



OFFICE OF THE CHIEF LAND CLAIMS COMMISSIONER

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RESPONSE TO THE PORTFOLIO COMMITTEE ON RURAL DEVELOPMENT AND LAND REFORM ON A COMPLAINT RAISED AT THE PUBLIC HEARINGS ON THE COMMUNAL PROPERTY ASSOCIATIONS AMENDMENT ON THE KRAAIBOSCH LAND CLAIM [S476]

1. PURPOSE

- 1.1 To inform the Chairperson of the Portfolio Committee on Rural Development and Land Reform on the progress made regarding the Kraaibosch Land Claim (S476) as per the enquiry from Mr Ben Oelf, during the public hearings on the Communal Property Associations Amendment Bill, held on the 8th August 2017.

2. BACKGROUND TO THE CLAIM

- 2.1 A community claim was lodged before the 31st December 1998 cut-off date on behalf of the Kraaibosch Community. The claim was condoned into one-hundred and twenty-eight (128) individual claims for the loss of beneficial occupational rights. The claims were lodged against Kraaibosch Woodcutter's Location ("Allotments") and "Vrygrond" (Free Land) situated in the Knysna Local Municipality and Eden District Municipality in the Western Cape.
- 2.2 The claim covered the area from the Homtini River to the Karatara River and between the Outeniqua Mountains and the N2 National Road in the Knysna District.
- 2.3 The claimants resided for different periods on the land. Some of the claimants were employed as labourers by the farm owners and others had sharecropping relationships with the owners of the land.
- 2.4 Preliminary research was conducted for the Kraaibosch Community Claim by the Regional Land Claims Commission and research reports in respect of Kraaibosch Woodcutters's Location ("Allotments") and "Vrygrond (Free Land) were approved in 2011, soon after the Minister's visit during 2010 to the Community with the other one during 2013.

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3. CURRENT STATUS OF THE CLAIM

3.1 Due to the volume of the claim, the claim was settled in phases:

3.1.1. The Phase One submission consisted of twenty nine (29) claimant households that included one-hundred and forty-eight (148) beneficiaries and was approved on 15 November 2012 to the value of R 1 584 850.00; one (1) claimant household will be consolidated (as two members of the same family lodged a claim wrt the same originally dispossessed) and the budget allocation of R54 650.00 for that portion of the claim will be declared accordingly. The outstanding payments for this phase is R 30 246.11 and will be completed on receipt of outstanding documents and tracing of the relevant beneficiaries.

3.1.2. The Phase Two submission consists of six (6) claimant households involving thirty one (31) beneficiaries and was approved on 21 February 2015 to the value of R 578 172.00 with an outstanding amount of R 123 893.99, on a payment list on route for payment.

3.1.3. The Phase Three submission consists of thirty (30) beneficial occupancy claimant households with one-hundred and two (102) beneficiaries and was approved on 13 March 2015 to the value of R 2 890 860.00 of which a payment list for R63, 017.69 is on route with R78, 077.27 is outstanding due to untraceable claimants and outstanding documents.

3.1.4. The Phase Four submission consists of seven (7) households with thirty seven (37) beneficiaries was approved on 31 March 2016 to the value of R 776 629.00. The payment lists for the amount of R774, 895.45 was completed and is en-route for approval and printing of vouchers; and 1 beneficiary indicated dissatisfaction and indicated to change to development.

3.1.5. The Phase Five submission consists of two (2) verified tenancy claimant households with twelve (12) beneficiaries who were dispossessed from the Kraaibosch allotments is pending approval after phase 1 consolidation and reconciliation is finalized.

3.2. The status of the remaining fifty four (54) claims is as follows:

3.2.1. Thirty five (35) claims have been found non-compliant as it did not meet the minimum requirements as per the Restitution of Land Rights Act, 1994, as amended;

3.2.2. Twelve (12) claimant households are untraceable;

3.2.3. Three (3) claimant households opted for restoration; processing of these claims are pending the completion of all the phases to deal collectively with the overall need for restoration, as indicated by beneficiaries.

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Negotiations for land has not yet commenced, as the final phase is now in a S42D submission and claimants have not provided the Commission with a mandate to negotiate for land.

- 3.2.4. Five (5) claims were consolidated as members of the same families lodged on behalf of the same originally dispossessed individual.
- 3.3. During all the processes of the settlement and finalization of the claim, the office continuously communicated with the claimants regarding the follow-up processes and status of their claims. Minutes, trip sheets and file notes are on file.
- 3.4. On 6 July 2017 a meeting was held with the Committee, including Mr Ben Oelf, the complainant where all issues raised by the complainant, including the current status of the claim were clarified. **(Attached please find Minutes of meeting and attendance register).**
- 3.5. In addition, Mr Oelf submitted a Ministerial Enquiry during August 2017 and a response was submitted on the 6th September 2017.

4. ISSUES RAISED BY THE COMPLAINANT

- 4.1 The Complainant is requesting that the Portfolio Committee address a few concerns, viz.:
 - 4.1.1 That despite the Minister's promise to finalize their claim during a meeting with the Committee in 2010, the current state of affairs are unknown to the Committee; and
 - 4.1.2 That the claimants are prompted to opt for financial compensation by the George satellite office of the Regional Land Claims Commissioner: Western Cape.

5. RESPONSE AND PROGRESS MADE BY THE OFFICE IN RESPECT BY THE ISSUES RAISED BY THE COMPLAINANT

- 5.1. Continuous communication ensued between the Kraaibosch Land Claim Committee and the Regional Land Claims Commission: Western Cape office since the Minister's visit during 2010 on all the phases of the settlement of the claim, without this communication, progress made to date would not have materialized and the payments of R5,667,538.00 which were processed in respect of the R5,828,777.00 approved thus far could not have been possible;
- 5.2. The Commission is actively working with the Kraaibosch Community to solicit outstanding documentation and payment lists are processed as documents are obtained from claimants;

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- 5.3. The Commission does not encourage financial compensation to claimant communities; in fact claimants are requested to indicate their option as settlement during an Options Workshop which was held with the community, whereby the Commission explain the options available to communities and implications of each settlement option.
- 5.4. The current status of the claim is detailed under 3.1-3.2 above and has been communicated to Mr Oelf during a meeting on 6th July 2017 and a written response on 06th September 2017.
- 5.5. The list of the twelve (12) untraceable land claimants have been escalated to the Office of the Chief Land Claims Commissioner after the attempts made by the Regional Land Claims Commissioner failed:
- 5.6. The Office of the Regional Land Claims Commission is in negotiations for land to the benefit of the three (3) claimant households who opted for restoration. At this stage the office cannot put a timeframe to the settlement of this phase, as it is not clear how long the negotiations for restoration and related processes will take place, due to the availability of land.

6. WAY FORWARD

- 6.1. The office will continue to inform the Kraaibosch Land Claim Committee on the progress of the claim and that every step of the processing of the outstanding matters will be addressed as speedily as possible; and
- 6.2. A letter is sent to the Complainant addressing the concerns raised.



**MS NOMFUNDO NTLOKO-GOBODO
CHIEF LAND CLAIMS COMMISSIONER**

DATE: 2017/11/06