

Land claims court to replace ACLA?

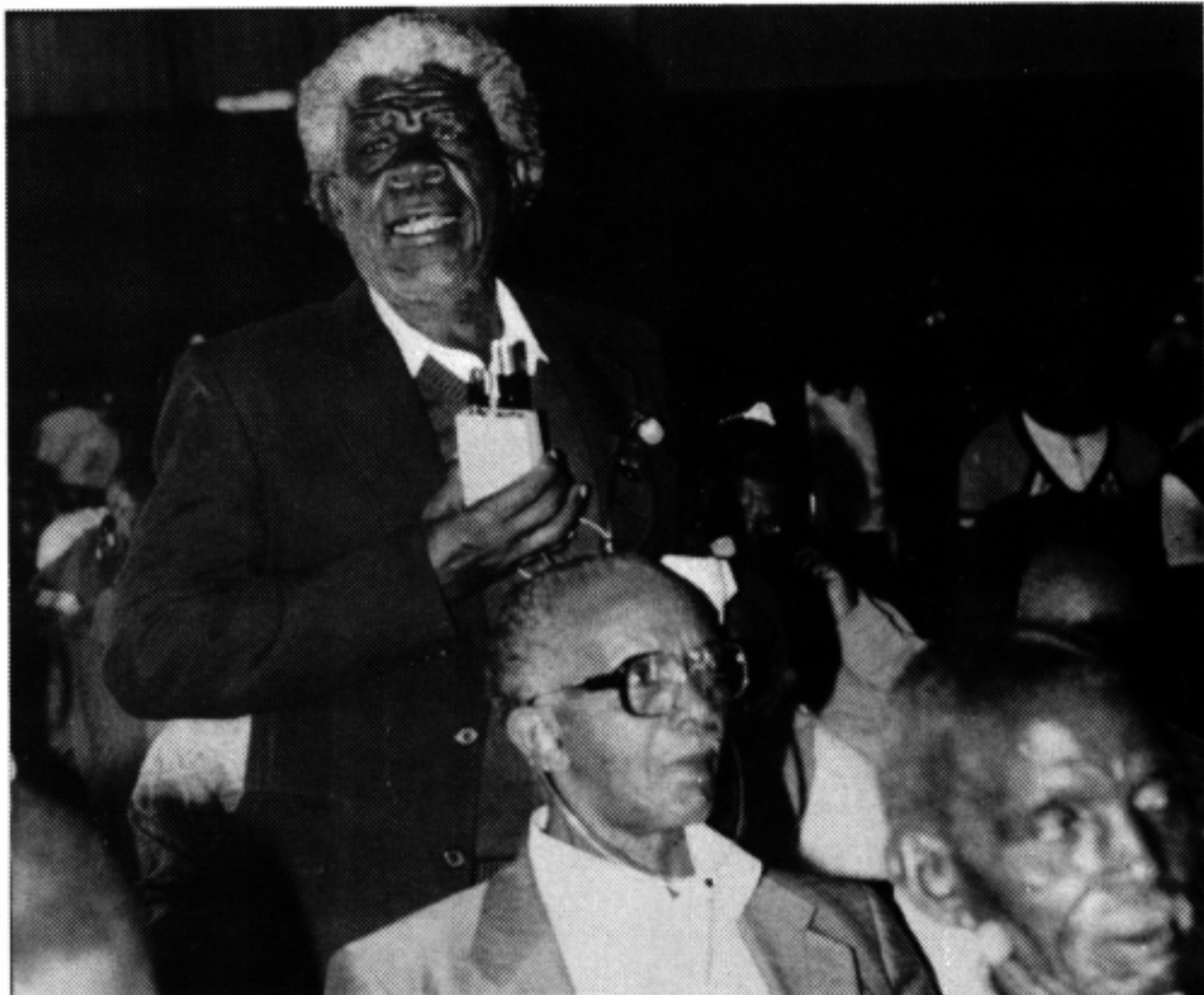
"**W**E are packed up and ready to go back. We have been ready to reoccupy our land since March 1. We have already handed a memorandum to our lawyer, ACLA and others.

"No land will replace our farm Brakfontein, no matter how fertile. Our ancestors form part of us and their graves are at Brakfontein. The government sold our land to white farmers. Now de klerk has told ACLA to investigate giving us other state land. My response is that no other land will replace Brakfontien, matter how fertile that land is."

These were the frustrated words of Mr Matlala of the Ga-Mampuru community to the national meeting of land claiming communities held in March 1993.

This frustration with ACLA was echoed by several other community representatives. At the end of 1992, only two dispossessed communities had been given back the land they lost through forced removals. These were Roosboom and Charlestown.

The Ga-Mampuru community's land claim has not yet been settled. In an announcement about its work at the end of 1992, ACLA said the state president had decided that Brakfontein, the Mampuru's land, could not be restored to the community. Instead, ACLA should investigate making other state land available to the community.



Delegates spoke of their frustration with ACLA. Although communities will still use ACLA, they will also take up other actions and will explore an alternative mechanism to the ACLA process.

Representatives at the meeting argued that ACLA was not delivering, but was taking up their time and energies.

After discussion, communities agreed to popularise the proposal for a land claims court. Such a court, representatives felt, promised more effective results than the ACLA process. In the meantime, while the land claims court concept was being finalised, communities would continue to use ACLA while simultaneously embarking on other strategies to regain their land.

The idea of a land claims court has been mooted by the ANC and also has support from the Natal Agricultural Union, who have expressed the need for

a judicial process to address land claims.

In a draft proposal for a land claims court, formulated by the ANC, such a court would be able to address land claims from labour tenants, a group currently excluded by ACLA's terms of reference. The proposed land claims court would also be based on the principle of land restoration and would have powers to expropriate land, should this be necessary.