

**Socio-economic Outcomes for Korsten Claimants Evicted in Terms of
Racially Based Policies**

By

Nomawethu Victoria Ratya

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Masters in Development Studies

In the

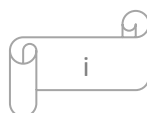
Faculty of Business and Economic Sciences

At the

**NELSON MANDELA METROPOLITAN UNIVERSITY
PORT ELIZABETH**

Supervisor: Dr J. CHERRY

November 2011



DECLARATION

I, **NOMAWETHU VICTORIA RATYA**, do hereby candidly and solemnly affirm that this dissertation

Submitted for the fulfilment of the degree

MASTERS IN DEVELOPMENT STUDIES

Is my original and independent work, and has never been presented for degree purposes at any other university.

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NOMAWETHU VICTORIA RATYA

November 2011

Nelson Mandela Metropolitan University

Port Elizabeth

Abstract

The initiative of land restitution in South Africa was an advantage to some people who were forcibly removed from Korsten area, which was a mixed residential area and the only area in Port Elizabeth where Black people had freehold tenure rights.

The intention of the South African land reform programme which is to restore land and transform socio-economic relations has been achieved by means of land restitution. Successful Korsten land claimants have been granted land in Fairview through the land restitution programme. The successful resolution of land claims has shown the democracy and development in the country of South Africa.

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Acronym

ACLA	Advisory Commission on Land Allocation
ANC	African National Congress
CLA	Commission on Land Allocation
DLA	Department of Land Affairs
NGO	Non- Governmental Organisation
NMBM	Nelson Mandela Bay Municipality
PELCRA	Port Elizabeth Land and Community Restoration Association
PEM	Port Elizabeth Municipality
PHB	Provincial Housing Board
The Commission	Commission on Restitution of Land Rights
The Court	The Land Claims Court
VMB	Village Management Board

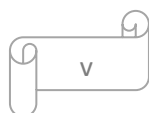


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Socio-economic Outcomes for Korsten Claimants Evicted in Terms of Racially Based Policies

Chapter One

Rationale/Background

1.1. Introduction

Land restitution has played an important role in the development of South Africa, and the successful resolution of land claims is imperative for stability, democracy and development in the country. The land issue took political centre-stage in South Africa since apartheid's dissolution in the early 1990s and its formal abolishment in April 1994. From 1994 the ANC-led government embarked on a land reform programme to rectify the past imbalances created by people being forcibly removed from their land in the apartheid years.

Land reform is essentially a state initiative to modify, redirect or even change rights, usage and relations on the land. (Marcus, Eales and Wildschult, 1996: 179) The ANC government created the Ministry and Department of Land Affairs as a dedicated line function, institutionally responsible for developing and realizing national land policy.

The aim of the South African land reform programme is to redress the dispossession of land as well as to transform socio-economic relations, in the form of three components of the land reform programme namely land restitution, land redistribution and land tenure. (Ntsebeza and Hall, 2007:87) Land redistribution is not rights-based; the people who want land must apply for government grants, and these are used to acquire farms offered for sale on the

market, which is from willing sellers. (Ntsebeza and Hall, 2007:159) Land tenure reform aims to strengthen the rights of people whose land tenure is insecure as a result of discriminatory laws and practises in the past, such as rural households living on privately owned land, and people living in the former homelands. (Marais and Donaldson, 2002:13)

The focus of this report is land restitution. In many countries, land claims arise out of historical dispossession, and South Africa is no exception. South African people in every province have been affected, and lost land to racially defined and colonially driven land expropriation. (Marcus, Eales and Wildschut, 1996:4) The demand for 'land for the landless' has led to major conflicts, as people were promised land and were given the opportunity to claim land from which they felt they had been forcibly removed. (Du Toit, 2004:8)

The land restitution programme is for the restitution of land rights to people who lost land due to racially based policies. Land restitution covers cases of forced removals that took place after 1913. This is being dealt with by a Land Claims Court and Commission established under the Restitution of Land Rights Act 22 of 1994. The Restitution of Land Rights Act 22 of 1994 was approved by South African Parliament in 1994 and the Commission on Restitution of Land Rights was established in 1995.

The Minister appoints board members who have advisory functions with respect to the minister and to communities. Board members also liaise with other spheres of government and monitor compliance with the Act and the Constitution. (Claassens and Cousins, 2008:41)

The purpose of the land restitution programme is to restore land and provide other restitutionary remedies to people dispossessed by racially discriminatory legislation in such a way as to provide support to the vital processes of reconciliation, reconstruction and development. (Donaldson and Marais,

2002:14) Restitution is rights-based, and the law provides for the restoration of land rights to the victims of forced removals.

It is therefore acknowledged that South Africans had a right to claim for restitution under the Restitution of Land Rights Act (22 of 1994), which provides for the restitution of rights in land to those dispossessed of land in terms of racially based policies of the past, and it states publicly the right to claim restitution in accordance with the provision of justice and equity for all South Africans.

1.2. Focus study area: Korsten

The focal point of this study will be the area of Korsten, Port Elizabeth, as it was one of the areas where most of the people were affected by dispossession. Some of the residents were moved to townships designated for Black residential use. These former Korsten residents have taken part in the land claim process. The historical background regarding the former Korsten residents who are staying in Kwazakhele and New Brighton is discussed in Chapter 2. The context of this study will illustrate:

- ❖ Where some of the current residents of New Brighton and Kwazakhele came from.
- ❖ How and when their locations were established.
- ❖ The reason why they were evicted from Korsten.
- ❖ Why they claimed for land restitution.
- ❖ Why they have benefited from land restitution.
- ❖ The reason why Fairview area was chosen as a restitution area for them.

1.3. Problem Statement

This study seeks to investigate the socio-economic outcomes for Korsten claimants who were evicted in terms of racially based policies of the past, and the effects of land restitution for the former Korsten residents. Successful Korsten claimants were given land in Fairview. Most of the restored land in this area has vacant plots; there are only few houses that are built in the area. This area is in the neighbourhood of high-income suburbs in the Nelson Mandela Metro, in contrast to Kwazakhele and New Brighton townships where the Black people were relocated after their forced removal from Korsten.

1.4. Research Question

What are the development options for the Korsten claimants with regard to their restored land in the Fairview area?

1.5. Sub foci

- ❖ What are the former Korsten residents' experiences of the land restitution process?
- ❖ What are the challenges the former Korsten residents are currently facing?
- ❖ How can the successful Korsten claimants' restored land be developed and when will they make use of the restored land?
- ❖ Will the beneficiaries be able to adjust to a new and unfamiliar area?

1.6 Scope and scale of the research

The areas selected for this study are the urban areas of Kwazakhele and New Brighton. The selection of Kwazakhele and New Brighton for this study is not arbitrary, as these locations are a place of abode for former Korsten residents who were affected by eviction from their land and properties, some of whom are beneficiaries of the land restitution process.

1.7. Aims and objective of the study

- ❖ To assess whether the former Korsten residents are satisfied with the land restitution process and how they have benefitted from the process.
- ❖ To evaluate the role played by PELCRA, the State and NMBM.
- ❖ To evaluate beneficiaries' development options for their restored land.

