMS SETTLED	15439	47726	2477	65642	483988
RURAL CLAIMS SETTLED	4188	4152	435	8775	789055
TOTAL	19627	51878	2912	74417	1273043

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



PROGRESS MADE ON THE SETTLEMENT OF RESTITUTION CLAIMS FROM 1995 - 31 MARCH 2007

PROVINCE	1995/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	TOTAL
Eastern Cape	2269	628	6324	1824	1858	2981	45	42	16116
Free State	2	404	742	4	470	72	574	463	2582
Northern Cape	9	402	1	39	1049	467	1271	102	3623
Gauteng	811	2571	2115	1876	2239	3820	1	15	13148
North West	361	27	662	3	162	1360	843	214	3655
KwaZulu- Natal	418	526	6814	1669	996	167	3243	267	14576
Limpopo	2	328	178	269	358	136	497	72	2789
Mpumalanga	0	3	254	381	856	178	14	334	2429
Western Cape	45	3815	696	807	3444	1453	4354	1263	15499
TOTAL	3917	8704	17786	6872	11432	10634	10842	2772	74417



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

We take this moment to remember all the claimants who passed away while waiting for the settlement of their claims. We acknowledge their resilience and commitment to see 'the return of the land'. We dedicate this report to all of them as we focus on the acceleration of delivering the land to the people - their efforts were not in vain.

May their souls rest in peace.

Western Cape Province

P. J. Swartz
 Jakob Petersen
 Clara Davids
 November Kermis
 Rachel Hannes
 Johanna Pieterse
 Alice Fredericks
 Adam Dombas
 Henry Lundau
 Mustapha Green
 Joan Fisher
 Kato Fisher
 Rev. A.J.R. Maart
 Jan Cornelissen
 Johanna Groenewald
 Japhta Jordaan
 Edith Petersen
 Rose Goliath
 Michael Scheepers
 Matty Booysen
 Isaac De Jager
 Galiema Cimoni
 K. Hartogh
 C. Ehrenreich
 Henry Jacobs
 Minnie Gemmel
 Piet Skippers
 Lucille van der Horst

Limpopo

Andries Lesiba Kekana
 Mokibelo Saterdag Mokitlane
 Malose Makgai
 Mr Mohlaka

Eastern Cape Province

Prof. Bolofo
 Mr Solomon Vuyile Ndiza
 Mr Isaac Sotu
 Mrs Elsie Maceki
 Mrs May Makgetha
 Mrs Moloinyana
 Mr Gregory Bossr
 Mr Mishack Mbambisa
 R. Phuthuma Dubase
 Mr Wana
 Mrs Plaatjie
 Mr George Smith
 Ms N Matomela

Newsclips

Limpopo leads in land restitution

CAPE TOWN VOICE
15/08/2006

Limpopo News Service

The Limpopo province is the leader in the country as far as corporate governance is concerned when it comes to land restitution.

This feather in the cap of Limpopo was given by Mr Tozi Gwanya, chief land commissioner at a media conference at Magoebaskloof on Thursday 20 April as part of the quarterly meeting of the commission on restitution of land rights that was held here.

"The office of the regional land claims commissioner in Limpopo has actualised the principle of co-operative governance by bringing on board various stakeholders in the province such as the Limpopo department of agriculture (LDA), Limpopo tourism and parks (LTP), trade and investment Limpopo (TIL) and other provincial government departments by entering into specific working arrangements with the said departments. To this end, the department of agriculture has assisted restitution beneficiaries of Mamahlola and Sekororo through funds to purchase key implements and putting in place infrastructure to ensure the sustainability of the restored farms," said Gwanya.

He also mentioned that a forum is in place to advise the provincial government on progress made with the restitution of land rights as well as to secure productive farming on farms affected hereby. "This is making land restitution a success in Limpopo. Productive farms transferred to new owners are even expanding and jobs are being created".

He said about 5 809 land claims were lodged in Limpopo before the cut-off date of December 1998.

These claims were consolidated because it was found that in some instances, people of the same communities lodged separate land claims on similar farms. The consolidation exercise brought the number of land claims to 3 654. Of these, 2 542 were settled to date and 1 112 are still outstanding.

"The commission is unwavering in its commitment to meet the 2008 deadline. To this end, more resources have been allocated and strategies have been formulated to expedite the settlement of all land claims.

This year we have been allocated R2,7 billion and in the new financial year, we will have R3,1 billion available countrywide," said Gwanya.

Church to get R35m in historic farm expropriation

BY JANA ENGELBRECHT
AND REUTERS

The first-ever farmland expropriation in South Africa will take place in the Northern Cape next month when the government takes possession of the Pniel farm.

