



AL2934 - The Dawie Bosch Collection

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Origination: Dawie Bosch
Inclusive Dates: 1983-1998
Bulk Dates:
Extent: 0.6 linear metres (6 archival boxes); newspaper clippings
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Use Restrictions: Copyright restrictions may apply. See SAHA copyright statement for Use Restrictions.
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Abstract: Compiled by Dawie Bosch, a lawyer, this collection consists of three discrete archives groups. These groups document the process of formulating the Extension of Security of Tenure Act (ESTA) and the legal battle for restitution of expropriated land by the Makuleke community. A collection of newspaper clippings and pamphlets, published in the wake of the announcement of the Tricameral Parliament forms the third group.

Introduction

The Dawie Bosch Collection comprises three discrete groups of records. The first group documents the process of formulating the Extension of Security of Tenure Act (ESTA).

The second group documents the struggle for restitution of expropriated land by representatives of the Makuleke community, while the third group comprises newspaper clippings and pamphlets which were published and disseminated in the wake of the announcement of establishing a Tri-Cameral Parliament in 1983/1984.

Each of the archives groups represents the socio-political activities of Dawie Bosch and fellow land rights activists. Bosch completed a law degree at the University of Stellenbosch, specialising in labour law. Already as a student Bosch, as a member of the United Democratic Front (UDF), was politically active amongst the rural population, focusing on the situation of farm workers.

In 1985, during the first state of emergency called out by the Apartheid state in response to the 1976 Soweto Uprisings and their aftermath, Bosch got involved in a literacy project with farm workers in the Montague area. He was also involved in legal advice centres.

Bosch then joined the Centre for Rural Legal Studies (CRLS) and the Land and Agricultural Policy Centre (LAPC), where he was involved in research and policy development issues in the broader field of labour law. His activism amongst rural workers made him aware of the tenuousness of their rights to tenancy.

One of the most pressing legacies of Apartheid which the post-Apartheid government had to redress was the profound inequality of land: in 1994 approximately 87% of South Africa's surface was in the possession of the white minority, effected by the Natives Land Act No. 27 of 1913, the Native Trust and Land Act No. 18 of 1936 as well as the Group Areas Acts Nos. 41 of 1950, 77 of 1957 and 36 of 1966.

In order to redress this glaring ill-distribution of land, the post-Apartheid government has, since its inauguration in 1994 passed 22 statutes which are directed at the transformation of the numerous racially discriminatory land laws. Additionally, the state has spent hundreds of millions of rands buying up farmland in the rural areas for redistribution and for purposes of its tenure reform programmes. According to Bosch the 2002-2003 budget for restitution alone was in the region of R287 million. The land reform delivery amounts to an average of 300 000 hectares per annum.

The three most important pieces of cognate legislation to advance agricultural land reform and the redistribution of agricultural land are:



AL2934 - The Dawie Bosch Collection

The Restitution of Land Rights Act 22 of 1994

The Labour Reform (Labour) Tenants Act 3 of 1996 and

The Extension of Security of Tenure Act 62 of 1997.

The Restitution Act established the Land Claims Court for the lodging of claims for restitution of a right to land. The Tenants Act secures the right of occupation of labour tenants on farms. However, there are countless people who, as Bosch and his fellow land rights activists discovered, are not protected by these statutes. Hence Bosch and fellow land rights activists of the CRLS and the LAPC approached the then Minister of Land Affairs, Derek Hanekom, to lobby for tenancy rights of rural tenants with the Ministry with a view to devising a framework for policy and legislation relating to security of tenure and tenancy.

Bosch was invited by the Director-General for Land Affairs to draft submissions for legislation to ensure security of tenure for rural tenants. Together with a team comprising 8 land rights activists and legal experts Bosch prepared policy inputs and proposals for the ANC Study Group of the Parliamentary Portfolio Committee and other stakeholders for comment. The drafts, submissions and comments are included in the group entitled 'The Extension of Security of Tenure Act'.

