Dear Honourable Minister,

I am very pleased to submit to you the Annual Report for the Commission on Restitution of Land Rights for the financial year ending 31 March 2003 for presentation to Parliament.

This report is prepared in accordance with the Restitution of Land Rights Act, 22 of 1994 as amended.

Yours sincerely,

[Signature]

Acting Chief Land Claims Commissioner (SA)
Mr Thozamile Thomas Gwanya
It is now eight years since the Commission on Restitution of Land Rights was established. Indeed, the “tide has turned” in the implementation of the restitution programme in South Africa. We are very proud that more than 38 448 land claims have been settled to date, from which 22 760 households have benefited, of which more than 25% are headed by women. In the words of Chief Mokhoba of Kokstad, “The fact that we have now got 10 000 hectares of our land back demonstrates the seriousness of this Government about reversing the humiliating effects of forced removals”. One of the aims of restitution is to restore dignity to those who lost somuch, due to racial dispossession.

One of our achievements this year was the finalisation of the Claims Validation Project, which led us to conclude that 99% of the claims on our database are valid in terms of the Restitution Act 22 of 1994, as amended. We encountered some challenges in the validation of the remaining 1%. This was largely due to claimants who could not be tracked down, as well as inadequate information for the validation of claims. We appreciate the support (R 13,2 million) we received from the Belgian government that made this project possible. We are now bracing ourselves for the follow up Claimant Verification project that will enable us to determine the rightful claimants, construct family trees and obtain copies of ID documents and affidavits, among others. This project will enable us to accelerate the settlement of outstanding claims.

During the past year, the settlement of rural claims was accelerated. It must be noted that rural claims involve large expanses of land, as well as a large number of claimant communities. The finalisation of rural claims will contribute directly to alleviation of poverty, as the beneficiaries now have access to land, which is a means of making a livelihood. In their land use plans, claimants have indicated that the land will be used for agricultural production, infrastructure, forestry, conservation, rural livelihood and housing, among others.

This has underlined the importance of working closely with the provincial government and obtaining a commitment from them where, for example, the provincial Department of Agriculture has to provide technical assistance to the new farm owners. In this regard, the Limpopo government has led by example, as it has not only lent technical support, but has also approved bursaries for a number of students from claimant communities to undertake studies focused on the projects chosen by the claimants. The provincial Department of Housing in KwaZulu Natal has committed itself to providing support to the rural housing project for Mokhoba, near Kokstad.

The local and district municipalities have an important role to play in the implementation of the awards of the restitution programme. We need to improve on the alignment of restitution with the municipal Integrated Development Programmes (IDPs), thereby ensuring quality and sustainable settlements. Every effort has also been made to align restitution with the Integrated Sustainable Rural Development Programme, as well as the Urban Renewal Programme.

We appreciate the support that the National Development Agency and the Land Bank are providing to new landowners. Claimants using the support are able to develop detailed strategies and business plans for the productive and sustainable use of land. We challenge the private sector, as well as Non-governmental Organisations (NGOs), to participate, particularly in building the capacity of the claimant communities who are now the new landowners.

The Land Act of 19 June 1913 was the most effective tool used by the colonial governments to dispossess our people of their land. This June, it will be 90 years since that legislation was promulgated. When this Government came into power in 1994, the first thing we did was to ensure the reversal of the effects of the Land Act of 1913. Hence, this Commission was established. In an attempt to mark our commitment to giving land back to the people, “putting the land rights in the right hands”, I have declared June 2003 “Land Month”.

I want to take this opportunity to thank all the people who have played a part in the implementation of the restitution programme. I am happy to present this report to Parliament, to all South Africans and to those who are interested in land reform in this country.

This is an attempt by the Government to ensure justice, equity, fairness and reconciliation. It is our contribution to a better life for all South Africans.
Overview

Acting Chief Land Claims Commissioner: Tozi Gwanya

"Set standards high, you deserve the best. Try for what you want and never settle for less. Believe in yourself no matter what you choose. Keep a winning attitude, you can never lose. Think about your destination but don't worry if you stray. The most important thing is you've learned about the way. Take all that you've learned and let your dreams set you free" - Julian Hunt

INTRODUCTION

The standard set for the Land Claims Commission by the President has been quite high that all outstanding claims be settled by the year 2009. The Commission is determined to realise this goal. The Commission has continued to use the administrative process to settle land claims. This is in line with the provisions of the Restitution Act no 22 of 1994 as amended (section 42D) enabling the Minister to consider the agreement of the parties to a claim and make an award. This has enabled the Commission to increase the number of claims settled to date to 36,489.

The Land Claims Court as well as the Appeal Court has made very important awards this year. These include the Court cases contained in this report.

Over the past year the Commission has focused on the research and processing of rural claims. These claims constitute only some 20% of all claims on the database. However, these claims affect the largest numbers of the rural poor and they involve the largest tracts of land. A rural claim such as Mbila community at Umkhandakazi in KwaZulu Natal counts as one claim on the database but involves more than 300 households and 45,000 hectares of land. Cato Manor is an urban claim in Durban that involved 5601 individual claimants, which counted as such on the Commission’s database, although it transferred less than 50 hectares to the claimants. As in most urban claims the bulk of the Cato Manor restitution award was for financial compensation.

The Commission has encountered a number of challenges in its attempt to fast track the settlement of rural claims and these include the following:

- Most of the rural claimants are illiterate and thus take time to produce the required documents. Construction of family trees, recording of minutes and important resolutions becomes a serious problem.
- Most of the land in the ex-homeland areas is unregistered and un-surveyed, and thus there are no titles/maps. This makes deeds as well as archival research more difficult.
- Most rural claimants have problems producing the required copies of personal documents such as identity documents, death certificates, marriage certificates, affidavits, etc.
- Family and community disputes take much longer to resolve.
- Infrastructure and communication problems make it difficult to access claimants and to hold meetings. Distances to be travelled and the condition of rural roads pose a challenge.
- Determination of the monetary value of the claim and the development projects to be linked to the restitution award.
- The patriarchal nature of rural communities.

Some of the challenges that do not necessarily relate to the processing of the claim but are important in addressing post settlement issues include the patriarchal nature of rural societies. Some 25% of the beneficiaries are women.

The Commission acknowledges the fact that rural claims are the vehicle through which it has to contribute to poverty alleviation and to the Integrated Rural Development Programme. It is interesting to note that up until the 1900s, when able-bodied rural men had to go for employment in the mines and manufacturing industries in order to be able to pay compulsory taxes, the rural economy was self-sufficient. Rural communities used appropriate technologies and produced their own food, without any dependence on migrant remittances, social grant or groceries from the supermarkets. Winds of change have blown in the rural areas and the most affected are the rural women and youth. Systematic dispossession, reduced land holding, insecure tenure, industrialisation and urbanisation have all contributed to the lack of interest in agricultural production in rural areas. This is one of the challenges the nation has to deal with as it works to reverse the effects of apartheid and rebuilds itself.

CLAIMS VALIDATION PROJECT

The Commission received 68,797 claims lodged by claimants since it started its work in 1995. The Commission experienced a number of teething problems in its first attempts to deal with the bulk of claims lodged. There were no clear policies or procedures then. The judicial approach was followed and this meant that all claims had to be referred to the Land Claims Court. By its very nature the judicial process was very slow hence the settlement of only 26 claims between 1995 and 1999. The other challenge was the inadequate staffing of the Commission. Initially it was envisaged that the Commission would need only a few staff members and the Department of Land Affairs would second staff to provide administrative support. The business process mapping that was conducted in 1998 revealed that there were inherent weaknesses in the legal and institutional design of the restitution process and this led to the slow pace of the settlement of claims. The section 42D amendment to the Restitution Act was passed by Parliament in March 1999 and this led to the increased number of claims settled between 1999 and 2003. The Commission, in terms of its own rules, then adopted the prioritization of claims to be settled each year given the fact that the Commission had only 342 employees nationally, the Commission could process only so many claims per year, and consequently a large number of claims on the system remained unattended.

The settlement of a total of 50,012 claims by 31 March 2002 led to even more inquiries from claimants regarding the status of their land claims. Current land owners wanted to know the validity of the claims on their farms. The Commission then decided to embark on the Claims Validation Project for the past year. The Commission found that there were 37,918 claims filed that were not in the priority list, whose validity was not known. The Commission agreed on a preliminary investigation to be conducted, which would cover the circumstances of dispossession, property description, deeds research, and meeting of the acceptance criteria of each claim. The research, the preliminary research would give the Commission the provisional validity of the claim.

The CVP was started in October 2001 and the Minister accepted the status report in January 2003. This reflected a 99% completion and by the end of March 2003 about 38,945 claims had been validated. The remaining 998 claims would be validated the following financial year. These are the claims where claimants were untraceable despite several visits, radio announcements, word of mouth, etc. The Commission had to engage service providers in order to complete...
POST SETTLEMENT SUPPORT

The Commission has realized that working in silos does not add value to the efforts of government in service delivery and in reversing the effects of apartheid. It has become very important that the Commission works closely with national departments such as Water Affairs, Agriculture, Housing, Minerals and Energy, Environmental Affairs, Public Works, Public Enterprise and Local Government. Our relationship with these departments is important at the stage of negotiating settlement of the claims but also after the claim has been settled. The Commission needs to get the support and commitment of provincial government departments, especially Housing, Agriculture, Environment, Tourism and Local Government. Local and District Municipalities have an even more important role to play, especially on issues of housing and development planning. The Commission has been encouraged by a few non-governmental Organisations (NGOs) who have played an essential role in assisting claimant communities in the processing of claims as well as in development planning. One good example is the Border Rural Committee (an affiliate of National Land Committee) in the Eastern Cape. The Commission cannot afford to pay lip service to the crucial principles of co-operative governance which are enshrined in our constitution. Each of these stakeholders has to bring something to the party.

The Commission has decided to package these stages as its next project and the Belgian government has agreed to support this project with an amount of six million Euros.

CHALLENGES FOR THE COMMISSION

It is quite a challenge that the Commission has to meet within this short period. This project has helped the Commission to keep in touch with each of the claimants and thus keep them abreast of developments regarding the status of their claim. Claimants are now in a position to engage with the next stage of the processing of their claims. The next stage will deal with claimant verification (the rightful claimant in terms of The Restitution Act mandates us simply to redress the loss of rights in land and restoration of land. The Commission is also required to implement the awards of the Land Claims Court and those of the Minister of Land Affairs. The Act is silent about development planning and support to the claimants after land transfer. However, the question of the sustainability of the Commission’s settlements continues to be raised to us. The Commission’s response has been to invite relevant stakeholders to be part of our deeds of settlement, even before we finalize the claim. These negotiations have helped the Commission to map issues that relate to post land transfer. These include issues such as feasibility studies, land use plans, detailed business plans, management of projects, continuity and succession planning, technical support, on-farm advice, extension services, social facilitation, after-care, financing, marketing, etc. All these are very important to the new land owners who have been alienated from their land for a long time and who have been systematically deprived of advancement opportunities by the previously racially discriminatory regime.

The Commission has established Post Settlement Support units in each Regional Land Claims Commission office. Their main focus is development facilitation and coordination, i.e. to identify development planning issues, invite the relevant stakeholders, capacity building for the new land owners, strengthening of the claimants legal entities and provide facilitation support as needed. It must be emphasized that it is not the role of the Commission to implement development projects. Ours is a coordination function, ensuring that the new land owners are assisted to get in touch with appropriate support structures to ensure the sustainability of their projects.

The Commission is inviting more development projects. Ours is a coordination role of the Commission to implement development planning, project management, land transfer. These include issues such as property descriptions, valuations, options assessment, determination of the monetary value of the claim, construction of family trees, affidavits, dealing with valid claims. Most of them have expressed their preference to have claimants opt for financial compensation, in which case the claimants would be “bought off their land”. This option has not been acceptable to claimants and is not in the best interest of the restitution process. The attitude of a number of stakeholders involved in such claims has since changed. They are now prepared to accept that the successful claimants own the land on which they are doing business and that they pay an agreed equitable rental for the use of the land.

On forestry and conservation claims the Commission has had discussions with the Department of Water Affairs and Forestry (DWA&F), Environmental Affairs and Tourism (DEAT), Public Works (DPW) and Land Affairs (DLA) and the Commission agreed on the manner in which to deal with these claims, including among others:

- The land shall be owned in title by the successful claimants.
- The claimants shall consider their options and agree to maintain the current land use (be it forestry or conservation).
- The title shall have a notarial deed, which restricts land use as agreed with the successful claimants and the Government.
- The claimants (new land owners) shall become lessors and they shall enter into a lease agreement with the lessors and thus an agreed market related rental shall be payable to the claimants.

