UMNYANGO WEZOKUTHUTHUKISWA KOMHLABA KANYE NOKUSHINTSHWA KOMHLABA

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1. ISINGENISO

Isinqumo seNgqungquthela Kazwelonke yama-42 ye-ANC (December 27) ngoguquko kwezolimo, uguquko kwezomhlaba kanye nokuthuthukiswa kwezindawo zasemakhaya saqinisekisa ukwazi kabanzi kwe-ANC kanye nokuzwela kakhulu ekubalulekeni komhlaba (indaba yomhlaba) njengento eyisisekelo esixazululweni sobuhlanga, ubulili kanye nezimpikiswano zekilasi eNingizimu Afrika. Ukuzimela kukazwelonke kuchazwa ngokomhlaba. Ngisho nangale kokuthi kufakwe emthethweni omkhulu kazwelonke, Umthethosisekelo, umhlaba impahla kazwelonke. Kulapho okufanele kuqale khona inkulumo-mpikiswano ngoguquko kwezolimo, uguquko kwezomhlaba kanye nokuthuthukiswa kwezindawo zasemakhaya ngendlela efanele. Ngaphandle kwalesi siqalo esiyisisekelo, ukukhuluma okuyimpumelelo ngokushintshwa komhlaba kanye nobukhosi kwezokudla kanye nokuvikeleka akubalulekile! Kufanele, futhi kufanele siluveze ngokuyisisekelo uhlelo lobunikazi bomhlaba lwamanje ngalesi sikhathi sohlaka lwesikhathi saphakathi nendawo i-Medium Term Strategic Framework (MTSF). Lokhu sizokwenza ngokuhlala sibandakanya bonke abantu baseNingizimu Afrika, ukuze siqhamuke nohlelo lobunikazi bomhlaba oluzokwanelisa izifiso zabaningi, uma kungesibo bonke, abantu baseNingizimu Afrika, akukhathalekile ukuthi bangababuphi ubuhlanga, ubulili kanye nekilasi.

Isu loMnyango Wezokuthuthukiswa Kwezindawo Zasemakhaya kanye Nezinguquko Kwezomhlaba, ngokufanele, ‘Uguquko Kwezolimo’ - ‘elihunyushwa njengoguquko olusheshayo noluyisisekelo ebudlelwaneni (izinhlelo namaphethini obunikazi nokulawula) komhlaba, imfuyo, ukutshala kanye nomphakathi,’ Inhloso yesu ‘ukuhlanganisa umphakathi kanye nentuthuko.’ Yonke imizabalazo elwisana nokuphathwa ngamanye amazwe ibalulekile ngezinto ezimbili: ukunikeza kabusha ubunikazi bomhlaba owalahleka ngenxa yempoqo noma yenkohliso; kanye nokulondoloza ukubaluleka kwesiko lendabuko.

Yingakho nje ababusi abavela kwamanye amazwe babehlose umhlaba ukucindezela izizwe ezinqotshiwe, ukubaguqula izikhonzi kanye nezigqila. Okwakuhlosiwe okulandelayo kwakuyimikhuba yesiko labantu, ikakhulukazi amasiko afanayo kubo bonke, okwakusebenza njengento exhume ndawonye imiphakathi enamasiko amaningi ukuthi abe ngumphakathi owodwa ohlangene, nangale kwamasiko ahlukene. **Ubuntu** noma ukubumbana kwabantu kuyisiko lawo wonke umuntu emiphakathini yase-Afrika. Kuyindlela jikelele yokuphila kwabantu base-Afrika (cabanga ngalezi zisho ezimbili zesiXhosa zobuntu; (i) Nongenankomo uyawadla amasi; (ii) inkomo yenqoma, yintsengw’ ibhekwa), okuxhumene nomhlaba ngokubalulekile. Nanoma yimuphi umzamo wokubuyisela ubuntu ngaphandle kokuhambisana nokubuyisela umhlaba kuyoba yize. Umhlaba uyizindlela ezibalulekile kubuntu, isiphetho!

Ngakho-ke, ngokuyisisekelo, ukubumbana komphakathi, njengentuthuko, kuwumsebenzi oqonde ngqo wokufinyelela emhlabeni nobunikazi - umgomo oyisisekelo, noma isidingo, ukusebenza kobuntu emphakathini wendabuko wase-Afrika. Akusikho nje ngenxa yokuthembeka ezimpawini zikazwelonke, isb. Iculo Lesizwe kanye neFulegi, kubaluleke njengoba kubalulekile nje esimeni samanje sezwe. Kuyingxenye yokuzisho kwabantu bona uqobo, ngokwabo bezisholo bona uqobo. Kuyindlela yokuphila, ngokubalulekile exhumene nomhlaba, uma walela abantu base-Afrika (incazelo ebandakanya ama-San namaKhoi)

ukufinyelela kanye/noma ubunikazi bomhlaba, njengoba bekunjalo ngaphansi kwakho kokubili ukuphathwa ngamanye amazwe kanye noBandlululo eNingizimu Afrika, usibulale ngempumelelo isisekelo sobukhona babo.