The second archives group documents the attempts made by the Makuleke community to reclaim land that had been appropriated in 1969 and incorporated into the Kruger National Park in that year. Bosch was commissioned by the Chief Land Claims' Commission to act as facilitator between the Makuleke community and the various government departments that were drawn into the dispute.

The archives group entitled 'Makuleke Claims for the Restitution of Land Rights', reflects the process of land restitution and illustrates the legal complexities associated with the restitution of land appropriated by the Apartheid state. In 1999 the final agreements and court judgements were published by Deny Reitz as a book 'The Makuleke Land Claim Settlement', authored by Bosch. The book is held in the National Libraries of South Africa.

The statutes that relate to these two groups have been included in the Collection.

The third group entitled 'Responses to the Announcement of a Tri-Cameral Parliament (1983 - 1984)' are newspaper clippings and pamphlets which Bosch had collected in his capacity as a committee member of the UDF for the Stellenbosch area and as a UDF activist on the campus of the University of Stellenbosch.

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Explanatory guide to the Extension of Security of Tenure Act, 62 of 1997 issued by and obtainable from the Department of Land Affairs, 1998.

Acronyms

ESTA - Extension of Security of Tenure Act

CPA - Communal Property Association

CRLS - Centre for Rural Legal Studies

LAPC - Land and Agricultural Policy Centre

PUEOL - Prevention of Unlawful Eviction and Occupation of Land

UDF - United Democratic Front

Classification



AL2934 - The Dawie Bosch Collection

- 1: Extension of Security of Tenure Act (ESTA)
 - 1.1: ESTA in print media
 - 1.2: Submissions
 - 1.3: Policy inputs
 - 1.4: Public submissions
 - 1.5: Submissions to Portfolio Committee
 - 1.6: Drafts
 - 1.7: Amendments
 - 1.8: Prevention of Unlawful Occupation of Land Bill
 - 1.8.1: Comments
 - 1.8.2: Drafts
 - 1.8.3: Newspaper clippings
- 2: Makuleke Claims for the Restitution of Land Rights
 - 2.1: Documentation
 - 2.1.1: Facilitation
 - 2.1.2: Feasibility
 - 2.1.3: Interim report
 - 2.1.4: Registration as CPA
 - 2.2: Drafts of Agreement
- 3: Miscellaneous
 - 3.1: Statutes dealing with land reform
 - 3.2: Documents relating to issues of land reform
- 4: Responses to the Announcement of a Tri-Cameral

Inventory

- 1: Extension of Security of Tenure Act (ESTA)
 - 1.1: ESTA in print media
 - 1.1.1: Business Day 1997/02/06
[97/02/06]
 - 1.1.2: Volksblad (Afrikaans) 4 Mei 1998
[1998]
 - 1.1.3: Advertisement of the Department of Land Affairs 1997/02
[1997]
 - 1.1.4: Farmer's Weekly 1996/09/06
[96/09/06]
 - 1.1.5: Landbouweekblad (Afrikaans) 1996/09/13
[96/09/13]
 - 1.2: Submissions and comments from the public on ESTA:
 - 1.2.1: Centre for Rural Legal Studies 1996/09/15
[96/09/15]
 - 1.2.2: Memorandum for meeting with farmworkers: Department of Land Affairs 1996/08/14
[96/08/14]
 - 1.2.3: Land and Agricultural Policy Centre 1996/08/05
[96/08/05]
 - 1.2.4: Centre for Rural Legal Studies 1996/07
[1996]