The Commission has decided to invite more development projects. Ours is a coordination role of the Commission to implement development planning, project management, land transfer. These include issues such as property descriptions, valuations, options assessment, determination of the monetary value of the claim, construction of family trees, affidavits, dealing with valid claims. Most of them have expressed their preference to have claimants opt for financial compensation, in which case the claimants would be “bought off their land”. This option has not been acceptable to claimants and is not in the best interest of the restitution process. The attitude of a number of stakeholders involved in such claims has since changed. They are now prepared to accept that the successful claimants own the land on which they are doing business and that they pay an agreed equitable rental for the use of the land.

- The title shall have a notarial deed, which restricts land use as agreed with the successful claimants and the Government.
- The claimants (new land owners) shall become lessors and they shall enter into a lease agreement with the lessors and thus an agreed market related rental shall be payable to the claimants.
- The claimants shall establish legal entities for land ownership and for business undertakings on the land.
- Investors shall be encouraged to allow the claimants to have equitable shares in the business ventures on such land.
- The ventures shall have benefits which flow to neighboring communities.

A number of claims which fall on land with mining rights, such as Majoring in the Free State, Richtersveld in the Northern Cape, Kokona Perla in Mpumalanga etc. The Commission is pursuing discussions with the Departments of Minerals and Energy as well as Public Enterprises and hope to reach an agreement with them on the manner in which these claims can be resolved.

CAPACITY BUILDING FOR CLAIMANTS

The Claimants need assistance during the processing of their claims to understand the restitution process, the rights in land, clear property descriptions, valuations, determination of the monetary value of the claim, construction of family trees, affidavits, options assessment, determination and conflict resolution, prioritization of needs, development planning, project management, business development etc. In dealing with these issues, the Commission needs the support from all those who support restitution in this country, in order to ensure a smooth land reform process.

In the words of Nelson Mandela "Education and training are the great engines of social development. It is through education and training that the daughter of a peasant can become a doctor, that the son of a miner can become the head of the mine, that the child of a farmer can become the President of your nation. It is what makes of what he or she, not what we are given, that separates one person from another"
settle all the outstanding claims within the next two years, in line with the Presidential directive. The fact that the restitution budget has been increased from R375 million in 2002/3 to R800 million in 2003/4 is a sign of the political will and commitment to support the restitution process. The increase is however inadequate given that we need about R1.2 billion for claims that are prioritised for settlement during the coming financial year.

The Commission does not only need additional funding but also the personnel to interact with the claimants and other stakeholders. The Commission currently has 342 employees and thus approximately 40 people in each of the regional land claims commission offices. The Commission actually needs 20 more people in each office in order to deal with the urgency of getting the job done within the time frames set.

The processing of rural claims remains a challenge, particularly because it takes so long to process such claims. The project cycle for processing rural claims has been reviewed and the aim is to shorten the cycle from three years to one year and the Commission hopes to achieve this over the next two years.

The Commission would like to see the commitment of municipalities to support restitution translated into action and that the claimants would experience that support.

The price of land, particularly in the rural areas of Mpumalanga and Limpopo provinces is unreasonably high and this may render the restitution programme very expensive if not impossible. The Commission needs the commitment and support of current land owners as well as political intervention if it is to make headway with resolving this problem.

CONCLUSION

Good progress has been made in restitution, claimants have received back their land, equitable redress has been experienced by many and yet the restitution wheels are still rolling.

This could not be achieved without the strategic leadership of the Minister, Ms Thoko Didiza, the direction and support from the Portfolio Committee on Agriculture and Land Affairs and the advice from the National Council of Provinces.

The President together with the Minister of Finance have demonstrated their interest and commitment to restitution and they have confirmed this through the State of the Nation address and the Budget speech respectively.

The Commission appreciates the support it gets from the provincial governments, especially through the MECs for Agriculture and Housing and from all municipalities.

The Direct General of the Department of Land Affairs, Dr Gillingve Mayende, and the Chief Financial Officer, Ms Sarah Choane, have played an important supportive role in the implementation of this programme, especially in budgetary and compliance issues. They have also participated in the governance of the Restitution Trust Fund, which acts as a conduit for donor funding in support of restitution.

We record our appreciation for the sterling work done by the former Chief Land Claims Commissioner, Dr Wallace Amos Mgqoa, the only remaining founder member of the Commission, who has taken the Commission from low levels of performance to the very successful figures recorded over the past two years. Adv Mgqoa was part of the Commission for eight years and history preserves a special place for persons of his calibre.

The Commissioners and their staff have done exceedingly well, working long hours, enduring unfair and destructive criticism, assisting claimants, always going beyond the call of duty.

A word of appreciation to all government departments, non-governmental organisations, donors, communities, farmers and individuals who have made the Commission’s difficult task endurable and possible.

Thank you for your support, may God richly bless you!

Tezi Gwanya
Acting Chief Land Claims Commissioner (SA)

National Report:

FREE STATE AND NORTHERN CAPE

Palemietfontein

In 1988, by order of the State President at the time, Mr PW Botha, the farm, Palmietfontein no 67, together with other farms falling within the districts of Bloemfontein and Dewetsdorp, were proclaimed released areas. This was in accordance with the provisions of Section 2 (4) of the Development Trust and Land Act, 1936 (Act 18 of 1936). Later, the South African Development Trust (SADT) purchased the whole claim.

Current user departments are the Department of Environmental Affairs and Tourism and the Department of Water Affairs and Forestry. The Rietfontein Dam wall and the Rietfontein Game Reserve are situated on the land.

This rural claim was settled on 27 April 2002. According to this claim, 1 860 hectares were restored to three households, consisting of nine beneficiaries. Two opted for land restoration or alternative land and the rest opted for financial compensation.

Herschel

Under the Apartheid government, the area of Herschel, a self-governing territory at the time, was excised from the Ciskei and placed under the administration of the Transkei. This led to mass removals of people from Herschel to other outlying areas. Some families were removed to an area known as Thornhill in the Eastern Cape, while others went to Phuthaditjhaba in the former homeland of Qwaqwa. About 129 families, consisting of 598 people, were recorded to have left Herschel for Phuthaditjhaba. Some of these families still reside in Phuthaditjhaba, while others are resident in Botshabelo. The total extent of the land claimed is 9 798 hectares. Some 3 362 hectares have been restored to some families, as others have opted for equitable redress in the form of financial compensation.

The settlement of this rural claim marks a turning point in the settlement of rural claims. The claim was settled in July 2002, in Botshabelo, and marked an end to one of the major removals that took place during the Apartheid government’s implementation of its policy of homeland consolidation in the late 1970s.

Andriesfontein

The Ngakatau family held title deed for and occupied Andriesfontein farm as early as 1886, until 1938, when they were forced to sell the farm, as it was declared a “Black Spot”. The farm was situated outside the scheduled Black area of Thaba Nchu. In terms of the provisions of the Native Trust and Land Act of 1936, citizens classified as Blacks were disqualified from owning and living on the farm. The sale was imposed to advance the policies of racial discrimination that formed the cornerstone of the Apartheid regime and resulted in the removal of the family from their ancestral land.

The Ngakatau family joined thousands of other South Africans in heeding the call by our government to lodge land restitution claims. Mr Bokako Ngakatau lodged the Andriesfontein land restitution claim on behalf of the Ngakatau families on 7 February 1996.

A total of 204,722 hectares of land have been restored to 12 families, consisting of 50 beneficiaries. This land settlement has presented the claimant family with the opportunity to go back to their ancestral land as owners and will enable them to practise farming and make a livelihood from the proceeds of the land.

With the assistance and co-operation of other government departments, the Land Claims Commission is committed to the principles of sustainable development and will provide the necessary support, in the form of development subsidies, to initiate sustainable farming on the restored land.
Khomani San

In August 2002, the State deproclaimed the park through Parliament and 59% of about 50 000 ha of land in the Kgalagadi Gemsbok National Park was handed over to the San and Mier communities. The handing over was celebrated on 31 August 2002, during the World Summit on Sustainable Development held in South Africa, and history was made as the first inhabitants of the park were honoured and the occasion was witnessed by representatives from the indigenous people of Canada and Taiwan.

This portion of the park will be used for game-farming and hunting as a means of sustainable development of the two communities.

Land rights inside the Kgalagadi Gemsbok National Park (second phase of settlement)

According to the settlement agreement, the principal parties in the agreement will jointly establish a lodge, which will be a symbol of cooperation between the parties. The aim is to promote ecotourism and to generate income for the communities, in an effort to alleviate poverty in the region.

The Department of Environmental Affairs and Tourism has committed R6.5 million to the design and construction of the park. The settlement has benefited 380 households, involving about 2000 beneficiaries.

Dakpoort

In 1985 the government of Bophuthatswana decided that the farm Dakpoort should be acquired as additional land to consolidate Maria Moroka National Park. The owner had to sell or risk being expropriated, he opted for the former. The sale of the land to government was not a normal transaction of willing buyer/willing seller arrangement.

The Taiwe family lodged a claim for sub-division no. 2 of the farm Dakpoort in extent of 85 632 hectares in the Thaba Nchu District.

During December 2002 the Taiwe family, consisting of three households received financial compensation for their claim which they will use for small-scale farming

EASTERN CAPE

Koikammahokek

The policy of betterment planning was implemented in the Koikammahokek area, in terms of provisions of Proclamation 36 of 1939 and 116 of 1949, made in terms of the Native Administration Act of 1927 (Section 25) and Native Trust and Land Act 18 of 1936 and thus dispossessed members of the community of their individual and collective land rights.

As a result, families were moved from one place to another. Sites of communities were reduced by an average of 7 244 ha and each household lost an average of one hectare of arable land. Agricultural production was reduced and the community lost graves or space for graves at each homestead. The social structure was also disrupted by the internal forced removal and first come, first serve site allocation. Cultivation was stopped on most of the arable land and arable fields were placed some distance away from residential sites.

With the enactment of Restitution of Land Rights Act 22 of 1994, representatives of various villages in the Koikammahokek area formed a committee and lodged claims. Claimants from each of the villages were identified and lists were compiled. Thorough verification of the claimants was conducted and the claim was accepted in terms of the Act.

The settlement agreed upon by both the Department of Land Affairs, the Commission and the claimants, was maximum compensation of R94 681 000, payable to 3704 families, with 50% of the amount going to the claimants as financial compensation and the other 50% going towards developmental projects to meet the prioritised needs of the communities. The claimant villages are Gwili, Gwili, Gxulu, Mnyameni, Mtwaku, Ndlovini, Ngebozana and Upper Nqumeya.

Through extensive workshops conducted by the Border Rural Committee (BRC), priority needs have been identified in these villages. At some of the villages, services such as water, electricity, access roads, fencing for crop fields, among others, are insufficient. It is hoped that claimants will benefit from putting infrastructure into place, as the villages have a good potential for agricultural development.

Kabah-Langa

The Uitenhage and Community Restoration Association (ULCRA) lodged the claim on behalf of the Kabah-Langa claimants. The Kabah and Langa area is situated northwest of the Central Business District of Uitenhage and comprises some 60.5 hectares. The claimants occupied the land for a period of more than ten years, in terms of the notorious 99 year lease.

In 1966 and in 1981, respectively, the claimants of Kabah-Langa were dispossessed of their land, in terms of Native Urban Areas Act 27 of 1945. The Department of Bantu Administration and Development proclaimed the redefinition and curtailment of the Kabah-Langa area, in terms of Government Notice No. 260, dated 25 February 1966. The same Act was applied again in 1981, in terms of Government Notice No. 314, dated 3 July 1981.

The application of these notices was associated with the forced removal of claimants from Kabah-Langa to KwaNobuhle, a designated area for “Black” occupation. KwaNobuhle was an unsafe area infested by snakes and unsuitable for human occupation.

The Kabah-Langa Phase I land was settled on 6 September 2002. This phase comprised 1 749 claimants, including their direct descendants, who were dispossessed of rights to beneficial occupation of council-owned land, described as Portion 1 of erf 1 and Portion 1 of erf 6. Out of a total of 1749 claimants, 1749 opted for financial compensation to the value of R4 754 790. The claimants are committed to using this financial compensation towards the improvement of their homes, the four-roomed houses that they are currently occupying at KwaNobuhle Township.

Thirty-five of the claimants have opted for land and are the beneficiaries of a Greenfields housing development near Kabah, from where they were originally removed. The Nelson Mandela Metropolitan Municipality (NMMM) has agreed to be the implementing agent of the Greenfields project and the Town Treasurer of Uitenhage has been authorised to retain the development component of the restitution award in a separate trust account. The total value of the award, including grants for the 35 claimants who have opted for land and for residential housing development, is R8 570 160.