Emiphakathini yasemakhaya ubudlelwano bemiphakathi bujule kakhulu njengoba buba ngumlando futhi buba phakathi kwezizukulwane. Bubilini (ngokuya emaceleni nokuya phansi ngobukhulu), uphawu olunamandla lobuntu, indlela yokuphila ebandakanyekayo ngokwemvelo, ethuthukiswayo futhi ivalwe ngezikhathi okushiyelwane ngazo ezinzima nezinhle. Ukuphathwa kwamanye amazwe kanye noBandlululo kwakufuna, ngazo zonke izindlela ukucekela phansi lokhu kubumbana phakathi kwabantu bamasiko ahlukene, kodwa kunomphakathi ofanayo. Kuzo zonke lezo zindlela ezasetshenziswa, Umthetho Womhlaba Wabantu Abamnyama nombolo 27 ka-1913; kanye nohlelo lokuyosebenza kude nasekhaya yikhona okwabanga ukucekela phansi okukhulu kakhulu emiphakathini yasemakhaya yabantu base-Afrika, ngokubukela phansi kakhulu izimpawu ezinhle zoBuntu, njengoba balahlekelwa ukubusho okuyisisekelo - ukukwazi ukunikeza/*izinwe* - okwashabalala nokulahleka komhlaba wabo. Ababange besakwazi ukukhiqiza ukudla okwanele kokuzondla bona uqobo njengemindeni, futhi abakwazanga ukugcina imfuyo. Kwakufanele baphile ngokungenele noma ngemiholo yezigqila, okwakungakwazi nokuhlangabezana nezidingo zomndeni wabo, singasakhulumi ngokuphana nokuhlala babelana nomakhelwane. Ukuphathwa amanye amazwe kanye noBandlululo kwabahlukumeza abantu base-Afrika, kwabavalela endlaleni eqhubekayo nokweswela, kanye nezifo ezihambisana nakho kanye nokuhlupheka kwemiphakathi kanye nomonakalo. Ukuthuthukiswa kwezindawo ezisemakhaya: uguquko kwezolimo nokushintshwa komhlaba kufanele kube yinto enkulu enhlosweni kahulumeni we-ANC ukubuyisela lesi simo emuva. Kwathatha amakhulunyaka ukukufaka kubantu abamnyama futhi kuzothatha isikhathi eside ukukulungisa, kodwa kufanele kwenziwe. Leli banga elide liqala ngokwenziwa kohlelo lobunikazi bomhlaba olusha oluyiqiniso kodwa oluyisisekelo

olushintshiwe lwezwe. Ukungenzi kanjalo kuzoqhubela phambili ukuhlukana kwamanje komphakathi kanye nomnotho kanye nokungathuthuki kahle.

Intuthuko kanye nomphumela wayo; ukungathuthuki kahle, njengemiphumela, umsebenzi wokhetho oluthize lwezepolitiki kanye nezinqumo, kanjalo nemisebenzi yokuphatha ethize, izinhlelo, izinqubo kanye nezikhungo. Okuchazwe kulesi simo, ukuthuthuka kusho 'inqubekela phambili yomphakathi, isiko kanye nomnotho okulethwe ukhetho oluthize lwezepolitiki kanye nezinqumo ezabonakala ngemisebenzi ethize yokuphatha, yezinqubo kanye nezikhungo'. Ngakho-ke, izindlela ezibalulekile zokukala intuthuko, nezemiphakathi, ezepolitiki, ezokuphatha, amasiko, okwesikhungo kanye nomnotho. Kuya ngohlobo lokhetho lwezepolitiki olwenziwe kanye nezinqumo ezithathiwe, kanye nemisebenzi yokuphatha, izinhlelo, izinqubo kanye nezikhungo ezakhiwe ukulandela lolo khetho kanye nezinqumo, kuyoba nenqubekela phambili yomphakathi (intuthuko) noma ukuma ndawonye (ukungathuthuki kahle). Kafushane, kuncike okhethweni lwezepolitiki kanye nezinqumo siyenza futhi sithathe manje, kanye nohlobo lwemisebenzi yokuphatha kanye nezikhungo esizakhayo ukulandela lolu khetho kanye nezinqumo, kungenzeka silethe ubumbano lomphakathi olufunekayo kanye nentuthuko noma siyoqhubela phambili ukuhlukana kwamanje komphakathi wokuphathwa ngamanye amazwe nobandlululo kanye nomnotho nokungathuthuki kahle.

Ukucacisa, izinkomba 'zentuthuko' kuleli Phepha Lokuqoqa Imibono Eliwuhlaka 'ukukhula okushiyelwanayo nenqubekela phambili, umsebenzi ophelele, ukulingana kwemali engenayo kanye nenqubekela phambili yamasiko', kanti lokho 'kokungathuthuki kahle' ubuphofu, ukungasebenzi, ukungalingani ngemali engenayo, kanye nokubuyela emuva ngokwamasiko. Ngakho-ke, kwethuliwe lapha ukuthi lezi zinsika eziphikisanayo zenhlalo emphakathini kanye nomnotho, intuthuko nokungathuthuki, kuwumsebenzi oqonde ngqo wokhetho oluthize lwezepolitiki kanye nezinqumo kanjalo nemikhuba ethize yokuphatha kanye nezikhungo, izinhlelo kanye nezinqubo. Akusiwo umkhiqizo wananoma yiluphi

ukhetho lwezepolitiki noma isinqumo, noma nanoma yimuphi umsebenzi wokuphatha, uhlelo, inqubo noma isikhungo. Uma kunento enhle nanoma iyiphi eyavela obandlululweni, (a) isibindi kwezepolitiki kanye nesifiso sokwenza ukhetho olunzima kanye nezinqumo, kanye (b) ukuzinikela kwezigaba zokuphatha, intshisekelo kanye nodlame ekulandeleni lolo khetho lwezepolitiki kanye nezinqumo. Sikululo bishi esikulo namhlanje ngenxa yalezi zimpawu ezimbili - **isibindi kwezepolitiki kanye nesifiso sokwenza ukhetho olunzima nezinqumo, kanye nokuzinikela kwabaphathi ngokulandelana kwezikhundla zabo, intshisekelo kanye nodlame ekulandeleni lolo khetho lwezepolitiki kanye nezinqumo.** Siyakudinga ukuthi sikwazi ukutakula izwe kulolu bishi.