1.8. Limitations

- ❖ If there is a lack of cooperation from stakeholders with the researcher.
- ❖ If former Korsten residents are reluctant to talk about their history or about the restitution process.

1.9. Conclusion

Former Korsten residents were differently affected by the land restitution programme. Some were non-claimants, some were successful, and others were unsuccessful in the process of land restitution. Some former Korsten residents who were forcibly removed have been granted land in Fairview through the land restitution programme. Some have ultimately received their land, whereas some died before the land restitution process was finalized. Yet others are old,

illiterate and poor, and they may struggle to initiate construction in their inherited sites.

For the successful claimants it is consequently imperative to have a discussion about the development options for the restored land. Most of the former Korsten residents' experience determined how they understand the restitution process, as they claim that they had bigger plots than the ones given to them now. Moreover, they had their houses built on their plots in Korsten, while the Fairview plots allocated to them recently are not yet built upon. The claimants who are the subject of this study are currently staying in New Brighton and Kwazakhele area and have been there for decades, since their removal between the 1930s and the 1950s.

It was envisaged that the land should be used well for the socio-economic benefit of the claimants, as it was inherited through the land restitution process and symbolizes a dream that came true in the new democracy. Land restitution is defined as the principal statute providing for restoration of land or compensation for forced removals that took place after 1913. Land thus restored should not stand vacant for a long period, and should be developed to benefit those who were previously dispossessed.

Chapter Two

Literature Review

2.1 Introduction

The researcher will present the histories of Korsten, New Brighton and Kwazakhele as well as an historical overview of the legislation regarding land restitution and how it specifically affected the former Korsten residents.

2.2 Racial Segregation Prior to Group Areas Legislation

According to Christopher (1994) the first signs of segregation policies were evident during the Colonial era. The first attempt to segregate the Black population can be traced back to the abolition of slavery in 1834. This was followed by a substantial influx of Blacks into the existing White dominated towns. As early as 1847 the Cape Colonial Government promulgated regulations that established separate locations for indigenous groups. These locations were close to White towns and ensured the proximity of labour supply. (Christopher, 1994:35)

2.3 Native Urban Areas Act of (1923)

Apartheid in its most basic form involved the removal of anyone not considered to be White from areas deemed to be for the occupation or enjoyment of the White population. Accordingly, massive forced population movements in both the urban and the rural areas began in the initial years of the National Party's administration. The Native Urban Areas Act was one Act that required local authorities to ensure a measure of control over influx into towns and to establish separate locations for the Black population. Influx controls and pass laws were

introduced to regulate the movement of Blacks within cities. (Christopher, 1994:38)

The 1923 Act was prompted by the belief that racial purity could be achieved by the removal of Blacks from slum areas. This Act gave the Port Elizabeth Municipality (PEM) the power to forcibly remove Blacks from Korsten to the location, and the New Brighton location effectively became the sole responsibility of the PEM. (Christopher, 1994:38) Legislation in the form of the Native Reserves Location Act restricted accommodation of Blacks to Municipal locations and locations of private employers. The subsequent implementation of apartheid policies succeeded because the Colonial Government had attempted to formally segregate the Black population.

2.4 The Group Areas Act (1950)

In the Group Areas Act, 1950 (No.41 of 1950) it was specified that “towns and cities were to be divided into group areas for the exclusive ownership and occupation of a designated group”. People not of the prescribed designated group would be forced to leave and take up residence in the group area set aside for their own group. The result was to be total segregation. Thus social contact between the communities would be reduced to a minimum and competition for urban space legally eliminated. (Christopher, 2001:103)

Christopher (2001) emphasises that the Group Areas Act’s conception was to effect the total urban spatial segregation of the various population groups defined under the Population Registration Act. As a result the social contact between the communities would be reduced to a minimum. The process of establishing group areas was long and complex. (Christopher, 2001:103)

The Natives Resettlement Act of 1954 provided the mechanism required to remove Blacks from inner-city freehold areas. Korsten was a mixed residential area and the only area in Port Elizabeth where Black people had freehold tenure rights, while the existing legislation and its numerous amendments enabled the government to control virtually all aspects of Black personal and community life. (Christopher 2001:103) The introduction of the Group Areas Act in 1950 and the general enforcement of previous segregation legislation related to the Black population profoundly affected the Korsten area.

2.5 Historical Background

2.5.1 Korsten

Korsten was a freehold village situated outside Port Elizabeth. The importance of Korsten lies in the fact that it was neither racially segregated nor created by government, which meant that its residents were able to enjoy a relative freedom from racially discriminatory and restrictive regulations. (Cherry, 1988) Korsten was named after Frederick Korsten who established a trading enterprise, and was the founder of commerce in the Eastern Province. (Chase, 1975:1)

Korsten's population was characterised by a predominance of Blacks although there were Coloureds and Whites. Blacks from inner city locations preferred to move to Korsten where property owners were willing to rent and sell properties to newcomers. Plots were available at a low cost and the area was not subject to any municipal by-laws. Korsten was a mixed residential area and the only area in Port Elizabeth where Black people had freehold tenure rights. (Cherry, 2000)

With reference to this study, Korsten was one of the areas where most of the Black residents were affected by dispossession, and most were moved to New Brighton and Kwazakhele locations. (Cherry, 1988) According to Swanson (1977:389) one of the major causes for the removals initiated in the area of Korsten was the spread of bubonic plague. This was known as the “sanitation syndrome”; the area was found to be ridden with bubonic plague and there were cases officially reported, of which some were fatal. This provided an argument for the forced removal of Blacks to the location.

Other slum dwellers moved into houses in Korsten that had been earmarked for demolition a few days before occupants were scheduled for relocation. The concern was expressed that without proper registration of those scheduled for relocation, there would be no way of ensuring that only “bona fide” Korsten residents would be removed. It followed that if this practice was allowed to continue, then the original estimates for the number of people to be removed, as well as the number of houses needed for them would have been underestimated. (Baines 1994:61)

For whatever reasons, the total of those removed from Korsten was far greater than had been expected, and there was no concerted resistance to the removals. (Baines 1994:61) The most vulnerable portion of the community, the non –land owners who occupied shacks, were targeted to ensure the least opposition to removals.

The area was cleared, and their inhabitants moved to the new locations. The place chosen for them to live was firstly New Brighton and then the new housing scheme called Site and Service. “Black residents were moved first, and later the Coloured and White residents were moved as the PEM implemented group areas throughout the city”. (Schuster 1999:43) These removals were

accomplished through expropriation and forced removals by Port Elizabeth Municipality and Government.

2.5.2 New Brighton

The Native Reserve Location Act of 1902 required all Blacks to relocate to the newly-created government-controlled New Brighton Reserve Location, which is situated eight kilometres to the north of the city. (Christopher, 1973:21) New Brighton was outside the municipal boundaries and out of the path of White suburban development, although in the general direction in which industrial expansion was occurring.