Phase 2 of the project comprises some 1500 claimants, whose verification has to be completed, and has been prioritised for settlement during the next financial year.

Luwawazi family claim

The Luwawazi family occupied the land from 1891.
They were dispossessed of their rights as a result of past racial practices. The area in the Gona Valley in the Mt. Currie district was proclaimed a ‘Black spot’ in terms of the Group Areas Act (Act 41 of 1950). The area was then designated for ownership by Whites only.

During 1979, the Luswazi family was forced to sell their farm, subsequent to their farm being proclaimed a ‘Black spot’. They were left with no option but to sell their property at a price already determined by the government of the time. This coercion was done under false pretences of a ‘voluntary sale’. No compensatory land was offered to the family and they had to devise means of finding alternative accommodation.

This claim was settled on 7 December 2002 in the Mt. Currie District, near Kokstad. An amount of R 365 445 was transferred to the current owner for the acquisition of the farm. Some 625,8837 ha were restored to seven verified households with 34 individual beneficiaries. The beneficiaries will use the farm for agriculture and stock farming.

Mankunku family claim

The Mankunku family occupied and used the land since 1909, when it was transferred and registered under Sikhunyana Mankunku vide Title Deed no.T4919/1909. After Sikhunyana’s death in 1931 Estate was then administered by the Native Commissioner in terms of the Native Administration Act of 1927. The Mankunku area also in the Gona Valley was proclaimed a ‘Black spot’ in terms of the Group Areas Act, Act 41 of 1950 hence the family lost their land rights.

Attempts by the claimant family to resist the removal failed and in 1951 the dispossession was subsequently effected when the land was expropriated in terms of Section 19(2) of Native Trust and Land Act, no89 of 1936, as amended.

This claim was settled on 7th December 2002. The family is comprised of six households and 36 individual beneficiaries. The total size of the claimed land is 571,2817 hectares. The family also received R 26 640 in restitution discretionary and settlement planning grants.

For this Mankunku claim, the acquisition of the farm from the current owner cost an amount of R 480,000.

Seventh Day Adventist Church claim in the Cacadu area

In 1908, Mr Stanley Philip Japha and Mrs Desirere M Macdonald lodged a claim with the Land Claims Commission on behalf of the Seventh Day Adventist Church. This land claim was settled on 6 September 2002. An award of R 181 000 was paid to the church as compensation for the original church and property, of which they were dispossessed.

Nickall family claim

Mr Gerald Nickall lodged the Nickall family claim on 19 May 1995, on behalf of the surviving direct descendants of the late Thomas Nickall. The Nickall family originally owned property in the town of Fort Beaufort. The property consisted of erven 1481 and 1466. Erf1481, known as 3 Grahamstown Street, Fort Beaufort, comprised 942m² and erf 1468 in Charlotte Street, Fort Beaufort, comprised 455m².

The coming to power of the National Party in 1948 brought painful changes to the inhabitants of this town. Like many other towns in the country, Fort Beaufort was demarcated along racial lines, as required by the provisions of the Group Areas Act of 1950, as amended. This meant that certain areas were occupied exclusively by certain race groups. In 1964, the Nickall family and other “non-White” families had to move from the town, which had been allotted to Whites, to their “own areas”.

This claim, comprising 1 2197 hectares, was restored to 18 beneficiaries in November 2002.

GAUTENG AND NORTH-WEST

Big Three

A total of 1455 claims were lodged on behalf of Lady Selborne, Eastwood and Claremont. Some 151 claimants opted for land in terms of a service site in Suiderberg, Pretoria, the value of R 16,000 and an additional R 24,000 in financial compensation. Other claimants opted for financial compensation to the value of between R 40,000 and R 50,000. A total of R 55,6 million has been allocated to the settlement of these claims. Title deeds were handed over to claimants at a celebration held on 24 September 2002.

Kleinwamn

The Bathaping Boo Thakayane community lodged this claim in August 1995. This community was removed from the farm, Kleinwamn 5191N, during 1966, in accordance with Rustrust Trust and Land Act 38 of 1936. The land has been restored to 1 200 beneficiaries and will be used for agriculture.

Klipgat

The Legal Resource Centre lodged the claim on behalf of Bakwena ha Mare a Phologile in July 1996. A total of R 728,000 hectares of land were restored to 300 households, consisting of 1 200 beneficiaries.

Seven families are already occupying houses that have been supplied with electricity, with the assistance of Eskom. The total cost of the claim is R 1,8 million.

Rama

Settlement agreement was reached with all parties to lease the area back from Eckraal Geology (Pty) Ltd. for a period of five years, with an annual increment of 7.5%. The proposed township plan was comprised of four phases, with each phase incorporating 500 plots. Some 1680 hectares of property were restored, with 200 hectares being used for mining ore and the rest remaining unused.

The total settlement cost was R 19,5 million. The settlement celebration was held on 1 June 2002.

LIMPOPO: NORTHERN PROVINCE

Manavhela

This claim was settled in April 2002, with 2000 community members from 600 households becoming beneficiaries on a land comprising 2 611 hectares, which was restored in title. The Manavhela community was shocked to hear from the Native Commissioner that a returning veteran of the First World War, Ben Lavin, was the new owner of the land on which they were living.

The members of Manavhela community who remained temporarily on the farm were turned into farm labourers and were forced to work three to nine months a year in exchange for staying on the farm, or risk being issued with notices to leave the farm, if they were reluctant to abide by the condition. When delivering a keynote address, the MEC for Agriculture, Dr Aaron Motsoaledi, exceeded expectations by delivering more than a speech. Dr Motsoaledi pledged to train beneficiaries to help establish an abattoir, which is now being effectively managed.

The negotiated joint management agreement regarding the game reserve resulted in the name being changed to Manavhela Ben Lavin Game Reserve.

Dzwerani

The Dzwerani land claim was settled in February 2003 at a function attended by the MEC for Agriculture, Dr Motsoaledi.

The victims of dispossession in this case are Tsonga-speaking people who were dumped in Malamulele in the former National Party’s pursuit to consolidate the homelands system governance. The claimants entered into a housing development agreement with the Minister of Agriculture when restoration wasn’t possible.
feasible, due to other people living on their former land.

Some 230 Reconstruction and Development Programme-styled houses, valued at more than R 5 million, are to be erected at Lombard village, where the claimants are currently settled. Construction started in February 2003. The houses are built with the following specification: four-roomed partitioned houses of 45 square metres, with Nu-Tech roof sheets, Mid-way Maxi Bricks and interior Mercenté doors with locks and a bathroom.

New Look
Some 265 New Look claimants recently received financial compensation from their chosen settlement option after it wasn’t feasible to restore lost land rights, due to developments. The claimants received compensation in respect of lost land rights at New Look, New Look Extension and Louenridge Location, situated in Pietersburg Extension 17, next to Nelson Mandela Drive.

The Apartheid motivated removal happened in stages, from 1967 to 1982. The community members were relocated to Seshego, where they used council houses without any consultation.

KWAZULU-NATAL
Msuluzi/Khumalo

This claim was for the restoration of 230 families of Colenso, who were dispossessed of their unregistered labour tenure rights, in terms of Government Notice 2235, dated 6 December 1968. This notice dealt with the abolition of the labour tenants system in the Wammen, Estcourt and Colenso districts. The inhabitants were informed that, in terms of the notice, only those who chose to become full-time labourers could remain on the land.

In 1998, Isaac Khumalo lodged a claim on behalf of the whole community that had fallen victim to this racial legislation. The total extent of the claim was 7292.045 hectares.

The dispossession of the claimant community’s rights to land was executed from the late 1980s until the 1990s. The claimants received no compensation at the time of dispossession.

The State committed R 11 billion to the settlement of this claim. The settlement package consisted of land for residential purposes, game-farming and subsistence agriculture. The community also received a title deed for the restored land. The settlement ceremony was held on 01 March 2003.

Mangere

This claim was submitted on behalf of 199 claimants, who lost their right to land, due to the racially based Dunn Distribution Land Act (Act 15 of 1935). The objective of this legislation was to make the area an exclusive reserve for the “Coloured” community, in line with racially based land allocation. The claim was for 1196.7 hectares of land.

Before this legislation, the descendants of John Dunn lived together with the affected claimants in Reserve 7A, commonly known as Mangere. The removals were carried out in the 1970s, in compliance with the Dunn Distribution Land Act. The claimants were dumped in the Rants Trust land, Wangu, notwithstanding their resistance to move.

The claimants have been restored to their land, currently consisting of commercial sugar cane farms and land for subsistence farming and residential purposes, as well as a title deed. This will ensure that the claimants will never again be reduced to the level of land beggars. The State committed R 14 million towards the settlement. This claim was settled in November 2002.

MPUMALANGA
New Ermelo

In 1905, New Ermelo, in the Ermelo Magisterial District, was established as a freehold township on portion 100 (a portion of portion 3) of the farm, Witbank 2621T. Some 4 000 Black people were dispossessed of their rights and lodged restitution claims for their respective properties. In 1996, New Ermelo had 589 stands. The Black people already had title deeds to 421 erven but the rest of the erven were still in White hands. Some 55 of the 186 properties still owned by Whites at the time were, however, in the process of being transferred to Black buyers. Section 20 of Group Areas Act 77 of 1957 then summarily declared New Ermelo a White Group Area. In preparation for the execution of the mass removal of Blacks from New Ermelo, municipal officials painted huge bright numbers on each house.

Most of the residents of New Ermelo were moved to Plumula, now Wesselsfontein, a location for Blacks about two kilometres outside Ermelo. Some moved to other homelands, while a few relocated to the surrounding Black townships of Johannesburg, including Soweto, of their own accord. Others left South Africa to settle in Swaziland.

Some 248 households, who fell victim to this dispossession, have accepted financial compensation to the amount of R 11 021 million. The settlement ceremony was held in June 2002.

Botshabelo

The claimants are members of the Botshabelo community. The Botshabelo community was dispossessed of its land rights on eight farms in and around the Middelburg District in Mpumalanga Province.

The portions of land under claim were the property of the Berlin Mission and were registered in the name of Alexander Merensky. The community used the land for ploughing and cattle grazing. They had numerous facilities, such as the church, the school, a seminary for training Black evangelists, a teachers’ training college, two hostels, teachers’ quarters and houses.

The removal of Black communities from Botshabelo was executed on the basis that the former government sought to eliminate rent tenancy, by means of the Native Land Act, in Middelburg town. In terms of the Development Trust and Land Act of 1913, all Blacks residing in Botshabelo were regarded as squatters.

In 1960, it was decided that these “squatters” should be resettled in the scheduled areas, as defined by the Act of 1913, or the so-called “released areas”, as defined by the Land Act of 1936. In August 1970, the Berlin Mission sold the Botshabelo Mission to the Middelburg Municipality. Between 10 and 14 January 1972, about 600 families were removed to Moretele.

Some 700 households have been restored to their land, which comprises 5 508.635 hectares. The monetary value of the claim was R 8.415 million. Tourism will be the dominant enterprise on the land in the future. Mainly grain crops are
The dispossession was carried out in line with Black Land Act 27 of 1913 and Development Trust and Land Act 18 of 1936. The Groenfontein Ramohlakane community was dispossessed of their rights to land, in accordance with the Native Trust and Land Act (Act 18 of 1936). The Groenfontein Ramohlakane community had registered rights to land. The claimants also have a lease agreement with the Aquarius Mining Company. This land will be used for agriculture and the community never received compensation.

The claimants are the direct descendants of the original buyers of the farm under claim. They used the same burial graves at Botshabelo. They also used the same burial graves at Botshabelo. The community was dispossessed of their rights to land. In 1959, after about 15 years, the community was dispossessed of their rights to land, in terms of the Native Trust and Land Act (Act 18 of 1936). The Greenfontein Ramohlakane community had registered rights to land. The community was also dispossessed of their beneficial rights to land, which included occupation and cultivation of the land, grazing and cultural rites, such as access to ancestral graves and initiation ceremonies.

On 12 November 2002, about 400 claimant households received land in the Groblersdal district, comprising 2 321 345 hectares. The land will be used for commercial agriculture and for tourism ventures. The value of the claim is R 2.5 million.

Breyten
In 1905, the KwaMdlalane Native Location, situated about 30 km from Ermelo, was established as a freehold township on portion 5, a portion of portion 5, of the Smitsoog 214 IS. The claimants were some of the Native Location residents and had permission to occupy stands owned by the Town Council of Breyten.

In 1968, the claimants were removed from the KwaMdlalane location to KwaZanele township, some 10 km away from the town Breyten. Four-roomed rental houses were allocated to the claimants.

On 6 February 2003, some 245 households received financial compensation, which will be used to improve their present housing and infrastructure.

