



PUBLIC HEARING ON THE FORESTRY BILLS

I, Adrian D A Simmers, am the chair person of the Jonkershoek Forestry Community Forum (JFCF), and we are also members of the:

1. Forestry Communities Forum (FCF), which consists of 13 different Forest Communities over the Western Cape.
2. Western Cape Forest Sector Forum (WCFSF), which also include some of the Forest Communities in the Southern Cape.

Submission and Comments

The JFCF did not see the **NATIONAL FORESTS ACT OF 1998**, but what we have seen to be Amended is fine, as long as it will not have a negative influence on our community and their tenureship; especially those who lived and work on State Forest Stations all there lives, forest dwellers, children who were born and raised there.

The community would also like to Appeal some of the decisions that were made in the past, and have them corrected.

Herewith an abstract from another document.

Histories

- These grounds used to be slave owned, awarded to my parents and other households in the 1800's.
- Some of them were murdered or forcefully removed from the property (Ghalpie's, Shobier's & Ghiempie's). There is ample evidence on the Forestry grounds and State-owned property.
- Note: Many attempts have been made by community members to dig up old graves to determine cause of death of some of slaves. (bv: Mr Johnny Slinger of DLA, & Mr Van Breda of SAPS).
- On behalf of my family and broader community, i submitted a claim in 1999, which was fruitless.
- We would like to submit a new claim. There is, however, currently a hold on new claims.
- I am thus not comfortable being relocated if the issues surrounding rightful ownership are not dealt with.

Change of ownership

- When slaves were released in the 1800's, farns were allocated to them for substinence farming and also to sell some of their products.
- Through the help of a field cornet, my great-grandmother, Rhokia Ghalpie, was allocated a farm around 1922, with her 4 minors.
- Around the same time, the owners of the two neighbouring farms, the Ghiempie's & Shobier's, vanished. The same person was in control of these farms. When asked where they were, the farmer replied they were given a alot of money and are on a ship back to Malaysia.

- Around 1950 my grandmother and the family of workers receive news of people discovering shallow graves. Some of the skulls has holes in and some of the clothes worn by the deceased, was that of old slaves.
- The upper part of the valley is taken by the Neethlings and the Watermeyers. They apparently declared bankrupt before the State and Municipality of Stellenbosch bought the property from them.
- Various state sectors used the property, eg: Forestry, Domestic Fisheries, Nature Conservation, and the Department of Education.

After 1996

- The Department of Land Affairs (DLA) arose in 1996 under guidance from Mr Johnny Slingers. We were the third community to apply for reception of the Land Reform program
- A series of workshops were held between 1996-1999 by the DLA. Our community, the Department of Forestry (SAFCOL), Wynland District Council (WDC), Stellenbosch Municipality, and the Department of Public Works (DPW) were part of the workshops. These workshops were aimed at providing home owners (Card & Transport) with extra land to workers who at the time occupied the houses.
- In May 1999 the legal representative of SAFCOL shared in a meeting that his client's core business was Forestry Management and that other instances have to give the houses to the inhabitants with "Card & Transport". All parties agreed.
- DPW promised to return to the community within 14 days to complete the meeting and to conclude the abovementioned process.
- Everyone waited for DPW. Adri Snyman and I tried to contact Mrs Estie Wessels on multiple occasions to get the process started but couldn't reach her or her department for inputs. This is where the process ended.

2006

- In 2006, MTO assumed responsibility over the plantations, unbeknownst to the community or any other party.
- A series of meetings with the community followed. Other representatives were: MTO, DLA, DPW, DAFF, LHR, US & UWC, legal advice clinic, Stellenbosch Municipality, WDC, WoF projects and Dr Lionel Louw of the Premier's office.
- DLA, under guidance of Mr T. Fiff & Kelly Theunis led the process and a Dr Kotze was employed to do a Social Impact Study (housing and land) in the area.
- Members of the community were part of the survey team and helped with data analyses and write-up of a draft report. When the final report was written, only members of DLA, MTO, DPW & Stellenbosch were present.
- When the report was presented the results were warped, to the point where the rest of the meeting members rejected it. Dr Lionel Louw viewed this as a waste of people's time and money.

- In this series of meetings, the rep of DAFF, Mr Jan Truter, told the other reps that they are ready to supply houses to the inhabitants and that each plot was already mapped by GPS. They were just waiting for the other stakeholders.
- There were also multiple SDP/F etc. Between the Stellenbosch Municipality and the WDC. All of the resulting documents were good but the implementing left much to want.
- It is clear that the Stellenbosch Municipality and DPW and the agents involved are playing cat and mouse with the community.

Discussions and questions at other opportunities

- AT Eslenburg in 2014 questions were posed to DAFF (represented by Susan Steyn and Cyrel Ndo?) in the presence of MTO and others:
 - "How did MTO manage to operate here as a Forestry company while this community has already applied in 1996 to operate as a community forestry station?"
 - "Where is the paper trail which led to this agreement?"
 - "Was there ever a consultation with the forestry community?"
 - "Why is no-one from the community working there? 100% was from other provinces, and cause social problems".
 - "Where do all the profits go, and why do the community members not own shares?"
 - "What about their social responsibility?"
 - "Who is the rightful owners of the land?"
 - "How did MTO manage to extend their renting contract for the land for another 70 years without the knowledge of the community and wider public?"

Note: 1

- The office of the Surveyor General is unable to provide clarity about who rightfully owns the land at Jonkershoek.

Note: 2

- The Jonkershoek community and members of MTO are members of the Western Cape Forest Sector Forum (WCFSF), where Forestry issues are discussed
- A big meeting is scheduled for 30 September 2017 with the Minister, the WCFSF, and all Forestry communities in the Western and Southern Cape.
- The meeting/workshop is scheduled for 2 days.
- High on the agenda are the issues surrounding housing, land, and the use of natural resources

Note: 3

- JAYMAT Enviro Solution is/ was also busy with surveys in forest towns where they considered the following:
 - The land use rights of a) individuals and b) communities
- The problem with the survey can be summarised as:
 - Not all forest towns were surveyed
 - The towns visited did not have representation from all households

- We never saw the report
- MTO apparently told JAYMAT it wouldn't be necessary for Jonkershoek.

On the Memorandum

We could not see a Clause where the protection of Forest Dwellers, Retired Forest Workers etc, Tenure Security and their livelihoods is ensured, according to the Rio Summit of (1992)

Where does it show the protection for communities against Foreign Forest Companies.

We could not see anything on the protection of our riparian- and schree forest.

How is rehabilitation enforced onto Forest Companies

Why is it that local labour is not used, but gets imported from other provinces.

Communities should be taught by the Department what to do in cases of disaster.

The Department should have a focused research unit like that of the old **SAFRI** (South African Forestry Research unit)

Outcomes:

We would like to have representation on the committee as forest dwellers and ex-forestry workers in order to ensure that the rights of these poor and marginalised communities are adequately considered. Further, we would like to have the committee consider the historical claims of forest dwellers, of which my family history is but one example.