AL2934 - The Dawie Bosch Collection

- 1.2.5: Centre for Rural Legal Studies 1996/08/06
[96/08/06]
- 1.2.6: Land and Agricultural Policy Centre 1996/09/05
[96/09/05]
- 1.2.7: Farmworker Research and Resource 1996/07/10
[96/07/10]
- 1.2.8: Land and Agricultural Policy Centre 1996/07/10
[96/07/10]
- 1.2.9: Land And Agricultural and Policy Centre 1996/07/09
[96/07/09]
- 1.2.10: CASE: Women and Tenancy Rights for farmworkers 1996/08/07
[96/08/07]
- 1.2.11: Department of Labour 1996/07/30
[96/07/30]
- 1.2.12: National Union of Farmworkers 1996/08/01
[96/08/01]
- 1.2.13: Joint comment of Association for Rural Development and Natal Agricultural Union 1996/09/14
[96/09/14]
- 1.2.14: National Land Committee: Position paper 1996/11/20
[96/11/20]
- 1.2.15: Department of Land Affairs Provincial Office: Gauteng 1996/09
[1996]
- 1.3: Main policy inputs:1996 - 1997
[1996 - 1997]
 - 1.3.1: Land and Agricultural Policy Centre 1996/10/25
[96/10/25]
 - 1.3.2: Proposed redrafted framework: D. Bosch 1997/01/07
[97/01/07]
 - 1.3.3: Minister of Land Affairs 1997/01/07
[97/01/07]
 - 1.3.4: Agenda for meeting with Derek Hanekom 1997/01/07
[97/01/07]
 - 1.3.5: Additional comment: D. Bosch 1997/01/14
[97/01/14]
 - 1.3.6: Note: 'Concurrent jurisdiction by CCMA' 1997/01/16
[97/01/16]
 - 1.3.7: Comment of state law advisor (Afrikaans) 1997/05/27
[97/05/27]
 - 1.3.8: Response to comments raised by state law advisors 1997/05/28
[97/05/28]
 - 1.3.9: Media statement by the Minister for Land Affairs and Agriculture, Derek Hanekom, on the occasion of the gazetting of ESTA 1997/11/28
[97/11/28]
 - 1.3.10: Press statement on the implementation of ESTA by the Director-General of Land Affairs, Geoff Budlender 1997/11/28
[97/11/28]



AL2934 - The Dawie Bosch Collection

- 1.3.11: Invitation to all media to press conference by Minister of Land Affairs and Agriculture, Derek Hanekom
1997/11/27
[97/11/27]
- 1.4: Public submissions from organised agriculture and responses from the National Land Committee et al
- 1.4.1: J.F.le Roux Boerdery (Edms) Bpk (Afrikaans) 19 Februarie 1997
[19 Feb]
- 1.4.2: Land And Agriculture Policy Centre 1997/02/10
[97/02/10]
- 1.4.3: Garlicke and Bousfield Inc. 1997/02/17
[97/02/17]
- 1.4.4: Chamber of Mines of South Africa 1997/02/14
[97/02/14]
- 1.4.5: Bell, Dewar and Hall 1997/02/11
[97/02/11]
- 1.4.6: Distillers Korporasie Beperk (Afrikaans) 14 Februarie 1997
[14 Feb]
- 1.4.7: Human Resources Committee for the Deciduous Fruit Industry 1997/02/14
[97/02/14]
- 1.4.8: Waldo van Essen 1997/02/11
[97/02/11]
- 1.4.9: Council of South African Banks 1997/02/11
[97/02/11]
- 1.4.10: SA Wattle Growers' Union 1997/02/20
[97/02/20]
- 1.4.11: Southern African Timber Growers Association 1997/02/19
[97/02/19]
- 1.4.12: Gauteng Legislature. Meeting with DLA 1997/01/29
[97/01/29]
- 1.4.13: De Beer and Meyer 1997/02/24
[97/02/24]
- 1.4.14: Eviction notice pending ESTA legislation 1997/02/06
[97/02/06]
- 1.4.15: Trans Hex Groep Beperk (Afrikaans) 19 Februarie 1997
[19 Feb]
- 1.4.16: Memorandum: Deeds Registry 1997/02/14
[97/02/14]
- 1.4.17: Forest Owners Association 1997/02/13
[97/02/13]
- 1.4.18: Oak Valley Estates 1996/09/02
[96/09/02]
- 1.4.19: Forest Industries Association 1997/02/27
[97/02/27]
- 1.4.20: Handwritten notes taken at meeting with Chamber of Mines 1997/02/28
[97/02/28]
- 1.4.21: Minutes of briefing session for Provincial Directors 1997/01/16
[97/01/16]