Mpumalanga:
Bakone Ba Phetla
During the last part of the 19th century, the Bakone Ba Phetla community moved into the Lydenburg district and settled around an area, which was later known as Do Kafferskraal. According to the claimants, Mr Japie Smith purchased the farm after the First World War.

Mr Smith expected the claimants to subject themselves to labour tenancy, in accordance with the provision of Transvaal Squatter Law 21 of 1893. In 1917, the claimants were dispossessed of their land by the then Apartheid government.

On 22 March 2003, the claimant community of about 500 households received land comprising 1 374 134 hectares, in the Lydenburg district. This land will be used for agriculture and the claimants also have a lease agreement with Aquarius Mining Company.

Greenfontein
In 1959, the claimants were forcibly removed from their land, in terms of the Development and Land Act of 1956. The dispossession was racially motivated in that it was regarded as a Black spot removal. The farm, Greenfontein, is one of the farms that Alexander Merenady of the Berlin Missionary Society and some Christians, including Johannes Dhlomo anyane, half-brother of Bapedi Chief Saldikhuane, purchased in January 1871.

On 07 November 1925, Mr Jeremiah Makuse and eight other persons bought Portion 3 of the farm, Greenfontein 266 JS, from the Berlin Mission, for the amount of £ 1 575. On 20 December 1926, the land was transferred to the nine people under Title Deed T1893/26. In 1961, the said portion was apparently registered in the State's name without informing the claimants, under Deed of Transfer No 10971/01. Hence, when the removals took place in 1959, the community never received compensation.

The claimants are the direct descendants of the original buyers of the farm under claim. The community used land for ploughing and grazing. They attended school and church in Botshabelo (Tsehlqot). The community also used the same burial graves at Botshabelo.

In 1959, after about 35 years, the community was dispossessed of their rights to land, in terms of the Native Trust and Land Act (Act 18 of 1936). The Greenfontein Ramohlakane community had registered rights to land. The community was also dispossessed of their beneficial rights to land, which included occupation and cultivation of the land, grazing and cultural rites, such as access to ancestral graves and initiation ceremonies.
and reached a peak in 1968. From the Stegmann Cottage area began in 1965 Steenberg and Retreat. A long wave of removals removal and also moved to Lansdowne, themselves the trauma of a sudden forced living in the Stegmann cottages tried to save Between 1960 and 1964, a number of households accommodation in areas like Lansdowne, Estate area were removed and had to find 1959, the inhabitants living in the Bishopscourt Mountain was proclaimed a White Group Area, In 1957, a substantial area around Table Kirstenbosch Botanical Gardens, was the dwelling place of the former slaves of the Protea Initially, the Protea Village settlement, situated directly below Rhodes Drive and the Kirstenbosch Botanical Gardens, was the dwelling place of the former slaves of the Protea Estate, predating 1835. In 1957, a substantial area around Table Mountain was proclaimed a White Group Area, in terms of Proclamation No. 100 of 1957. In 1959, the inhabitants living in the Bishops court Estate area were removed and had to find accommodation in areas like Lansdowne, Steenberg and Retreat. Between 1960 and 1964, a number of households living in the Stognmans cottages tried to save themselves the trauma of a sudden forced removal and also moved to Lansdowne, Steenberg and Retreat. A long wave of removals from the Stognmans Cottage area began in 1965 and reached a peak in 1968.

In March 2003, the 400 claimants received land restoration comprising 599,493 hectares.

**WESTERN CAPE**

**Blanco George**

Blanco is a small settlement on the outskirts of George and dispossessed families acquired properties in the area from as early as 1894. Group Areas Act 41 of 1950 was proclaimed in the Cape Province on 31 March 1950. Subsequent amendments were consolidated in the Group Areas Amendment Act (Act 77 of 1957) and this Act was implemented in Blanco by means of Proclamation 143 of 1959. A part of Blanco was declared a White Group Area in terms of the Act and people of colour living in this area were systematically removed from this part of Blanco between 1950 and 1970.

Twenty-one former owners, who lodged land claims for 10 dispossessed properties, received an overall amount of R 1 200 000 as financial compensation for lost property. The transfer ceremony took place in May 2002.

**Franschhoek**

In terms of the Group Areas Act (Act 77 of 1957), the claimants were dispossessed in the 1960s and early 1970s. Most of the dispossessed properties were developed within Franschhoek and some claims were submitted against the town’s commonage, where claimants lived on an undivided portion of the commonage. This land was expropriated from both Coloured and White landowners for the purpose of settling “new” Coloured residents in the area.

The unique feature of this settlement agreement is that it made room for the land claims received from the Franschhoek area. The Municipality of Franschhoek/Stellenbosch subsequently donated five hectares of prime municipal commonage land adjacent to Bloekombosch to the claimants. The claimants then sold three hectares of the land to developers for R 12 million, which will form part of a wine estate to be developed. The claimants then decided to utilise the R 1,2 million to develop the remaining two hectares of their land.

The Commission further handed a total amount of R 2 146 560, as financial compensation for the loss of land rights in various parts of Franschhoek and Le Roux Town, to 46 former owners, tenants and their families. The settlement celebration took place on Saturday, 6 April 2002.

**Ex-Protea Village Tenants Kirstenbosch**

In 1957, a substantial area around Table Mountain was proclaimed a White Group Area, in terms of Proclamation No. 100 of 1957. In 1959, the inhabitants living in the Bishopscourt Estate area were removed and had to find accommodation in areas like Lansdowne, Steenberg and Retreat. Between 1960 and 1964, a number of households living in the Stognmans cottages tried to save themselves the trauma of a sudden forced removal and also moved to Lansdowne, Steenberg and Retreat. A long wave of removals from the Stognmans Cottage area began in 1965 and reached a peak in 1968.

Financial compensation amounting to R 8 075 000.00 was paid to 46 former tenants. The settlement ceremony took place in May 2002.

The Claims Validation Campaign revealed that there were competing (duplicate) claims in some provinces and this has led to the decrease in the number of claims in those provinces. This duplication resulted from the rush to lodge claims before the closing date where different people from the same community lodged a claim in respect of the same property. Such claims were common in rural areas and we have since consolidated them. Rural claims form about 20% of the valid claims.
THE VALIDATION PROJECT

The Department of Land Affairs (DLA) and the Land Claims Commission (LCC) are in the process of validating claims. During June 2001, the Honourable Minister of Agriculture, Ms Thoko Didiza, launched the Claims Validation Project. The aim of this project was to do preliminary research on 37,838 outstanding claims lodged and to establish the prima facie validity of the claims. Completion of the project was envisaged for the end of June 2002.

The Department of Land Affairs (DLA) and the Commission sought support for the validation campaign from a number of donors. The Belgian Embassy and the National Development Agency (NDA) responded to the plea. The NDA set up a call centre for the Commission, with a toll-free number that claimants could contact regarding the validation campaign. The Belgian Embassy provided financial support of 1.4 million euros, which is equal to about R13,213,990.

Some of the work was outsourced to service providers, while dedicated staff members of the Commission performed other tasks in-house. The challenges encountered during the claims validation project included incomplete information on the claim form, for example, no contact numbers or addresses, and unavailability or inaccessibility of claimants, despite several home visits, radio announcements and articles in local newspapers. Incomplete property description, articulation and proof of dispossession, especially with regard to unregistered and unsurveyed land, also caused delays. Notwithstanding all these challenges, the Land Claims Commission is committed to do its best to ensure that all lodged claims are validated.

CONSERVATION CLAIMS

The Land Claims Commission received a number of claims regarding conservation land, mostly in the Eastern Cape, KwaZulu Natal, the Northern Cape, Mpumalanga and North-West. Discussions on how to settle these conservation claims in the interest of all South Africans are in progress with the various stakeholders, including other government departments, such as the Department of Environmental Affairs and Tourism.

In the Eastern Cape, for example, discussions are underway with the South African National Roads Agency on the impact of the new proposed national toll road (N12 toll road) on some of the claims, such as Makhambath and Silaka. As this proposed toll road will cut across many of the claimed areas.

COMMONAGE CLAIMS

A commonage inhlaba was held in the Eastern Cape to consider proposals on how to deal with commonage claims. All local government structures, including district municipalities, were invited and participated in this noteworthy workshop. Many proposals were advanced and some agreement was reached with district municipalities on how best to resolve these claims. The Land Claims Commission is in the process of drafting a report and a document that will serve as a guideline for the settlement of commonage claims.

Most commonage claims are in Flagstaff, Bizana, Mt Fretre, Idutywa, Ngqamakwe, Willowvale, Mgwali and Tshakhulu.

FORESTRY CLAIMS

There are 23 valid forestry claims in the Eastern Cape. Eight of those claims are in Amatole, two in Tsoloakama and thirteen in Umzimkulu and Singis in the former Transkei. KwaZulu-Natal received 48 claims, Limpopo received 13 claims and Mpumalanga 33 valid forestry claims. One of the challenges facing the Land Claims Commission is the fact that the land is unsurveyed and the rights lost were unregistered.

Guidelines obtained from discussions with the Department of Water Affairs and Forestry (DWAF) and the Department of International Development (DFID) should be taken into account when dealing with forestry claims. These are:

- Title: ownership of land should be transferred to claimants.
- Land use: should remain unchanged (forestry).
- Claimants should have equity shares and a meaningful flow of benefits from the business.
- Lease agreements should be concluded with successful investors/developers/operators.
- Rentals should be market-related.
- Meaningful skills should be transferred to local people.

The long-term lease of 70 years, as proposed by DWAF, remains a contentious issue, because claimants believe it favours potential investors.

The land where the Makhoba people currently reside falls under the Umzimkulu Municipality in the Eastern Cape.

Mahloba: Kokstad

In 1949, the Mahloba community was removed in terms of subsection 5 of Native Administration Act 38 of 1917. The claimants wanted restoration of their land, which is commonly known as Springfontein Farm No.112. The land under claim comprises 14 portions situated in the Kokstad Magisterial District.

The land where the Mahloba people currently reside falls under the Umzimkulu Municipality in the Eastern Cape.

Caguba/Silaka Reserve: Port St. Johns

Mr Mpepezi lodged this claim on behalf of the Caguba community. From 1922 through to the late 1930s, this community was dispossessed of land, as a result of forest demarcation Acts in the area known as Mt. Theiger Forest. The other areas affected by dispossession were Silaka and some farms along the Umzimkub River, though not for the same reasons. This claim is at the research stage and will be settled by the end of the next financial year.

Mooland and Zamenskomst: North-West

The Balevena ba Matlhakeng ba Medimoana community, comprising 800 households, was dispossessed of its property from 1933. The dispossession was executed in terms of Marico-Bosveld Irrigation Scheme Act 10 of 1932.

A total of 2505.9499 hectares have been transferred to the Arboeetha Communal Property Association and the total cost for settlement was R12 million. In principle, the Commission has managed to secure agreements with Eskom, DACEL and MKTV for business ventures, such as chicken broilers and tobacco and agricultural production. The community has the advantage of the Platinum Corridor international road, which passes through the area, thus enabling them to participate in the global economy.
It is within this context that the Commission is not just addressing the injustices of the past but is also contributing to poverty alleviation and development. In this way, the Commission will be shifting the frontiers of poverty by creating employment, empowering women and participating in the global economy with communities, so that they can be responsible for their livelihood.

**URBAN RENEWAL PROGRAMME CLAIMS**

Alexandra Gauteng

The history of Alexandra left many citizens disadvantaged, as they couldn’t hold title deeds to their properties. Several Alexandra residents have also been provided with temporary employment opportunities, as they are assisting with the construction of houses.

**PROGRESS MADE ON THE SETTLEMENT OF RESTITUTION CLAIMS AS AT 31 MARCH 2003**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Cape</td>
<td>2,269</td>
<td>392</td>
<td>146</td>
<td>112</td>
<td>3,917</td>
</tr>
<tr>
<td>Free State</td>
<td>107</td>
<td>195</td>
<td>474</td>
<td>372</td>
<td>1,067</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>13,097</td>
<td>2,248</td>
<td>1,646</td>
<td>1,311</td>
<td>19,202</td>
</tr>
<tr>
<td>Northwest</td>
<td>811</td>
<td>154</td>
<td>37</td>
<td>42</td>
<td>1,243</td>
</tr>
<tr>
<td>North West</td>
<td>2,711</td>
<td>437</td>
<td>116</td>
<td>93</td>
<td>3,367</td>
</tr>
<tr>
<td>Pretoria</td>
<td>9</td>
<td>142</td>
<td>109</td>
<td>12</td>
<td>262</td>
</tr>
<tr>
<td>TOTAL</td>
<td>20,040</td>
<td>5,312</td>
<td>3,081</td>
<td>1,963</td>
<td>31,498</td>
</tr>
</tbody>
</table>

*A total of 48 restitution claims were settled during the period of 1995-1999. Most of these were settled through the Land Claims Court. The introduction of S240 amendment enabled the Minister to settle claims, hence the increase from the year 1999-2000 onwards.