The 25 200-hectare property is owned by the Evangelical Lutheran Church of South Africa (ELCSA).

The expropriation order came into effect on January 26 and the state will take possession of the farm on March 15.

ELCSA Bishop Johannes Ramashala on Friday described the expropriation of the farm as a "negative move from the government's side", but the church would not oppose the expropriation.

An amount of R28,4-million has been paid into the church's bank

account - 80% of the R35,5-million the church will get.

It was earlier reported that the church wanted R70-million.

The church was given 60 days to submit a written statement to Minister for Agriculture and Land Affairs Lulama Xingwana, indicating whether they accepted the offered.

The chairperson of the Pniel Communal Property Association, Corrie Solomons, said yesterday they were happy about the expropriation - on condition the land was handed over to the community "as stated by the national commissioner on TV on February 1".

Susan Booysen, a political scientist at Wits, said: "I think it (the expropriation) is most significant ... It (reform) is something that cannot lag forever."

The Star, February 14, 2007

TRIBE GETS ITS LAND BACK

Thirty-year struggle ends in triumph

Ellsha Molefe LAND

Saturday was a memorable day for 877 members of the Bakwena ba ga Moletse tribe when they finally got back the land they had been struggling to reclaim for 30 years.

The fertile land lies on Rietkuil farm near Lichtenburg in North West and lies within the maize triangle.

It was formally handed over by regional land claims commissioner Tumi Seboka.

One of the claimants, Salaminah Dintoe, 83, fondly recalled her young days on the farm.

"We were happy in those days. I remember we used to walk 20km to school and another 20km back, but we were never late for school," she said.

"One month we would attend school and the next we would have to be at home to chase away birds that destroyed our crops.

This arrangement had been agreed on by our parents and teachers."

The 714 528ha piece of land was bought back by the North West Land Claim Commission at a cost of R5,9 million.

The land is currently used for crop and cattle farming.

Furthermore, the previous landowner was also running a highly computerised dairy parlour, which supplied chainstores in Gauteng and a Spar supermarket in Lichtenburg.

Seboka said the North West and Gauteng land claims commissions had restored 219 885ha of land for 24 084 households and 103 135 beneficiaries this year alone.

"Today in this province we are left with 80 outstanding claims and we are confident that we will finalise those claims before the 2008 deadline set by President Thabo Mbeki," said Seboka.

South African, Monday, February 13, 2007



Newsclips

Citizen March, 7, 2007

Buyers won't budge as

By DALENE ROBUS

MEMBERS of the public who bought land in Mpumalanga illegally refused to budge from the stands they acquired from the Nsikazi tribe – even when an urgent court interdict was served on them.

The Mbombela Municipality, owner of the 96ha of land at Rocky

Drift earmarked as a future cemetery is struggling to remove the hordes of people.

The urgent court interdict was obtained from the Pretoria High Court by the municipality last Thursday to prevent MJ Nkosi and P Radebe from entering the land, demarcating land, building roads and selling land to the public.

The buyers were unaware that the land did not belong to Chief Nkosi, apparently from the Nsikazi Tribal Authority.

The stands, about 50 by 25m in size, were sold for a mere R520 each. A large number of stands have been grabbed, and it is believed that even members of the police and employees of Correctional

land ruckus escalates

Services had bought.

According to court documents, the Nsikazi tribe has no claim on the property, portions 16 and 17 of the farm Dingwell 276, adjacent to Nelspruit's Lomac Model Aircraft Club.

The Matsafeni Trust obtained ownership of the land after a successful land claim and the

municipality bought it from them in December 2004 for R1,3 million. The municipality intends establishing a cemetery on the property.

According to Nsikazi Tribal Authority spokesman Peter Ndlovu they did lodge a claim against the property at the land claims commission, but "something fundamentally went wrong". – CNS.

Speed up land reform now!

The fight caused by the commercial agricultural unions regarding the issue of land expropriation is folly.

It is an empty noise caused by the unintelligent who in their stride want to taint what our constitution provides for.

It is the kind of behaviour that smacks of deep-seated greediness.

When we talk of redressing the past injustices, it stands to reason that the target would be those who benefited from the then order of things.

When such resources are sought to alleviate poverty and to ensure that there is socio-economic development for those who have long been marginalised, it follows that

those who own resources must release some.

The question of land is not just a struggle that can be advanced outside the context of a better life for all and, fostering national unity, given our volatile past.

The Ministry of Land Affairs and Agriculture must have enough courage to forge ahead with expropriation in instances where land price negotiations have protracted.

On the same note, poor landless people's patience is fading.

Often the argument is put that expropriation is painful to white commercial farmers. So were the dispossessions of the past.