New Brighton thus, has a considerably longer political and social history than Kwazakhele. In 1902 the New Brighton location for Blacks was erected on land purchased outside the city by the Colonial Government. (Christopher, 1973:21) The Natives Reserves Location Act of 1902 gave the Local Authorities the power to execute forced removals to the location.

2.5.3 Kwazakhele

Kwazakhele was established at the height of the apartheid era, between 1956 and 1958, to accommodate Blacks who were moved out of the Korsten area. About 60 000 Blacks from Korsten were resettled in Kwazakhele, as the Korsten area was cleared. (Cherry, 2000)

Costs were kept low in the construction of housing in Kwazakhele area and the standard was not satisfactory at all. (Cherry, 2000) This area was described as an area of upward mobility and promised the development of a future home

ownership scheme. (Cherry, 1988) The degree of forced removals brought a heavy toll of hardship and suffering and not only due to material losses but also due to strong loss of community identity. (Ambrose, 2003:46)

2.6 Post apartheid law

2.6.1 Repeal of Racially Based Land Measures (1991)

The White Paper on Land Reform of 1991, addressed the repeal of all racially based land measures. The main aim was to repeal the Black Land Act of 1913, the Development Trust and Land Act of 1936, the Group Areas Act of 1950 and the Black Communities Development Act of 1984, as well as restrictions on land tenure in all other laws. Repeal of these Acts would make the administration of statutory racially exclusive areas impossible. (South Africa: 1991)

The reason for the Act was to abolish all restrictions on the acquisition and utilisation of rights in land based on membership of a specific racial group. It also made provision for the systematic phasing out and rationalisation of racially based institutions as well as statutory and regulatory systems. This Act led to the repeal or modification of all racially based laws. (South Africa: 1991)

2.7 The Constitution of South Africa

2.7.1 The Interim Constitution Act 200 of (1993)

The promulgation of the Interim Constitution of the Republic of South Africa, Act 200 of 1993 did not just protect fundamental human rights but made express provision for reparation for past violations. Persons dispossessed of

rights in land were granted the right to claim restitution. The Interim Constitution, as the supreme law of the Republic, had the far reaching implication that any law or act conflicting with its provisions was made of no force or effect. (South Africa: 1993)

Section 121 of the Interim Constitution instructed the legislature to provide the necessary redress for the victims of dispossession by means of an Act of Parliament. Subsequently the Restitution of Land Rights Act (No .22 of 1994) was promulgated. The State had to take responsibility for restitution of land. Qualifying claims would be ones that were related to dispossession that occurred after 19 June 1913. (Restitution of Land Rights Act No 22 of 1994)

According to Section 122 of the Interim Constitution the legislation was instructed to provide for the establishment of a commission and to describe the powers of this commission. Its primary function would be to process claims. Section 123 entitled the claimants to just and equitable compensation, taking into account all factors that prevailed at the time of dispossession, including any compensation that was paid. (Restitution of Land Rights Act No 22 of 1994)

2.8 Land Reform Programme

2.8.1 Land Restitution

Land restitution is one of the main programs of the National Land Reform policy in South Africa. It was started by a working group in 1993. The Restitution of Land Rights Act 22 of 1994 together with the Constitution formed the basis of the Restitution Program. The Restitution of Land Rights Act was one of the first pieces of legislation to be passed by the new democratic government, probably because the restitution process was politically expedient

and widely perceived as legitimate. (Du Plessis, 2003:5) The question of the restitution of land rights was given a political platform during the period of 1990 to 1994 and issues that affected the redistribution of land were deliberated. (African National Congress: 1994, Davenport, 1998:85)

2.8.2 Restitution of Land Rights Act No 22 of 1994

The Government of National Unity established a comprehensive, but cumbersome, structure to deal with land claims under the Restitution of Land Rights Act, supported by a Land Claims Court, which was charged with investigating and settling all claims by people who had lost land rights since the enactment of the Natives Land Act of 1931 as a result of racially based land legislation. (Christopher, 2001:209)

The Act was promulgated in accordance with the specification of the Interim Constitution. It was submitted in Parliament within one hundred days of the new democratic government coming into power, and the repeal of the Abolition of Racially Based Land Measures Act. (Land Info: 1994) The rules of the Commission were published in terms of Government Gazette Notice No.703 of 1995 and claims could be lodged with the Commission as from 1 May 1995, as published in the Government Gazette Notice No. 575 of 1995 (South Africa: 1995)

Claims would qualify for consideration under the Act if any person or community were dispossessed. It is sufficient for the dispossession merely to have taken place for the purpose of furthering a racially based law; hence the Slums Act was accepted as such a law, as its expected purpose was racially inspired. It is described that anyone who was prevented from holding or

retaining title to land because of unfair discriminatory laws could lodge a valid claim. The Act also contained provision for the facilitation of restitution in the form of development-directed group restitution initiatives. The provision has a specific bearing on urban claims where development directed initiatives lend themselves to implementation. (Draai, 2001:9)

The main aim was to redress the social and economic imbalances created during apartheid era while fostering nation building and democracy. The land restitution programme became a major platform of the national government which directed key improvement policies and was supervised by a coordinating ministry in the initial phase. (Christopher, 2001:207) The restitution process was to take place in a judicial and legal framework to ensure that the authoritarian approach taken by the previous government would be avoided.

2.8.3 The New Constitution Act 108 of (1996)

On the 8th of May 1996 the Interim Constitution was replaced by the New Constitution, Act 108 of 1996. (Constitutional Talk: 1996) The framework for the restitution of land was secured by the provisions of the New Constitution (South Africa: 1996). A Bill of Rights was introduced, whereby all South Africans, the State, the Legislature and Judiciary are bound to respect fundamental human rights. This ensured that human rights violations experienced during the apartheid era would never again be repeated. This provision explicitly expresses the rights of those disadvantaged by past discrimination to equality.

2.9 The Purpose of Restitution Policy

The White Paper 1997 of South African Land Policy states that the goal for the land restitution policy is:

- ❖ To restore land
- ❖ To provide redistribution remedies to people dispossessed of land by racially discriminatory legislation
- ❖ Reconciliation
- ❖ Reconstruction
- ❖ Development

2.10 Stages in the Land Restitution Process

A process for administering claims was established by the Department of Land Affairs, but certain stages for land restitution applied as follows:

- ❖ In the first stage claimants were to decide whether they were to pursue a claim or not. Claimants had the responsibility to provide information and verify their claim, although they were assisted by the Commission to acquire information. Claimants were supplied with the necessary information to decide between options, to become familiar with relevant information, their rights and the procedure to be followed. Claimants had to decide whether they desire the restitution of their land rights or whether they opt for an alternate form of compensation. Once the acceptance of their claim had been confirmed they could decide to pursue their land rights through other State aided programmes. The initial phase of this stage ended when the claim was formally lodged. (DLA, 1998)
- ❖ The second stage of initial enquiry begins once the claim has been formally lodged and acknowledged by the Commission. The underlying principle is to make an initial evaluation of the claim's primary validity prior to further investigations. Investigations focus on information regarding the full title description, legislation under which the property was dispossessed, current ownership, and all other relevant government

documentation. The decision is made by the Commission whether priority access can be granted to the claim, based on whether it was lodged within the approved manner and time frame, and whether the individual claiming is the appropriate person. The claim is checked to see if it meets the requirements according to the Act before being published in the Government Gazette and the affected parties are invited to submit comments. (DLA, 1998)

