



Executive Summary of Bakgatla Ba Moseitlha CPA Since the Signing of Section 42D by Minister of the Department of Rural Development & Land Reform

1. Background

Bakgatla Ba Moseitlha lodged a claim for restitution of land rights and restoration of the dispossessed land in terms of the Restitution Act. The RLCC accepted the claim as compliant with the provisions of Section 2 of the Restitution Act and thereafter published the claim in the Government Gazette in terms of Section 11 thereof. The land rights claimed consists of a vast area which has since been divided and sub-divided into various portions appearing in detail in the Government Gazette. The claim was gazetted and published in the Government gazette no. 30118 dated 03 August 2007.

The claim was lodged on forty one (41) farms and twenty one (21) of those have been approved in terms of Section 42D of the Restitution Act while twenty (20) were referred for non-compliance. The initial Section 42D approval was granted by the Chief Land Claims Commissioner herein referred to as CLCC on 31 March 2009 and claimants informed about the approval.

Final Sec. 42D recommended 18 farms Signed by Minister on the; 01/12/12 (phase 1) of which 10 farms with 18 portions recommended for transfer to the CPA.

8 farms (phase 3) recommended as tenure upgrading.

2 Engagements with the Department of Rural Development and Land Reform since the signing of Section 42D by The Minister.

Event	Date	Key Issues	Proposals	Outcomes
A telephone call from Mr Sam Bogane from Mafikeng. Contact number: 0828270625 018 3977640	18 January 2013	Planning the commencement of CPA tenure model.	Meeting in due course between CPA committee and Department's officials from Mafikeng office	Never materialise to date.
Meeting with Carmen from Household Profiling	22 January 2013	Creating a link between the CPA and the department.	1. Identification of farms for development. 2. Prioritisation of projects. 3. Facilitation of	Next meeting planned for 30/01/2013 The meeting could not take

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			<p>relationship between CPA and other relevant government institution by the department.</p> <p>4. Issues of water rights to be coordinated through the department.</p> <p>5. Recapitalisation and development programme officials to be brought on board.</p> <p>6. Household profiling planning.</p>	<p>place on on the proposed date due to other commitments.</p>
<p>Community address by Dr Swart and other departmental officials at Makapanstad Traditional Council venue</p>	<p>18/02/2013</p>	<p>1. Status of Bakgatla claim.</p> <p>2. Development Corporation to manage the business side of the CPA.</p> <p>3. Household Profiling of Bakgatla: Ms Carmen Van der Merwe.</p> <p>4. Development of restored farms: DG Mbongwa.</p>	<p>1. Commencement of household profiling lead by Ms Carmen Van der Merwe.</p> <p>2. DG Mbongwa to lead “war against poverty” through the development of restored farms.</p> <p>3. Spatial planning investigation to commence I due course.</p> <p>4. Outstanding claims to be revisited.</p> <p>5. Development options to be determined by reports from household profiling and spatial</p>	<p>1. Meeting set for 20/02/2013 between Ms Carmen Van der Merwe and CPA committee.</p> <p>2. The office of DG Mbongwa to engage CPA on developmental issues, meeting proposed for a date to be communicated to CPA.</p> <p>3. Spatial planning to commence in due course. Date not indicated.</p> <p>4. Outstanding claims to be handled by the</p>

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			<p>planning. 6.A team of stakeholder to be formed that will include the CPA committee representative/s on developmental issues.</p>	<p>relevant commissioner. 6.The team difficult to be assembled. Never effectively functional.</p>
<p>Meeting with Ms Carmen Van der Merwe</p>	<p>20/02/2013</p>	<p>1.Commencement of household profiling</p>	<p>1. A team consisting of CPA committee representative/s and the department's officials be formed. 2. Selection of youth from all 28 village to assist in profiling. 4 youth per village. Selection done by department. Criteria being matric certificate. 3.Training of youth to assist in profiling 4. Commencement of project.</p>	<p>1.Team was formed. 2.Selection of youth done subsequently. 3.subsequent training done. 4.Subsequently profiling commenced.</p>
<p>Meeting with Ms Carmen Van der Merwe and Ms Cynthia Mahlalela</p>	<p>27/02/2013</p>	<p>Approach to household profiling project.</p>	<p>Workshop to be arranged which will involve all role players form the department and CPA committee members.</p>	<p>Proposed date for workshop: 07/03/2013</p>
<p>Workshop @ Blue Moon Lodge, Hammaskraal Household profiling</p>	<p>07/03/2013</p>	<p>1.Profiling approach and the system employed 2.Formation of teams allocated to</p>	<p>1.All 28 villages split and profilers Assigned according to dates of visit.</p>	<p>Profiling proposals implemented according to the workshop's</p>

