

ANNUAL REPORT 2001

Summary

This report covers the period from January until the end of December 2001 and aims to give an overview of the work and development of Nkuzi during this period.

Nkuzi started the year with 18 staff members and by the end of the year it had 23 full time staff members and 6 volunteers providing services throughout the Northern Province, Gauteng Province, and in some northern parts of Mpumalanga.

The restitution work during this year involved direct work with restitution projects on gathering baseline information for the gazetting of land claims, verifying claimants for each claim, setting up legal entities, and negotiating for the settlement of claims. Nkuzi worked closely with the Regional Land Claims Commission (RLCC) and the year ended with the celebration of the transfer of land to its rightful owners in the Getrudsberg case. This cooperation has benefited considerably from the appointment of a Commissioner for the Northern Province and the opening of an office for the RLCC in Polokwane. Good progress has been made on other claims, which have been gazetted and negotiations are at an advanced stage leading Nkuzi to anticipate that they will be finalized in 2002. Nkuzi successfully tendered with the RLCC for the validation of land claims in the Northern Province. Nkuzi has started work on this project after finalizing a contract in November for the validation of 2,140 land claims.

Under redistribution the government has bought the land for the beneficiaries in a number of cases which had previously been designated and people in those projects now have access to land.

The Land Rights Legal Unit expanded to Modimolle (formerly Nylstroom) where an office headed by an Attorney was opened at the end of the year. In May the Nkuzi Legal Aid Clinic was opened in Elim in terms of a cooperation agreement with the Legal Aid Board. This has seen Nkuzi's work taking another dimension through the provision of legal services on cases, for indigent rural people, which are not land related. The expansion of the Nkuzi Land Rights Legal Unit was informed by the overwhelming demand existing in the remote rural areas of the Northern Province and the lack of access to legal services.

Nkuzi work in Gauteng continued to focus on assisting farm dwellers in securing their tenure rights and challenging other abuses of human rights on farms around the Province. Difficulties with getting legal assistance for farm dwellers continued to be a problem. The Land Rights Legal Unit from Polokwane tried to assist clients in Gauteng on some cases when other options were not available, but this is not a very practical solution given the distances and costs involved.

Nkuzi Farm Resident Support Programme in Northern Province has managed to prevent numerous evictions and assisted farm dwellers to assert their rights in other matters such as burials. In both provinces farm dwellers were assisted to make applications for settlements in terms of section 4 of the Extension of Security of Tenure Act (ESTA). Unfortunately the Department of Land Affairs (DLA) have not implemented one such settlement in either province during 2001. In other cases Nkuzi has assisted to get secure tenure off the farm or to reach agreements with landowners to give farm dwellers more security on the farms.

The Policy and Research Unit of Nkuzi completed several reports including "What Future: Race through the eyes of children on farms in South Africa" which was done in preparation for the World Conference Against Racism (WCAR). Follow up reports were made on communal tenure in the Dikgale area. Research was done for the South African Human Rights Commission on human rights violations against people living on farms in the Northern Province. A paper on giving long-term tenure security to farm dwellers was written and presented at the National Land Tenure Conference held in Durban.

This year has seen the birth of the Landless Peoples Movement nationally composed of landless peoples organizations in the nine provinces. The Northern Province Land Rights Coalition was instrumental in the establishment of the Landless Peoples Movement and has been an active participant in all its events. This development is a first step to ensuring that the efforts and activities of the landless people are well coordinated nationally. Some of the activities that have taken place include a landless people's march and landless people's day in Durban. The Landless Peoples Movement also participated in the National Land Tenure Conference held in November and had several opportunities during these events to engage directly with the Minister for Agriculture and Land Affairs. Provincially the focus has been on building organization at a district and local level. The annual provincial conference was held and one of the highlights was an input by a delegate from Movimento Sem Terra (MST) in Brazil