- ❖ The third stage starts after the claim gazetting, with an in-depth investigation aimed at obtaining and examining all the applicable information as well as identifying issues that may need to be addressed during the negotiations, or upon which the Court might have make an order should the case be disputed. The relevant documentary evidence is also obtained to allow for the preparation of the negotiating position presented by the State. Important questions come to light during negotiations and the information obtained during this stage informs future discussions and decision making. In preparing its negotiating position the State has to consider the validity of the claim, the basis of representation of all interested parties and the options that may be considered. (DLA, 1998)
- ❖ The fourth stage begins with the launch of formal negotiations. The product of this process is a fair, just, sustainable and formal agreement between the affected parties. This agreement has to meet with the approval of the Commission. If all parties are able to agree to a settlement option this is formalised by the signing of Deed of Settlement. It is the most crucial, complex aspect of restitution process. Negotiations should be a process where stakeholders cooperate, articulate their interest and arrive at an agreement on just and equitable forms of redress, with the aim of finding a common ground and isolating areas where

agreement still have to be reached. The agreed solution has to comply with legislative policy guidelines. (DLA, 1998)

- ❖ Stage five deals with Court process. If the mediation proceeding fails, the Commission may refer the claim to the Court for adjudication. The court's contribution in cases of conflict is limited as it is able to resolve the issue by defining legal rights but cannot address the underlying social conflict inherent in resolving land issues. Claimants have final recourse of appealing the decision of the Court in the Constitutional Court, and this is the most difficult aspect in the process and is avoided by all means. (DLA, 1998)
- ❖ Stage six, deals with the implementation of planning which involve decisions by claimant on using their land rights or compensation received from a successful claim. The first step in this stage seeks clarity on the overall nature of the project and identifies the role needed for its realisation. The second step of this stage begins when claimants have formulated a viable proposal and the various role players are identified to ensure commitment to its execution. Local authorities which participate in the process can incorporate the proposed settlement in their planning process. (DLA, 1998)
- ❖ Stage seven, focus on the finalization of the claim. The Commission will transfer land, pay compensation as per agreement reached between the parties or Court order. Claimants have to be returned to land where restoration of the land is the agreed solution. Development plan formulated during earlier stages are now implemented. The responsibility of the Commission is to monitor and evaluating the process, to ensure that the implementation is in order. (DLA, 1998)

2.11 A group restitution initiative for Port Elizabeth claims

The first indication of dissatisfaction around land restitution issues in Port Elizabeth took place in 1993. Protest action was undertaken by land claimants in an attempt to halt the Municipality's proposed sale of properties in Korsten. A great deal of publicity was received and protest action ultimately resulted in the cohesion of the community and development of a group claim. (*Eastern Province Herald*, 5 November 1993)

A group of concerned claimants formed the Port Elizabeth and Community Restoration Association on the 23 October 1993. Former Korsten residents were members of the association. PELCRA slowly developed an increasingly sophisticated approach to urban claims. It moved away from its initial confrontational approach and looked at how government responded to the demands made by PELCRA. (Draai, 2001:2)

On its own PELCRA could not deal with the challenges of the process. The organisation realised at an early stage that the success of the process did not only depend on joint action by the claimants but required a considerable amount of technical expertise. PELCRA obtained the services of the Urban Services Group, an NGO that specialised in urban development issues. This organisation provided PELCRA's leadership with important strategic backup and played a central role in facilitating the planning process. In addition the services of Metroplan, a town planning firm were enlisted to provide vital technical assistance and expertise in the process of drafting development oriented proposals. (Urban Services Group: 1998)

PELCRA became an important stakeholder in the process of land claims in Port Elizabeth. It has aimed to ensure that claims were lodged in time, ensure that claimants are aware of the issues and complexities of land restitution, to

negotiate the bases of a settlement with Land Claims Commissioner and explore the desirability of development-directed solutions. PELCRA had the task of preventing the sale of the properties in Korsten by the municipality and property developers. (Draai, 2001:11)

Claimants in urban areas were encouraged to form groups for a particular suburb or area and to be directly involved in the definition of their preferred settlements. The White Paper on Land Reform states that restitution in urban areas clearly supports the possibility for group-based development-directed options. (South Africa, 1997)

The approach of grouping claims was also supported by the Government Gazette notice no: 302 of March 1996 that indicated the effective utilisation of the Commission's resources if all claims arising from dispossessions in specified areas of Port Elizabeth were grouped. (South Africa, 1996) The land claimants took the initiative in contributing to a proposal based on an agreement specifying the restitution of their rights in the form of serviced sites. Resolutions taken were communicated with all role players within an interactive process. The success of the process ultimately depended on the extent to which it was owned and driven by the participants, particularly PELCRA. (Schuster, 1999:113)

The Municipality was forced to reassess its position regarding claims in the city and adhere to community pressures to have a moratorium placed on the rezoning and sale of land subject to claims. PELCRA's view was that each claimant should be given the same opportunity and compensation was reduced to land as a common denominator, eliminating the problem of quantifying each claim. (PELCRA Documentation, 1997)

2. 12 Urban development

An urban development strategy was released in 1995 by the Ministry in the Office of the President of the Government of National Unity for comment. The Department of Housing formalised the proposal into an Urban Development Framework. The Urban Development Framework has a philosophical basis in the shift from urban and regional planning to development planning, with the purpose of facilitating economic growth and employment creation in the urban area, and contributing to the area's tax base. Within a framework of governance, local government does not only seek the democratisation of local government, but also the standard of living and quality of life of previously disadvantage sectors of the community. (Marais and Donaldson, 2002:189-190)

Marais and Donaldson (2002:189-190) state that implementation of the Development Framework focuses on four key programmes namely:

- ❖ Integrating the city
- ❖ Improving housing and infrastructure
- ❖ Promoting urban economic development
- ❖ Creating institutions for delivery

According to Marais and Donaldson (2002) South Africa's urban vision and urban development goals up to the year 2020 in the National Policy on Urban Development stipulates the following restructuring:

- ❖ Integrated planning, rebuilding and upgrading the urban areas
- ❖ Planning for higher density land uses and development
- ❖ Reform of the urban and planning system
- ❖ Urban transportation and Environmental management

According to the White Paper on Local Government (1998:23) developmental local government is primarily committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives. It also emphasises the importance of promoting integrated regional development. Improving housing and infrastructure to create habitable and safe communities is a programme aimed at restructuring the urban past, and the Housing Act of 1997 provides the basis of this key programme.