*Our focus during the year ended 31 March 2003 was on settling rural claims. These appear to be small in number but they constitute large communities with many beneficiaries as well as vast tracks of land. An average rural claim takes two years to process and we are determined to reduce this to one year.*
Regional Report

Eastern Cape

OVERVIEW

This year, we have settled seven important rural betterment claims in Keiskammahoek, where Amahlal Local Municipality will facilitate a development project involving the supply of water, access roads, fencing and agriculture. The suppliers of building materials in Uitenhage have confirmed that a number of people from KwaNobuhle, who have received restoration awards, have bought building materials for home improvements. The settlement of the Mankunka and Lasuwa family claims near Kokotari was a significant step in addressing the land redistribution objective (67.1% land ownership).

CLAIM HIGHLIGHTS

The internal Claims Validation project resulted in an increase in the number of urban claims to 14,728. Most of the individual claims were lodged on one claim form while research revealed that all these claimants had individual claims against the State, hence the increase. We focused on both rural and urban claims during this year. The total number of claims settled this year was 1,761.

We have prioritised 3,389 claims to be settled over the next twelve months. Some of the significant claims to be settled include the following:

East Bank: Phase Two

This phase will deal with the 1821 non-verified claims of East Bank. Terms of reference have been drafted for a service provider who will do claimant verification. The envisaged settlement option will include both restoration and financial compensation. This claim will be settled by July 2003.

Apidisdraai

This is a claim from a community of about 180 households. They were removed in the 1960s due to the implementation of the Prevention of Illegal Squatting Act of 1931. The mandate to negotiate has been sent to the Minister for approval. Claimants have expressed preference for financial compensation, as well as restoration. The Nkonkobe Municipality is in support of this claim and is prepared to release the land required.

Hankey

The claim is for the restoration of land rights lost to 176 properties in five areas of the Hankey district, namely Milton, Centerton, Hankey North and South and Weston. There are about 480 households claiming more than 547 hectares in these areas. These claims have been grouped and their total value is estimated at R12 million.

Somerset East Claim

The Somerset East claim is a group claim comprising 86 claimants. The claim is for land rights lost in rural Clevedon and parts of Somerset East Town. Rights were lost due to the implementation of Group Areas legislation. The claimants from Somerset East Town want compensation and those from Clevedon want land.

Port Elizabeth (PE 2)

The claim encompasses some 640 claims for the restoration of land rights formerly held in various peri-urban and urban areas of the town of Port Elizabeth, namely Veeplaas, Mount Pleasant, Central, Kleinbooi, Ndwedwe, New Townships, Bethelsdorp, Missionvale, Zwike, KwaZakhele and Emasukini. The project also includes a few claims from South End, Fairview, Korsten and Salisbury Park, excluded from the PILCRA 1 agreement for various reasons. Forced removals were executed in terms of Group Areas legislation. The vetting of validated claims has been concluded. The next stage is verifying the claimants and then conducting the settlement
options assessment.

Graaff-Reinet

There are 136 prioritised claims from the Graaff-Reinet area, including the Diocese of George Church claim and Hoffman family claim. The church lost its land rights to erven 1505, 1506 and 1507 when it was compelled to sell its land because it was situated within the extended boundaries of the proposed extension of Umasizakhe and Graaff-Reinet.

The 135 Graaff-Reinet claimants for 540 households are claiming land rights lost to erven 164 and 166. The families were forced to sell and coerced to relocate when the area in which the properties in question were situated, was proclaimed a White Group area, in accordance with Group Areas Development Act 69 of 1955. Subsequently, the families acquired property in the Kroonvale Coloured area. According to deeds records, the current owner is the Graaff-Reinet Mutual Building Society, which is no longer in existence. These claims are valued at R 2,16 million and the claimants prefer restoration.

ACHIEVEMENTS AND CHALLENGES

Achievements
- 1784 settled claims, involving more than 7319 households and more than 1843 hectares and including Keiskammahoek (1704), Kabah-Langa (1749), Mankanku, Luswazi, Fatman and the Seventh Day Adventist Church
- 747 gazetted claims
- 3190 validated claims, internally (East Bank 6503, Kaba-Langa 1601, Aliwal North 220, Somerset 87), and 64, externally
- 73 dismissed claims
- Appointment of new staff members
- Drafting of CPA document for Bosch Bok Koppen and Lower Blink Water
- Registration of S21 Co-West Bank
- Implementation of Access to Information Act (Information Officer appointed)
- Institutional arrangements for post-settlement stage (S21 Co, Trust) for Peliza, West Bank, Chata, and Pinwaa Croob
- Linkages with district municipalities of Nelson Mandela Metropole, Nkonkobe, OR Tambo and Ukwahlambana, among others, who are committed to project implementation support for settled claims
- Information-sharing (restitution) with the municipalities of Ngqura, Unzenzimvubu, Mquma and Mbitzana
- Implementation of the Claims Validation Project and communication strategy in the Western, Chris Hani and Alfred Nzo regions
- Successful settlement celebrations for Luswazi and Mankanku claims
- Basic training on Landbase for all staff members, including superusers

Challenges
- Inadequate resource allocation and capacity (staffing, finance) for the Commission
- Effective management of service providers (CVP)
- Claimant verification (obtaining copies of IDs, affidavits and birth/death certificates and constructing family trees, among others)
- Landbase data capturing (by Project Officers)
- Prolonged negotiation process
- The need to identify donors to fund post-settlement support for restitution beneficiaries
- Giving a clear project description, proposal, business plan and feasibility plan
- Most government officials are not informed about processes outside their scope, for example, restitution
Majing is also another historic claim, which was settled through a court order on 6 April 2002. The judgment not only restored land but also mineral rights. This will go a long way in empowering the community and alleviating poverty.

The Commission has set itself a target to increase the pace of delivery in 2003/4 to no less than 1500 settled claims.

CLAIM HIGHLIGHTS
Buckland

Buckland is situated in the Herbert District near Douglas. Dispossession of the community took place in phases between 1940 and the 1970s, in accordance with Settlement Act 21 of 1925. After being dispossessioned from Bucklands, the Griqua community resided in several locations surrounding the town of Douglas, namely, Bongani, Breipal, Valus, and Bucklands.

Twenty-one farms comprising 1657,1023 hectares are implicated in this claim and about 1900 individuals will benefit from the settlement of the claim.

It is envisaged that the claim will be settled in June 2003.

Groot Vlakfontein

This claim pertains to Kuruman. It comprises 280 claimants, all of which have opted for restoration of land. A total of 6821,610 hectares will be restored. Of the 180 households, 67 are headed by women. Finalisation of the settlement is envisaged for June 2003. Khuse

The claim, pertaining to Khuse in Kuruman, was submitted by 214 households, of which 54 are headed by women. The land comprises 22490,598 hectares and claimants are opting for restoration of the land. This claim is at an advanced stage and is earmarked for settlement in June 2003.
NORTHERN CAPE: SETTLED CLAIMS AS AT 31 MARCH 2003

SETTLED RESTITUTION CLAIMS

| Number of claims settled | 450 |
| Households involved       | 4,187 |
| Beneficiaries             | 20,938 |
| Land restored: Hectares   | 279,759 |

FINANCIAL DETAILS

| Land Cost                  | R 56,944,011.29 |
| Financial Compensation     | R 4,742,606.00  |
| Restitution Discretionary Grant | R 8,518,000.00 |
| Settlement and Planning Grant | R 2,001,600.00 |
| Solatium                   | 0               |
| Total award cost           | R 72,206,217.29 |

OVERVIEW

The Regional Land Claims Commission, Gauteng and North-West, completed the validation of 5,200 outstanding claims, of which 1,100 will be settled in the 2003/2004 financial year. The remaining 1,300 claims will be settled in the 2004/2005 financial year.

The Commission has forged strong institutional alliances with provincial governments and local municipalities and most claims that are in the process of being settled have been included in the IDP process.

In the past year, the Commission managed to resolve 99% of all legacy claims. These are claims that were settled after only 10% of research work had been completed on them.

In North-West, significant numbers of rural claims have been settled with regard to, among others, Byl, Concordia, Holgar, Koppieskraal, Khaiulwe, Kleinewam, Klipgar, Moorland and Zamenskomst. Section 42 D submissions with regard to, for example, Barokologadi ba Maotwe, Blinkklippen, Booyskraal, Tampanstien and Tigergloof are at an advanced stage for claims. In Gauteng, claims with regard to Wallmannsthal, Marabastad, Rama, Eastern Native Township, Western Native Township and Klipriviersoog have been settled. Section 42 D submissions and approval are being awaited from Benoni, Brakpan, Alberton and Evaton.

The only outstanding major claims in Gauteng still to be settled are those with regard to Vanderbijlpark, Meyerton and Top Location, all of which are situated in the Vaal Triangle, involving some 1,200 claimants in total. The remaining Gauteng claims affect smaller numbers of people, with an average of 100 claimants per claimed area.

The major challenge remains in North-West, where a significant number of claims are being challenged on the basis of compensation received at the time of dispossession. Added to this are the challenges posed by land NGOs, such as the National Land Committee and Land Access Movement of South Africa (LAMOSA), which often instigates communities to renege on valid agreements reached between the Regional Land Claims Commission (RLCC) and claimants. Cases in point are Bophalane ba Sotho and Barokologadi ba Maotwe, who have both lodged claims that affect part of Madikwe Park. Conflict between members of the community has resulted in certain claims being referred to court, as in the case of Makholomane. Some ten claims have been referred to court and are reflected in the latter section of this report.

Despite the challenges already mentioned, the RLCC, Gauteng and North-West, is determined to complete all claims within the stipulated time frame, by the year 2005.

CLAIMS HIGHLIGHTS

Koppieskraal

The settlement approach to the claim lodged by the Bahurutshe Boo Mokgatlhe tribe for the Tshwaro community is unique. The office of the RLCC for Gauteng and North-West made use of the liquidation of some of the farms that will be restored to claimants. The total cost to be incurred for the claim amounts to R 4,3 million, including grants payable to claimants, with a saving of R 995,000, according to the valuation prices determined on the land.

The community, comprising 500 households, will receive Portion I and Portion 2 of the farm Koppieskraal 75 JP, the remaining section of Portion 67 of the farm Schaarnhoek 77 JP and Portion 1 and 3 of the farm Venture 81 JP in restitution, amounting to 901,981 hectares.

The fact that current farmworkers will be included in the settlement of the claim further distinguishes the settlement.

The community intends to continue current agricultural activities.
Booyskraal
The office of the RLCC used the same approach as with the abovementioned Koppieskraal claim. In this respect, we were able to save about R700,000. The finalisation of this claim will not only provide 500 restitution households, but also current farmworkers, with the opportunity to be restored to the farm. This goes a long way in meeting the requirements of Extension of Security of Tenure Act 62 of 1997.

Benoni, Brakpan and Alberton
About 757 claimants lodged claims with regard to Benoni, 613 with regard to Brakpan and 315 with regard to Alberton. Removals took place during the 1960s, in terms of the Group Areas Act. Claimants were removed from Rietfontein, Old Brakpan Location and Old Alberton Location.

Individual Government Gazette notices have already been published for 397 Benoni claims, 400 Brakpan claims and 168 Alberton claims, as they have met the acceptance criteria set out in Section 2 of the Restitution Act.

The Commission intends settling these claims by offering claimants the option of either financial compensation or a serviced site in a farm. This goes a long way in meeting the requirements of the Restitution Act.

Achievements

- The successful settlement of 3,800 claims in Benoni, Brakpan and Alberton.
- About 757 claimants lodged claims with regard to Benoni, 613 with regard to Brakpan and 315 with regard to Alberton.
- Removals took place during the 1960s, in terms of the Group Areas Act.
- Claimants were removed from Rietfontein, Old Brakpan Location and Old Alberton Location.
- Individual Government Gazette notices have already been published for 397 Benoni claims, 400 Brakpan claims and 168 Alberton claims, as they have met the acceptance criteria set out in Section 2 of the Restitution Act.

The Commission intends settling these claims by offering claimants the option of either financial compensation or a serviced site in a farm or a house. Other crucial elements include project design based on identifiable needs, an institutional support framework, which includes implementation agreements with local municipalities and the provincial government; resource mobilisation; training and capacity building of claimants; technical assistance; peer group review and shared learning, mentoring and coaching, skills development; and indigenous knowledge-based strategies.

