

Report On Limpopo Land Summit organized by LARI and Nkuzi:

Day One. Tuesday 17 November 2009

.Facilitator: Mr Sello Khoza

1. **Arrival and Registration:** Done before the formal sitting.

2. **Opening Devotion.** *Rev S.P Talane*

Rev Talane opened the session formally with a prayer and further made the following comments:

- A note of appreciation was further made for the manner in which the Participants responded to the invitation and that a different facility will be used for accommodation purposes
- Mr Philani Mkhize from Land and Agrarian Reform Institute (a desk of South African Catholic Bishops Conference) was introduced to the participants. LARI has worked with Nkuzi Development Association,(funded by HT3000) to ensure that the Summit take place.

3. **Welcoming Remarks.** *Mr Eddie Barnett.*

This Summit was called to ensure that Organisations such as Nkuzi and other Non Governmental Organisations (NGOs) working with the People on the ground are well informed of the needs of the real people. The Summit provides a forum on which the Communities are able to assess the progress made in the struggle for and Justice and share the best ways of dealing with the challenges. Nkuzi and other Organisations seek to ensure it always express the aspirations and feelings of the people it purport to represent. Land and Agrarian Reform Initiative (LARI) was thanked for the kind support it rendered in ensuring that a session in which communities are able to express themselves on Land Reform Challenges. HT3000 was also acknowledged as a donor who made the process possible. This gesture by donors further adds impetus on the need for Networking and Partnership in engaging in the struggle for and Justice. Mr Sello Khoza was thanked for his past role and current commitment to work to ensure that Justice to the Landless is achieved. A word of welcome was expressed to all the participants.

4. **Setting the Atmosphere:** *Mr Philani Mkhize*

Mr Mkhize sought to address two fundamental issues:

First there is a need to understand what is LARI?

Land Reform Initiative (LARI) is a desk of the South African Catholic Bishops Conference that has a specialised focus on Land Reform and its inherent challenges. It had to be understood that the Church in its broadness is comprised of the Land Owners and the Landless. This contrast compels the Church to adopt a moral position on the issues affecting the Land. The involvement of the Church in the struggle for Land Justice is premised on the base that the Church is not all about Spiritual matters but also a site for struggle for Justice.

The Second part dealt with motivation for Church involvement on matters of Land reform. There are two core principles that define the rationale of LARI in Land Struggles. The first motivation is about Human Dignity. The Land Dispossession has stripped the majority of the Citizens of the country of the most basic right, Human Dignity. The Second Principle is that of ensuring Justice. All of the mentioned the Injustices are caused mainly by Power dynamics. Power has in the past been used to deny Economic Opportunities and perpetuate Land Dispossession. The 1913 Land Dispossession confined the majority of the citizens of this country to Poverty and Human Suffering. The Church's role is about advocating for the use of Power to do Good through structured programmes and involvement in Community Struggles. The Power of Community cannot be underestimated in reversing and redressing the challenges currently being faced. In Conclusion the role of LARI is not to become the mouthpiece of the communities but an accompanier.

Testimonies.

1. Mining Communities.

Baroka Ba Malepe

This is Community that had decades of experiences with regard to mistreatment by the Mining Houses. First in the earlier years they were mistreated by Asbestosis Mines that to date had not been rehabilitated. There is evidence currently that the Current Mining Operations in this area has interest of Highly Placed Officials, Politicians and Political Parties. Organisations such as the African National Congress Youth League (ANCYL) and African National Congress Woman League (ANCWL) through Lembede investments have stakes in the Mining operations that disregard the rights of the primary residents. Further the mining Operations had dislocated the Traditional Authority from the Communities. There is currently a proliferation of Traditional Authorities as result of people needing to unjustly benefit from the current mining benefits. This Proliferation of the Traditional authorities is not innocent from the negative and underhand tactics of the Mining Operators.

