



AFRA

ASSOCIATION FOR RURAL ADVANCEMENT

AFRA NEWSLETTER 8 (Dec. 1990)

UPDATE ON THE NATAL RURAL FREEHOLD COMMUNITIES REPRIEVAL CAMPAIGN

It was reported in Afra Newsletter 7 (June 1990) **Natal Rural Freehold Communities Reprieval Campaign, 3/4th June 1990**, that representatives from six black freehold communities in Natal met to make a number of demands from the government. Briefly these demands were:

1. An official reprieval from the threat of removals.
2. The withdrawal or reversal of land expropriations and the restoration of land ownership rights.

3. The restoration of land to owners who have been moved or an appropriate alternative if the land has been sold.

4. Full and fair compensation for any benefits the government has gained from expropriations and for the pain, suffering and impoverishment of the communities.

5. The recognition of the rights of tenants, particularly to more land.

6. The upgrading and development of their communities in a programme of



Tembalihle residents after a community meeting to discuss the reprieval, August 1990

affirmative action to redress their past neglect by the government.

7. The recognition of local community representative structures and the rejection of any local authority structures which are imposed.

8. The recognition of the communities' rejection of the homeland system and their support for a unitary, democratic and non-racial South Africa.

Since the 'reprievals campaign', four of the six communities involved have been formally reprieved from the threat of removals. However, the government's announcements and actions still raise a number of problems.

CORNFIELDS & TEMBALIHLE

The reprievals and restoration of land ownership of Cornfields and its sister community, Tembalihle, were announced on the 18th of July by Mr Varty, a Natal regional representative of the Department of Development Aid (DDA).

In Cornfields the announcement was made to the Residents' Committee, whereas in Tembalihle the announcement was made at a community meeting. At both meetings the DDA said that a committee would be established by the DDA to examine the development needs of the communities.

Whilst these announcements were welcomed in both communities, a number of reservations were also expressed, particularly concerning the DDA's promise of development. In the past the DDA has promised agricultural assistance, but only on the condition that tenants are resettled.

At both meetings, people demanded that the DDA assist them not only in agriculture but also in the development of infrastructure, facilities and services. The Cornfields Residents' Committee also requested

that the DDA continue to consult directly with the Committee.

In addition, there is a lack of clarity as to the status of land in Cornfields which was expropriated in 1982 (as a result of a Section 8 enquiry into ownership rights), because of the lack of proof of ownership. There is also confusion concerning the status of land which was expropriated from landowners (who were resettled in Mqwabalanda in 1988) and for which compensation was paid by the State.

It is interesting to note that the DDA did not admit that it had been pressurizing people to relocate to Mqwabalanda; it merely said that with regard to the provision of free transport to the resettlement site, the Department would no longer assist in the resettlement of people who wished to move. It thereby implied that the people who had moved in 1988 had done so freely and of their own choice. In fact, the communities were subjected to intense pressures to relocate, largely through a threat to deprive them of all development aid but to pour aid into Mqwabalanda.

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MATIWANE'S KOP

On the 10th of June, Mr Sithebe, the KwaZulu Minister of the Interior, held a meeting in Matiwane's Kop to read out a letter from Mr P.G. Marais, the Deputy Minister of the Department of Education and Development Aid, announcing the restoration of ownership by the central government to the original landowners of Matiwane's Kop and the neighbouring Jonono's Kop.

It is noteworthy that Mr Sithebe wrote a letter to Mr P.G. Marais on the 2nd of April, requesting information on the status of the above mentioned communities. He received a reply on the same day. Yet repeated requests made both before and after this date by the lawyer acting on behalf of the Matiwane's Kop Management Committee, were met with no response.

These events indicate the government's disregard for the Matiwane's Kop Management Committee and its request that the central government should deal directly with the Committee. The meeting also appears to represent a challenge to the Committee from Inkatha as the latter used the occasion as an opportunity to campaign for political support and to attack a range of its opponents, including the Management Committee.

Particularly disturbing was Mr Sithebe's announcement that the KwaZulu government would be happy to assist the central government in developing Matiwane's Kop. This raises questions about the future administration of the community, in the light of their rejection of the homeland system of government.