■ Percy Sepagala, *Indermark*

Urgency in land reform funding

Neels Blom

Agriculture and Land Affairs Editor

THE land affairs department has increased its estimated combined expenditure earmarked for land reform and land restitution for the 2007-08 year to just more than R5,023bn from the 2006-07 estimate of R1bn.

The expenditure on restitution – the restoration of land rights to people dispossessed under apartheid – envisaged for the 2007-2008 period is by far the single largest item in the total budget of R5,7bn and more than a third higher than last year's estimate.

This item is followed by the estimate for land reform (at R1,7bn from R800m), which would include the expected

expenditure on the redistribution of white-owned land to black farmers.

The disproportionate estimate for restitution reflects government's deadline to have finalised all land claims by next year. Government has settled more than 90% of the 79 696 land claims, benefiting 1,17-million people.

The projected expenditure for the 2008-09 period and the 2009-10 period show a sharp decline of R2,5bn and R1,3bn respectively. Expenditure on land reform, the bulk of which would be accounted for in the redistribution process, rises progressively to R2,9bn for 2008-09 and R3,3bn for 2009-10, reflecting the approaching 2014 deadline to transfer 30% of white-owned farm land to black farmers.

Business Day, February, 22, 2007

LAND, FIN, Agric



Newsclips

Land Agric Prov-L Regering onteien eerste

Mariette Louw-Carstens

Die regering sal oor 'n maand die eerste plaas in die land wat weens 'n grondeis onteien is, in besit neem.

Die Pniel-plaas in die Noord-Kaap is die eerste eiendom in die land wat ingevolge artikel 42E van die Restitusiewet nr. 22 van 1994, onteien is.

Die plaas het aan die Evange-

liese Lutherse Kerk behoort en die regering het verlede week aangekondig dat die grond onteien is. Dit beslaan 25 200 ha grond en is naby Barkley-Wes, sowat 20 km noord van Kimberley, geleë.

Me. Pulane Molefe, nasionale woordvoerder van die grondeise-kommissie, het gesê 'n bedrag van R28,4 miljoen is reeds in die kerk se rekening inbetaal. Dit is 80% van die totale bedrag van

R35,5 miljoen wat die regering die kerk sal betaal vir die grond.

Dit volg nadat onderhandelinge tussen die kerk en me. Lulu Xingwana, minister van landbou en grondsake, tot stilstand gekom het.

Molefe het gesê die onteieningsbevel het reeds op 26 Januarie in werking getree.

Sy het aan Sapa gesê daar is nog geen skriftelike dokument van die kerk ontvang waarin

plaas weens grondeis

hulle aandui of hulle die bedrag wat die regering aangebied het, aanvaar nie. Ingevolge die Restitusiewet het die eienaar, in dié geval dié kerk, 60 dae tyd om die minister van grondsake te laat weet of hulle die geld gaan aanvaar of nie.

Die restitusie-eis is ingestel deur United Griquas Development, die gemeenskap en werkers op die Pniel-plaas, die Pniel-gemeenskapstrust sowel as

die Bloem-familie.

Verskeie onteieningsbevele is sedert verlede jaar regoor die land aan grondeienaars beteken.

In Limpopo is ses stukke grond in die Makhado (Louis Trichardt)-gebied geoormerk vir onteiening. Geen briewe is nog hier aan eienaars gegee nie.

In die Bela-Bela (Warmbad)-gebied is kennisgewings van onteiening op vier dele van die plaas Turffontein 499KR beteken. Die

Lethlakaneng-gemeenskap het 'n restitusie-eis vir die grond ingedien. In Gauteng is daar op die plaas Krokodilspruit in die Cullinan-gebied ook 'n onteieningsbevel beteken.

Mnr. Tozi Gwanya, hoofgrondeisekommissaris, het gesê dié onteieningsproses volg op 'n dispuut oor die grondprys wat ná drie waardeerders se waardasies nie opgelos kon word nie.

■ mlouw1@beeld.com

Beeld, 15, february, 2007

COMMISSION TO CHALLENGE CLAIM RULING

THE MPUMALANGA LAND CLAIMS

Commission plans to appeal against a ruling that officials had no right to expand a land claim to include properties not listed in an original claim form.

The case relates to a claim on Daisy Kopje farm near Barberton. The claim form shows Nkosi Rainslee lodged a claim on behalf of the Nkosi family to Portion D (now called Portion 4) of Daisy Kopje 643 JT, yet the commission gazetted all 12 portions of Daisy Kopje on behalf of the entire Daisy Kopje community.

On December 8 the Land Claims Court found the commission had no right to expand the claim or substitute the Nkosi family "by a different claimant which also includes other families".