In the course of the events it is further being realised that in General we have unreliable and dishonest public representatives that have under looked their primary role of Protecting the Poor and the Vulnerable instead they have become the champions for the cause for the Rich and Powerful. The Current Challenges faced by the Communities has a root cause in the manner in which Public Consultations were done. The Consultations were improper as the key stakeholders were not adequately engaged.

Maandaagshoek

There is currently no indication or plans at the Greater Tubatse Municipality on the intentions of the Mining Houses on the matters of Development. This goes to indicate that there is no Developmental relationship between the Mines and the Municipality. Environmental Pollution threatens the Health status of the residents of the communities surrounding the mining operations. Conflict of interest by Public Representatives and Officials in Government.

The struggle against the injustices by the Mining Houses has seen over the years the increasing interest of the Non Governmental Organisations in partnering with the Communities. The partnership with NGO has to date not yielded the fruits that can be identified. There are incidences in which the Communities had been led down by the NGOs.

Twickenham. (Ga-Mashabela)

A greater emphasis forwarded was on Sustainable Development of Communities. Youth Empowerment has to become a pillar on which development by the mines had to be based. The Current Practice by the Mines in relation to employment disadvantage the majority of the Youth as requirements such as Experience and High Technical Skills is not in match with what is on the ground. The Infrastructural Development in the areas surrounding the mines is in bad shape.

Tshamahanse. (Mokopane)

The Community and the Traditional Leader were misled by the initial processes of establishing a mine. Through Manipulation the Committee set up by the Communities to advance their interests were turned into Section 21 Companies. The Section 21 and their current practice does not seek mandate from the same communities that put them there. There are suggestions that the Section 21 protect the interest of the Mining Houses.

Ga-Pila

The Communities relocated by the by Anglo Platinum at Ga-Pila were from Traditional setup. The relocation process to date that had resulted in situation wherein the residents of the two new villages have no title deeds. To date they have no full knowledge of the ownership of the land they occupy.

Atok

The Employment aspect in this area does not favour the local residents as it is alleged to be managed by the Non Residents of the area. There has been an initial promise that accompanied the consultation processes was that Infrastructural Aspects such as Roads and Water Reticulation networks will be embarked upon. The Non Provision of the decent Infrastructure already spell that the quality of life is at the lowest ebb and Compromised.

Summary of the Issues

- Consultation. Not well done between involved parties.
- Heavy noises coming from the ventilation machines;
- Basic Services such as Water, Roads etc,
- Operational Cracks
- Narrow achievements of the BEE.

RESTITUTION

The Popela Group

The Popela Group has won a Land Mark Court Victory some Years back. Unfortunately to date they had not occupied their Land as per Court injunction. There had been broken Promises by the Commission as to the time in which Land will be transferred to them. The assumption is that the Commission is for delaying this process because they disrespect for the court. There is intention by the Popela Community to approach the Court again for enforcement of the earlier Court Decision. The Community appreciated the Supportive role Organisations such as Nkuzi played in advancing their struggles.

Lehutso Community

The Community is being frustrated by the manner in which the Land Claims Commission is treating their case. They feel disrespected by the Regional Land Claims Commission (RLCC).

Bakgaka Ba Maupa

The Authorities are delaying in acquiring Land as per requirement. There have been intra-conflicts instigated by people who do not want to see progress on the return of Land to its rightful owners. The intra Community Conflicts bordered on the assumed confusion on the legitimacy of the Leadership of the Community. The Community had so far commissioned report on the impact of Land Dispossession for the past periods since 1800. The Community further commissioned a research on the Legitimacy of the Leadership of the Community. Professor Ralushai was requested to conduct a study on the subject and to date the outcome of the study had not been seen and shared with the community.

There is also lack of commitment of by the Leadership in Government in pursuing the matter to finality. The Correspondence the community is sending is not responded to by the relevant people whom must give direction on the struggle. The Most disturbing matter is the misplacing of the files by the commission. Each and Every time the inquiry has to be made to the commission the community is told of a lost or misplaced file. The Community closed the presentation by appealing for financial support to enhance their struggle.

