

The struggle for return of title deeds

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MATIWANE's Kop is a black freehold area about 25 km away from Ladysmith. The farm was bought between 1870 and 1880 by a syndicate of 120 people of the Shabalala Tribe. In 1914/5 the land was subdivided and title was vested in individuals.

In the late 1940s, the community started to receive threats of removal from the government. In 1978, the government announced that the Matiwane's Kop community would be removed within a year. In 1980 the government expropriated the land and took over ownership of it.

But despite the pressure on them to move, the people of Matiwane's Kop stood firm and refused to go. This steadfastness in the face of pressure paid off, when, after participating in a Natal Rural Freehold Communities Reprieval Campaign in June 1990, the Matiwane's Kop community won back their land rights. In June, shortly after the reprieval campaign was launched, the government announced that Matiwane's Kop, Cornfields, Tembalihle and Steincoalspruit were formally reprieved from the threat of removal.

Since then, the Matiwane's Kop community have been struggling to regain their title to the land which the government expropriated and was then forced to give back. Today the government still owns the land at Matiwane's Kop although it has promised to transfer title back onto the names of the original owners or their descendants.

Administration Act of 1927 meant that a Commissioner would be appointed to determine who are the heirs to the land, in cases where the original title deed holder has died. But in August 1992 the community was told that a Section 8 Commissioner could no longer be used, since the land in question now technically belonged to the state.

Instead of a Commissioner, people from the Department of Regional and Land Affairs hold meetings with families to try to find out who is the rightful heir. The Matiwane's Kop Committee must also be present to confirm that the person identified as the heir is actually the correct person. People who held title to the land when it was expropriated and who are still alive were told to fill in documents and to send these to the Department of Public Works.

Eight months later, the community is still seeing no sign of their title deeds being restored. Instead of the discredited DDA, the new Department of Regional and Land Affairs has become involved in Matiwane's Kop. And the promises continue, with the Department of Regional and Land Affairs now saying that some titles may be returned before Christmas. On the other hand, the Department of Public Works says that some original title holders who sent in their documents may have to wait another two to three years. Who knows...

At Matiwane's Kop, there are two categories of land claimants:

- those people who are readily identifiable and living and who held title to the land that was expropriated
- the next of kin of people have died or disappeared and in whose name the land was registered when it was expropriated

In March 1992, the now-extinct Department of Development Aid (DDA) told the Matiwane's Kop community that there were two options for them to choose from if they wanted their title deeds to their land returned. They could either choose to use Section 8 of the Black Administration Act of 1927 or the Land Titles Adjustment Act of 1979.

In April 1992, the community chose the Black Administration Act option because the Land Titles Adjustment Act was much more complicated. Use of Section 8 of the Black