- The Commission has also settled claims in Gauteng which provided claimants with an opportunity to participate in development opportunities. Lady Selborne, Claremont and Eastwood in Pretoria are part of the big three, where claimants have opted for land transfer. Some 40 title deeds have already been issued to claimants who wish to reside on land restored to them. Eighty title deeds are being finalised. Payneville in Springs is a very successful project, perhaps like no other, where claimants have taken occupation of huge four-roomed houses built for them with the assistance of the Commission. Part of their restitution award has been used to build top structures. The provincial Department of Housing has approved subsidies for claimants who meet the qualification criteria.

- Partnerships between the Commission, the provincial Department of Housing, the claimants’ committee and private contractors contributed immensely to the success of this project. Other projects that are likely to be settled in a similar fashion are Pageview, Kliptown, Benoni, Brakpan and Alberton.

Challenges

- Amidst these achievements, a few challenges remain.
- The recalcitrance of a few landowners, assisted by right-wing individuals, who have undertaken development work. Unless this problem is addressed, most settled claims will remain unsettled, at a cost of R700,000. The Commission is keenly aware of this reality and something will be done to address the problem.

**Achievements and Challenges**

- The RLCC, Gauteng and North-West, was the first to complete the validation of all claims and has gone further to embark on a concerted verification campaign, which is likely to culminate in the conclusion of settlement and claims.

- The Regional Land Claims Commission, Gauteng and North-West, is firm in its decision to finalise all claims within the stipulated period, if not earlier. It is important to note that most claims to be resolved in the coming two years will still need extensive post-settlement work.

- Most local municipalities, especially rural municipalities, do not have the required capacity, expertise and resources to undertake development work. Unless this problem is addressed, most settled claims will remain settled on paper, with no immediate prospect for development and infrastructure service provision. The Commission is keenly aware of this reality and something will be done to address the problem.

**Strategic Partnerships**

- The provincial Department of Land Affairs, Gauteng and North-West, assists the Commission with the registration of Communal Property Associations (CPAs) land-holding entities, the disposal of State land and with Extension of Security Tenure Act (ESTA) grants for farmworkers.

- Eskom assists claimants by providing them with electricity facilities.

- Local municipalities assist the Commission with land use plans, feasibility studies and farm comparative studies, among others.

- The Department of Agriculture, Conservation and Environmental Affairs assists the Commission with the registration of Communal Property Associations (CPAs) land-holding entities, the disposal of State land and with Extension of Security Tenure Act (ESTA) grants for farmworkers.

- The Department of Housing has assisted the Office with the allocation of housing grants.

---

**Gauteng: Cumulative Settled Claims as at 31 March 2003**

<table>
<thead>
<tr>
<th>Claim Category</th>
<th>Number of Claims Settled</th>
<th>Total Award Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>6,187</td>
<td>R 261,875,372.00</td>
</tr>
<tr>
<td>Financial Compensation</td>
<td>R 240,181,875.00</td>
<td></td>
</tr>
<tr>
<td>Restitution Discretionary Grants</td>
<td>R 2,524,000.00</td>
<td></td>
</tr>
<tr>
<td>Total Award Cost</td>
<td>R 261,875,372.00</td>
<td></td>
</tr>
</tbody>
</table>

---

**Achievements**

- About 757 claimants lodged claims with regard to Benoni.
- Removals took place during the 1960s, in terms of the Group Areas Act.
- Claimants were removed from Rietfontein, Old Brakpan Location and Old Alberton Location.

---

**Challenges**

- The recalcitrance of a few landowners, assisted by right-wing individuals, who have undertaken development work. Unless this problem is addressed, most settled claims will remain unsettled, at a cost of R700,000. The Commission is keenly aware of this reality and something will be done to address the problem.

---

**Strategic Partnerships**

- The provincial Department of Land Affairs, Gauteng and North-West, assists the Commission with the registration of Communal Property Associations (CPAs) land-holding entities, the disposal of State land and with Extension of Security Tenure Act (ESTA) grants for farmworkers.

- The Department of Agriculture, Conservation and Environmental Affairs assists the Commission with land use plans, feasibility studies and farm comparative studies, among others.

- The Department of Housing has assisted the Office with the allocation of housing grants.
NORTH WEST: CUMULATIVE SETTLED CLAIMS AS AT 31 MARCH 2003

THE REGIONAL LAND CLAIMS COMMISSION (RLCC) OF KWAZULU-NATAL

OVERVIEW

During this period, the Regional Land Claims Commission (RLCC) of KwaZulu-Natal settled a number of significant claims in the province. The clustering of claims ensured that more land than average was restored to its rightful owners. The past year also saw the settlement of the thorny Mangele land claim, which had been preoccupying the Commission for years. Not only did the Commission settle this claim amicably, but it also introduced a viable agri-business, which will have positive spin-offs for the restored community for years to come.

The office also accelerated the validation of outstanding claims by means of a communication campaign and the dedication of an internal validation unit. Despite this success story, there are a marked number of claims whose claimants cannot be tracked down.

CLAIMS HIGHLIGHTS

Zanzibari

Very little is known about the legacy of the slave trade, especially the arrival of Zanzibaris, to the people of Durban. The Zanzibaris are arguably the smallest minority group in KwaZulu-Natal. According to the limited literature on the subject, the Zanzibaris were freed slaves who were sent as labourers to the then British colony of Natal, in the 1870s. About 113 freed slaves founded the Zanzibari community at the King’s Rest on the Bluff. This close-knit community maintained its culture, tradition and language, called Makua.

The community was dispossessed of beneficial occupancy rights after the area was declared a White area, in terms of Group Areas Act 69 of 1955. The Durban City Council carried out the forced removals in 1961. The community was removed to Bayview, Chatsworth. Although this community is of African origin, it was classified as Indian. The claimed area comprises 17,5 ha in the Bluff (Durban).

According to aerial photography research, there were about 150 households occupying the claimed area before the forced removal. Results of the claimant verification exercise showed 120 Households. The Zanzibari Community Association (ZCA) has expressed an interest in exploring

Hlaza/Nkwalini

This claim deals with the restoration of land rights to the 150 families in the Kwalini Settlement (a mission), located on the North Coast of KwaZulu-Natal. The size of the land claimed is 1020 hectares.

The dispossessed community occupied the land from time immemorial. In accordance with Native Land Act 1913, these families who were on the farm were prohibited from purchasing the farm, as it was outside the Reserve areas. They were only expected to work on the farm and had the status of beneficial occupants.

Between 1963 and 1964, the families were removed from the farm, due to pressure from the Labour Control Board, which complained that the mission was not engaging the families on its farm as labour tenants. The removal meant a total change in lifestyle, as the new area had no ploughing or grazing fields. The S42d submission has been completed and the claim will be settled before June 2003.

The claimant community will be restored to its original land with a title deed. The land will be used for stock-farming and small-scale farming or agricultural produce. This will provide the claimant with some source of income. The farms are currently producing bananas, sugar cane and citrus fruit for export. The monetary value of the claim is approximately R 9 million.

Regional Report

KwaZulu-Natal

35

Number of claims settled 1053
Households involved 8245
Beneficiaries 49474
Land restored: Hectares 61470

FINANCIAL DETAILS

Land Cost R 66,132,035.00
Financial Compensation R 26,460,522.34
Restitution Discretionary Grant R 22,227,000.00
Settlement and Planning Grant R 10,576,162.79
Solatium 0
Total award cost R 125,395,720.13
opportunities for economic engagement with the port authorities. The ZCA vision is to complement the existing urban fabric around the site and to develop amenities that will not only benefit the Zanzibari community, but also the broader Bluff community. The settlement will allow for re-integration, where the Zanzibari community will live alongside a White community.

With its environmental, social and economic aspirations, the development vision is in line with the eThekwini Integrated Development Plan. Further options, including cultural tourism, have been identified as potential income-generating sources. The community’s cultural uniqueness is also reflected in the architectural expression of the development. Some portions of the claim can be developed to form a cultural and religious hub with museum facilities displaying the history of the Zanzibaris. The value of the claim is R 13 557 400 million.

**Engadin/Ockertskaal**

The Ockertskaal area was declared a White group area, in terms of Group Areas Act 77 of 1957, Proclamation 84G, 1980. After this publication, the claimants were forcefully removed to Madadeni and other areas on the outskirts of Pietermaritzburg. At the time of removal, the claimants had full registered rights. The size of the claimed land is 6 900 hectares. The Ockertskaal community occupied the land under the indigenous tenure system. They enjoyed beneficial occupational rights to land, as well as grazing rights. They had a certain degree of economic independence, as they derived their livelihood from the land they lived on and worked on.

The Native Land Act of 1951 prevented the said community from holding or acquiring any land other than in a scheduled native area. A majority of the members of the Ockertskaal clan were classified as labour tenants. By rights, the farmers were then entitled to six months of service (isithupha) from each household member, which could be staggered, at the discretion of the farmers, to ensure the continuous supply of labour. In all instances, exploitation was interpreted as normal in an employer-employee relationship.

The settlement package currently being negotiated will ensure that claimants obtain access to land and reap economic benefits from commercial forestry and large-scale beef farming. Landowners have fully committed themselves to the process. It is envisaged that the signing of the 524D submission will be finalised before June 2003. The monetary value of the claim is R 4,2 million.

**Waag Alles**

This claim is for the restoration of land rights to 120 households and 720 beneficiaries, who were dispossessed of their commonage land through state expropriation in the 1970s. The size of the claimed land is 223,3412 ha and it is situated in Klip River, in the Dainhusaer Local Municipality, in KwaZulu Natal. At the time of removal, the claimants had full title ownership and unregistered land rights. The claimants were removed to Madadeni and Osizweni townships and housed in unplastered, four–roomed houses. They did not own the houses and were expected to pay rent. Those with cattle could not bring them to the townships and had to sell them to “Indian” traders at below market value. Crops were destroyed and farming implements left behind.

No compensation was paid for loss of income gained from farming, for the crops destroyed, or the animals and farming implements that were left behind or sold. The monetary value of the claim is R 4,2 million. The current landowners have shown great willingness to reach an amicable solution.

The proposed land use plan incorporates multi-use options, such as commercial agriculture, subsistence farming and a residential area.

**Other Claims Settled**

A total of 122 urban claims were settled for Durban, Pinetown and Pietermaritzburg during this financial year.

**Achievements and Challenges**

**Achievements**

- Settlement of rural development claims, in line with socio-economic imperatives of the province and the country as a whole
- The creation of effective linkages with provincial departments and local government structures for post-settlement support
- Active involvement of the Sugar Cane Growers’ Association in accelerating claims involving sugar cane
- A Service Delivery Improvement Plan, which is linked to the strategic milestones of the office as a whole
- Appointment of a few new staff members

**Challenges**

- Stiff opposition to the Re-stituation Programme in certain localities within the province
- Claimants who cannot be tracked down and whose claims cannot be processed, as a result
- Lack of archival history pertaining to removals and dispossession in rural areas
- The development of an effective strategy to ensure the viability of land and infrastructure sold to the RLCC as a going concern.

**Strategic Partnerships**

During this period, the RLCC-KZN has forged strategic partnerships with a number of organisations, with the aim of strengthening the sustainability of claims. An intergovernmental forum is in place, involving the uMngeni and Umthi municipalities, aimed at aligning restitution claims with the Integrated Development Plans of these municipalities.

The Commission has also received invaluable support from the KZN Sugar Cane Growers’ Association, which has seconded one of its staff members to the Commission to assist in accelerating claims involving sugar cane. During the 2003-2004 financial year, the KZN-RLCC has identified 128 rural community claims to be settled in a sustainable way and about 2 000 urban claims in line with the office strategic plan.
Kwazulu-Natal: Cumulative Settled Claims As at 31 March 2003

**Settled Restitution Claims**

- Number of claims settled: 8,640
- Households involved: 17,485
- Beneficiaries: 87,427
- Land restored: 70,603 hectares

**Financial Details**

- Land Cost: R 69,087,086.36
- Financial Compensation: R 378,105,554.32
- Restitution Discretionary Grant: R 18,474,000.00
- Settlement and Planning Grant: R 4,837,845.72
- Solatium: R 6,155,000.00
- Total award cost: R 476,659,486.40

---

**Overview**

In the period under review, the Commission was a hive of activity and major strides were taken in the settlement of land claims and the provision of post-settlement support to beneficiaries of land restitution, in order to improve the fate of poverty-stricken communities.

The Commission managed to settle about 594 claims, which benefited 9,670 beneficiaries in 2,214 households. More than 21,000 hectares of land were transferred to claimants, of which some 15,836 ha were State land. The aforementioned statistics were taken from successfully settled claims at Mavungeni, Munzhedzi, Ximangi, Makotopong, Manavhela, Sandri and Seedat, Dzwerani and New Look. This remarkable progress was achieved, despite the limited capacity in the office.