Redistribution

Redistribution flows on a lower pace with frustrations inherent. The case in point is the Maboi 3 Communal Property Association (CPA). The major Challenge facing redistribution at this time is the following:

- Work Ethic of the Beneficiaries. The Beneficiaries of the redistribution process have developed a low and weak work ethic. There are incidences that people do not meet their tasks on full knowledge that they do not account to anyone.

- Intra Community Conflicts. This usually is brought about by the leadership squabbles that have a root in the pursue of selfish gains.
- There is always heavy reliance on the external expertise than internal innovation.

Day One ended with a closing Prayer by Mr Sejanamane Mashilo.

DAY TWO

1. OPENING DEVOTION – FR Jerome Aneke
2. What have we done in Day One ?(Recap) *Sello Khoza*

3. GROUP DISCUSSIONS

The Major activity of the day was to allow the participants from different backgrounds to reflect on the struggle they have embarked upon over time and further explore new practical ways in which the new struggle can be waged. The commissions were divided into two being the commission on mining and commission on redistribution and restitution.

4. Commission on Mining

- 4.1.1. Do we need mines?
 - 4.1.1.1.Mines provide jobs
 - 4.1.1.2.But proper consultation must be done
 - 4.1.1.3.Law enforcement as an action
- 4.1.2. We do not need mines
 - 4.1.2.1.Environmental distraction

Advantage of mining	Disadvantage of mining
Provide jobs	Influence control
Economy of the country	Pollution
Develop the community	Destroy heritage sites
	No development plan in communities
	Health problem

- 4.1.3. What have you done to resist relocation?
 - 4.1.3.1.Communication with the mine
 - 4.1.3.2.Appoint local Community Liaison Officer (CLO)
 - 4.1.3.3.Round table discussion
- 4.1.4. What worked and what did not worked?
 - 4.1.4.1.Employment of some community members
 - 4.1.4.2.Rebuilding of houses
 - 4.1.4.3.Engage the government
 - 4.1.4.4.Resist relocation
 - 4.1.4.5.Unfenced dam

- 4.1.4.6.Drowning of animals
- 4.1.4.7.Cracking of houses
- 4.1.4.8.Environmental pollution

4.2. Commission on Restitution and Redistribution

- 4.2.1. What have we done to deal with the restitution commission
 - 4.2.1.1.Lodged a land claim
 - 4.2.1.2.Follow ups with RLCC
 - 4.2.1.3.Consulted with Nkuzi, Department of Land Affairs (DLA), Alliance for Land and Agrarian Reform Movement (ALARM) and Sisonke Masilwe Indlala (SMI) and other relevant stakeholders
 - 4.2.1.4.Media
 - 4.2.1.5.Several marches
 - 4.2.1.6.Attended rallies, workshops, provincial, national and international
 - 4.2.1.7.What worked?
 - 4.2.1.7.1. Validation and gazetting of land claims
 - 4.2.1.8. What did not work?
 - 4.2.1.8.1. The rest
 - 4.2.1.9.Why?
 - 4.2.1.9.1. Lack of communication
 - 4.2.1.9.2. Lack of commitment (RLCC)
 - 4.2.1.9.3. Fear of project officers from RLCC to consult with the current land owners
 - 4.2.1.9.4. Corruption

4.3. Redistribution

- 4.3.1.1.Land summit advised Sterkwater Community to approach RLCC for Title deed
- 4.3.1.2.What worked?
 - 4.3.1.2.1. None
- 4.3.1.3.What did not work?
 - 4.3.1.3.1. Nothing