According to the National Urban Development Framework the aim of a development framework is to promote a consistent urban development policy approach for effective urban reconstruction and development, to guide development policies, strategies and actions of all stakeholders in the urban development process and to steer them towards the achievement of collective vision. (Marais and Donaldson, 2002:192)

2.12 Conclusion

The purpose of the land restitution was to provide information on the restitution process and to highlight the cut –off date for the submission of claims to the Commissioner. The cut-off date was extended from 1 May 1998 to 31 December 1998. (DLA, 1998) Negotiations required the involvement of a large number of stakeholders. Urban claims are compounded by extensive redevelopment and transformation of the affected areas. The resolution of urban claims has been slow, conflict ridden and frustration has often mounted.

Chapter Three

Research Methodology

3.1. Introduction

This chapter explains how the investigation was undertaken and why certain methods of data collection were selected to investigate the research question. For the purpose of collecting data for this study, interviews were conducted with residents of Kwazakhele and New Brighton who were formerly residents of Korsten.

The researcher attempted to show how the required information was obtained. For the purpose of this study, multiple methods of research were employed, including primary sources such as interviews and observation, as well as the secondary sources that included documentation, published case studies, published reports, government policy documents and analyses of the relevant topic.

The residents of Kwazakhele and New Brighton are Xhosa speaking; therefore all interviews were conducted with IsiXhosa as their home language. The researcher has allowed the respondents to speak for themselves and noted their answers as truthfully as possible using their own words and translating them into English where necessary.

3.2 Qualitative Research Method

The nature of the research design was exploratory, descriptive and qualitative. The research problem has necessitated an exploratory survey of opinions and perceptions concerning the phenomenon of interest. The interview schedules were semi-structured questionnaires was designed to elicit qualitative results. Questions were open-ended and they were designed to reveal and analyse the researchers' problem statement.

Qualitative research methods were the most appropriate to achieve the goals of this study. The main aim of the researcher was to assess whether the former Korsten residents were satisfied with the land restitution process, to evaluate how they have benefited from the process, to assess the role played by PELCRA, the state and NMBM, and to evaluate beneficiaries' development options for their restored land in the Fairview area.

According to Gillham (2000:11) the qualitative method focus primarily on the kind of evidence that will enable the researcher to understand the real meaning of the study and it enables the researcher to:

- ❖ Investigate situations where little is known about what is there or what is going on.
- ❖ To explore complexities that is beyond the scope of more controlled approaches.
- ❖ To view the case from the perspective of those involved

Gillham (2000:11) state that the qualitative method deals more with human behaviour, which in this study had revealed the thoughts and feelings of former Korsten residents, and that, enabled the researcher to understand the real life

experiences of the respondents through this study. The qualitative research method therefore is described as an “approach that covers an array of interpretive techniques which seek to describe and translate the meaning of naturally occurring phenomenon in the social world”. (Mitchell, 2005:188)

3.3 Data collection methods

3.3.1 Semi Structured Interviews

According to Mitchell (2005) in research there are three types of interviews that can be used namely structured, semi- structured and unstructured interviews. Interviews are considered to be an effective method of collecting information during research because interviews demand real interaction between researcher and the respondent. (Mitchell, 2005:166) For this study the interviews provided a researcher with more thorough understanding of the respondent’s opinions.

For the purpose of this study, semi-structured interviews were preferred, as they allowed the participants to express their feelings and experience with greater depth than a fully structured interview schedule could possible allow. According to Mitchell (2005:166) semi-structured interviews are interviews that are between structured and unstructured interviews which enable the researcher to have a list of themes and questions to be covered.

The researcher had preferred semi structured interviews for this study because they allowed the researcher to make use of open-ended questions, and the researcher’s interest was in the participant’s opinion about the specific issue, of development options for the restored land of the respondents.

A semi structured questionnaire was used by the researcher for this study. The questionnaire served as a guide for questions related to the research question and some questions were open ended. This type of interview gave the respondents the opportunity to provide the researcher with answers without limits. Questionnaires were designed in English and IsiXhosa and that enabled the respondents to understand the questions clearly.

The respondents gave the researcher a detailed portrayal of what took place in Korsten, as the claimants and non-claimants were given an opportunity to voice their opinions, especially their experiences on claiming or not claiming back the land. The investigation furthermore helped the researcher to understand how the claimants and non claimants were affected by eviction from their land and properties.

Additionally, the interviews revealed to the researcher the history of former Korsten residents, and their preferred development options for their restored land. The interviews also assessed the role played by the Nelson Mandela Metro Municipality and PELCRA in developing the area. Respondents expressed their feeling about the development option in the Fairview area, and how they benefitted from the land restitution process.

3.3.2 Documentary Research

According to Gillham (2000:37) “published literature is categorized as public evidence of what other researchers have done or found although there can be no simple translation of their findings or theories but there will always be elements which will sharpen a reader’s insight.”

Furthermore, Hart (1998) refers to it as “a selection of available documents whether published or not on the topic which contain information, ideas, data and evidence written from a particular standpoint to fulfil certain aims or express certain views on the nature of the topic and how it is to be investigated, and the effective evaluation of these documents in relation to the research being proposed”. This serves as a means of determining what other studies have been done on this particular subject, and the conclusion that have been reached. It provides a conceptual understanding of the subject matter and the traditional theories associated with the undertaking of previous research. (Hart, 1998:13)

Documentary research was used for this study; information was obtained through the use of secondary sources such as theses, published case studies, published reports, and government policy documents.

3.3.3 Observations

Mitchell (2005:170) mention that “the results of observation can be recorded and analysed qualitatively, as they can also be done by means of a naked eye or with the help of sophisticated equipment.” The researcher made use of observation and visited Korsten to see the plots from which people were removed. She also went to Fairview to see the restitution plots and noticed that there are few houses that are built in the area.

3.4 Sampling

According to Rossouw (2003: 108) sampling is described “as part of selecting a small group from a population to enable researchers to make reliable presumption about the nature of the population.” Sampling is to select the

respondents which will provide the researcher with representative information about the given population.

For this study the population are people who were evicted from Korsten and resettled in New Brighton and Kwazakhele. The researcher interviewed a purposive sample of eight participants from Kwazakhele and New Brighton, made up of three successful claimants, three unsuccessful claimants and two non-claimants, as well as two key informants from PELCRA and Urban Service Group.

3.5 Ethical considerations

Ethical consideration was taken into consideration when dealing with this study, as Mitchell (2005:181) mention it as “ very important in research as in any other field of human activity, and certain ethical consideration should be adhered to” The researcher have preserved the right to dignity and privacy of the respondent and protected the confidentiality of the information provided.

3.6 Conclusion

In conclusion, this methodology chapter dealt with various methods that were used by the researcher to gather data from former Korsten residents for this study. The rationale behind the choice of the particular methods was explained.

Chapter Four

Findings

4.1. Introduction

Development in the land restitution process for Korsten claimants is fully discussed in this chapter, based on the outcomes of interviews with former Korsten residents and key informants from PELCRA and the Urban Services Group. The aim of this study is to evaluate the development options for beneficiaries in their restored land, to assess the role played by PELCRA and the Urban Services Group, and to assess whether the former Korsten residents are satisfied with the land restitution process and how they benefitted from the process.