The Commission's pressing need for post-settlement support was ultimately addressed with the introduction of the Post-Settlement Support and Development Unit, established solely to assist settled communities with issues ranging from drafting business plans, financial management, property management, training, soliciting assistance from agricultural companies and interdepartmental co-operative governance, among others.

Furthermore, the Commission had opportunities to appraise the Portfolio Committee on Agriculture, Land and Water Affairs, the Agri Letaba Union and the Agri SA Annual General Meeting regarding the progress of land claims in Limpopo. These bodies appreciate the mammoth task the Commission is undertaking and expressed a willingness to come on board and participate in the restitution process.

**Claim Highlights**

- **Pusela Claim**
  - There were 241 claimants, who are direct descendants of individuals who were forcefully removed from Tzaneen Location/Pusela Location, which was a township for Blacks in the district of Tzaneen. Pusela Location residents were comprised of Sothos, Shangaans and Vendas. Shangaans were the first to be removed in 1962 and were resettled at Nkowankowa Location. Their removal was closely followed by the removal of Sothos to Lenyene Location in 1963. These people were removed by the Native Administration Department, in accordance with the Black Resettlement Act of 1954. The Pusela claim is about to be finalised and financial compensation will be presented to the claimants on 14 June 2003.

- **Rita Community Claim**
  - The claimants lodged a claim in 1995. The owners of the land, the Dutch Reformed Church, opposed the claim on the farm Bethesda 208 LS. Iscor, which had a prospecting lease on the land, indicated that they wanted to mine the farm and use its water. Claimants indicated that they wanted to claim the mineral rights to the farm. The claim was referred to the Land Claims Court (LCC), in terms of Rule 5 of the rules covering the procedures of the Commission. In June 2001, the parties informed the LCC that they would attempt to come to an agreement outside the LCC. The Commission on Restitution of Land Rights, Limpopo province, is now in a position to restore the land to the rightful owners, following an agreement between the parties. The settlement of this claim is expected to take place before the end of June 2003.

- **Baphalane Claim**
  - In 1955, the first group of people was dispossessed to make way for Whites, in terms of Group Areas Act 4 of 1950. Those willing to remain had to be issued with permits. The claimant community comprises some 300 claimants, who have formed a committee. They will, however, form a legal entity by means of which the restored land will be registered.
claim with the Advisory Commission on Land Allocation (ACLA). When the Commission on Restitution of Land Rights was established, this claim was transferred to the office of the Regional Land Claims Commission (RLCC), Limpopo.

The Baphalane community bought the farm Schilpadnest 385 KQ from the Transvaal Lands Company through five Kgoro (clan) leaders. The land was then registered in the name of Saltiel Ramokoka. The tribe continued to own the surface rights until the farm was expropriated in 1963, in accordance with Native Trust and Land Act 18 of 1936. The tribe was finally removed from the land in August 1963.

The matter was disputed and subsequently referred to the Land Claims Court (LCC). The LCC has ruled on the matter and a pronouncement of the judgment will be given on 7 June 2003, when the claim will be settled.

The Commission’s primary role is to provide technical support, seek strategic partners, facilitate training, conduct workshops on financial management and monitor and evaluate the performance of projects. During the period under review, the Commission achieved the following results in the Restitution process.

ACHIEVEMENTS AND CHALLENGES

Achievements

The Commission’s primary role is to provide technical support, seek strategic partners, facilitate training, conduct workshops on financial management and monitor and evaluate the performance of projects. During the period under review, the Commission achieved the following results in the Restitution process.

- The establishment of the Limpopo Agricultural Development Coordinating Committee (LADCC), which comprises RLCC Limpopo, the provincial Department of Agriculture, the provincial Land Reform Office, the Land Bank and Trade and Investment Limpopo
- The settlement of 594 claims
- The occurrence of seconded staff from the provincial Department of Agriculture
- Progress in the Validation Campaign, where most files have been researched
- The holding of positive meetings with farmers who are willing to participate in the restitution process

Challenges

- Limited staff capacity, based on current and projected needs
- Limited availability of resources, in terms of grants, compared to needs and priorities identified
- Becoming instrumental in the Integrated Development Program (IDP)
- The identification and involvement of other government departments in the post-settlement phase of claims
- A need to define an exit strategy for post-settlement support on a claim-by-claim basis
- Deciding who should provide continued support and service beyond the existence of the Commission, after 2005
- The need to develop a strategy of gender empowerment within settled communities
- Dealing with vast needs identified within claimant communities. Decisions should be taken on the following:
  - Who should benefit from land awarded as part of a settlement and how
  - The needs of young versus old in settled claims
  - Capacity building
  - The issue of Chiefs and CPA executives
  - The functionality of CPA executives

LEGAL INTERVENTION

Mamahlola CPA/DG Department of Land Affairs

On 6 December 2002, an interim court order granted the placement of the affairs of the Mamahlola CPA under the administration of the Director General. This was confirmed and finalised on 7 March 2003.

Rehobole Trust/Anglo Platinum Lease Agreement

Transfer of ownership of the farm Palmietfontein 24 K has taken place. The trust has also entered into a 99-year lease agreement with Anglo Platinum.

Limpopo: Settled Claims as at 31 March 2003

<table>
<thead>
<tr>
<th>SETTLED RESTITUTION CLAIMS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of claims settled</td>
<td>797</td>
</tr>
<tr>
<td>Households involved</td>
<td>10 472</td>
</tr>
<tr>
<td>Beneficiaries</td>
<td>52 360</td>
</tr>
<tr>
<td>Land restored: Hectares</td>
<td>34 504</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FINANCIAL DETAILS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Cost</td>
<td>R 84,506,088.32</td>
</tr>
<tr>
<td>Financial Compensation</td>
<td>R 20,191,357.96</td>
</tr>
<tr>
<td>Restitution Discretionary Grant</td>
<td>R 22,035,000.00</td>
</tr>
<tr>
<td>Settlement and Planning Grant</td>
<td>R 6,470,860.00</td>
</tr>
<tr>
<td>Solatium</td>
<td>0</td>
</tr>
<tr>
<td>Total award cost</td>
<td>R 133,203,106.28</td>
</tr>
</tbody>
</table>

STRATEGIC PARTNERSHIPS

RLCC Limpopo has managed to secure key partners, who are very strategic in its work. They are:

- Provincial Department of Agriculture
- Portfolio Committee on Agriculture, Land and Water Affairs
- Land Bank
- Progress Milling
- Trade and Investment Limpopo
- Municipalities
- Land-oriented NGOs.

Although the matter was referred to court, the proceedings have been stayed, in view of the fact that the landowners indicated and confirmed that they are now willing to make their properties available for sale.

Mtititi Land Claim

Mr Roberts Attorneys refused to make a copy of a report available, which they alleged to be privileged and which they were using to dispute the claim lodged by the Mtititi community. After being served with a notice, in terms of section 120(1)(a) of the Restitution Act, however, they made the report available.
OVERVIEW

The Restitution office in Mpumalanga province managed to recruit about 60% of the staff during the course of the year. These staff members have shown a strong dedication to improving the quality of the settlement of claims.

Locally and nationally, the media has demonstrated a positive attitude towards the restitution process. Some local municipalities and the Mpumalanga provincial government have been supportive in adding value to the restitution programme in the province.

CLAIMS HIGHLIGHTS

Maleoskop

From the eighteenth century, the community of Bakgaga Baleni Pa Thabanehlo is residing on this farm, which was known as “Rammupudu Location”, or Maleoskop (Maleoskop). In minutes no 176, dated 20 January 1910, there is a proposal to the Prime Minister that his Excellency, the Governor in Council, authorise a proposal to the Prime Minister that his Excellency, the Governor in Council, authorise permission was granted to the “Kaffir Chief Ramapu” to occupy the farm Rietkloof 509, in the district of Middelburg.

The Bakgaga Baleni Pa Kopa remained on the land until 1962, when they were removed to Rietkloof, a piece of State land which was declared a Black spot and people had to be removed to Tafelkop, about 10 kilometers outside Groblersdal.

The South African Police Services used the portions owned by the State for training purposes. The SAPS used the top structure, which is used for various activities. There are also about 1 200 hectares that are highly contaminated with unexploded ordnance.

Part of the claimed farm, portion 4 (a portion of portion 3), comprising 44,544 hectares, is in private hands. The remainder of portion 3, comprising 16,954 hectares, is owned by the State (Department of Public Works), as well as the remainder of portion 1a (a portion of portion 1), comprising 22,657 hectares, and portion 2, comprising 50,549 hectares.

The South African Police Services has agreed to appoint a service provider (MECHEM) to decontaminate the portion of land that has unexploded ordnance. The Department of Agriculture will be the user department of Maleoskop. The title deed of the portion where the top structure is located will remain with the Public Works Department and the rest of the land will be handed over to the community.

A development plan has been finalised. Some parts of the land are good for agricultural activities, game farming and stock farming.

Tenbosch

A former resident of Tenbosch, the elderly Mr JM Sivelwa, and his son, SK Sivelwa, lodged a community claim for the former released area 34 (10), known as Tenbosch 162 JK, and adjacent land. The three Ngomane chiefs of Hoyi, Sibodwa and Lugellane and their former neighbours, Chief George Mkhatswa, submitted a tribal claim on behalf of their traditional authorities in 1997. Meanwhile, about 120 individuals lodged individual claims as family units removed from Tenbosch and adjacent land.

The rights of the claimants were downgraded over time, due to various transactions between 1926 and 1993 affecting the properties. The final dispossession of the communities was executed in 1953, when the area under claim was excised from the schedule of released areas, in terms of the Native Trust and Land Act, 1936, through Proclamation R44 of 1951. The aim of the said Act was the advancement of racial segregation.

The Tenbosch Consolidated Land Claims Committee (TCLCC), comprised of elected representatives from the four Traditional Authority Areas and members representing claimants outside these areas, was formed to represent all the claimants, and the TCLCC was accepted as the representative claim body, in terms of Section 10 of the Act.

ACHIEVEMENTS AND CHALLENGES

Achievements

The following achievements were attained during the 2002/3 financial year.

- Ninety-five per cent completion of the validation process
- General publicity to restitution in the province
- Communications with claimants about the status of their claims
- Positive communication with national MPs and local and district municipalities
- Landowners are positive towards negotiations with willing sellers and willing buyers, which can also be attributed to our Minister and Chief Land Claims Commissioner
- Ongoing in-service training for staff members

Challenges

The following are the challenges that the Commission is faced with.

- Conducting the claimant verification project and feasibility plans for restitution projects successfully
- Continuous staff motivation and facilitating the fulfilment of their training needs, in order to achieve best results
- Implementation of case management systems
- Participating meaningfully in policy decisions, for example, to increase grants to claimants as a poverty alleviation strategy
- More participation in government strategies, such as ISRDP and urban renewal programmes
- Establishing service level agreements with other Government departments for post-settlement support
- More communication with claimants, in order to meet their expectations
- Encouraging claimants to target youth and women for capacity building, in order to execute their projects successfully
- Ensuring that legal entities for claimants are fully empowered to cope with running their own affairs
- Establishing and maintaining relationships with Non Governmental Organisations (NGOs) and Community Based Organisations (CBOs), which are prepared to contribute towards land reform.

STRATEGIC PARTNERSHIPS

- IDT project approval and monitoring implementation
- Department of Trade and Industry (DTI) commercial production sector negotiations that seek to empower restitution beneficiaries to participate in expert and local markets. Mentoring programmes for commercial projects
- National Development Agency (NDA) partnerships in capacity building and poverty alleviation programmes linked to small scale production
- Land Bank information exchange in making land available for restitution purposes. Other spheres of co-operation are still being mapped out.
District councils, such as Ehlanzeni and Greater Tubatse, and local municipalities, such as Nkomazi, Thaba Chweu, Mbombela, Belfast and Middelburg, some of which have been appointed as implementation agents for restitution claims.

Amakhosi, which facilitates good communication with the rest of the claimant communities.

Mpumalanga government - more work still needs to be done to realise the implementation of joint restitution projects with regard to, for example, housing, agriculture and tourism.

Provincial Land Reform Office (PLRO) joint operations, where programmes overlap, and a continuous relationship

Joint operations with other government departments with regard to HIV and AIDS programmes.

Amakhosi, which facilitates good communication with the rest of the claimant communities.

