

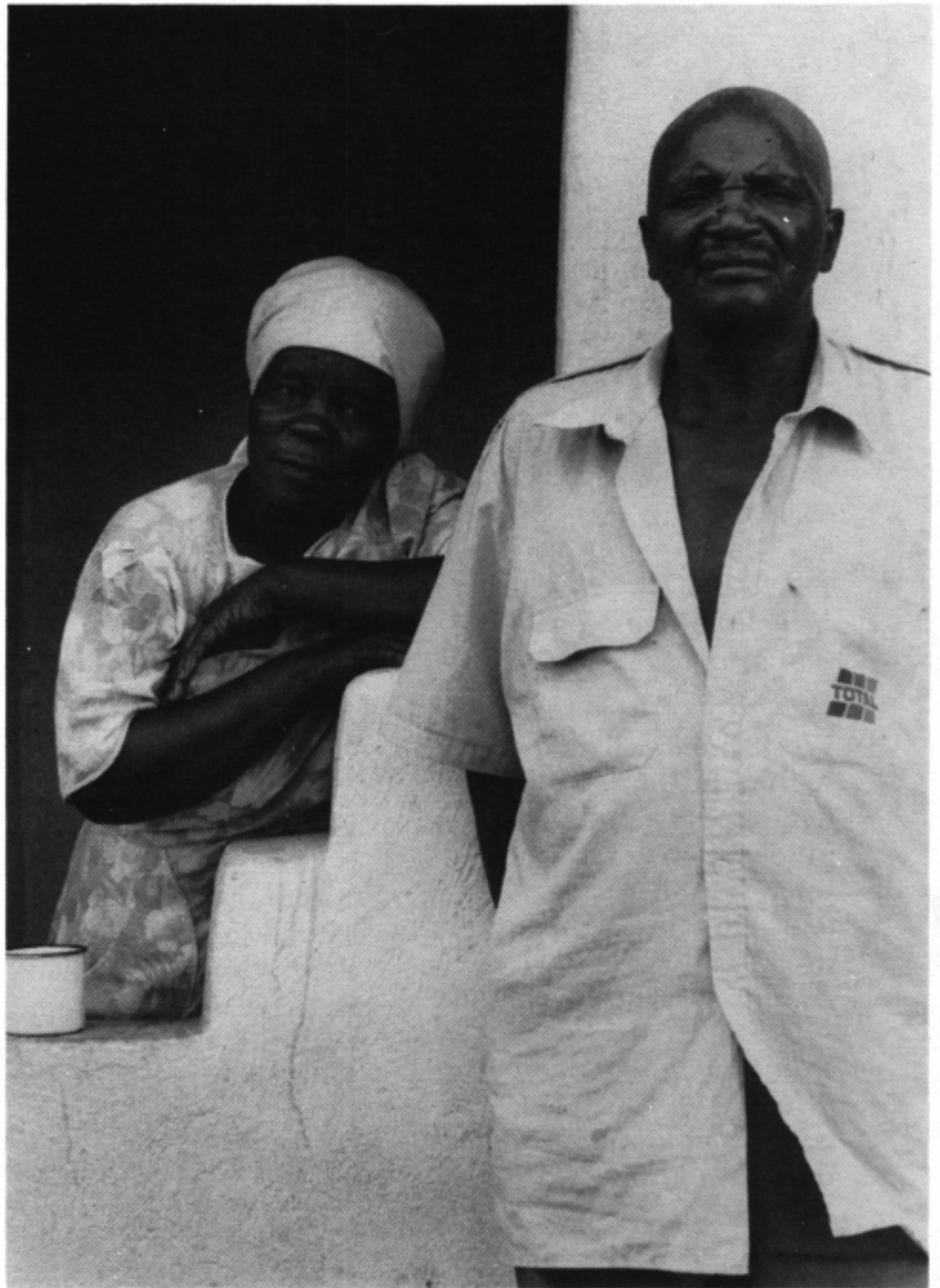
The Restitution of Land Rights Bill

THE Bill provides for a Commission and a Land Claims Court to deal with restitution of land rights lost as a result of racial laws. All land claims must be lodged with the Commission within three years of the Bill becoming law. The Commission will help land claimants to document their claim. It will also help to settle land claims through mediation and negotiation. If the Commission cannot settle claims, these will go to the Land Claims Court, which will also ratify agreements reached at Commission level.

The Court will be able to order the transfer of state land and expropriation or purchase of land in private ownership. If privately-owned land is expropriated, the state will have to compensate current owners, taking into account the history of the property's acquisition, its market value and the interests of the parties involved, among other factors.

Depending on the claim, the Court could award claimants alternative land, just compensation or alternative remedies, if it does not restore land to claimants.

Awards will take into account compensation claimants received at the time of their dispossession and this compensation will be deducted from the award. Awards will also take into account whether parties refused to negotiate or tried to obstruct settlement.



Labour tenants are specifically mentioned in the Bill. In its definition of what constitutes a "right in land", the Bill says this means any right in land whether registered or unregistered and shall include the interest of a labour tenant and sharecropper, a customary law interest, the interest of a beneficiary under a trust arrangement and beneficial occupation for a continuous period of not less than 10 years before the dispossession.

Attempts to evict claimants or to sell land in dispute will result in contempt of court orders.

The Court will be a specialised court of law, which will be able to receive any evidence which it considers relevant, even if such evidence would not be admissible in another court. Appeals on Land Claims Court decisions will go to the Constitutional Court.

Where rural communities do get back their land, they will

get government assistance to resettle there. The Department of Land Affairs says that for each of the 100 rural communities it has identified as potential beneficiaries of restitution, it would cost between R1 million and R2 million to effect restitution. This includes support services such as access to water, financial help and agricultural extension services.