



Welcome

Note that the media are present

Thank Amanzingwe for the use of the facility

Purpose of the meeting

Presentation Contents . . .

- **Status of the Constituency**
- **Our actions since we last met**
- **Actions of the RLCC since we last reported back**
- **Status of the Claim**
- **A case study review**
- **Our strategies going forward**

26778 Land Claim Action Group – Members Meeting March 2006

The issues that we will cover

This report will be available on the Internet and on ur website

Current Activity . . .

- **Are we losing membership?**
- **Why has the pace of payment slowed down?**

- **Properties For Sale**
 - Maintaining market value

- **Negotiating with the Claimants**



These are the questions we ask ourselves in Committee.

On average between 3.5 and 6.5% of all land will turnover annually in a district such as ours

That says 469 properties = between 16 and 31 properties should sell every year.

Is this the case now – No we don't think so – we sense that about 20 sales have taken place since Gazetting.

We perceive the following . . .

- **Taking too long for some**
- **Wanting to see action**

- **Normal sale of property *HAS* to continue**

- **Developers are looking for opportunities and are constrained by the Land Claim**

26778 Land Claim Action Group – Members Meeting March 2006

We hear many frustrations

We know that some of our constituency are playing a wait and see game!

We know that some people **HAVE** to sell – for whatever reason – we need to ensure that prices remain firm.

We have had a number of reports about developers negotiating with both claimants and the RLCC – nothing we can do to stop this – in fact it should be encouraged.

Our Actions since last report back . . .

- **Meetings with Estate Agents**
- **Claimant Conversations**
- **House meetings**
- **Setting up of data base and the need for more information**
- **Additional Farms**
- **Additional Photography**
- **Report from Counsel**



26778 Land Claim Action Group – Members Meeting March 2006

RLCC actions since last report back . . .

- **Our Claim**
 - Referred to Court - Agreed to refer to legal unit 28th March
 - 6 weeks for application to court
 - 6 weeks before we see anything
- **Verification of Claimants**
- **Building the Restitution Solution**
- **How far have they really gone with the claim?**
- **National**
 - Willing Buyer and Seller / Expropriation / Referrals to Court

26778 Land Claim Action Group – Members Meeting March 2006

Status of the claim . . .

- **Section 11a completed and ejected by RLCC**
- **Claimant verification exercise not yet completed – our participation rejected**
- **In loco inspection pending the completion of the verification process**
- **RLCC agrees in writing to refer the matter to court**
- **RLCC does not confirm referral telephonically**
- **Unable to indicate restorable land in the claim area**

26778 Land Claim Action Group – Members Meeting March 2006

Where does that leave us?

- Not in control and at the mercy of the RLCC
- RLCC unable to give us a programme going forward
- RLCC unable to confirm a court date
- RLCC unable to confirm completion of verification
- RLCC unable to demonstrate restorable land
- RLCC unable to present us with a restitution solution

Consider: We are not offering any solution
as we contest the merits of the claim!!

Is there anything that we could be doing?

26778 Land Claim Action Group – Members Meeting March 2006

Is your land for sale?

If so do you know who will buy it?


If you get the price you want do you care?

We don't know of any property for sale – and yet we represent your interests in terms of the status of your land. You know you have to notify the commissioner of your intent to sell – why not notify us too. - Why so?

So that we can understand what is happening – so that we can protect price – so that when we are asked by the RLCC (who already knows) what land is for sale in the claim area we can respond with a legitimate and sensible answer.

And perhaps some of the pain of the claim will disappear.

And what if your land sold to a black man – already happening and do you have control over what he does – yes of course you do in the context of the town planning scheme etc..



GD
GRÜTTER &
GROBBELAAR
PROKUREURS ■ ATTORNEYS

Our legal opinion remains . . .

As is evident from the contents of our representation in terms of Section 11A, we were of the opinion that:

- The claimants do not comply with the definition of a community as contemplated by the Act;
- The claimants did not held rights in land as contemplated by the Act;
- There had not been a dispossession as contemplated by the Act;

and therefore the validity of the claim was denied.

These conclusions were drawn after extensive investigation and research into the merits of the claim and supported by objective evidence in this regard.

26778 Land Claim Action Group – Members Meeting March 2006

Current thinking confirmed by our attorneys and senior counsel as at 25th March 2006.



Additional Farms . . .

On 2 December 2005 the farms Petit Mont Rouge 479 JQ, Praetor's Ride 562 JQ, Kafferskraal 501 JQ, Hartebeesthoek 502 JQ and the farm Opelug Museum 564 JQ were published by way of notice 1340 of 2005.

. . . and we are satisfied that no new evidence came to light which would strengthen the claimants claim in respect of these farms.



26778 Land Claim Action Group – Members Meeting March 2006



Community . . .

“Any group of persons whose rights in land are derived from shared rules determining access to land held in common by such group”

This simply means that in order to qualify as a community as contemplated in the Act, the members of such a community had to hold the claimed land as a group and had to have shared rules of access to such land. This situation is very similar to land normally held by a tribal authority.

We have no doubt that the community never held the land in question as contemplated in the Act.



26778 Land Claim Action Group – Members Meeting March 2006

CASE STUDY **Vogelfontein Land Claim**

- **Gazetted 2000 and again in 2003**
- **After first gazetting agreed to valuations etc - began research - put in settlement proposal - rejected**
- **Contested merits – submitted 11a – no response**
- **Engaged in protracted negotiation**
- **Pending “mandamus order” preparation – RLCC non performance and refusal to refer**

26778 Land Claim Action Group – Members Meeting March 2006

Case Study will give you a sense of where we are in comparison to others . . .

Before Stefan some statistics . . .

Limpopo Province – leaders in solving claims.

11% gazetted (of the claims listed and to be adjudicated for merits)

Fastest resolution 1 year and 7 months

Slowest resolution 5 years and 8 months

Average resolution 3 years and (months

North West province

Between 3 and 5% gazetted so far – no stats for resolution

Where land has been restored as much as 68% of this land has yet to be occupied by the Community Property Associations – cannot get resolution ito who gets what!

Going forward from here . . .

- **Sellers and Stayers**
 - Maintaining property values
 - Retaining our membership
- **Continue gathering information**
- **Maintain pressure for a Court date**
 - Maintain dialogue with the RLCC
- **Re-engage the claimants**

(Test what is restorable / not restorable in land)

26778 Land Claim Action Group – Members Meeting March 2006

Thanks Stefan – we maintain contact and do learn from each other, and others!!

Where to from here? These are our priorities . . .

Listing sellers

Helping maintain value in property

Keeping in contact as support to the local Estate Agents

More information – explain that they are some individual properties that may have had people who left – we need to gather this information “just in case”

Keep up the pressure on the RLCC and especially as they now have a new senior legal representative, Prudence.

May be there will be merit in re-engaging the claimants

What if I don't participate with this group?

- Participant or not, you will be subpoenaed as a co-respondent in any court matter
- Any ruling of the court applied for by this group will be exclusive
- The merits are challenged by a specific group and NOT all land owners by default
- If you are a seller (to the RLCC) we will not necessarily be concerned with your case

Unless you have made specific arrangements, you are presently NOT represented in this matter

26778 Land Claim Action Group – Members Meeting March 2006

You need to know and understand this!

26778 Land Claim Action Group

**“The power of the collective is far greater
than the power of one”**

QUESTIONS

26778 Land Claim Action Group – Members Meeting March 2006