The court has given the commission leave to appeal this ruling, officials said. They plan to argue the court's strict interpretation of the claim form was

an "oversight" that did not take the claimants' intentions into account.

"When lodging a claim as a family claim (the claimant) intended to include the community as part of the family and intended to lodge a claim in respect of the whole farm," commission spokesperson Frank Lesenyego said.

The ruling would have no impact on other cases on the commission's books pending the outcome of the appeal, he said.

It could prove a test case for hundreds of similar claims throughout SA, where landowners allege gazetted claims have included numerous properties not listed on claim forms.

Officials have defended the practice in the past, arguing claimants did not usually list full farm names or use names appearing on title deeds. The commission was therefore obliged to use oral evidence and site inspections. – Stephan Hofstätter

farmers weekly 9, march, 2007



In their Own Words – Claimants Have their Say

"I am very grateful today to stand a chance to go back to Steurhof farm. We, the Steurhof Land Claim Committee want to thank the Chief Land Claims Commissioner: Mr. Gwanya, Cape Town provincial government departments who supported us through difficult times."

Ferdi Meyer - Current Chairperson of the Steurhof Land Claim Committee

"I would like to thank everyone who participated from the word GO to where we are now. But I want to thank Mr. Peter Laubster: South Peninsula Municipality who is the one who set the ball rolling for us. We, as the Steurhof Land Claim Committee, we are saying thank you very much and keep up the good work."

Desiree Bouw - Former Chairperson of the Steurhof Land Claim Committee

"Ek het nooit gedink dat so 'n ding in my lewe gaan gebeur. Dit was een dag toe hulle se daar was erwe verkoop word, sny julle grond. Toe het my pa 'n huis daar gekoop, die huis staan vandag nog daar van een straat to 'n ander straat. Dit was op 'n eend dag to 'n oubaas van die kantoor opgedaag met 'n leis toe se hy Jama se huis moet plat gestoot word."

Mnr Jama - Mandlenkosi grondeiser

"Re ne ra tsena mo bothateng re le molefatsheng la Madiakgame, ra nna le bothata ba puso ya nako eo e eneng ya re tsenya motsietsing ele tota. Ba re hudusa ka dikgoka, re ne re gana re sa batle, ba re lwa huduga lo rata ebile to sa rate."

Moemedi wa mangwe a malapa a kwa Madiakgame

"Dit was nie lekker dae nie, ons gaan eendag nie meer daar bly nie is vir ons gesê, toe was die Bantu's al weg. Ons het lekker gelewe (van Barbarosa Straat gekom), ons is hierna toe geskuiwe."

Ms. Susanna Plaatjies (94 years old) - Arum Straat, Lantana, Paarl.

"Ek het die vergoeding gewaardeer, my dak en my twee kooie, ek kon my huis reg maak. Die swaarheid het ons maar agter uit gesit. Ek was dankbaar, ek het 'n nuwe "ceiling" ingesit."

Ouma Lea Swartz (80 years old) - Mei straat 36, Lantana, Paarl.

"Dit was swaar toe ons die huise verloor, my huis was by die polisie stasie, waar ons nou moes woon was daar nie 'n bus of taxi, ons het eers later 'n bus gekry. Ons het darem lekker gebly, so saam daar."

"Geld is nie alles nie, ek kon darem my goedjies reg maak daarmee. 'n Mens dink net waar jy gebly het, jou huis."

"Al wat ek kan sê is dat dit 'n baie hartseer storie is. In daardie omgewing was die gemeenskap baie geheg aanmekaar. Die gemeenskap het gewaak oor mekaar en daar die respek vir mekaar geleer. Maak nie saak of die persoon 'n wit man, african, of 'n kleurling was nie, ons het gekyk na mekaar. Ons het tussen die blankes gebly, daar was nie 'n haat nie."

Wel, die vergoeding het my gehelp, ek het 'n afdak aangesit en agter gaan ons ook een aansit, ook 'n stoep voor en agter. Baie mense sê dit is te min, maar 'n mens moet tevrede wees. Ons was huurders gewees."

Oom Gerald Alexander (76 years old) - Kanarie straat, Amstelhof, Paarl.

"I am happy to be back."

Ms. Maria Ndzabela - Chapel Str. 82, District Six, Cape Town.

"Daar was 'n bietjie van 'n ontevredenheid oor die vergoeding, 3 vouchers is uitbetaal, ons wag nog vir 3. Die proses het lank geneem, amper 11 jaar."

Ms. Cathleen Elizabeth March (Maart) (64 years old) - 32 Bertrum Str., Protea Heights Rus Oord, Brackenfell.





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