Ubandlululo lwaluwumphumela wokhetho oluthize kanye nezinqumo ezasetshenziswa ngokusebenzisa izinqubo zokucindezela nemithetho, eyayakhiwe ngokucophelela ukuze kuzuzwe isethi yomphumela. Cabanga ngephaseji elilandelayo elivela ku-Maurice Evans, ngokuncipha komhlaba eNatali kubantu abamnyama maqondana nalokhu:

“Lokhu kuzosho ama-ekha aphakathi endawo ayi-156 inhloko ngayinye yabantu baseYurophu, kanye nama-ekha ayi-6.8 lomuntu wendabuko ngamunye, kanti umhlaba ozowela ezindaweni zabaseYurophu ngamunye ziphile unomphelo, zinothe kakhulu, futhi zonke zithandeke, kakhudlwana, mhlawumbe kunezindawo ezikhona noma izindawo ezinconyiwe yi-Beaumont Commission”.(M.Lacey: Working for Boroko, 1981)

Lolu kwakuwudaba oluhlukile. Kwakuyindaba yaseNingizimu Afrika ekwehliseni okuhleliwe isithunzi nokwenza abantu base-Afrika ukuthi babe mpofu (ama-Afrika abandakanya ama-San nama-Khoi) kanye nezizukulwane zabo). Umzamo wethu wokuletha izindlela zokulungisa ezidingekayo ukunciphisa intukuthelo, ubumuncu nobuhlungu balabo ababengaphansi kwalokhu kuphathwa ngesihluku kufanele uhlanganise. Ikhomishini Yamaqiniso Nokubuyisana (TRC) ikhombise ngokwanele amandla kanye nokufisa kwezepolitiki kwabantu abamnyama,

jikelele, kanye neningi lama-Afrika, ikakhuluzi, ukuthi baxolele. KODWA, lokhu kwenza okuhle akufanele kuthathelwe phansi, ngoba akusiyona impahla yomphakathi engapheli. Yimpahla okufanele sisebenzisane kuyo ndawonye ukwakha ikusasa elihlanganyelwe. Lona ngumoya waleli Phepha Lokuqoqa Imibono.

2. Isitatimende Senkinga

2.1 Isidingo sokugxilisa *ukuzazi kukazwelonke, ubuzwe obuhlanganyelwe kanye nokulethwa kwezinsizakalo okuphoqelela ukuzimela* yizizathu ezinkulu zokuthi kungani Uhulumeni kufanele aqhubeke nokutshala izimali ekuguquleni ubudlelwano bomhlaba (izinhlelo namaphethini okulawula umhlaba kanye nobunikazi) ezweni lethu.

2.2 Inhloso ngemuva kokutshala izimali kukahulumeni, kanye nokufuneka okuqhubekayo, komhlaba eNingizimu Afrika kufanele kutholakale esendlalelweni sezomlando ochazwe ngezinye izifundiswa njengokuthi "*ukunqwabelana kokwephucwa."*

2.3 Isakhiwo somnotho saseNingizimu Afrika samanje, ngenxa yalolu hlelo lomlando kanye nokwenzeka, sikhiqize, futhi sisaqhubeka nokukhiqiza, izinto ezihlanganisa ukubukela phansi ukwakhiwa kwezimo ezifanele ukuphoqolela ukubumbana komphakathi kanye nentuthuko phakathi kwabantu ababephucwe umhlaba wabo ngokomlando.

3. Umbono Wokushintshwa Komhlaba

3.1 *Uhlelo lobunikazi bomhlaba* oluhlelwe kabusha olulodwa, oluqinisekisa ukuthi bonke abantu baseNingizimu Afrika, ikakhulukazi abantu abamnyama abahlala ezindaweni zasemakhaya, banokufinyelela okukahle *emhlabeni namalungelo avikelekile,* ukuze bafeze izidingo zabo eziyisisekelo zezindlu kanye nezimpilo ezikhiqizayo.

3.2 *Amalungelo empahla achazwe ngokucacile,* anakekelwa uhlelo oluqotho, olunobulungiswa, noluphendulayo lokuphathwa komhlaba ngaphakathi komthetho osebenza ngempumelelo kanye nohlelo ‘lokubusa’.

3.3 *Izimo ezivikelekile zesikhathi eside zobunikazi bomhlaba wokuhlala obandandakanya abangesizo izakhamuzi ababandakanyeka ekutshalweni kwezimali okufanele* othuthukisa ubukhona bokudla nokuvikeleka kokuphila kanye nokuthuthukiswa kwemboni yezolimo eyenziwe ngcono.

