Chair, we need to take a glance into historical circumstances when dealing with the issues of land, and State land in particular, bought and owned by rural communities and their traditional leaders. The repeal of the notorious Native Land Act of 1913 brought relief to those dispossessed of rights in land but that meant nothing thus far as the State continued to illegally hold on to rural people`s land instead of the State transferring such parcels of land to its original rural communities under traditional leadership. Government has been refusing to transfer our land in Title alleging that there is no legislation to effect such transfers, which it knows that it is irrefutably deceiving us with that account. As CONTRALESA, we understand land reform in the context of distributing land in the hands of minority into the majority of the country`s citizens. The talk of holistic across the board approach in attempts to also expropriate land in black’s hands is unacceptable to us and compromises the objects of land reform as we understand it, and we are not shy of telling all that such a move can only happen in the year 4000 while we will not be there to defend it as we will be ancestors then.

Let me inform you before getting into the topical issue that we have been waiting for transfer of all undisputed traditional authorities land belonging to our communities. We demand instantaneous transfer and calling on the State to immediately evoke Section 3 and 4 of Distribution and Transfer of Certain State Land Act, number 119 of 1993, evoke Section 2 and 3 of Land Title Adjustment Act 111 of 1993, enforce Section 3 of Restitution of Land Rights Act 22 of 1994, and apply Article 14 of The Indigenous and Tribal People Convention number 169 of 1989. These are legislations at the disposal of Government to use, but that did not happen because transferring such parcels of land will restore power to traditional leaders, which the ruling party cannot afford to let it happen. We reached agreements in 2017 at Birchwood hotel in Boksburg and Lakeside hotel in Benoni on these transfers but nothing materialized thus far, and our stance remain unchanged and that these State land transfers must precede the expropriation of white owned land. As CONTRALESA NEC, we need to experience the new dawn and transfer of Title Deeds to deserving communities is the entry point.

Secondly, another contentious matter is the fact that Government is creating communities within communities and in the process stripping traditional leaders hold on the traditional systems that defines and identify them. The new land acquisitions by entities such as CPA`s that exclude former administrators of the land, been traditional leaders and their entire communities is a cause for concern. The Government does not hesitate to transfer parcels of land to such entities but fails to recognise tribal authorities as legal entities in taking ownership of their restored land and land the communities are using for beneficial purposes. This impede development of such areas and will always render rural economies unattractive destinies for investments. We cannot have our own Government having a share of these cramping behaviour.

Thirdly, the State nationalized our minerals without compensating communities which owned lands where those minerals are mined. The State always say that in terms of mining Act, minerals belongs to the people and the state is the custodian thereof. By so doing they were nationalizing minerals and yet Section 25 of the Constitution was in existence when NMR Act was promulgated. What is government telling us under these circumstances? Currently, minerals belongs to capital holders who are the chamber of mines and not us the rural communities who stay on those mined lands. We are the real owners and yet deprived of this prized commodity. My national decision makers, please respect the Law and let us comply and follow the 2003 Constitutional Court Judgment on Richtersveld community land claim. Dikgang Moseneke ruled that you cannot separate land from minerals and the owners of the land are also owners of those minerals. This Judgment opened our doors for our arguments to reclaim our stolen minerals. This then calls for the State to expropriate mineral rights from those who are illegally holding them, if one consider the Constitutional Court Judgment. It is time for rural communities to exercise their Constitutional rights and demand their minerals back. The State is illegally holding those mineral rights for them. That calls for all mining licences on communal land to be revoked in terms of this 2003 Judgment and to be handed over to the owners of the land. The rural and economically marginalized poor people in communal areas under the system of traditional leadership have to be party to all mining operations and take control of the mineral wealth within their areas of jurisdiction.

Coming to the current expropriation without compensation debate, which I’m struggling to comprehend its meaning because expropriation in the queen`s language means forced sale, of which a sale is a transaction between two parties, I am not sure what I am debating now and wish not to be miseducated. The parliamentarians’ modestly chose nice words instead of just calling this exercise dispossession of white’s rights in land and repossession of stolen precious asset. We maintain that calling the process repossession will make a lot of sense in our context.