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<p>planning.</p> <p>Attendants:</p> <ol style="list-style-type: none"> 1.CPA committee reps 2.Officials from profiling, technical support, North-West, data Analysts, enterprise development and a rep from Belgian Development Agency. 		<p>different villages.</p> <ol style="list-style-type: none"> 3.Confirmation of villages. 4.Social mobilisation dates to grouped Villages. 5.Phases of recapitalisation process. 	<ol style="list-style-type: none"> 2. Proposed Teams allocated villages. 3.Confirmed villages to be group for profiling. 4.Social mobilisation to precede actual profiling. Dates set. 5.Recap to run concurrently with other events. 	<p>proposals.</p> <p>Recapitalisation programme proposal not implemented to date.</p>
<p>Meeting with DG Mbongwa.</p> <p>Present:</p> <ol style="list-style-type: none"> 1.Ms C Van der Merwe, official 2.Ms C Mahlalela, official. 3.Mr TJ Malaka, CPA 4.Mr KW Setshedi, CPA 	<p>14/06/2013</p>	<ol style="list-style-type: none"> 1Profiling report. 2.Business profiling. 3.Value chain analysis. 4.Due diligence. 5.Business development plan 6.Ensuring that the CPA functions through departmental support. 7.Establishment of business unit for CPA. 8.Poverty relief. 9.Recapitalisation Programme. 10.Formation of special task team for Bakgatla ba Moseitlha project. 11.Interaction with spatial planning people. 	<ol style="list-style-type: none"> 1.Final profiling report to be availed in due course. 2-8.DG Mbongwa to ensures implementation. 9-11.Ms. C Van der Merwe to coordinate. 	<ol style="list-style-type: none"> 1.Subsequently final profiling and spatial planning reports availed to CPA. 2.No significant progress made on 2-8. The CPA committee took the initiative to register Bakgatla ba Moseitlha Development Corporation. 9. Ms C Van der Merwe never succeeded to get the recap officials involved. Not even a single meeting with the recap officials materialised

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				amid her numerous attempts to get them on board. 10.Task team formation never materialised. Ms C Van der Merwe found it difficult to assemble the team due to unavailability of key officials. To date, the team does not exist. 11.Inteaction with spatial planning on track, report already available.
Proposed meeting with DG Mbongwa	Tentative: 28/06/2013	Presentation by CPA		Postponed to 05/07/2013 then cancelled
Meeting with Ms C Van der Merwe	04/09/2013	1.Profiling and spatial report presentation. 2. Transfer of 10 restored farms. 3.Outstanding issues such as: 8 farms for tenure upgrading, Limpopo land claim commission, North-west office,etc. 4.Arrangement of a meeting with Mr Bogatsu and other relevant officials.	1.To arrange official feedback to Bakgatla community on the findings from reports. 2.Carmen to liaise with relevant section. 3.Carmen to liaise with relevant sections on outstanding issues 4.Carmen to contact role playing official for a meeting.	1.Still to be arranged. 2.Official responsible for transfer were invited to a meeting that was later held. 3.Same as 2 above. 4.Mr Bogatsu never attended any meeting arranged.
Meeting with department's role	19/09/2013	1.Transfer of restored 10 farms	The need to form a special team of	Transfer of the 10 farms still