3.4 *Ukusetshenziswa komhlaba ngempumelelo kanye nezinhlelo zokulawula* ezikhuthaza ukusetshenziswa komhlaba kakhulu kuzo zonke izindawo nezingxenye; futhi kuphathwe ngempumelelo imihlaba yasemakhaya neyasemadolobheni kanye nezinhlelo zokukhiqiza emakhaya eziqhubekayo.

4. Imigomo Yokushintshwa Komhlaba Ebalulekile

41. Imigomo eyeseka ukushintshwa komhlaba iminxa mithathu:

(a) ukuqeda ubuhlanga emnothweni wasezindaweni zasemakhaya;

(b) ukwabiwa komhlaba ngokombuso wentando yeningi nangobulungiswa kanye nokusetshenziswa yizo zonke izinhlanga, ubulili kanye nekilasi; kanye

(c) umkhakha wokukhiqizwa kokudla oqhubekayo wokuvikeleka kokudla

4.2 Inhloso yesikhathi eside yokuguqulwa komhlaba ekubumbaneni komphakathi nentuthuko. Kulo mbhalo, umqondo wegama ‘**intuthuko’** libhekise ekukhuleni okushiyelwanayo nenqubekela phambili, ukulingana kwemali engenayo kahle, umsebenzi ogcwele kanye nenqubekela phambili yamasiko. ‘**Ukungathuthuki kahle** olunye uhlangothi lwalokhu okujwayelekile - ubumpofu, ukungalingani kwemali engenayo uma

iqhathaniswa, ukungabi bikho komsebenzi kanye nokusalela emuva kwamasiko.

5. Izinselele Zamanje kanye Nobuthakathaka: Inhloso Yoguquko

(a) Isu lokuthola umhlaba /indlela yomthengi ofuna ukuthenga/umthengisi ofuna ukuthengisa (imakethe yomhlaba eyonakele);
(b) uhlelo lokweseka abazuzimali olungahlangene;
(c) ukukhetha abazuzimali kokuthi kunikezelwe ngomhlaba;
(d) ukuphathwa komhlaba/ukubusa, ikakhulukazi ezindaweni okuhlalwa kuzo ndawonye;
(e) ukuhlangabezana ne-30% yokuhambisa futhi okuhlosiwe ngo-2014;
(f) ukwehla komnikelo wezolimo ku- GDP;
(g) ukukhula okungenazwelo ekungabini bikho komsebenzi ezindaweni zasemakhaya; kanye,
(h) nendlela yokubuyisela umhlaba kanye nohlelo lwayo lokusiza (izikhungo zezindawo okuhlalwa kuzo ngokuhlanganyela kanye nokuphatha)

6. Umgudu Owenziwe Ngcono Wokushintshwa Komhlaba

6.1 Ukukusho lokhu kwenziwa ngcono okwenziwe ngcono kokushintshwa komhlaba, isethi yeziphakamiso seyiqhubeke kakhulu, ezama:

(a) ukwenza ngcono okwedlule kanye nemibono yokushintshwa komhlaba yamanje, ngaphandle kokuphazamisa ukukhiqiza kwezolimo kakhulu kanye nokuvikeleka kokudla; kanye,
(b) nokugwema noma ukunciphisa ukwabiwa futhi komhlaba kanye nokubuyiselwa komhlaba okungenzi ukuphila okuqhubekayo, umsebenzi kanye nemali engenayo.

6.2 Lo mgudu wesekwa yizinhlelo kanye nezikhungo ezilandelayo:

(a) uhlelo lokuthengiswa kwezingxenye ezithile kanye nentuthuko;
(b) uhlelo lobunikazi bomhlaba olulodwa nezingxenye ezine;
(c) Ikhomishini Yokuphathwa Komhlaba;
(d) Umkalinani-Jikelele Lomhlaba;
(e) Ibhodi Yokuphathwa Kwamalungelo Omhlaba, namakomiti okuphathwa kwendawo;
(f) izikhungo zempahla ejwayelekile ezihlelwe zaqondaniswa kahle (ama-CPI); kanye,
(g) Nomthethosivivinywa Wokuvikeleka Kobunikazi Bomhlaba (Land Tenure Security Bill), 2010, okuyingxenye ebalulekile yoHlelo Lokushintshwa Komhlaba, kodwa luphathwa ngokuhluka kulo.

6.3 Uhlelo Lokuthengiswa Kwezingxenye Ezithile kanye Nentuthuko. Inhloso yalolu Hlelo ukuqinisekisa ukuthi onke amapulazi okushintshwa komhlaba akhiqiza ngokungama-100%. Kugxilwe kuwo wonke amapulazi okushintshwa komhlaba atholakala ngokusebenzisa izimali zikahulumeni kusukela ngonyaka ka-1994, kanjalo namapulazi amancane abambisile atholakala ngasese, kodwa abanikazi bawo bengasenazindlela zokuwagcina ekhiqiza. Isu elibalulekile oHlelweni ukubambisana nabalimi abahwebayo ngokwabelana ngezingozi.

