

26778 LAND CLAIM ACTION COMMITTEE

ANNUAL GENERAL MEETING

09 TH NOVEMBER 2010

AMANZINGWE LODGE

OPENING	PATRICK JONSSON (CHAIRMAN) Patrick welcomed all to our 7 th meeting thus far.
APOLOGIES	A Durr M Speed J Adendorff L Theron S Shaw
PRAYER	Pieter Viljoen

AGENDA

1. REVIEW ACTION

a) Group status :-

Membership - total on our books	234
Viable members	227 (40 down on 2006/7)
300 props = 295 members	
Total subs	R 999006
Written off	R 46,000
Total income to date	R 953000
Expenditure to date	R 480 898
Legal fees	R393 967
Admin fees	R96 931 early years)
Balance in hand	R472 108
Debtors	R263 277
Commitments going forward	R82 000

The financials are all available on the webpage, they have been audited, please read and get in touch if you have any queries - transparency is important to us .

2. LAND CLAIMS ENVIRONMENT

- Bottom line, Government has run out of money
- The department has been restructured, again - it is grossly under staffed with all the normal problems
- There have been a few sales that have not happened due to the landclaim
- Court Results - poor results from the State Attorneys that is frustrating the Judges. The Kusile landclaim judgment - labour tenants occupied small patches of land, Judge said it would be impossible to restore land, no shared rules as land was governed by owners and therefore, not a community claim.
- Green paper proposals 2013
 1. value would be limited as yet undefined
 2. land reform discount (not giving you your price)
 3. productive rather than market value to determine the amount of compensation to be paid

We can demonstrate that all five farms in the claim area were held in "veto right" - of course the aim is to destroy white ownership and find ways of not paying market related prices

4. STATUS OF OUR CLAIM

- Nothing has changed
- A complex case
- Court date is set for 09/05/2011
- Claimants need to file certain responses to our queries - we need to consider the fact that, the court date could be postponed so it would be in our best interests to assist them. However, our legal team has been instructed to do everything and anything to prevent a postponement.
- We need to insure we can build a picture of all the missing landowners
- Need to validate membership and Power of Attorneys
- Need to review mandates (if the sale has not gone through, the seller is responsible)
- Land geneology - particularly the 60's and 70's, must interview anyone who can help complete the picture and Patrick will complete the historical summary

- Need to substantiate the Hartman findings

This will put us in a position of complete understanding of land use, anthropological data and supplemented by interviews. We need to help the claimants, will attempt to foster and alliance with them, from a procedural point of view we will have done our bit.

BENEFITS FOR MEMBERS

Our challenge is to up the anti and approach all non members to inform them of the following - For non-members not appealing it will be seen as :-

- a) accepting the claim
- b) a willing seller
- c) land may be purchased / expropriated

If the court chooses to see you as the above, land can be lost to the Mekareng - so option is to appoint your own legal team at your own cost.

COSTS GOING FORWARD

- Recommended subs for this period - R2500, we need it before the court date so appeal to all to pay - bad time of the year but will have a cash flow problem by Jan if we don't start collecting.
- Total contributions thus far, R6000 which equals 0.06% of the value of your property and is a small amount in the bigger picture and will render an extraordinary return in the future.

ACTION GOING FORWARD

- Need everyone to pay their subs
- Inform your neighbours
- Identify absentee landlords to ensure no postponements in May

In conclusion, it's the age old message - the power of the collective is far greater than the power of one - now its your turn.

QUESTIONS AND ANSWERS

Q

Los Heyden

1. "You talk about there being no money for land redistribution but a headline in the Farmers Weekly states that a lot of money has been made available to LCC .

A

There is an enormous backlog of properties to purchase that have not as yet been paid and therefore a large portion of that money is to be disposed of in back payments - there have been a number of applications of landowners who wanted to sell that have had to appeal to the court to be paid.

2. The legal system is very slow moving in this country, will we Ever get to the stage where someone stands up and says "so far, no further"

A.

The right to claim restitution is a right contained in our Constitution thus social restitution is difficult to see - once A claim is referred to court, it becomes a case of claimant and Defendant - yes there will come a time when the court will Reach point of so far and no further. In a recent judgment in Malalane, the judgment identified the failure of the State, Community and claimants - we are seeing the beginnings of Frustration of court of under performance

Question

Hannes Buys

Any idea of Claimants costs and who is paying ?