But what was even more disturbing was Mr Sithebe's support for the central government's announcement that the landowners and the KwaZulu government should "assist with the negotiations to resettle the tenants residing on the farms in an orderly manner elsewhere." This

statement implies that the government is still intent on removing tenants, and moreover, without consulting the community.

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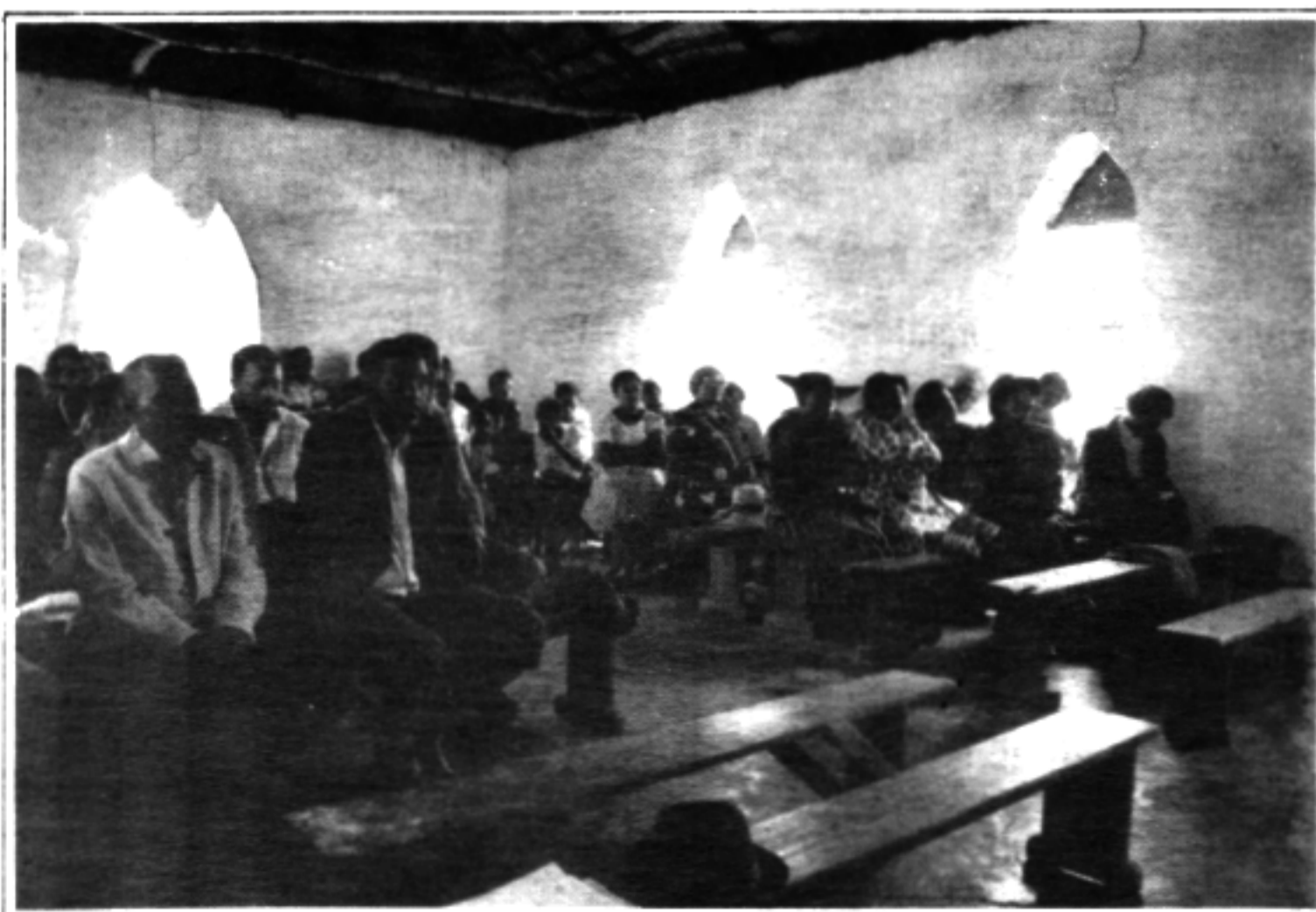
STEINCOALSPRUIT

A letter announcing the restoration of land ownership to this community was sent by Dr Stoffel van der Merwe, Minister of Education and Development Aid, to the lawyer acting on behalf of the community, on 30th July.