6.4 Uhlaka lobunikazi lomhlaba olulodwa lukhishiwe, luhlanganisa izindlela zamanje eziningi zobunikazi bomhlaba - obuhlanganyelwe, bukahulumeni, bomphakathi kanye nobangasese bube **uhlelo lobunikazi obunezingxenye ezi-4 obubodwa:**

(a) Umhlaba kaHulumeni nowomphakathi: Kuba nelisi;
(b) Umhlaba okungowomuntu ozimele: Uziphathele ngokukhululeka, nobukhulu obunomkhawulo;
(c) Umhlaba Okungowabantu Bamazwe angaphandle: Baziphathele ngokukhululeka, kodwa Ubunikazi Obungenasiqiniseko, obunezibopho nemibandela okufanele kuhanjiswane nayo; kanye,
(d) Nomhlaba onobunikazi obuhlanganyelwe: Ubunikazi obuhlanganyelwe, nokusetshenziswa kwamalungelo okungewanhlangano.

Ubunikazi Bomhlaba Obuhlanganyelwe (Ingxenye yesi-4), ngenxa (a) yenkinga yabo (kudinga ukubonisana okunzulu kanye nokuhambisana nomthethosisekelo) kanye, (b) ukuqedwa okusandakwenzeka koMthetho Wamalungelo Omhlaba ohlanganyelwe (Communal Land Rights Act (CLaRA)) yiNkantolo Yomthethosisekelo, kuzophathwa ekushiwoni kwenqubomgomo eseceleni.

6.5 Ikhomishini Yokuphathwa Komhlaba (Land Management Commission (LMC))

I-LMC izozimela, kodwa ingazimeli geqe ngaphandle koMnyango kaNgqongqoshe woMnyango. Izophendula eMnyangweni kaNgqongqoshe ngokusebenzisa Umnyango; kanye nokuletha imibiko evamile eMnyangweni. Umphathi wezezimali, ophendula kuMsebenzi Wokuphathwa Kwamabhuku Ezimali eMnyangweni, uzophatha ezezimali zeKhomishini. I-LMC izokwakhiwa yibo bonke ababambiqhaza emhlabeni nabantu abaqashwe nguNgqongqoshe ngenxa yamandla abo okwenza umsebenzi akhethekile.

6.5.1 Imisebenzi ye-LMC

(a) Ukweluleka - ikhipha imibono yokweluleka, imibiko yocwaningo kanye neziqondiso ngokuphathwa komhlaba kuyo yonke imibiko ephathelene nomhlaba kanye nezingxenye zikahulumeni.
(b) Ukuxhumanisa - ukuqinisekisa ukuqondaniswa, ukuxhumana ngaphakathi kanye nokubambisana kwezinhlangano zokuphathwa komhlaba ezahlukene, iminyango, imikhakha kanye nezinye izingxenye zikahulumeni.

(c) Ukulawula -ukuphatha isimo esilawulayo esiqinisekisa ukuthi imihlaba iphethwe ngendlela ezovikela ukulingana namagugu.
(d) Ukucwaninga amabhuku - kuqinisekisa inhlonipho yohlu lwezinto zikahulumeni kanye nemihlaba yomphakathi kubandakanya ukuqapha ukusetshenziswa kwayo.
(e) Indawo okuthathelwa kuyo.

6.5.2 Amandla e-LMC

I-LMC izoba namandla:

(a) ukubiza nanoma ubani kanye nanoma iyiphi inhlangano, ezimele noma ekahulumeni, ukuthi ivele ngaphambi kwayo, iphendule nanoma yimuphi umbuzo maqondana nokuphatha kwayo umhlaba noma intshisekelo emhlabeni;
(b) ukubuza ngananoma yimuphi umbuzo womhlaba, ngokuzisukela noma esimeni sabantu abanentshisekelo;
(c) ukufakazisa kanye/noma ukugunyaza umuntu ngamunye noma ubufakazi bamatayitela obuhlanganyelwe;
(d) ukufuna isifungo sananoma yikuphi ukuphathwa komhlaba, nayo yonke imibhalo edingekayo efanele kuleso sifungo;
(e) ukunikeza ukuxolela kanye/noma ukuqalisa ukushushisa, nanoma yikuphi okungaba yikho, ngokubona kwayo; kanye,
(f) nokuphuca kanye nokuthatha umhlaba otholwe ngokukhwabanisa noma ngezindlela zenkohlakalo.

6.6 Umkalinani-Jikelele Womhlaba (Land Valuer-General (LVG))

6.6.1 Isitatimende Senkinga

(a) INingizimu Afrika yeselwe isikhungo esingumsuka esiphelele ezweni jiekelele, esithembekile kanye nesiqoqela ndawonye amanani ezindawo;
(b) ukungabi bikho kohlaka lomthetho lokusho ukuthi kunini lapho ‘inani lezimakethe’ lingelinye lezinto eziguqukayo ekushoni amanani uma kuqhathaniswa nokuba indlela yokukhetha kuphela;
(c) ukuhlonipheka kokunye kokuhlolwa kunemibuzo;
(d) ukungqubuzana kwentshisekelo kanye nokungasebenzi kahle;
(e) ukuhlolwa okungenziwanga ngendlela noma okuphuthunyiwe ukuze kuhlangatshezwane nezinsuku ezibekiwe noma kuhanjiswane nokuhlela; futhi,
(f) indlela yomlando noma umlando okuzenzakalelayo ekuhloleni.