It is understandable though, because of late, international outcries and concerns take precedence over local and historical injustices perpetrated on defenceless blacks on their land. Notwithstanding name technicalities, CONTRALESA is of the view that expropriation has been there all along in terms of Section 25 of the Constitution and Section 42 E of Restitution of Land Rights Act 22 of 1994, and that Government never bordered to test it using these legislation. The Land claims commissions nationally failed us and must either be reconfigured or done away with, because they were legislatively armed and had everything within their powers to implement these legislations and expropriate land but chickened out every time the opportunity presented itself. We cannot applaud Government now as if it has now come up with the ultimate missing link in land reform. It failed to implement what was there and cost us dearly in the process. We however support returning of our people`s land through the current expropriation without compensation initiative as we are of the view that all the land was previously acquired without spending a cent by initial white owners. We agree, reparation is not only fair, but justifiable and necessary. We however support you with conditions, and that has to wholly be land in white hands and not the ones in black hands. The expropriation must be solely for the 87 % of land in minority hands. Period. Anything to the contrary will invite our hostile response. Furthermore, we don’t want this expropriation to be implemented in the proposed manner of State taking ownership of expropriated land. The State never owned land and must desist from further theft of our communities land by pretending to be conduits in finally transferring black communities land to the disenfranchised masses of South Africa.

The State took ownership of our land after expropriating it in 1993 and 1994 when they transferred land within homelands and TVBC States to it during abolition of homelands, where all parcels of lands under communal occupation were declared state owned as a result. The Expropriation Act of 1975 informed the expropriation at that time and a critical question is who was compensated when they expropriated tribal land in 1994. Who was paid and how much because rural black people under traditional leaders owned that land and not the Apartheid regime, not the TBVC states and not the homelands. We don’t want the State to repeat that legalized theft this time around, unless it wants to tempt us to demand compensation in terms of Expropriation Act of 1975 for our expropriated properties.

One discord in this expropriation debacle is the attached conditions and as CONTRALESA, we view it as biased because President Ramaphosa said food security must not be compromised or tampered with during its implementation. That literally means Oranges of schoeman farms around Groblersdal and ZZ2 tomatoes farms around Mopani cannot be expropriated because they bring in foreign revenue and provide food security. Whose interest will this expropriation then serve? What will happen to those poor people who were dispossessed of rights in land on those properties not to be touched? If these affected portions of land cannot be restored to their rightful owners, we are then wasting our time in trying to make sense out of this expropriation consultations. It has to be implemented holistically without consideration of external variables, otherwise it will be a farce.

In 1994 the ANC set itself a target of redistributing 30 percent of white-owned agricultural land to black smallholders within five years. 23 years merely scratched the surface and produced 5 % transfer. This expropriation without compensation even though welcomed, is viewed as a shield to government failure on land reform. We will consider ourselves lucky if this expropriation can be implemented within 15 years from now because there are no guidelines, and the State ownership of dispossessed land is also problematic because it never owned land but the people did. Why transfer expropriated land to the state instead of the people. In its current rational, the situation shall be abused and exposed to corruption as parcels of prime and productive land could end up in wrong hands especially in the hands of those in positions of power. This expropriation thing to me is leaving us with false hopes as traditional leaders and our communities. The starting point is Audit of all claimed properties who are potential candidates for immediate expropriation and set up processes to transfer such lands to the claimants and not the State.

Chair, we will be making a big mistake not to respond to utterances recently made against traditional leaders in the media. We are convinced as CONTRALESA that the consultations by the high level panel were lopsided and biased, and the panel decisions were deduced from uninformed opinions, because there was never meetings where traditional leaders were called to clarify traditional systems of governance. The panel entered our arena through the back door and claimed to have consulted all stakeholders, and yet consulted people in towns and cities about traditional governance. We are not surprised it issued irrelevant, extraneous and superfluous statements, and insulted us by calling us names in the process. There are people who are intellectually orphaned on traditional systems and claim to know everything about traditional systems and bankrupt in the art of engagement, yet knowing nothing. Only narrow-minded and stereotyped people generalize issues without substantive evidence and convince themselves of their subjective evaluation of situations. We reject all findings by the panel about traditional governance until it comes to us and consult us properly.

In conclusion, the land issue is a sensitive matter and Government must show commitment in dealing with it. At the same score, we demand the following, before the State embarked on the expropriation process on white owned land:

* We are cognisant of the fact that there are easy and simple retorts to our demands at the government `s disposal and yet the solutions seems a distance future or almost non-existent in the eyes of those in Government and in power. The undeniable fact is the fact that there must be an immediate transfer of undisputed and bought tribal communities `s land to their deserving communities as the State cannot continue to hold on to our rural communities land illegally as the 1913 Native Land Act that entitled them to hold our land in trust for us has been scrapped. This can be done by a stroke of a pen and the process must be completed before the dawn of 2019. This one is non-negotiable because previous arrangements with relevant authorities to this effect brought unfulfilled promises. Our Government is notorious in making promises it has no intention to fulfil.
* Political will is needed now to craft congruence and downrightly address pertinent land issues. What we detected over time is political repressive conduct disguised to be a good mannered approach to resolving our trepidations in tackling genuine concerns raised by traditional leaders pertaining to land. We demand reconsideration of previously tribal land that is currently transferred to CPA`s, and cessation of transfer of tribal land to CPA`s after successful land claim process going forward.