



AFRA

ASSOCIATION FOR RURAL ADVANCEMENT

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LAND REFORM & RESTORATION: THE ROOSBOOM CASE

Introduction

In his speech to Parliament on 1.2.91, President De Klerk announced that the Land Acts were to be repealed. This is a welcome development. So too was his acknowledgement that 'much more is necessary than the mere repeal of discriminatory legislation.'

Our concern, however, is that the forthcoming White Paper setting out the government's approach to land reform - which was drawn up in closed consultation with limited parties such

as bantustan leaders - will fail to redress one of apartheid's injustices by restoring land and title deeds to black freeholders who were forcibly removed, such as the Roosboom people.

On 24.8.90, De Klerk promised white farmers that their land and title deeds were safe. Yet the legitimate claims of the Roosboom freeholders (who were forcibly relocated in the 70s), and their requests for negotiations, have been consistently ignored. Now that they are re-occupying their land, the State is threatening them with eviction.



Some of the Roosboom residents who returned to their land, December 1990.

Pic: Cedric Nunn, Afrapix

The land crisis

The Roosboom issue illustrates one of the most problematic legacies of segregation and apartheid now confronting President De Klerk's government.

There are dozens of other black freehold areas in S. Africa from which about 475 000 people were removed between 1962 and 1982. In Natal alone, the Surplus People Project estimated that 105 000 people were forcibly relocated between 1948 and 1982. Many wish to return to their land. Will the government make a genuine effort to redress past injustices and meet their legitimate expectations?

The evidence from Roosboom is not encouraging.

The removal of Roosboom

Roosboom (11km south of Ladysmith) was a relatively stable and peaceful community where freehold tenure dated back to the early 1900s. But it was situated on land later reserved for white occupation. Between 1975 and 1977, over 7 000 people, landowners and tenants, were forcibly relocated to Ezakheni, a rural KwaZulu ghetto.

The State expropriated the Roosboom land (which came into the ownership of the Department of Public Works and Land Affairs), and granted grazing rights to white farmers.

Three families remained on Roosboom as they refused to accept compensatory land. An attorney began a lengthy battle to reverse the expropriation of their land. (Finally, in January 1990, a commission of enquiry recommended that the expropriation be reversed and their title deeds be restored.)

1990 - the year of reprieval

In February 1990 the government admitted publicly that apartheid was no longer practicable. The Land Acts were to be revised, and communities would not be incorporated into 'homelands' without the agreement of the residents.

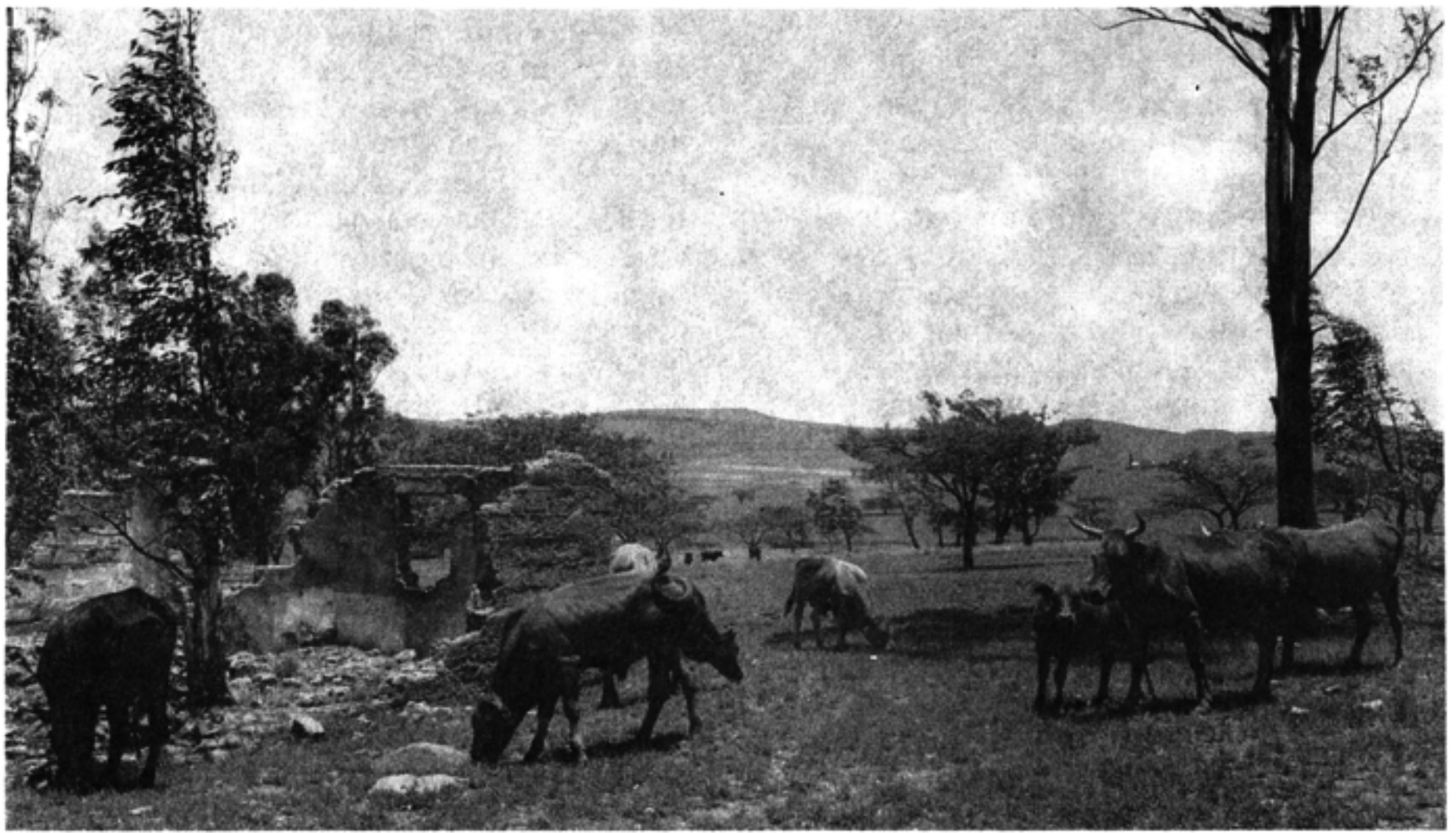
These dramatic announcements were welcomed by a number of freehold communities in Natal, but six of them (including the Roosboom people from Ezakheni) met in June 1990 and issued a memorandum which made certain specific demands from the government. In July, the government responded to one of their demands and announced that four of the six communities, viz. Cornfields, Tembalihle, Matiwane's Kop and Steincoalspruit, were to be reprieved from the threat of removal.