6.6.2 Imisebenzi ebhekene neHhovisi likaMkalinani-Jikelele (Office of the Valuer-General (OVG))

Umkalinani-Jikelele uzoba yihhovisi elisemthethweni elibhekene nalokhu:

(a) ukuhlinzekwa kwamanani omhlaba aqotho nangaguquki okukala

nezinhloso zokukhokhisa intela;

(b) ukusho isinxephezelo sezezimali ezimeni zokudliwa komhlaba, ngaphansi koMthetho Wokudliwa Komhlaba noma nanoma iyiphi enye inqubomgomo kanye nomthetho, ngokuhambisana nomthethosisekelo;

(c) ukuhlinzeka ukuhlolwa kukangcweti kanye nezeluleko eziphathelene nempahla kuhulumeni;

(d) ukubeka imithetho namazinga, kanye nokuqapha ukulethwa kwezinsizakalo;

(e) ukwenza ukuhlaziywa kwezimakethe kanye nokuthengisa;

(f) ukubeka iziqondiso, imithetho kanye namazinga adingekayo ukugunyaza ukuhlonipheka kolwazi oluqoqiwe lokuhlola; kanye,

(g) nokwenza kanye nokunakekela ulwazi lokuhlolwa oluncike olwazini oluqoqiwe.

6.7 Ibhodi Yokuphathwa Kwamalungelo Omhlaba (Land Rights Management Board (LRMB)) kanye namaKomiti Okuphathwa Kwamalungelo Omhlaba (ama-LRMC)

6.7.1 I-LRMB izoba nabameleli bezingxenye eziphethe amalungelo omhlaba kanaye nabantu abaqokwe nguNgqongqoshe ngenxa yolwazi olukhethekile oluyisipesheli kanye namandla okuhlinzeka izinsizakalo eziqeqeshelwe kuBhodi. AmaKomiti Okuphatha Amalungelo Omhlaba, ngakolunye uhlangothi, azoba nabameleli babahlali esimeni sendawo yezindawo zasemakhaya ezithize ngqo noma indawo yokuhlala: abasebenzi basemapulazini kanye neziqashi, abalimi bezohwebo, imikhandlu kamasipala efanele, iminyango kahulumeni njengoMnyango Wezokuthuthukiswa Komhlaba kanye Nokushintshwa Komhlaba, Umnyango Wezokuhlaliswa Kwabantu, kanjalo noPhiko Lwemisebenzi Yamaphoyisa lwaseNingizimu Afrika.

6.7.2 Imisebenzi ye-LRMB

(a) ukutshela abanikazi bamapulazi ngezinguquko zomthetho, abahlali basemapulazini kanye nokungenzeka kube abazuzifa lomhlaba;

(b) ukwakha amandla abasebenzi besikhungo (ngaphakathi nangaphandle kwezikhungo zikahulumeni) ukuthi beluleke futhi basize abaphathi bamalungelo, kanye nokusiza ngokusebenzisa kwabo umthetho ngenkuthalo;

(c) ngokuhlanganyela noNobhala Omkhulu Wamatayitela, ukwenza izinhlelo zokufinyelela kanye nokusebenza kahle zokuqopha nokubhalisa amalungelo omhlaba;

(d) ukukhuthaza ubukhulu bezixazululo zomphakathi ezinkingeni zomphakathi kanye nezimpikiswano;

(e) ukuhlinzeka ukumelelwa komthetho, lapho okudingeka khona, isb. ukukhishwa okungekho emthethweni; kanye,

(f) ukwenza uhlelo lokusiza oluxhunyanisiwe noluhlanganyelwe lukahulumeni, umphakathi wabantu kanye nokuhlanganyela kwengxenye ezimele ezindleleni zentuthuko ezihlanganyelwe ekuhlalisweni kwasezindaweni zasemakhaya.

6.7.3 Amandla e-LRMB

I-LRMB izoba namandla:

(a) okwenza kanye, noma, okuhlakaza amaKomiti Okuphathwa Kwamalungelo Omhlaba Committees (ama-LRMC);
(b) okusho imithetho kanye namazinga ama-LRMC;
(c) ukuthumela ngokunikezela amandla athize kuma-LRMC;
(d) ukuqinisa ukuhambisana nemithetho kanye namazinga, kanjalo nezinqubomgomo zokuphathwa amalungelo omhlaba kanye nemithetho;
(d) ilalela izicelo ezedlulisiwe ngezindaba eziphethwe ama-LRMC;
(e) ukuguqula izinqumo zama-LRMC; kanye,
(f) nokugcizelela inhlonipho yokuqapha amalungelo abanye abahlali.

7. Ukuqhutshwa Kokushintshwa Komhlaba Okuyisu

7.1 Ukushintshwa Komhlaba kubekwe ku-CRDP, kanti kuqiniswe yizinsika ezilandelayo:

(a) uguquko lwezolimo oluxhunyanisiwe noluhlanganyelwe ngokubanzi;
(b) uhlelo lokushintshwa komhlaba olwenziwe ngcono; kanye,
(c) nokutshala izimali okuyisu, isiko, i-ICT kanye nengqalasizinda yomphakathi ukuze kusizakale yonke imiphakathi yasemakhaya.

7.2 Nakuba kuhlukene ngokwedizayini, *ukuthuthikiswa kwezindawo zasemakhaya nokushintshwa komhlaba* kuhlanganiswe kunqubomgomo, ohlolweni nasemazingeni esikhungo ukuqinisekisa ukuhlunyaniswa kokulethwa kwezinsizakalo. Ukulandelela koguquko lwezolimo, ukuxhumana phakathi *kwendaba yomhlaba* kanye *nolimo luvunyiwe* njengesisekelo sokusesha senhloso yomnotho kanye nombono wesakhiwo sezolimo loshintsho lwakamuva Nakuba, ukufuneka komhlaba kungaba ngokokunye ukukhiqiza kodwa okusetshenziselwa okungesilo ulimo.