Mpumalanga Staff

**MPUMALANAGA: CUMULATIVE SETTLED CLAIMS AS AT 31 MARCH 2003**

<table>
<thead>
<tr>
<th>SETTLED RESTITUTION CLAIMS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of claims settled</td>
<td>636</td>
</tr>
<tr>
<td>Households involved</td>
<td>7,642</td>
</tr>
<tr>
<td>Beneficiaries</td>
<td>39,338</td>
</tr>
<tr>
<td>Land restored: Hectares</td>
<td>45,946</td>
</tr>
</tbody>
</table>

**FINANCIAL DETAILS**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Cost</td>
<td>R 20,173,198.00</td>
</tr>
<tr>
<td>Financial Compensation</td>
<td>R 24,674,120.00</td>
</tr>
<tr>
<td>Restitution Discretionary Grant</td>
<td>R 6,012,000.00</td>
</tr>
<tr>
<td>Settlement and Planning Grant</td>
<td>R 2,885,760.00</td>
</tr>
<tr>
<td>Solatium</td>
<td>0</td>
</tr>
<tr>
<td>Total award cost</td>
<td>R 53,745,078.00</td>
</tr>
</tbody>
</table>

OVERVIEW

During this year, the Western Cape office settled almost 2000 land claims. This was an increase from the 2001/2002 financial year. We had hoped to achieve even more but this was not possible, due to a great deal of pressure being experienced from claimants and other stakeholders, with limited staff.

There is, however, a basis for moving much faster, now that all claims have been validated. The staff is motivated and a great deal of goodwill towards restitution, as well as cooperation, is being received from the organs of government, at all levels. We are growing in experience in dealing with restitution claims.

We want to acknowledge with appreciation the important role played by the ex-commissioner Mr Alan Roberts who joined the Commission in 1999 and resigned in November 2002. A new Commissioner Ms Beverly Jansen has since been appointed in April 2003.

One of the highlights was the settlement of the Protea Village community claim by awarding financial compensation, as a first phase, and restoring land lost in Kirstenbosch, as a second phase. This will bring people of colour into traditionally White upmarket areas, thereby integrating people across racial and class lines. A number of claimants in areas, such as Retreat, Langebaan and Rondebosch, were awarded alternative State land where restoration of the original land was not feasible.

An especially good development was the settlement of a substantial number of claims where the claimants were impoverished, of a very advanced age or ill. These claims were all in immediate need of attention. The claims were accelerated and settled via the Standard Settlement Offer (SSO).

ACHIEVEMENTS AND CHALLENGES

**Achievements**

Improved relationships with provincial and local authorities, most notably the City of Cape Town, where a Liaison Committee has been established to specifically deal with land restitution cases, have been welcomed and encouraging. Further intergovernmental alliances have been forged to implement various projects, such as the Protea Village, District Six, Slangrivier and Ndabeni claims, as well as all projects that fall within the Urban Renewal Programme and the Integrated Rural Development Strategy.

It is clear that this office has had a number of victories, which can be attributed to the commitment of the staff and the claimants. It is acknowledged, however, that delivery was not as smooth as planned and intended, due to a number of constraints that the office had to deal with.

The budget constraints of previous years appear to have been alleviated and the R 1.9 billion that was made available, as well as the increased capacity for restitution, will ensure that the Presidential target of settling all claims by 2005 are met. An important element was the successful Validation Campaign, by means of which all legitimate land claims lodged with the office were validated.
STRATEGIC PARTNERSHIPS

Sound partnerships have been cemented with the following institutions:
- The Department of Public Works
- The City of Cape Town
- The Municipality of Langebaan/Saldanha Bay
- The Department of Defence
- The South Peninsula Administration
- The Valley Christian Church
- The Paarlberg Dutch Reformed Church

WESTERN CAPE SETTLED CLAIMS AS AT 31 MARCH 2003

<table>
<thead>
<tr>
<th>SETTLED RESTITUTION CLAIMS</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of claims settled</td>
<td>5,363</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Households involved</td>
<td>8,010</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beneficiaries</td>
<td>47,880</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land restored Hectares</td>
<td>5,255</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

FINANCIAL DETAILS

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Cost</td>
<td>R 21,034,974.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial Compensation</td>
<td>R 167,650,688.81</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restitution Discretionary Grant</td>
<td>R 15,284,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Settlement and Planning Grant</td>
<td>R 527,772.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solatium</td>
<td>R 41,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total award cost</td>
<td>R 204,544,365.51</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

It can be deduced from the table above that the amount allocated to the Restitution programme was insufficient as numerous adjustments had to be made to ensure maximum delivery. Due to the Restitution program successful track record, additional funding has been secured for the 2003/04 financial year and the ensuing years.

WESTERN CAPE Staff
The last financial year has also seen the completion of the Claims Validation Campaign administered by the Restitution Trust Fund (RTF). The Commission was also able to secure additional donor funding to the value of 6 million euros for the next phases of the restitution project cycle. The financial details of the Trust with respect to the Claims Validation Campaign is as follows:

<table>
<thead>
<tr>
<th>EXPENDITURE</th>
<th>INCOME</th>
<th>BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>DONOR FUNDING</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **BTC Grant**: 13,213,990.00
- **DLA Grant**: 5,000,000.00
- **Interest**: 16,197.84

**Total Income**: 18,230,187.84

**Total Expenditure**: 18,230,187.84

The balance of donor funding shall be used towards data capturing for all validated and settled claims and thus updating our Landbase (database).

In terms of Section 32 of the Promotion of Access to Information Act 2 of 2000, an Annual Report must be submitted to the South African Human Rights Commission. Herewith the information submitted as requested in terms of Section 32 of the Annual Report:

<table>
<thead>
<tr>
<th>INFORMATION</th>
<th>NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>The number of requests received</td>
<td>19</td>
</tr>
<tr>
<td>The number of requests granted in full</td>
<td>9</td>
</tr>
<tr>
<td>The number of requests granted in terms of S46</td>
<td>2</td>
</tr>
<tr>
<td>The number of requests refused partially</td>
<td>3</td>
</tr>
<tr>
<td>Requests still in process</td>
<td>3</td>
</tr>
</tbody>
</table>

**Transvaal Agricultural Union versus the Minister of Land Affairs and Others**

The Transvaal Agricultural Union (TAU) challenged the Section 42(D) agreement (Restitution of Land Rights Act 22 of 1994). Whilst the case was ongoing in the Land Claims Court, TAU withdrew the case from the Land Claims Court.

The Court found that, since the relief sought was contrary to the law on declaratory orders as applied in the High Courts, and no case was made for a deviation from these requirements, it was appropriate to make a costs order. The Court rejected the application with costs. TAU therefore had to pay the legal costs because the case was withdrawn from the Land Claims Court.

**Hurenco Boeredy (Pty) Ltd and Others versus Regional Land Claims Commissioner: Northern Province and Another**

An application for information with regard to a land claim to be made available was lodged in terms of the Promotion of Access to Information Act 2 of 2000, but the application was withdrawn.

The Court found that, despite the practice in the Court of not awarding costs in social interest litigation, the Court still has a wide discretion with regard to costs. The application had been ill founded and would therefore not have succeeded. For this reason, costs should follow the outcome. The Court ordered that the applicants pay as party and party.

**Judges of the Land Claims Court**

- **President**: Fikile Ram
- **Other Judges**: Antonie Gildenhuys, Yasmin Meer, Justice Moloto

**Contact Details of the Land Claims Court**

- **Address**: Trust Bank Centre, Randburg Mall, c/o Hill Street & Kent Avenue, Randburg, 2125
- **Private Bag**: X1060, Randburg, 2125
- **Tel**: 011 781 2291
- **Fax**: 011 798 2377

**Promotion of Access to Information Act 2 of 2000**

<table>
<thead>
<tr>
<th>INFORMATION</th>
<th>NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>The number of requests received</td>
<td>19</td>
</tr>
<tr>
<td>The number of requests granted in full</td>
<td>9</td>
</tr>
<tr>
<td>The number of requests granted in terms of S46</td>
<td>2</td>
</tr>
<tr>
<td>The number of requests refused partially</td>
<td>3</td>
</tr>
<tr>
<td>Requests still in process</td>
<td>3</td>
</tr>
</tbody>
</table>
Majeng

In the early 1980s, the community established a settlement on the land known as Majeng, located in the Barkly West District. The number of households living there before forced removals took place, is estimated at 2,000. The forced removal of the community took place in 1975. Although the Majeng community did not have ownership of the land, they had the right to occupy the land and it was, therefore, accepted that their claim fell within the scope of the Restitution of Land Rights Act, 1994 (Act 22 of 1994) as amended. In 1994, negotiations were entered into between the Department of Land Affairs, the present landowners and the claimant community.

The Land Claims Court issued an order in favour of the claimants on the 6th April 2002. The 30,685.2367 hectares of land restored will be used for the establishment of a mining and agricultural development.

Randall and another versus the Minister of Land Affairs

The claimants were dispossessed of their right in land in 1975. This case involved two families, namely the Randall and the Knott families.

The Court found that the sale transactions entered into were not between a willing seller and a willing buyer, and were indeed forced sales. Although an agreement was reached out of Court, an amount of R120,000 was paid to the claimants in full as a final settlement to their claim.

Woodley NO

An interim application was lodged for the deceased claimant to be substituted as a representative of a deceased estate. The application was granted.

The claimants were dispossessed of their right in land. The Court found that the claim was properly lodged. The Court made an order and 6 beneficiaries received financial compensation of R6,404.28.

Ndebele Ndzwandiza Community Concerning the Farm Kafferskraal No 181 Js

The first part of this case has been settled and has benefited 403 beneficiaries and 2321.3459 hectares.

The validity of the claim was contested and with regard to the removal of the community as part of the homeland policy, which was not just an equitable compensated. The Court found that the claim is valid.

RESTITUTION CASES IN PROCESS AT THE LAND CLAIMS COURT

Minister Of Defence And Another Versus The Khosis Community At Lohatla And Others

The claimants took their claim to the Land Claims Court. The Court dismissed the claim on the grounds that the Claimants could refer the claim to the Office of the Regional Land Claims Commission.

The Court found that, since the right to claim land is protected in the Bill of Rights, and such a right must therefore be interpreted generously, it is possible that another Court might come to a different conclusion.

Leaves to appeal were granted by the Land Claims Court. The matter is still in process.

The Richtersveld Community versus the Aletter Limited and another

The claimants have lost their right in land and mineral rights and therefore took the matter to Court by way of the direct access procedure as prescribed in the Restitution of Land Rights Act 22 of 1994.

The Supreme Court of Appeal found and ordered that the Richtersveld community is entitled to restitution of the subject land and the mineral rights.

The parties had however agreed that the other issues arising from the Restitution of Land Rights Act 22 of 1994, such as whether the claimants received just and equitable compensation at the time of dispossession and the form of restitution that claimants were entitled to, would stand over for later adjudication by the Land Claims Court.

Allie NO and another versus the Department of Land Affairs and others

The original claimant died before the claim was settled. The Court made an order that restitution be granted since the claimant did not receive just and equitable compensation at the time of dispossession. The Court further ordered that the original deceased claimant be substituted by his sons-in-law.

The Court ordered that the property be restored to the claimants. The Court ordered the claimants to pay back the sum of money that Mr. Mahatey had received when he sold the property to the Community Development Board. This matter has now been referred to the Supreme Court of Appeal.

CLAIMS SETTLED THROUGH THE LAND CLAIMS COURT

Hafsa Cachalia versus the Minister of Land Affairs

The claimants were forced to sell 11 properties below market value and were thus dispossessed of their right in land.

The matter was finalised after the parties were able to reach an agreement out of the Court, which was subsequently made an order of the Court. In terms of the Court order, an amount of R1,200,000 was paid to the claimants in full as a final settlement to their claim.

Singh NO:

An interim application was lodged for the deceased claimant to be substituted as a representative of a deceased estate. The application was granted.

The Court found that, as a sole heir, the claimant may be substituted in his capacity as executor of the estate, and the particulars of the claim amended appropriately. The Court further found that the claim was properly lodged.

Mahlangu versus the Minister of Land Affairs and others

The claimants took their claim to the Land Claims Court. The Court ordered the property be restored since the claimant did not receive just and equitable compensation at the time of dispossession. The Court ordered that the property be restored to the claimants. The Court ordered the claimants to pay back the sum of money that Mr. Mahatey had received when he sold the property to the Community Development Board. This matter has now been referred to the Supreme Court of Appeal.

CASES REFERRED TO THE LAND CLAIMS COURT

1. Miles D Lappeman & Others v Andrew M Mphela & Others
2. Frederick Pretorius v Mosita CPA & Others
3. Chabane Jackson Hlaneki & Others v CRLR and others
5. Guilford Ltd (Sidney On Vaal) v Ramakarane and others
6. Motale Arthur Pule
7. Mothusi N. Tlhabanyane
8. The Bakone v RLCC Mpumalanga
9. The Richtersveld Community
10. Richard Mogomotsi v Government of RSA