AL2934 - The Dawie Bosch Collection

- 1.4.22: National Maize Producers' Organization 1997/02/27
[97/02/27]
- 1.4.23: Council of South African Banks 1997/03/04
[97/03/04]
- 1.4.24: Agriculture Western Cape 1997/02/28
[97/02/28]
- 1.4.25: Department of Labour 1997/03/07
[97/03/07]
- 1.4.26: Chamber of Mines of South Africa 1997/03/18
[97/03/18]
- 1.4.27: Memorandum on meeting between SAAU representatives and Messrs Geoff Budlender and Dawie Bosch from Land Affairs 1997/03/05
[97/03/05]
- 1.4.28: Ministry of Agriculture, Planning and Tourism: Province of the Western Cape 1997/02/14
[97/02/14]
- 1.4.29: Business South Africa 1997/03/07
[97/03/07]
- 1.4.30: SAAU: 2 submissions in Afrikaans and English 1997/03/17
[97/03/17]
- 1.4.31: Memorandum: Ex parte Tongaat-Hulett Properties Limited 1977/03/12
[77/03/12]
- 1.4.32: Comments on ESTA following consultations with representatives of NGOs 1997/03/06
[97/03/06]
- 1.4.33: Jan Truter 1997/04/03
[97/04/03]
- 1.4.34: Centre for Rural Legal Studies 1997/04/02
[97/04/02]
- 1.4.35: Department of Housing and Land Affairs: Gauteng Province 1997/04/04
[97/04/04]
- 1.4.36: Correspondence re: ESTA between Department of Land Affairs and Department of Labour 1997/04
[1997]
- 1.4.37: Department of Housing 1997/04/11
[97/04/11]
- 1.4.38: Correspondence re: proposed amendments to the Prevention of Illegal Squatting Act 1997/04
[1997]
- 1.4.39: Suid-Afrikaanse Landbou-Unie (Afrikaans): Press release re: ESTA 19 Junie 1997
[19 Jun]
- 1.4.40: Theunis Roux: Institute of Development and Labour Law 1997/04/29
[97/04/29]
- 1.4.41: National Land Committee 1997/05/16
[97/05/16]
- 1.5: Summary of public submissions on ESTA, summary of key issues and comparison of amendments submitted to Parliamentary Portfolio Committee on Land Affairs
 - 1.5.1: List of submissions received; summary 1997/08/08
[97/08/08]
 - 1.5.2: Council of South African Banks 1997/07/22



AL2934 - The Dawie Bosch Collection

- [97/07/22]
- 1.5.3: South African Agricultural Union 1997/07/23
[97/07/23]
- 1.5.4: Southern African Poultry Union 1997/07/25
[97/07/25]
- 1.5.5: Chamber of Mines of South Africa 1997/07/25
[97/07/25]
- 1.5.6: Land and Agricultural Policy Centre 1997/08
[1997]
- 1.5.7: Centre for Applied Legal Studies, University of the Witwatersrand 1997/07/31
[97/07/31]
- 1.5.8: Land, Housing and Development Unit (LHDU) of the Legal Resources Centre 1997/08/01
[97/08/01]
- 1.5.9: Legal Resources Centre 1997/08/01
[97/08/01]
- 1.5.10: Legal Education Action Project Date not visible
- 1.5.11: Surplus People Project 1997/07/31
[97/07/31]
- 1.5.12: Centre for Rural Legal Studies 1997/08/01
[97/08/01]
- 1.5.13: Nkuzi Land and Development
- 1.5.14: National Land Committee 1997/08/01
[97/08/01]
- 1.5.15: Free State Rural Committee 1997/08/01
[97/08/01]
- 1.5.16: Chamber of Mines of South Africa 1997/08/02
[97/08/02]
- 1.5.17: Aliwal North Legal and Community Advice Centre 1997/07/3
[1997]
- 1.5.18: Cape Bar Council 16 July 1997
[16 July 1997]
- 1.5.19: Submissions from 9 August 1997- 1997/08/11
[1997- 1997]
- 1.6: Drafts of Extension of Security Tenure Bill 14 ? 19 /08/1997
[1997]
- 1.6.1: Draft 2
- 1.6.2: Draft 6 1997/11/18
[97/11/18]
- 1.6.3: Draft 9 1997/01/16
[97/01/16]
- 1.6.4: Draft 11 to 10 March 1997
[10 March 1997]
- 1.6.5: Draft 15 to 19 March 1997
[19 March 1997]
- 1.6.6: Draft 18 (submission to state lawyers) to 14 April 1997
[14 April 1997]



