

# Historic bill paves way for restitution

**THE Restitution of Land Rights Bill was the first piece of legislation passed by the new cabinet. The Bill formally marks the end of the process of apartheid land dispossession which was started by the 1913 Land Act. It brings hope of redress for some of the estimated 3,5 million people who were forcibly removed through apartheid land laws.**

**AFRA News asked the Minister of Land Affairs to explain what the Bill will mean and to review progress around land reform since he assumed office.**

*What would you say are the main things you have achieved since being in office.*

The single biggest thing must be the draft Restitution of Land Rights Bill. Also my visits to several rural communities and setting in motion the processes of finding negotiated solutions, with the active assistance of department officials.

Another was in providing the department with direction and a policy framework, which is now in the process of being converted into legislation and forms the basis of a substantial proposal presented to the RDP.

A very important step was establishing good working relationships with NGOs working in the sector and with the affected

communities. It is part of an ongoing process that has further to be nurtured and developed.

*Your office has said that up to 100 rural claims could be eligible for the restitution process. Are these mainly or only "black spot" removals? What about people who may claim on the basis of lengthy occupancy and use (such as farm tenants) - would they be eligible to make claims?*

These are in the main black spot removals and forcible removals enacted under apartheid laws. They may include some categories of labour tenants who were removed in the 1970s as a result of intervention by the state by means of discriminatory laws (not people affected by mechanisation or by the

ending of contractual relationships).

The department will facilitate discussion between land owners and labour tenants and attempt to reach some sort of arrangement to benefit people that occupied land for some time. One of the department's chief aims is tenure reform by strengthening security of tenure. Generally, joint agreements might be reached to redress an absence of tenure security.

*How will your department meet the challenge of restitution and redistribution?*

The plans for restructuring the department have been presented to the Public Service Commission for

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approval. The restructuring is intended to organise the department in such a way that it is able to effectively meet the needs of the land reform programme. This was not the primary focus of the previous department, so a major restructuring of the department was necessary.

*Your main focus so far has been on restitution and pilot models for redistribution. The RDP also talks about security of tenure. What plans do you have to address this?*

Workshops will be held within the department on tenure policy and will involve people with an interest in this issue. New legislation is also being prepared to provide for communal land ownership.

*What portion of money allocated for the RDP will come to your department to implement land reform?*

For the 1994/95 budget, the department has requested 20% of the RDP funds for restitution and redistribution projects, including one pilot project in each province.

*What do you anticipate will be the main challenges facing you in the coming period?*

Preparing a White Paper that goes far beyond restitution. In the short term, to provide the structures necessary to give content to the other legs of land reform, that is, security of tenure, redistribution, support services, structural and institutional capacity building and to consolidate and maintain some of the processes already initiated.

*You have been a very "hands-on" minister so far. How many communities have you visited since assuming office? Who are the other major groups you have met with over this period? Do you see yourself continuing with such meetings or will you be delegating most of this work to others in your department? What has been the benefit of this hands-on approach?*

Some 20 communities including Kosi Bay, Makhatini Flats (Pongola Flood Plain), Mboza, Impendle and Estcourt (the AmaHlubi) in Natal; Botshabelo in the OFS; Rust der Winter, Mogopa, Welverdiend and representatives of 11 communities in the Transvaal; as well as Riemvasmaak, Witbank and the Majeng in the Cape. This excludes various meetings with labour tenants.

I will continue to maintain contact with communities. There are many benefits arising out of this, not least the fact that I am kept up to date on specific issues and the needs of communities. As the department restructures and new staff members are brought into the department, much of this work will be taken on by regional offices of the department. However, it is my intention to visit every part of the country and to go wherever I am needed.

## Land reform and the RDP

THE Department of Land Affairs has a budget of R429,85 million to spend on land reform for the next three years, said Helmuth Schlenter, press officer for the ministry. He said this included money allocated to the department from the RDP (R365,33 million) and donor funds (R45 million). Of the total, R315,81 million will be spent on land reform pilots, R64,65 will go towards restitution cases and R49,39 will be used for redistribution.

Some of the money will be used for the Presidential Projects announced in August. For land reform these projects involve nine pilot redistribution projects (one in each province) and 10 restitution cases.

The land reform pilot districts are expected to be identified by September 1994. Pilots in each province to are meant to start in October 1994.

The 10 restitution communities are Roosboom, Alcockspruit, Charlestown (KwaZulu-Natal), Zwelidinga, Zulukama, Thornhill (Eastern Cape), Riemvasmaak, Smitsdrift (Northern Cape), Goedgevonden, Bakubung, Zwartsrand (North West) and Doornkop (Eastern Transvaal). These communities, who have already had their land returned, will get support with settlement planning and infrastructure development to ensure sustainable development processes.