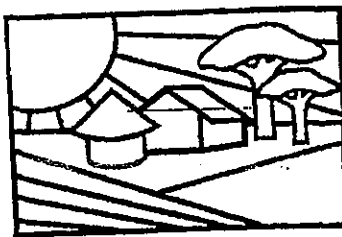


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COMMISSION ON RESTITUTION OF LAND RIGHTS  
IKHOMISHANA YOKUBUYISELWA KWAMALUNGELO  
OMHLABA  
KOMISHINI E MABAPI LE PUSETSO YA  
DITSHWANELO TSA LEFATSHE  
KOMISSIE OP HERSTEL VAN GRONDREGTE

**SUBJECT: REQUEST FOR APPROVAL OF THE RELEASE OF FUNDS TO THE BHEKAMAFA COMMUNITY TRUST FOR PROJECT IMPLEMENTATION.**

Reference: KRN N6/2/2/28/0/0/616C

**CHIEF LAND CLAIMS COMMISSIONER (CLCC)**

**1. PURPOSE.**

- 1.1. The purpose of the memorandum is to obtain the approval of the Chief Land Claims Commissioner (CLCC) to release the Funds in respect of the Mangethe Land Claim.
- 1.2. To request the Chief Land Claims Commissioner to approve the release of funds, in terms of a Transfer of Funds Agreement with Ithala Limited for the purposes of implementing and making payment for aspects of the Business Plan Agreement attached as **Annexure 1.**

**2. BACKGROUND.**

2.1. The Mangethe Land Claimants now represented by the Bhekamafa Community Trust (**See Annexure 4, Deed of Trust**) lodged a claim with the Commission on the Restitution of Land Rights and requested restoration of the land which had been dispossessed through enforcement of racially discriminatory laws under the apartheid regime.

- 2.1.1 The claimants forcibly removed through the enactment of:
- Native Land Act No.27 of 1913,
  - John Dunn Act No.15 of 1935
  - Bantu Trust Act No.18 of 1936
  - Proclamation No. 118 of 1974 as amended by Proclamation of 1977

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- 2.3. The claimed properties are known as Reserve 7A No. 15826, commonly known as Mangethe in Mtunzini District KwaZulu-Natal. The area falls within the Ndondakusuka Local Municipality and within the Jurisdiction of Ilembe District Municipality.
- 2.4. The Bhekamafa Community Trust which represents 199 households has been awarded title to approximately 1618, 744 hectares. **See Annexure 2, Deed of Sale and Annexure 3, Section 42D memorandum.**
- 2.5. The Claimants community has agreed to subdivide the land to provide for:
  - Agriculture: Sugar Cane
  - Tourism Project.
  - Stock farming: Nguni Cattle & Goat Herds
  - Arts & Craft Projects.
  - Residential purposes.

**3. MOTIVATION.**

- 3.1. There is a clear and precise Business Plan developed to guide and facilitate the farm operations. It will help steer effective and efficient implementation of projects on the restored land. **(See Annexure 5, Business Plan).**
- 3.2. The current activities that are being performed in the farm are Sugar Cane, Nguni Cattle farming and goats farming. Approximately 60 percent of the Business Plan has been successfully implemented.
- 3.3. The Sugar Cane plantation establishment is proceeding successfully. The plantation has been expanded to new areas. At transfer only 124.3ha were planted an additional 46.7 ha has since been planted by Bhekamafa. Therefore, a total of 171 ha of Sugar Cane. The farm Manager has been attending further courses offered by the South African Sugar Association (SASA).
- 3.4. It is appropriate for the Trust to resume other projects as outlined in the Business Plan such as Tourism, Arts and Crafts projects and human settlement As soon as funds are made accessible. Therefore, it is pivotal that the balance of the funds is transferred. The initial funds transferred to Ithala Limited have been exhausted. **(See Annexure 6, Ithala reconciliation).**

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- 3.5 The main challenge of Bhekamafa Community Trust is allocation of sites for residential purposes. Due to the fact the PLRO has not finalized its case regarding the labour tenants. Whilst, RLCC has finalized the case of Restitution beneficiaries. In the meantime there are efforts made towards resolving the matter.
- 3.6 The Community Trust Resolution regarding the transfer of funds to Ithala is attached. (See Annexure 7)

#### 4. FINANCIAL IMPLICATIONS OF THE PROJECT

##### 4.1 Summary Table of the funding for the Bhekamafa Community Project

SUMMARY INFORMATION FOR THE BHEKAMAFA COMMUNITY TRUST PROJECT.	
No. of Claimants	199
No. of Beneficiaries	1194
Total monetary value of the claimed land.	R14 120, 071.00
Restitution Discretionary Grant (RDG) (Spent)	R597,000.00
Settlement Planning Grant (SPG)	R286,560.00
<b>Financial Compensation Funds paid to Ithala and Spent</b>	<b>R4 247 786.00 - R 2123 893.00</b>
<b>Total Funds to be transferred to Ithala Limited</b>	<b>R2 123 893.00</b>

*2 million  
2 July  
Ganda*

- 4.2 It must be noted that this is a request for the second tranche of funding as the initial amount paid to Ithala Limited has been spent to implement community projects on the claimed land.

## 5. BANKING DETAILS

The funds are to be paid to the ITHALA LIMITED.

The bank details are :

<b>NAME OF ACCOUNT:</b>	<b>Ithala Limited</b>
<b>NAME OF BANK:ABSA</b>	
<b>BRANCH CODE:</b>	<b>634926</b>
<b>ACCOUNT NUMBER:</b>	<b>4059545922</b>
<b>TYPE OF ACCOUNT:</b>	<b>Current Account</b>

## 6. RISK MANAGEMENT AND REPORTING

- 6.1. Ithala Limited has allocated Mr. P. Nkwanyana, the Business Development Manager to manage the funds disbursements, reconciliation and reporting functions under the Transfer of Funds Agreement.
- 6.2. Monthly reconciliations will be sent to the CLCC's finance unit, RLCC and the Claimants' Trust.

**7. RECOMMENDATIONS**

7.1. It is recommended that the Chief Land Claims Commissioner approve the transfer of funds in the amount of **R2 123 893. 00** (Two million One hundred and twenty three thousand eight hundred and ninety three rand) to Ithala Limited as the funds manager for the BHEKAMAFA COMMUNITY TRUST Project.

7.2. It is recommended that the Director General sign the transfer of Funds agreement at **Annexure 1.**

*F.L.*

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**Ms Linda Faleni**  
**ACTING REGIONAL LAND CLAIMS COMMISSIONER KZN:**  
Date: 22/08/02

Recommendation 7.1. supported/not supported/...  
Recommendation 7.2. supported/not supported/...

\_\_\_\_\_  
**Mr. T T Gwanya**  
**CHIEF LAND CLAIMS COMMISSIONER:**  
Date:

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