4.4. LANDLESS PEOPLES MOVEMENT (LPM)– CAPRICORN DISTRICT

- 4.4.1. People evicted from Baltimore in 2008
- 4.4.2. Government provided tents
- 4.4.3. A six month child died
- 4.4.4. Some farms changed to game reserved – reduced labour
- 4.4.5. Corruption in municipalities – Mogalakwena and Lephalale
- 4.4.6. Limited access to government services
- 4.4.7. Corruption by former premier, Ngoako Ramatlhodi – placed about 5 people on state land under claim.
- 4.4.8. Child labourers from farm schools

“Doing one and the same thing over and over again hoping for a different outcome = insanity” Dr Phil

ACTION PLAN

4.4.8.1. Mining / Restitution/ Redistribution/ Farm dwellers

Mining

ACTIVITY	RESPONSIBILITY	TIME FRAME	NEEDED
Engage the ruling party	Nkuzi, LARI, Task Team	Within 14 days	Ethical Investment Forum, LIMA, SACC
Strengthening Community Structures			
Look for alternative in terms of voting			
Taking mining and government to court	Task team, communities, legal representatives	January 2010	Nkuzi and LARI
Media publications	Task team	Within 21 days	Nkuzi and LARI

4.4.8.1.1. Restitution

ACTIVITY	RESPONSIBILITY	TIME FRAME	NEEDED
Establish progress report	Nkuzi, LARI, LPM	Dec. 2009	Telephone, office visit
Establish a Task Team	All	Today	Manpower
March	All	If no progress	Manpower, stationery
Parliament visit	Task Team	27 march 2010	Manpower, Task Team, finance
Land occupation	All	27 march 2010	Manpower
Legal support	Task team	27 march 2010	Transport, Telephone, manpower, finance

4.4.8.1.2. Tenure Reform – Farm Dwellers

ACTIVITY	RESPONSIBILITY	TIME FRAME	NEEDED
Report cases	Farm workers and dwellers	Ongoing	Support and resources needed
Dissemination of information through workshops	Nkuzi and relevant stakeholders	Ongoing	Awareness, campaigns
Government participation	Law enforcement	Ongoing	Law enforcement agencies

4.4.8.1.3. Redistribution – Post settlement Support

ACTIVITY	RESPONSIBILITY	TIME FRAME	NEEDED
Land Database	Task team	December 2009	Telephone and resources
Establish		December 2009/ April 2010	
Establish financial data base	Task team	December 2009/ April 2010	Telephone, office visit
Identify relevant stakeholders	Task team	February 2010	
Capacity building of beneficiaries	Nkuzi and other relevant stakeholders	Ongoing	Finance, training
Release of title deeds	task team	March 2010	Manpower

4.4.8.1.4. CONSOLIDATED ACTION PLANS

ACTIVITY	RESPONSIBILITY	TIME FRAME	NEEDED
Establishment of a Task Team to carry out activities on behalf of the affected communities	All participants	19 November 2009	Nkuzi, LARI to support the process
Engage the national executive committee of the ruling party and government on all issues identified	Task team	Within 14 days	Nkuzi, LARI, Ethical investment forum, SACC, LPM
Strengthening community structures through	Task team	On going	Nkuzi, LARI

capacity building and related issues			
Institute class action (taking government to court) to seek redress for the violation of constitutional rights	Communities through collective effort	January 2010	Nkuzi and LARI, other relevant stakeholders
Media engagement to publicise the plight of the affected communities	Task team	On going	Nkuzi and LARI
Land invasion / occupation	All affected communities	To be determined	Nkuzi, LARI and other relevant stakeholders
TASK TEAM	Mining	Dilokong	Walter Malepe
			Kgaladi Mmaphakane
		Mokopane	Athanis Mogale
			Eric Ngomane
	Restitution/ Tenure	Waterberg	Jan Molala
		Capricorn	Pitsi Mokgethle
		Mopani	Jan Maake
			N R Ramaselela

Official Closure of the Summit.

A press conference was used as a way of closing the Summit; the media statement was read and followed by the Summit Declaration. Enclosed please find the Appendix One: Press Statement and Appendix Two: Summit Declaration; and Appendix Three: Participants List.