8. Ulwazi Lokushintshwa Komhlaba Kwenye

Indawo

8.1 e-Eshiya

8.1.1 Shayina

IShayina yafaka uhlelo lokuphatha olunezingqimba ezimbili esikhundleni soHlelo Lokuhlala ndawonye - uhlelo lokubhekana nomsebenzi wenkontileka yomuzi kanye nokunikeza abalimi amalungelo okuziphatha bona uqobo; yangena esikhundleni sokuthengisa wedwa ngaphezu kokuthenga nokumaketha, okuvumela abalimi ilungelo lokushintsha umkhiqizo wepulazi ngokukhululeka; futhi, yaguqula ubunikazi obuhlanganisiwe obubodwa baba ubunikazi obuzimele obuhlukahlukene, lapho umlimi angalahla khona izimpahla.

8.1.2 **Indiya**

Indiya yethula izinguquko ezilandelayo: ilawule ngokushiyelana ngezilimo; yanikeza ukuvikeleka komthetho okulwa nokukhishwa endaweni; yenza Umthetho okungedlulwa kuwo wezomnotho; nokuhlinzeka amaploti asezindlini.

8.2 **I-Latin America**

8.2.1 **I-Brazil**

I-Brazil yaqala ukwaphuca okukhethekile okwenziwe ngesinxephezelo; imindeni enokusebenza yamapulazi aphethwe abantu abancane ethola usizo lukahulumeni, ukusiza imakethe yasekhaya, ngesikhathi amapulazi ezohwebo esikali esikhulu esiza izimakethe ezikhiphela emazweni angaphandle; kanye, namasu aphathelene nezimakethe ezihlanganisiwe ezinezinhlelo zokuphatha umhlaba zendabuko, ngendlela eqondanisayo.

8.2.2 I-**Mexico**

I-Mexico yayinolwazi oluxubile: ukunikezela kuzwelonke ngonyaka ka-1910, ukunikezela kabusha ngonyaka ka-1935; ukuyeka ukuyisa kuzwelonke ngonyaka ka-1946; ukuteleka kwabantukazana ngonyaka ka-1970 kwaholela ekudliweni komhlaba okungowabantu bamazwe angaphandle, okuguqulwa kube ngokuqoqiwe.

8.2.3 I-**Chile**

I-Chile yathatha amapulazi amakhulu ngeminyaka yo-1960, yawaguqula aba ngawomfelandawonye wabantu abampofu kanye nabalimi abancane. Kwaba nokubuyela emuva ngonyaka ka-1974, emva kokubulawa kukaMongameli Allende, ngokuthi kubuye kubuyiselwe amapulazi emindeni engabaholi. Izinguquko ezilawulayo zethulwa ekurentelweni komhlaba kasezingxenyeni ezincane eminyakeni yama-1980.

8.3 **I-Afrika**

Kuzwekazi lase-Afrika ulwazi lwaseGibhithe luhlinzeka ngezifundo ezithokozisayo ngokushintshwa komhlaba. Umthetho waphasiswa ngeminyaka yo-1950, ubeka umkhawulo ebukhulwini ukungeqi kuma-42ha umuntu ngamunye; ubeka imikhawulo kumazinga entela; kanye, nokwenza izikhathi eziphansi zokuqasha.

9. **Izinselele kanye neMingcele**

9.1 Ukuze uhlelo lokushintshwa komhlaba luqhubeke ngokushesha futhi kuphumelele, njengoba kufanele, kufanele kubhekwane nezinselele ezimbalwa kanye nemingcele, bese siyanqoba. **Izinselele ezinkulu yilezi:**

(a) intshisekelo ejulile, kuzo zombili izikhala zokuhweba nezokuhlalisana ndawonye; kanye,

(b) nokuxhuma okubi kanye nokuhlanganisa umzamo kanye nezidingongqangi phakathi kwezikhungo zikahulumeni, naphakathi kwezikhungo zikahulumeni nezingxenye ezizimele; futhi,

(c) ingcindezi enkulu ukungabi bikho kwamandla abasebenzi bezingxenye zikahulumeni ukuthi benze umsebenzi.

9.2 Lezi zinto ezintathu zinengozi eyindida kunanoma yisiphi isixazululo esisebenza ngempumelelo, ubulungiswa kanye nesisheshayo endabeni yomhlaba. Kuzodinga isikhathi kanye nomzamo oqhubekayo oqoqayo, kazwelonke wezepolitiki ukuthi banqobe. Ukuxhumanisa nokuhlanganyela kuzo zonke izingxenye zikahulumeni ezifanele kanye nomphakathi wabantu kuyisikhiye sokuya empumelelweni yokusebenzisa uhlelo lokushintshwa komhlaba oluqhubekayo.

10. Isifingqo Nesiphetho

10.1 Ukungenzi imiphumela yomphakathi, ezomnotho kanye namasiko kwamakhulunyaka okubandlulula kanye nokukhiphela ngaphandle, ngokobuhlanga, ikilasi kanye nobulili kuyothatha isikhathi kanye nomzamo kazwelonke wezepolitiki oqhubekayo.

