

# Can the commission deliver?

**W**HEN the government said it was scrapping the Land Acts and Group Areas Act, many hoped that apartheid and its effects would start to crumble fast. But just how far the government wanted to go to redress apartheid's legacy became clear in its White Paper On Land Reform, published in March 1991. The White Paper said that land restoration would not be addressed. People were asked to forget about the past and to build a new South Africa. But how can people build in a situation where past injustices have not been addressed?

This was the question people who were removed from their homes or threatened with removals asked. These communities' rejection of the government's White Paper and proposed new land laws was answered with the Abolition Of Racially Based Land Measures Act. This Act provided for the establishment of an Advisory Commission on Land Allocation (ACLA), among other things. ACLA was the government's answer to demands for land restoration.

## What can ACLA do?

ACLA cannot make decisions - it can only advise the state president. ACLA receives representations and then

makes recommendations to the state president about:

- undeveloped state owned land bought in terms of legislation which no longer exists or land which the state could now get for rural settlement
- how such land could be developed for agricultural or residential use, including what role the private sector could play in such development
- the criteria, procedure and closing dates for applications from people who want to settle on such land
- the basis upon which land allocations may be made in terms of people who were disadvantaged regarding land through apartheid laws

Once a year, in March, the commission must give the state president a report of its activities for the past year. The actual work of ACLA is done by a secretariat and other appointed officials.

## Who's on the commission?

The state president appoints all the members of ACLA and also decides who the chairperson and vice-chairperson will be. Although communities working with the National Land Committee gave the government names of people they

thought should serve on the ACLA, the government failed to appoint any of these. Instead, they appointed:

- **Justice T van Reenen**, former acting Appeal Court judge (chair)
- **Professor Nic Olivier**, a former NP member of parliament (vice chair)
- **Professor Richard van der Ross**, former rector of the University of the Western Cape
- **Mr NJ Kotze**, former president of the South African Agricultural Union
- **Dr DC Krogh**, advisor to the president of the Reserve Bank
- **Professor Harriet Ngubane**, Social Anthropology head at the University of Cape Town
- **Bishop TW Ntongana**, from the South African Zionist Federation

## Communities' criticisms of ACLA

Community criticisms of ACLA are mainly around its composition and terms of reference. They say it has no decision making power and can only make recommendations to the state president once a year. ACLA also does not recognise the principle of restoration and its membership is unrepresentative.