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<p>playing officials @ Burgers Park Hotel.</p>		<p>already approved by Minister to the CPA. Section 42D signed by Minister on 01/12/2012 2.Stakeholder involvement. 3.Departmental support to CPA. 4.Outstanding claims. 5.Presentation by CPA (see attached) 6.Presentation by NW land commission official. 6.Presentation from RDP official Presentation from spatial planning and profiling officials.</p>	<p>stakeholders resurfaced. Ms C van der Merwe to attempt once more to put a team together.</p>	<p>not effected. It is over a year now since the Minister signed Section 42D. Ms C Van der Merwe seems to be the most committed official regarding Bakgatla ba Moseitlha issue. Her area of responsibility had been completed timeously, that is, the household profiling.</p>
<p>Meeting with Mr Etiene Tereblanch from DRD&LR Contact:0827294814</p>	<p>03/10/2013</p>	<p>Following issues were discussed: 1.Investment opportunities. 2.How existing funds can be utilised for projects. 3.Creation of agricultural centre, value chain 4.Possible agricultural projects for implementation. 5.Feasibility study. 6.Possible partnership with PEACE Foundation.</p>	<p>1.Assessment of the 10 farms and development of business plans to attract investment. 2.Utilising existing funds to initiate affordable projects. 3. Develop a plan for value chain activities. 4-5.To conduct feasibility study as soon as possible to ascertain viability of business suitable. 6.Arrange a meeting with</p>	<p>1.Assessment of the 10 farm is underway currently through CPA's own initiative. Access to some of the farms is a problem since there are some occupants in them. The issue is being resolved with DRD&LR in Brits, NW. 2.Meeting with PEACE Foundation proposed for</p>

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			PEACE Foundation to ascertain if they are suitable for partnership.	09/10/2013
Meeting with Mr E Tereblanche and PEACE Foundation represented by Mr Gerrit Booyens CPA: Mr TJ Malaka Mr KW Setshedi.	09/10/2013	1.Presentation by PEACE Foundation (attached). 2.Presentation by CPA committee (report attached)	1.The presentation by PEACE Foundation to be discussed by CPA committee. 2.Workshop to be arranged for PEACE foundation to present.	Workshop arranged for 26/10/2013, subsequently held and no concrete decision on the partnership reached. The foundation was requested to draft a proposal of engagement. Still outstanding.
Meeting with Jappie and Willem referred by Mr E Tereblanche	19/12/2013	Discussion on possible partnership to implement a feedlot project.	A comprehensive proposal with full costing to be presented to CPA.	No decision before a proposal is put on the table for further discussion by members.
Meeting with Ms Glenda Moiwa; Dept. of Rural Dev. & Land Reform		Discussing way forward and the involvement of key role players for Bakgatla project	Ms Glenda to facilitate a meeting composed of all role players	The meeting never materialise to date
Meeting with officials from Mafikeng represented by: Mr Kenneth Matukane, Ms M Collins and Mr R Tlhabanelo.	13/03/2014	General discussion of the status of the claim and way forward. Key was the transfer of farms with no complications.	Mr Matukane to ensure that farms ready to be transferred to Bakgatla are completed immediately.	Awaiting feedback from Mr Matukane.

Summary



On the overall, only the Profiling and Spatial Planning sections of the Departmental had completed their initial tasks and reports to that effect available. All other sections that are supposed be involved are a distant away. Ms C Van der Merwe had trying hard to bring other role players on board in vain. The two are the only sections giving the CPA feedback issues they are involved in. The NW officials had been promising to meet with the CPA but always postponing. The recent proposed date is on the 18/01/2014.

All attempts to bring all the role players together and form a special team that will consist of officials from the department, Land commission, NW, CPA and other relevant official from other government departments, including local government proved to be a mountain to climb. Regardless of numerous attempts by Ms Carmen Van der Merwe, this was not achieved.

Challenges

From the CPA's perspective, it is quite clear that the internal sections of the department had not converged resources commonly to ensure that the Minister's CPA Tenure Model is effectively implemented. All sections seem to be working in silos with no effective internal feedback to other sections. Only spatial planning and household profiling are working together, also involving the CPA committee by inviting the committee to their crucial meeting and also giving feedback to the committee.

Recapitalisation and Development Programme officials are not even known to the CPA. All attempt to meet with them through the arrangements by Ms C Van der Merwe failed. We are not sure what are the reasons are behind.

The transfer of the farms approved by in Section 42D had stalled. The CPA made several enquiries to the NW land claim commission through Mr Richard Sebola (contact: 0828276214). In one telephonic engagement with Mr Sebola, he mentioned that the department owed municipality rates and taxes which must be paid before the clearance certificate is issue. The transfer cannot be effected before the bills are settled by the department. He reiterated that no further information can be dispersed to the CPA since that was a sensitive internal departmental matter. The CPA must wait for any feedback that could be made available.

Lack of information dissemination to the CPA is a growing concern. The community is getting disgruntled and a diminishing hope of development gradually leading to mistrust to both the CPA committee and government. The committee cannot account to the community through the Traditional Council on what is holding back the transfer of farms already approved by the Minister.