10.2 Izinselele kanye nezingcindezi ezibe seminyakeni eyishumi nesikhombisa eyedlule, kanye nezifundo ezitholwe kwamanye amazwe emhlabeni wonke, zikhombisa ngokucacile ukuthi akunamabhulethi esiliva okuxazulula imibuzo yomhlaba emva kokuphathwa ngamanye amazwe.

10.3 Indlela yezinhlelo kubukeka sengathi iyadingeka futhi ifanele ekubhekeleni izinselele eziyindida kanye nezemizwa njengokushintshwa komhlaba. Ukuhluleka ukuvikela amalungelo kanye nokuvikeleka kobunikazi babasebenzi bamapulazi kanye nabahlali kuyisibonelo esihle njengamanje. Kunombono oqinile wokuthi inkinga yangempela ekushintshweni komhlaba jikelele; kanye, ekuvikelekeni kwamalungelo kanye nokuvikeleka kobunikazi babahlali basemapulazini, ikakhulukazi, kungaba ukuhluleka kohlelo lonke (TSF) kunalokho komucu owodwa womthetho, isb. Umthetho Wokwelulwa Kokuvikeleka Kobunikazi (Extension of Security of Tenure Act (ESTA)).

10.4 Kubasebenzi basemapulazini kanye nabahlali, lokhu kuhluleka kungavela ezintweni eziningi: ukushiwo okungenele kwenqubomgomo kanye nohulumeni oshaya umthetho ukuvikela abasebenzi nabahlali basemapulazini;

ukungasetshenziswa kahle kwezinqubomgomo ezivele sezikhona kanye nomthetho yizingxenye zikahulumeni; ukugcizelelwa okubuthaka komthetho yizinhlangano eziqinisa umthetho; uhlelo lomthetho alubasizi abasebenzi ekuphatheni amacala okukhishwa; izinyunyana zezemisebenzi azihleli ngempumelelo emapulazini; ubudlelwano obungasizani (cishe bube bubi) phakathi kwezinhlangano okungeyizo ezikahulumeni kanye nezikahulumeni ekubhekeleni izinkinga zabahlali basemapulazini; kanye nokuqapha okubi noma okungekho, ukuxhumana kanye nokukhuluma phakathi kwezingxenye zikahulumeni, ngaphakathi nasezingxenyeni ezintathu zikahulumeni, kanye nabanye abantu abanentshisekelo ezindabeni ezithinta kabi amalungelo abasebenzi basemapulazini kanye nabahlali.

10.5 Imigudu elandelayo, ngokuqondile nokungaqondile, acaphuna uMongameli wokuqala we-African National Congress, u-Dkt. John Langalibalele Dube kuthathwe encwadini esandakushicilelwa ebhalwe ngu-Heather Hughes, uMongameli Wokuqala (2011). Ibhekela indlala kanye nesidingo somhlaba kubantu base-Afrika. Isimo asikashintshi kangako kusukela ngeminyaka yo-1930, lapho u-Dkt. Dube wayezwakalisa umuzwa wakhe. **Kufanele sikushintshe manje!**

Amaphuzu uDube nabalingani bakhe abawenza ngohlaka lomthetho ((Natives' Representation in Parliament Bill, the Natives' Land Bill and the Natives' Council Bill) afakwa futhi elulelwa ebufakazini bakhe ku-Natives' Economic Commission.... Wenza isethulo esibhaliwe lapho akabuzwa khona bukhoma kakhulu ecaleni. Okwakuphezulu emqondweni wakhe kanye, nasemiqondweni yabantu base-Afrika kwakuwudaba lomhlaba. Babedinga omkhulu, ikakhulukazi labo ababengakwazi ukuwuthenga. Kufanele bathengelwe umhlaba bese benikwa wona; zonke izindawo zase-Afrika kufanele zihlolwe kahle futhi zahlukaniswe zibe amaploti okwakha, imihlaba yamadlelo kanye nezingadi. Abantu bangakhokha irenti encane ngamaploti abo.

> *" Kunesigidi esisodwa kuphela senu kanti kunezigidi eziyisithupha zethu; futhi isigidi esisodwa senu sinokuthathu kokune komhlaba, kanti izigidi eziyisithupha zethu zinokukodwa kokune komhlaba. Akusilo iqiniso lokho ..... Ukucela (umhlaba omunye) angicabangi ukuthi sicela ngesihle; sifake isandla ekuthuthukisweni kweNingizimu Afrika ngokusebenza kwethu ... silibambile iqhaza lethu kulokho, nasodabeni lwentela, kokubili okuqondile nokungaqondile".*

Imibono yokhomishina, wayelwa nayo ngamandla, yokuthi abantu base-Afrika babengazi ukuthi kufanele bawusebenzise kanjani umhlaba wabo ngokufanele, ukuthi omunye uzomoseka, ukuthi abantu base-Afrika banda ngesivinini kakhulu, nokuthi babenezinkomo eziningi kakhulu:

> *" Inkunzi emnyama ayinadlelo, kanti inkunzi emhlophe inalo lonke idlelo... ngiyaxolisa uma ngingakwazi ukukwenza kucace kahle kuwena".*

[Heather Hughes (2011). First President. A Life of John L Dube, founding President of the ANC].