4.2 The experience of dispossession

Some Black property owners from Korsten that were dispossessed in 1950s described their experience of dispossession. Former Korsten residents asserted that removals from Korsten were ‘accompanied with apartheid’ because only “Black people were affected. The Municipal trucks were used to remove people from Korsten to Kwazakhele. These trucks were working day and night” and one former Korsten residents recalls that she was removed at night by those “unmerciful municipal officials.” (Interview, 13 August 2011)

The experience of removal caused the former Korsten residents great suffering. The property owners (*onothenga*) lost their properties and they were relocated to Kwazakhele. They were given a “four roomed house that was not completely built, there were no ceilings, no floors, it was just ground, people had to make their own floors, and they had iron doors which made most noise. There was

bucket system sewerage and no water taps; water was fetched from the street tanks that were refilled by the Municipality.” (Interview, 24 July 2011)

Most Blacks were removed from Korsten, but people moving into the city were continuous to move to Korsten and occupied vacated sites. “The removal of Blacks from Korsten by Municipal officials was nearly daily, because empty houses were occupied with new owners in Kwazakhele” (Interview, 24 July 2011)

Korsten’s population was characterised by a predominance of Blacks even though there were Coloureds and Whites, because, the other part of Korsten was occupied by the Basketmakers who were weaving their basket for a living. The side of this area is what was known as the “Salt Pan” or “Dry Lake”

“Dry Lake” was surrounded on four sides, namely Wells Crescent, Perl Road, Alex Road and by Lange Road. Whilst the programme of slum clearance began in Korsten as a result of the Group Areas Act, a number of the Basketmakers were arrested for being in the urban areas of Port Elizabeth without permits as they originally came from Rhodesia known as Zimbabwe. This incident led to the inspection of the Basketmakers community in Korsten. (Dillion-Malone 1978: 30-31)

The Minister of Native Affairs ruled that the Basketmakers must leave in spite of the recommendation that they be permitted to move to another location in Port Elizabeth known as Bethelsdorp where they had acquired some properties. House number 15a Lange Street Korsten was occupied by Mr Johane Masowe leader of Masowe Apostles. (Dillion-Malone 1978: 30-31)

4.3 Korsten after forced removals

Black property owners from Korsten were dispossessed; one of the major obstacles in implementing removals and redevelopment of Korsten was that

those who were affected by the dispossession from slum areas were often not in a position to pay rentals in the municipal housing scheme established for them. Some slum plots were later successfully cleared, consolidated and sold to those who could afford to purchase the plots. The coloured population of Korsten was also moved, to Schauderville, the new township for coloureds which is adjacent to Korsten, and the existing built-up area was declared a White group area. (Christopher, 1982:152)

The Port Elizabeth Municipality initiated some developments in the area by building accommodation for Coloured people, including economic houses in Schauderville, Ablett Street flats and Allan Hendricks flats. The Korsten library and Municipal offices were also developed after most Blacks had been evicted from the area, because a large percentage of the land was left vacant and available for Coloured people's resettlement. (USG, Key informant Interview: 27 July 2011) Low interest loans were urgently required for the purpose of housing for Coloured families living in Korsten. These economic houses were built in Korsten from 1952 to 1959. (Baines, 1994:60)

The slum residents of the "Dry Lake" were also affected by the eviction and the Port Elizabeth Municipality began rezoning and development of the area for the relocation of non White traders displaced from mostly South End and North End. The area was declared under Proclamation 108 of 1966 reserving the areas for Asian and Coloured businessmen. Properties required for business purpose were rezoned and the residential families removed to areas proclaimed for their specific racial group. Properties not required for business purpose were not affected. A number of Chinese businessmen managed to continue to occupy the optimal commercial sites, and that resulted in the development of an industrial zone, after the area of Korsten was cleared. (Schuster 1999:47)

“Dry Lake” is where most factories had been located in Korsten, as a result the influential commercial concerns which operated usually kept voluminous records of industrial units. New Brighton and Kwazakhele were prearranged as residential areas for Blacks with little provision for industrial or commercial development. (Christopher 1982:185)

4.4 Port Elizabeth Land and Community Restoration Association

The Land Restitution Process in Port Elizabeth started after a group of claimants decided to formulate PELCRA. The claimants, who had organized themselves as PELCRA, has a leadership with important strategic backup and it played a central role in facilitating the planning process, because PELCRA opted for land rather than financial compensation. The chief aim was to provide claimants with a valuable asset and heritage. To achieve its aim, PELCRA was supported by the Legal Resources Centre (LRC) and the Urban Services Group. (PELCRA, Key informant interview: 31 July 2011)

The claimants were greatly assisted by the formation of Port Elizabeth Land and Community Restoration Association to expedite their land claims. Claimants in urban areas were encouraged to form groups for a particular suburb or area and to be directly involved in the definition of their preferred settlements as the White Paper on Land Reform 1997 states that restitution in urban areas clearly supports the possibility for group based development directed options. (PELCRA, Key informant interview: 31 July 2011)

Members of PELCRA are a diverse group, from varied backgrounds with very little in common except a traumatic past. There were four residential areas that were recognized by PELCRA; that is Fairview, Korsten, Salisbury and South End. These areas were selected as a large numbers of removals had occurred from these areas. (PELCRA, Key informant interview: 31 July 2011)

4.5 Erf 6900: Korsten

The Port Elizabeth Municipality advertised its intention to sell erf 6900 in Korsten in November 1993. The establishment of a civic centre on this site was proposed by a developer. The claimants requested the Municipality to suspend the sale of the land until an application could be made to the Minister to have the land set aside for restitution, and subsequently appealed for a cessation of the sale of land. The claimant's action against the Municipality was based on the fact that a large number of individuals were expropriated from this site, and this site was destroyed and never redeveloped.

The PEM accepted the idea that moratorium should be placed on the sale of State land in areas affected by a claim, but excluded any land already committed by the Council for development. Erf 6900 would consequently be excluded from consideration for restitution. The claimants presented the PEM with a memorandum stating the organisation's position, its rejection of the decision to proceed with the sale and stressed that the proposed action would be in violation of the established Constitutional right to claim restitution. (Schuster, 1999:103) The Municipality subsequently resolved to suspend the sale and "agreed ...to place a moratorium on the sale of all municipal land in areas from which people were removed under the Group Areas Act" (Eastern Province Herald, 1993 November 17).

However, claimants from Korsten were not given land in Korsten, but were instead allocated plots in Fairview. The reason for the claimants to be given plots in Fairview is that part of Korsten has been systematically developed into an industrial area with business functions replacing residences, so there are no plots available in the area.

4.6 PELCRA's Role

PELCRA had a mission to reconcile the diverse claims to the land and develop an approach which could deal in a fair and just manner with respect to each claimant. PELCRA received its mandate from PELCRA members, and made the proposal for settlement as a means to expedite the restitution of land rights for its members.