Answer

State is funding them - restitution law will end up in Supreme Court of Appeals, we are entering a phase where cost orders will be paid for land owners and claimants.

Question

Peter Fleming

Can you give us a list of missing people so we can all help identify,

Answer

Will put it on the website

Question

Basil Green

Could you please inform the members that we may get costs, I think it is important

Answer

We launched an application to go to court- they opposed it vigorously - the settlement of agreement will be costs of that application.

Question

Will it be to their benefit if the court date is postponed and is it possible we wont get to court ?

Answer

We have been allocated a date, now a set of procedures kick into place, all parties have to comply - first chance to entitlement of further particulars - they are compelled to answer. By showing them their short comings we can avoid the scenario of no grounds for postponement, Cant say if there will be an application for postponement, if it comes, am sure the court will allow it and that is why we need to to avoid any scenario that may lead there

Question

Why would they want postponement, surely they also want resolution?

Answer

They are reliant on resources from the State and these are not forthcoming and therefore they cannot do the investigations necessary, they are frustrated and don't realize the complexity of the case

Question

Michelle Kleynhans

Do we have a list of claimants?

Answer

The playing fields are now equal, they will have to provide a list stating where they lived and how they were dispossessed. If you recall, we did try to participate in the validation process but they did not want us to be involved.

Question

Oloff Els

Is it all claimants on the list or has it been filled for substance ?

Answer

They did go through the process of registration so we assume they know they are on the list,

Question

Roald Kvelvi

As far as the historical data is concerned, how can we help?

Answer

Chronology needs to be done asap, will probably put out a request as we go down the line - best thing you can do is start writing down relevant data, will be helpful.

Question

Paula Gains

Am interested in the 60hectares sold to the LCC - does it not indicate to claimants that there is a claim?

Answer

Willing seller is a different matter -wont strengthen their claim -if a property is owned by the Mekereng community it would have to be a body of people - cant get concensus to make decisions and as far as we know, there is not a performing body at present.

Question

Pierre Venter

On the issue of rates and taxes - we need to address this and although I know you are not mandated to do so, I suggest we get some kind of committee together going forward

Answer

Happy to go forward with this, lets co-opt you onto the committee, get back to me in January and will be happy to provide assistance but am not prepared to run it !

Question

Werner Els

Regarding the subs, does average include R2500 for 250 people ?

Answer

Total due is R6000, we need it in by May, more than happy for members to pay it off, if that is not possible you need to write and the committee will take a decision.

Question

Regarding the historical data, do you have info of family growing up in the area?

Answer

We have the Deeds Register, the challenge is companies and trusts, will have to contact surrounding parties for info. We have a good idea and will employ an historian who will also be a witness

Question

Any change in the applications or penalties of investments ?

Answer

As the owner you are entitled to do as you will, you only have to give notice of your intention, the only time they can oppose this is by way of a court order.

Question

Oloff Els

In the 60's and 70's there were large issues in the area regarding mineral rights - attorneys were very involved for a long period of time, I have the name of them if Peet is interested - Ross & Jacobs

Answer

Thank you

Peet Grobelaar addressed the floor, - its been a long road, I feel more confident now than ever before, we will ensure that on the 09/05/2011, your case will be fully prepared to take to court.

FORMALITIES

AGENDA

Patrick stated that we would proceed with the elections and if there was not a Quorum, we would do a round robin to ratify the results.

Three committee members standing down and because he was one of them he asked Basil to run it. Basil thanked Patrick and the committee and said although not much has happened, a lot of work had been done . Standing down was :- Patrick Jonsson

Keith Atkinson

Pieter Viljoen

Nominations were for the current committee as it stands to be re-elected by an overwhelming majority, Patrick to act as Chairman, Co-opted onto the Committee are Stephen Brent and Alex Durr - anyone else who would like to offer, please come forward.

Sincere thanks to Amanzingwe and the committee and to Auditor, bookkeeper and Pedro. Special thanks to Veronica, 40 years and still going strong !

Meeting ended