But, as with Matiwane's Kop, the land owners were expected to assist the DDA in the resettlement of tenants elsewhere. Furthermore, no mention was made of assistance in development, and there is a lack of clarity as to the status of land which was expropriated and for which compensation was paid.

Finally, no mention was made of the restoration of mineral rights to the community nor of compensation for the loss of same.

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Steincoalspruit residents discuss their reprieve and future development at a community meeting, 29th September 1990



The Stoffelton/Stepmore community discussing the threat of incorporation into KwaZulu, September 1990.

THE STOFFELTON/STEPMORE COMPLEX

Despite government's acknowledgement of the failure of its homeland policy earlier this year, it still appears to intend incorporating these areas into KwaZulu.

In answer to questions in Parliament by Mr Wessel Nel (Democratic Party MP for Mooi River), after the reprieve of other freehold communities, the Minister of Education and Development Aid gave an equivocal reply: he said that it was still government's intention to incorporate the area into KwaZulu 'depending on the views of the inhabitants of the area'. He added, however, that the matter had been referred to the Commission for Co-operation and Development for 'further consideration.'

On the 24th November, the Stoffelton-Loteni & Farmers' Association drew up a memorandum to the Minister of Constitutional Development and Planning recording once more their total rejection of the homeland system and their refusal to be incorporated into KwaZulu. They pointed out that they were active farmers who produced sufficient crops for the community at Compensation (a nearby closer settle-

ment) as well as their own people, and they requested development aid and extension services from the government.

An interesting development resulting from the reprieve campaign is that people who were moved in 1981 from a freehold area called KwaPitela, to Compensation, have declared that they want to go back to the area from which they were moved.

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ROOSBOOM

There has been no response from the government with regard to the status of Roosboom.

Between 1975 and 1977 more than 7 000 people were moved from Roosboom, mainly to Ezakheni, about 25 km from Ladysmith. Only a few extended landowning families remained. Although their land was expropriated, these families have consistently refused to accept compensatory land offered by the government. According to the lawyer who is negotiating on their behalf with the Commission for Co-operation and Development, as at early December, their status is still under discussion.

On the 22nd July, a large meeting of many of the people who were moved in the 1970s was held at Roosboom. They decided that they wished to return to their land, although they have acknowledged that this is a complex issue. They elected a committee of nine to investigate the problems of re-occupation of land, one of which is uncertainty about the government's position on this matter.

All the land that was expropriated and for which compensation was paid is still owned by the State. Despite the government's awareness of the community's desire to re-occupy their land, it appears that the State has granted Roosboom to the South African Defence Force (SADF) for use as an artillery range (*Ladysmith Gazette* 16.11.90). According to an informant from Roosboom, SADF personnel warned off a family who had resettled there, and a case against one member of the family has been opened.

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THE GOVERNMENT'S RESPONSE TO THE FREEHOLD LAND ISSUE

It was reported in a *Business Day* article on the 25th of July 1990 that a Department of Development Aid official had said that people who had had

freehold rights to land in reprieved areas, and who had been removed, could return to their land provided that this land was still owned by the State. This statement implied that the relocated Roosboom people would be allowed to return to their land. However, in early October Minister Viljoen was reported as having rejected the proposition that people be allowed to re-occupy land from which they were moved, on the grounds that this would lead to 'a complete revolution throughout the world', beginning in the United States and Australia.

At a follow-up campaign in October the freehold communities reacted strongly to Dr Viljoen's statement. In a memorandum they called it a 'fallacious' statement which ignored the fact that forced removals were a result of his government's policy of apartheid during the last forty years, and as recently as the last decade. The Minister's claim, they said, completely disregarded the fact that the people concerned had legally purchased and held title deeds to their land.