AL2934 - The Dawie Bosch Collection

- 1.6.7: Draft 20 (tabled in Parliament) 1997/05/12
[97/05/12]
- 1.7: Amendments agreed to the Extension of Security of Tenure Bill
 - 1.7.1: Amendment agreed by the National COP Portfolio Committee
 - 1.7.2: Amendments 1997/10/22
[97/10/22]
 - 1.7.3: Proposed technical amendments by the Department of Land Affairs no date
 - 1.7.4: Geoff Budlender 1997/08/20
[97/08/20]
 - 1.7.5: Amended EST Bill 1997/08/18
[97/08/18]
 - 1.7.6: Extension of Security of Tenure Bill (as introduced)
 - 1.7.7: General Notice (Notice 285 of 1997) in Government Gazette of Extension of Security of Tenure Bill
1997/02/04
[97/02/04]
- 1.8: Prevention of Unlawful (Eviction) and Occupation of Land Bill (PUEOL)
 - 1.8.1: Comments on PUEOL
 - 1.8.1.1: Memorandum with regard to PUEOL
 - 1.8.1.2: From: Department of Housing No date
 - 1.8.1.3: From: Department of Land Affairs 1997/07/22
[97/07/22]
 - 1.8.1.4: From: Voice of Commercial Property 1997/07/22
[97/07/22]
 - 1.8.1.5: From: Legal Resources Centre. Land, Housing and Development Unit 1997/10/01
[97/10/01]
 - 1.8.1.6: From: Department of Land Affairs 1997/10/08
[97/10/08]
 - 1.8.1.7: From: Department of Land Affairs No date
 - 1.8.1.8: From: Legal Resources Centre 1997/07/01
[97/07/01]
 - 1.8.1.9: SAAU's comments on PUEOL 1997/10/14
[97/10/14]
 - 1.8.1.10: From: D Bosch 1997/10/16
[97/10/16]
 - 1.8.1.11: Additional comments: Legal Resources Centre 1997/10/16
[97/10/16]
 - 1.8.1.12: Joint submission of the USN/NLC/People's Dialogue on Land Shelter on PUEOL 1997/10/20
[97/10/20]
 - 1.8.1.13: From: Council of SA Banks 1997/10/20
[97/10/20]
 - 1.8.2: Drafts of PUEOL
 - 1.8.2.1: Draft of Gauteng Illegal Disposal and Occupation of Land Bill
 - 1.8.2.2: Draft of PUEOL of 17 June 1997 No date
[17 June 1997]
 - 1.8.2.3: Draft of PUEOL of 10 July 1997 1997/06/17
[1997 1997]



