



NKUZU
DEVELOPMENT ASSOCIATION

In Partnership with

TSHINTSHA AMAKHAYA
Working together for rural change

Land Claimants Communities in Limpopo Province Memorandum

Nkuzi Development Association is a land rights support organisation working in Limpopo Province. We work with the restitution claimants, farm dwellers', farm workers, small scale farmers, and marginalised people who live in communal areas. We work in partnership with 9 sister organisations throughout the country under the banner of Tshintsha Amakhaya.

Successive colonial and apartheid regimes stole the land from our people at the point of a gun. The 1913 and 1936 land acts, among other pieces of legislation, were used to consolidate land dispossession. More than any other act of dispossession, land dispossession was the most significant act that triggered the liberation struggle. Basically, the liberation struggle was first and foremost the struggle to reclaim stolen land.

It was this understanding that prompted the post-apartheid government to introduce the land reform programme (tenure reform, redistribution, and restitution). It has come to pass that the Department of Rural Development and Land Reform has dismally failed to deliver on this very important constitutional mandate. In fact, the failure is not limited to restitution, the redistribution and tenure reform programmes have not yielded any results.

As land claimants we are aware that government has failed deliver on its mandate on numerous occasions to adhere to its promises of settling land restitution claims. Year in, year out, targets are set but not met. The Restitution of Land Rights Amendment Act (Act 15 of 2014) was passed in 2014 to enable those who missed out in 1995-1998 window period to lodge claims. A seemingly good initiative, at face value.

This happened in the face a massive backlog in the settlement of prior claims (1995-1998). There was no increase in budget allocation, no attempt to increase the capacity of the Land Claims Commission, no



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concrete action plan! We might as well ask what the intension of re-opening was, because for all we know, the intention was not to fast-track land reform or land restoration. We charge political expediency here! No wonder that the constitutional court has ordered that it be set aside pending the finalisation of prior claims. Since that watershed judgement on 28 July 2016, the department has not come out with any initiative(s) to expedite the finalisation of outstanding claims. It is clear that the department has no intention abiding by the court order that is, finalising the outstanding claims by July 2018. We sadly notice that it will not be the first time that the department fails to abide by a court order. It has failed / refused to settle the Popela claim 10 long years after it was ordered to do so by the highest court in the land.

We have waited for solid 22 years for our claims to be settled. Our patience has run out. We are fed up with government playing games with our livelihoods and dignity. The failure to deliver on the land question amount to violation of constitutionally entrenched right.

It is common sense that the land question is at the heart of genuine reconciliation...and was at the centre of our liberation struggle. We are not free without our land.

WE DEMAND:

- A dedicated and ring fenced budget to settle all outstanding claims
- The government must give us a clear and concrete action plan of resolution to the outstanding claims
- Stop development on all farms and land that are under claim (Section 11 (7) Restitution Act 22 of 1994 must be observed and implemented). The above refers also to chiefs / tribal authorities
- We demand proof of written consent / approval from RLCC for gazetted land claims that are being developed
- We demand that there must be quarterly meetings held with land claimants, Nkuzi and RLCC / RDLR to track progress (Sec 6 Restitution Act 22 of 1994)



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- We demand that staff turnover should not affect the progress of a claim (continuity)
- We are opposed to the willing buyer willing seller principle and practice as it is unconstitutional and has then effect of inflating the price of land
- Expropriation of land whose owners are bent on obstructing the passage of claims in line with section 42E of the Restitution of Land Rights Act (Act 22 of 1994)
- We demand complete moratorium on independent research by farmers whose land is under claim / or residing on the claimed land
- We demand that TELE MAPHOTO resign with immediate effect.

We are giving the Department of Rural Development and Land Reform 21 days to respond to the above-mentioned demands and failure to comply will prompt the communities to occupy the offices of the Provincial Land Claims Commission and claimed lands indefinitely until our demands have been attended to.

Delivered on the 04th August 2017 at Pretoria, Union Buildings

Received by:

Name SHONISANI MUDAU Signature SH Shonisani

For DRDLR

Name FRANS MOLELE Signature Molele

For the Community

Name Moketelo Mohale Signature Mohale

For Nkuzi Dev Association