On behalf of all the claimants, PELCRA proposed that the state develop the vacant land to full municipal standards, once the land is developed it must be in the form of service site to be transferred to the claimants with respect to each claim. PELCRA became an important stakeholder in the process of land claims in Port Elizabeth. PELCRA aimed to ensure that claims were lodged in time, ensure that claimants were aware of the matters and complexities of land restitution, to negotiate the bases of a settlement with the Land Claims Commissioner, and investigate the desirability of development.

PELCRA's vision was that each claimant should be given the same opportunity and that a situation that favours those in a position to return to their undeveloped land in Fairview and Salisbury Park be prevented. The only compensation method agreed on was land as a common factor, eliminating the problem of quantifying each claim. (PELCRA, Key informant interview: 31 July 2011)

4.7 The Role of the State

Land claims were lodged against the State as the institution in authority for forced removals. Provisions of the Act specify the responsibilities of the State as the respondent to the claim and no claims are permitted against the current owner. However, the State is not an unwilling respondent as restitution is a Government process guaranteed under the Constitution, as outlined in Chapter

2, and it has a specific responsibility to effect restitution and to account to the taxpayer for the cost-effective utilisation of resources. Therefore, the state has to be confident that the claim is legitimate and that the correct claimants have been identified but also that the best price was paid for land in the case of restoration. The state has the right to be heard in court in all cases and can express its views on any aspect of a claim, as it deems necessary. (Schuster, 1999:135)

4.8 The Role of the Municipality

The Port Elizabeth Municipality had taken a passive approach towards land claims, although it originally committed itself to placing a moratorium on the sale and rezoning of land within its boundaries, subject to claims. Also its commitment to developing and planning a feasible solution for land claims has been limited.

The restitution process has been solely the responsibility of the national government and the Commission. The Commission was forced to co-opt local authorities during negotiations. The task was made more difficult as neither the Constitution nor the Act make provision for a Provincial or Local Government to pay compensation or make land available for restitution.

Local government in Port Elizabeth has not responded imaginatively to the challenge and it has failed in its duty to the Constitution, the Restitution of Land Rights Act and the dispossessed community in the city. The Minister of Land Affairs provided funding to the Port Elizabeth Municipality to administer the funds. PELCRA was responsible to serve with the DLA as an agency to establish and to implement the settlement of R41m rand that was awarded for the establishment of serviced land. (PELCRA, Key informant interview: 31 July 2011)

4.9 Analysis of the Restitution process

Claims were lodged with the Commission as from 1 May 1995, but the Restitution of Land Rights Act set a general time frame allocating three years for the lodgement of claims from the commencement date, and a period of five years for investigation of all claims. Even though the provisions of the Act (Act 22 of 1994) were clear in their intention, the actual implementation of the Act proved to be more complicated. The process of resolving claims was slow with no clear guidelines for implementation and settlement of claims which resulted in it taking many years to finalise the whole process. (DLA, 2004)

4.10 Stages in the Restitution Process

Korsten claimants claimed through PELCRA, it was a laborious process because of administrative changes made before and after the 1998 restitution review, such as new officials being put in charge. (PELCRA, Key informant interview: 31 July 2011) Former Korsten residents who are land claimants have undergone certain stages that are discussed in Chapter 2.

4.11 The development proposal

During the process of formulating a settlement option by PELCRA it became evident that information for the properties expropriated in Port Elizabeth were not readily available, because only information for Salisbury and Fairview was found, while the records for South End and Korsten were no longer in existence. The history of properties which remained vacant in Korsten were owned by Village Management Board and later transferred to the Provincial Housing Board. A detailed assessment could be made of the potential claims in these areas by reviewing the racial composition of ownership prior to expropriation. The land in Korsten was, however, sold by the Village Management Board and

all documentary evidence subsequently discarded. It was not possible to determine the potential claims for these areas in a similar manner to Salisbury and Fairview. Claims lodged for the restitution of land rights to properties in Korsten is surprisingly low. (USG, Key informant interview: 27 July 2011)

4.12 Korsten Claimants

Tens of thousands of people were affected by expropriation from Korsten and experienced the pain, anger and frustration of forced removals. According to the Urban Services Group, the Restitution of Land Rights Act No 22 of 1994 was exercised by few people, and only 315 land claims were received on behalf of Korsten. Of these, 183 were successful claims, and 132 were unsuccessful because there was outstanding information. The main reason for the claims to be unsuccessful is that the required information was not obtainable. (USG, Key informant Interview: 27 July 2011)

Some of the Korsten claimants were successful, and they were awarded plots in Fairview. Mrs Thoko Didiza, who was the Minister of Land Affairs, at the meeting for the people who lost their land during the apartheid era, pronounced that: *“The time had arrived for the dispossessed to get their land back”* (Eastern Province Herald, 29 Oct. 2001)

4.13 Property values in Fairview

The PELCRA proposal entreated the State, through the Commission, to restore land rights for residential purposes to claimants forming the basis of a pilot group. PELCRA proposed the development of vacant state owned land and the allocation of serviced sites to full municipal standards as a form of compensation.

In February 2000, the agreement was reached between the Minister of Land Affairs, PELCRA, and the Eastern Cape MEC for Housing, Local Government and the Nelson Mandela Metropolitan Municipality to implement the settlement. The Minister of Land Affairs, through her department, provided the funding and the NMMM was appointed to administer the funds.

PELCRA proposed that the state develop the vacant land to full municipal standards, and that once the land is developed in the form of a serviced site, it would be transferred to the claimants with respect to each claim. Three levels of property values were identified and comparative property sizes determined.

It was found that smaller sites in South End were similar in value to the large sites in Fairview and that this formed Category A. Category B includes similar sites in Korsten and Salisbury Park and Category C smaller unserviced sites in Fairview. (PELCRA, Key informant interview: 31 July 2011) According to late Mr Uren “claimants will be provided with serviced sites of 400 square meters, 600 square meters and 800 square meters.” (Weekend Post, 07 December, 2002)

4.14 Effect of Restitution on Former Korsten residents

The introduction of land restitution by the Government played a big role for Korsten claimants. Korsten claimants had never predicted that the day of restitution would come, because they have tolerated the conditions that they were under and they have moved on with their lives. To some liberation has taken place, since they have been looking forward to the day, as they had never been content with the whole process of eviction.

Some former Korsten residents are not delighted with the land restitution process, because their understanding of land restoration was for them to go back

to their original places from where they had been removed. They also felt “cheated” as they think the value of the land they had lost is higher than what they are offered. (Interview, 09 August 2011)

4.15 Unsuccessful Claimants

The most common reason for Korsten claims not to be successful was that the claimants were not property owners. The government planned the removals by offering them homes in Kwazakhele, so because they “just came in Port Elizabeth without passports they were pleased that they were given houses” However, because they were not the owners of Korsten plots, they did not qualify for restitution, (Interview: 01 August 2011)

There are a large number of non-claimants from Kwazakhele and New Brighton who claim not to know anything about the process of land restitution. They wish that the Government would grant another opportunity for them to make a claim, as they think they deserve to be compensated because they were also part of the evictions from Korsten. (Interview: 03 August 2011)

Others claim that, they only heard about the land claims after the due date, and say that there were neither clear guidelines nor outreach programmes regarding the land claim. They assert that they never voted to stay in Kwazakhele, but they were forced to come there during the apartheid era. (Interview: 23 August 2011) Outstanding documents for land claims also resulted in claims not being successful. (11 August 2011: Interview)

4.16 Development options

Successful Korsten claimants are in receipt of their titles for their plots in Fairview, and most of their plots have no buildings or houses that are constructed on. There are only a few houses in the area and most of the plots are still vacant. This area is in the neighbourhood of the high income suburbs in the

Nelson Mandela Metro, in contrast to the low-income townships where most Black people were located after their forced removals from Korsten.

