

Case study on Marobala-o-Itsoshe (Restitution)

Background:

The Marobala-o-those Communal Property Association (CPA) was formed in November 2003 after a successful land claim was approved by the RLCC Limpopo where seven land claims were merged into one. Under the forced removals in the 1960's the communities have not been moved far from the land as most claimants come from villages surrounding the project area. Areas originally occupied by the community became incorporated into the then Lebowa homeland while some of the adjacent land, from which some of the communities were removed, was held in Trust by the Government.

Under the restitution process land comprising of five farms with different uses was restored to the Marobala-o-Itsoshe CPA in 2004. Two of the farms were privately owned (one a successful and regionally famous potato farm producing for export markets, and the other a dairy operation while the rest were State land). The area restored amounts to almost 9 000ha in total to 600 households. The Marobala-o-Itsoshe project is located 2 km west of Dendron town and 60 km north of Polokwane.

Challenges / successes and strategies employed

After land was transferred and celebrations conducted the community was charged with the responsibility managing the affairs of the Communal Property Association. The committee started drifting a way from the membership by taking decisions without their approval e.g. training opportunity were given to non beneficiaries; list of beneficiaries was including individuals not known but excluding genuine beneficiaries. The community was left in the dark as far as many deals are concerned on their property. The state of affairs led to discontent and mistrust amongst beneficiaries. The community started challenging the committee's decisions for example bringing their own cattle on the farm refusing to pay any levy, and demarcating plots for themselves.

Pressure from the community made other committee members to break away from the committee and followed the deputy chairperson. The broke away group started representing the views of the community at large and presenting them to the RLCC. On numerous occasions communicating with the Commission but no intervention came forth. The RLCC was always telling them that the only committee recognized was the original one therefore they are not in a position to entertain whatever their concerns.

Nkuzi Development Association a land reform support organizations was approached as a last resort in the whole saga. Nkuzi participated in all groups' activities with a view to win their confidence and presented the situation to the RLCC, and at first an agreement could not be reached on the matter. Two meetings were held and chaired by the Commission where underlying issues were debated and way forward proposed.

Nkuzi continued to empower members about what their constitution says on all matters from dispute and Special meetings. The two groups were not communicating directly with each other; they used lawyers to do so.

In one general meeting a motion was passed to call a Special Meeting with two items on the agenda, the amendment of the constitution and to pass a motion of no confidence in the CPA executive. Due processes were followed and the Special Meeting was held, the constitution was amended and a motion of no confidence was passed. The new committee was elected to replace the old one. It is a matter of time to see if the existing cohesion will stick for long and pull everybody together.

Lessons learnt

- Ordinary people if empowered with information, they are able to take a decision and own it;
- Those in leadership should encourage and nurture diverse views as a way enriching the debates and quality discussions;
- External support agencies should never support individuals but try by all means to listen those silent voices;
- CPA executive committees need to keep lines of communications open with the greater community in order to promote transparency and good governance principles; and
- Community members should be taken through their constitution on numerous occasions so as to hold their leadership accountable.