AL2934 - The Dawie Bosch Collection

- 1.8.2.4: Redraft of PUEOL by Department of Housing 1997/07/10
[97/07/10]
- 1.8.2.5: Draft of PUEOL 1997/10/27
[97/10/27]
- 1.8.2.6: PUEOL as introduced in Parliament 1998/01/30
[98/01/30]
- 1.8.3: Newspaper clippings regarding PUEOL no date
 - 1.8.3.1: Side 1: N/E FREE STATE ADV (Afrikaans) 1998/04/09
[98/04/09]
Side 2: *VREDE EXPRESS (Afrikaans) 27 Maart 1998*
 - 1.8.3.2: Side 1: NORTHGLEN NEWS 1998/04/17
[98/04/17]
Side 2: *CAPE TIMES 1998/04/30*
 - 1.8.3.3: Side 1: RAPPORT (Afrikaans) 10 Mei 1998
[1998]
Side 2: *ECHO (Afrikaans) 1998/04/24*
- 2: Makuleke claim for restitution of land rights
 - 2.1: Documentation relevant to the claim
 - 2.1.1: Documents for facilitation/mediation in respect of Makuleke claim for restitution of land rights 1995 - 1996
[1995 - 1996]
 - 2.1.2: Feasibility input from the National Parks Board to the Minister of Land Affairs: Makuleke Land Claim 1997/09/18
[97/09/18]
 - 2.1.3: Interim report on the Makuleke Land Claim: Rights Enquiry 1997/11/24
[97/11/24]
 - 2.1.4: Process of Makuleke claimants' registration as Communal Property Association (CPA) in terms of Communal Property Associations Act (No. 28 of 1996) 24 February - 12 May 1998
[24 February - 12 May 1998]
 - 2.2: Drafts of Agreement between Makuleke Communal Property and South African National Parks Board; Minister of Environmental Affairs and Tourism; Minister of Public Works; Minister of Land affairs; Minister of Agriculture; Minister of Defence and Member of the Executive Council for Agriculture, Land and Environment: Northern Province
 - 2.2.1: Draft 1
 - 2.2.2: Draft 1.2 1998/03/13
[98/03/13]
 - 2.2.3: Draft 1.3 1998/03/19
[98/03/19]
 - 2.2.4: Draft 1.4 1998/03/20
[98/03/20]
 - 2.2.5: Draft 2 (showing changes) 1998/03/22
[98/03/22]
 - 2.2.6: Draft 2 (circulated to all) 1998/03/24
[98/03/24]
 - 2.2.7: Draft 2.1 1998/03/24
[98/03/24]
 - 2.2.8: Draft 2.2 1998/03/30



AL2934 - The Dawie Bosch Collection

- [98/03/30]
- 2.2.9: Proposals by Denys Reitz 1998/03/30
[98/03/30]
- 2.2.10: Draft 3.0 1998/04/03
[98/04/03]
- 2.2.11: Draft 3.01 1998/04/17
[98/04/17]
- 2.2.12: Draft 3 (version showing changes made since 23.3.1998) 1998/04/22
[98/04/22]
- 2.2.13: Draft 4 1998/04/23
[98/04/23]
- 2.2.14: Draft 5 1998/05/08
[98/05/08]
- 2.2.15: Draft 5.01 1998/05/11
[98/05/11]
- 2.2.16: Draft 5.2 1998/05/11
[98/05/11]
- 2.2.17: Draft 6 1998/05/15
[98/05/15]
- 2.2.18: Draft 6.01 1998/05/27
[98/05/27]
- 3: Miscellaneous
- 3.1: Cabinet memorandum (unnumbered): Extension of Security of Tenure Bill, 1997
[1997]
- 3.2: The Regulation of Landlord Tenant Relations. Draft discussion document
- 3.3: Discussion paper: 'International law and the right to protection against forced evictions'. 1996/09
[1996]
- 3.4: Discussion of case of Beyers and Others vs. Mlanjeni and Others with regard to the Prevention of Illegal Squatting Act of 1951 (No. 52 of 1951) 1997/02/28
[97/02/28]
- 3.5: Restitution of Land Rights Act (No. 22 of 1994) 1990/09/19
[90/09/19]
- 3.6: Land Reform (Labour Tenants) Act (No. 3 of 1996) 1994/11/25
[94/11/25]
- 3.7: Extension of Security of Tenure Act (No. 62 of 1997) 1996/03/22
[96/03/22]
- 3.8: Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (No. 19 of 1998) 1998/12/18
[98/12/18]
- 3.9: Vrae en Antwoorde oor die wetsontwerp ESTA (Afrikaans) 1998/06/05
[98/06/05]
- 3.10: Cases of eviction in the Free State 1997/07/18
[97/07/18]
- 4: Responses to announcement of Tri-Cameral Parliament
- 4.1: Lever arch file containing press clippings, pamphlets of, and notes taken during meetings in, the wake of the anti-Tri-Cameral Parliament campaign of the United Democratic Front (UDF) (Main focus: Stellenbosch) 1983 - 1984



AL2934 - The Dawie Bosch Collection

[1983 - 1984]