The development options for the Korsten claimants in place of their restored land in the Fairview area are variously mentioned by successful Korsten claimant during interviews. According to interview dated 24 July 2011, the respondent highlighted that her intention is to build a ‘pedigree residence’ for all the family descendants, as circumstances permit. She assured that the land taken from their forefathers would not be easily taken from her again, and she is planning towards building on the site, although there are no means currently of initiating the construction. (Interview: 24 July 2011)

Other successful Korsten claimants have the perception that money can be made with these plots, as the area is in high demand and there are many estate agencies that are willing to sell the plots on behalf of the beneficiaries. (Interview: 09 August 2011)

The research indicates that there were misapprehensions regarding the sites in Fairview, as some beneficiaries of the land claim assumed that there would be houses built on behalf of the Korsten claimants. Some Korsten claimants declared that they cannot afford to build, as the area is a high-income area.

Some beneficiaries’ income is currently low; most beneficiaries depend on a state pension that does not even cover their monthly expenses, and that gives an indication of the difficulty they will have in affording to live in such a high-income area. Consequently, they have an option of selling their properties, because they can make a better living for themselves and renovate their current houses in Kwazakhele and New Brighton. Some beneficiaries are in the process of selling their Fairview plots to make a living, but there is a limitation on the selling, as they are not allowed to sell their plots for two years. (Interview: 09 August 2011)

Other beneficiaries are glad that they have been allocated plots in Fairview as the place of restitution. Because it is high-income area, they plan to generate some earnings by letting out their properties should circumstance permit. They are in the process of applying for home loans so that they can initiate construction.

However, the wish of the majority of the Korsten claimants interviewed is for the government to initiate a means of building houses in the Fairview area for the beneficiaries (Interview: 13 August 2011)

Some claimants were successful but were too old to benefit from the process, as a result they have died before the process was finalised, and therefore, their descendants struggle to claim their land because they do not have the relevant documents. (Interview: 23 August 2011)

Chapter Five

Conclusion

5.1 Introduction

Through this study the main objectives of the research were to consider the development options for the restored land for Korsten claimants, to assess the role played by the stakeholders in developing the area, to assess whether the former Korsten residents are satisfied with the outcomes of the land restitution process, and to evaluate how they benefitted from the process.

5.2 Summary of Findings

Herein, the researcher has explored the benefits for Korsten claimants who were given land in Fairview instead of Korsten, the area from which they were evicted. In Chapter 4 it was disclosed that some of the land which was repossessed had been sold for business purposes and is now owned by private individuals.

“Of the former residents of Korsten who were moved to Kwazakhele and New Brighton, only a few were successful claimants. Some were unsuccessful because of a lack of information, and many were not eligible as they were not property owners. Many did not submit claims through ignorance of the process”. (USG Key informant, Interview: 27 July 2011)

5.3 The development options for the restored land

“The successful Korsten claimants have been granted title deeds to serviced plots in Fairview, a high-income suburb. Some claimants intend to construct houses and see the plots as a positive restitution of their lost property rights. Others cannot afford to build on their plots and desire government to assist with building. Yet others intend to sell their plots and benefit from the restitution claim in this way.” (Interviews, 2011)

5.4 Outcomes of Land Restitution process

The implementation of the Land Restitution Programme has brought few benefits to the former Korsten residents. Though people dispossessed of rights in land were granted the right to claim restitution, the successful Korsten claimants were rewarded with restitution of their land rights in the upmarket area of Fairview. Not all former Korsten residents are content with the outcomes of land restitution process, since only few successful Korsten claimants benefitted in the whole process. It will be the successful claimant’s decision on how they will utilise their inherited plots.

5.5 Recommendations

The recommendations are based on the fact that the number of claimants from former Korsten residents is low compared to other areas that were affected by evictions in Port Elizabeth. It is recommended that:

- ❖ Government grant another chance for former Korsten residents who missed the opportunity to submit their land claim, as some only found out about the Land Restitution Programme after the closing date.

- ❖ The DLA should have outreach programmes and mobile offices where claimants can go and make applications for land claims.
- ❖ Government should have special consideration in assisting those who wish to stay in the restored land, by building houses so that they can make use of their plots.
- ❖ Government needs to demonstrate a lot more commitment, because the majority of people have lost hope in the process of land restitution.

5.6 Conclusion

This research has shown that even though some former Korsten residents were successful claimants in the land restitution process, there were many others who were unsuccessful claimants or non claimants. The intention of the researcher was to focus on the successful claimants who now own properties in Fairview and the development options they wish for. This study about Korsten land claims has revealed that there were some problems regarding land claims for former Korsten residents.

Background information regarding the former Korsten residents presented where some of the current residents from New Brighton and Kwazakhele came from, how and when their locations were established, the reason why they were removed from Korsten, why they claimed for land restitution, and how they have benefited through land restitution in the Fairview area.

The researcher investigated the socio-economic outcomes for the claimants who were awarded land in Fairview. The researcher has covered the aims and objectives of the study and there is a clear understanding of why the restitution process took place. The researcher is eager to learn more because of the participation of affected parties in this study.

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Interviews

1. Key informant PELCRA, Mr Dicky Britton, Interview: (31 July 2011)
2. Key informant Urban Service Group Mr Ben Hiles: (27 July 2011)

Successful Claimants

1. Mrs Zoliswa Joyce Ratya, Interview: (24 July 2011)
2. Mr Mbeko Ali Fanayo, Interview: (09 August 2011)
3. Mrs Manengela, Interview: (13 August 2011)

Unsuccessful Claimants

1. Mrs Tshabaziwile, Interview: (07 August 2011)
2. Mrs N.Mphakama, Interview: (11 August 2011)
3. Mr X. Matyakiso, Interview: (01 August 2011)

Non Claimants

1. Mrs Zono: (03 August 2011)
2. Mr Hobeni: (23 August 2011)

5.8 Appendix 1

With each interview the researcher introduce herself first, and explain the reason why she is conducting the interviews and ask the following questions:

1. How long have you been staying here?
2. Were you affected by evictions from Korsten?
3. What are your demands for land restitution?
4. What action have you taken to claim back the land?
5. Are you a bonafide beneficiary of the land restitution?
6. When and how did you hear about the land restitution?
7. How do you feel about the whole process of land restitution?
8. Has your claim brought any change?
9. Are you making the use of the restored land?
10. What kind of development would you like to see?
11. How should the sites be developed?
12. How do you hope to benefit from the land restitution?