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Mrs Elsie Hlatswayo addressing a meeting on the restoration of land at Roosboom, 4th November 1990

TITLE DEEDS RESTORATION, LAND RE-OCCUPATION AND ACQUISITION OF LAND CAMPAIGN, 14-15th OCTOBER 1990

The reprieve of four freehold communities in Natal was welcomed by the communities involved in the June reprieve campaign. However, a number of concerns were raised, and a follow-up campaign was suggested. In October, a campaign around the restoration of title deeds and the re-occupation of land was held at the Lay Ecumenical Centre. At a workshop on the 14th, a number of issues were discussed, the most important of which were the following:

1. Whilst it has been announced that the title deeds of the land owners of Matiwane's Kop and Steincoalspruit would be returned, to date none of the landowners have had their title deeds returned.
2. Nothing has been said about the restoration of mineral rights to the Steincoalspruit landowners.
3. Whilst the government has been willing to restore ownership to people still living in some freehold communities, State recognition of the legitimate demands of the thousands of relocated people (from 103 freehold communities in Natal), to return to their land, appears uncertain.

Minister Viljoen's statement (see p.5) was singled out for harsh criticism. The government's reluctance to make an announcement on the status of Roosboom was believed to indicate its reluctance to deal with this issue.

4. Whilst the government has restored ownership rights to some landowners, the future of tenants in some freehold communities appears uncertain.
5. From the experience at Matiwane's Kop, it was felt that with reprieve, the issue of development and reconstruction will become increasingly important, as will the struggle for recognition of community structures and their control over the development process. This concern is substantiated by the experiences of Trustfeed and Hopewell, which after their reprieve were embroiled in conflicts around these very issues.
6. It was felt that whilst the government seems to have accepted the principle of development as affirmative action, no concrete steps up until then had been announced.
7. The delegates re-affirmed their rejection of incorporation into KwaZulu.



Delegates from six freehold communities in discussion at the Title Deeds, Land Re-occupation and Acquisition of Land Campaign, Lay Ecumenical Centre, October 1990



Cornfields residents expressing their determination not to be moved, to journalists on a press tour organised by AFRA, November 1988

8. Concern was expressed regarding the plan to scrap the Land Acts, and the government's recent discussions around a new land policy. While the promise to abolish the Land Acts was welcomed, the communities were deeply concerned that the government was planning reform without proper consultation with affected communities. For instance, on the 2nd of October, President De Klerk held a fourth meeting with Cabinet ministers, the three lower Houses of Parliament (Assembly, Delegates and Representatives), the provincial administrations and the homeland leaders, to develop a broad land-reform policy. These individuals and institutions are not representative of the people they rule, and in

effect, crucial reforms are being planned behind closed doors. The freehold communities demanded that such reforms be devised in consultation with rural communities.

All these issues were presented in a memorandum to the Department of Development Aid, and a press conference was held.

Since the October campaign there has been one positive development. On 30th October, regional representatives of the DDA met the committees of Cornfields and Tembalihle to discuss the possibility of assisting them with development. A working group has been established to take the matter further, and similar meetings have been promised in Matiwane's Kop, Steinkoalspruit and Jonono's Kop.

MINIMUM DEMANDS WHICH ARE ADDRESSED TO THE GOVERNMENT BY AFRA

The governments' statements on land this year have failed to clarify future policy towards black freehold land-owners and tenants, and the two campaigns held recently with six such communities have highlighted the problems they still face. There are certain basic demands which need urgently to be addressed by the government. Briefly, these are that the government:

- i) restores landownership rights as soon as possible;
- ii) works only with recognised local community structures;
- iii) clarifies the legal status of all freehold areas in Natal, of which

more than 180 have been under threat of removal since 1975;

iv) urgently considers the demand by many forcibly removed freehold communities to renegotiate the restoration of their land;

v) finds acceptable land for tenants who are still living in freehold communities or who were moved;

vi) and recognises and supports the rights of representative and legitimate community structures to control the development of their communities.



A community meeting at Roosboom to discuss the restoration of land,
4th November 1990

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*P.O.Box 2517
Pietermaritzburg
3200,
South Africa.*

ASSOCIATION FOR RURAL ADVANCEMENT

*170 Berg St.
Phone: (0331)
57607/58318
Fax: 455106*