



rural development & land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

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MEDIA ENQUIRY TISETSO TLELIMA OF CORRUPTION WATCH REGARDING THE AMANTUNGWA/IZIMBUTHU COMMUNITY CLAIM.

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Question: When did the Amantungwa first lodge a claim for land? How many properties did they claim for? How many properties were actually transferred to Amantungwa? Can we have copies of these records?

Answer: The claims for Amantungwa community were lodged by Inkosi Latu Robson Khumalo and Hugh Thamsanqa Madonsela stating the exact properties under claim. As per the claim form lodged by Inkosi Latu Robson Khumalo, the claim was lodged on behalf of his subjects currently residing on the farm Watervaal and there is no mention of people who were removed from this farm. He further mentioned that the claim for land is by virtue of being a landless Inkosi, the intention being to cater for his subjects. As a result, the claim for Amantungwa community was gazetted using the reference number of Mr. H. T. Madonsela since his claim is in compliance with Section 2 of the Restitution Act and was mandated by the same community to lodge on its behalf

Question: According to Amantungwa community they claimed for 131 properties, but only 18 were transferred successfully. Why were they only given a few farms from their big claim? What happened to the rest of the land?

Answer: The total extent of the claimed land, excluding the farm Novembersdrift, is 11 736.3396 Ha. The Commission has finalised and settled phase 1 Sec 42D submission with a total extent of 13127.132Ha. The Amantungwa community has received more land than what they had originally claimed; that is 1390, 7924 Ha in excess. Therefore, the Gazette notice for Amantungwa community had to be amended in order to remove the outstanding

properties from the claim since the community has been justly and equitable restored through the approval of phase 1 Section 42D.

Question: Amantungwa community has said that the reason they didn't receive some of the properties is because some of the farmers have not been compensated yet. Why have some farmers not been compensated?

Answer: **All properties that were successfully negotiated for settlement were paid for others could not be secured because one they were not part of the properties in a claim form but also the claim did not meet minimum acceptance criteria in respect of some farms.**

Question: How much money was budgeted for the land transfers in the Amantungwa case and how was it used? Can we have a budget breakdown?

Answer: **So far the Commission has spent R35,705,070.00 towards acquiring properties for Izimbuthu.**

Question: Who was the manager in charge of this particular claim?

Answer: **Mr Thomas Mhlaba Silinda**

Question: The community has told Corruption Watch that they opened a trust called the Amantungwa Development Trust which the land was supposed to be transferred to. The land commission then advised them to open another trust called Izimbuthu Community Trust saying that it will speed up the land transfer process. After the land had been transferred to the Izimbuthu Community Trust, the land commission came back to tell them they can't have two trusts and the Izimbuthu Community Trust needs to be dissolved. Why did the land commission advise the late chief Latu Robson Khumalo to open new trust and then a few years later told him to shut it down?

Answer: **Amantungwa Trust was set up to receive land that the Amantungwa community received as a result of an application for land less Amakhosi administered by the then provincial land reform office, Izimbuthu was formed for land acquired through the Restitution land claims program administered by the Commission on Restitution of Land rights.**

Question: Since the Izimbuthu Community Trust was dissolved, the land has not been transferred back to Amantungwa Community Trust. Why has the land not been transferred back to the original trust?

Answer: **Please refer to the previous response.**

Question: Why was Amantungwa community not given the in Uitkomst (which is in their claim) - the area where the mine is based?

Answer: **Please refer to land reform office –Vryheid or Newcastle).**

Question: Why was Qophumlendo community of Jabulani Msibi given the land in Uitkomst when Amantungwa claimed it first?

Answer: **Please refer to land reform office –Vryheid or Newcastle).**

Question: What are labour tenants?

Answer: **Please refer to labor tenants act or same as above)**

Question: What act gives labour tenants the right to claim land?

Answer: **Labor tenancy act- or refer to Vryheid Land reform office**

Question: How does the process of claiming land work – how does the commission determine who's got a right to claim a particular piece of land?

Answer: **The Restitution act of 1994 provides for individuals /groups who lost rights as a result of racially discriminatory laws on or after 19 June 1913 to lodge land claims before 31 December 1998. The Commission investigates land rights disposessions by conducting oral and archival research. This is amplified by yet other exercises which are known as homestead identification and name Verification.**

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