No reprieval for Roosboom

But there was no reprieval for the three families remaining at Roosboom (at that stage), nor any statement regarding the return of removed landowners. In fact, in October the Minister of Constitutional Development, Dr Viljoen, caused outrage when he publicly stated that the government would not consider restoring land to communities which had been forcibly removed as this would cause a revolution throughout the world, starting in the United States and Australia. This is a spurious argument; forced removals of freeholders occurred as a direct result of recent apartheid policies, and are not a case of colonial dispossession in the distant past.

Attempts to negotiate fail

The Roosboom people therefore participated in a 2nd joint memorandum which was presented to the Department of Development Aid (D.D.A.) in October and which called for the return of title deeds and the re-occupation of their land by removed landowners. No response came from the D.D.A.



A view of Roosboom in December 1990, showing one of the disused buildings which dates back to the forced removal in the 1970s.

Pic: Cedric Nunn, Afrapix

Re-occupation begins

The Roosboom people were deeply concerned that if they did not re-occupy their land before the Land Acts were repealed, they might lose it to white buyers. Since the D.D.A. failed to respond to numerous requests to negotiate their return to Roosboom, the Roosboom Interim Committee (formed in May 1990) decided that the people should quietly re-occupy the land. By December, 19 families had returned and begun to erect homesteads. The Interim Committee has collected the names of 80 other families from Ezakheni who wish to return.

The Roosboom Memoranda

The Committee also sent off two more memoranda to the D.D.A., in December 1990 and January 1991, repeating the earlier requests for negotiations around re-occupation to begin urgently.

In the October document the Roosboom Interim Committee said:

'This Government is putting enormous stress on the need for negotiations. Ironically, the Government does not respond to us by way of negotiating or writing. As a result of this we are left in darkness.'

State fails to respond

To date, the government has ignored the Roosboom memoranda. It cannot be unaware of the predicament of the Roosboom landowners. Yet in November it was reported in a newspaper that the South African Defence Force (S.A.D.F.) had been granted permission to use Roosboom as a shooting range. This was confirmed by the S.A.D.F. It seems an extraordinarily insensitive move at the precise moment when the rightful landowners were attempting to negotiate their return.

Local intimidation

In October, Mrs Elsie Hlatswayo was arrested for trespassing after a complaint by a local white farmer. Her case was withdrawn by the magistrate. In November, another Roosboom resident was arrested, apparently for trespassing, after complaints by a member of the S.A.D.F., but his case was also withdrawn. His lawyer was informed that the case would be re-opened after investigation.

The case against Mrs Hlatswayo was later re-opened and a lawyer was organised to defend her when she appeared in court on the 29th November. The plaintiff, a local white, did not appear, however, and the case was remanded to the 5th February 1991. On that date it was remanded again to the 20th March.

On the 15th January, a member of the South African Police in Ladysmith, a grazier on Roosboom, threatened that if the people were not off the land within 10 days, the police would come and demolish their houses. This threat was not carried out.

Such incidents of intimidation seem to be locally inspired rather than State-orchestrated.

Large-scale evictions threat

In December, however, the Department of Public Works and Land Affairs had acted. Four days before Christmas, 19 families were issued with eviction notices and told to be gone by the 28th December. An attorney was instructed to defend the people, but nothing happened.

Families continued to re-occupy Roosboom in early 1991. The Department of Public Works then issued notices of application to 29 families, informing them that on 11th January the Department was to apply for a court order to evict them and to have them transferred to the relocation closer settlement camp of Waaihoek, north-east of Ladysmith. This was in terms of the Prevention of Illegal Squatting Act (52 of 1951). The case was postponed to the 25th January.

Court case postponed to 22.2.91

On 25.1.91, the Public Works court case was adjourned once more, to the **22nd February**, so that the defence could obtain further details about the removal of Roosboom and the history of the families involved.

The Roosboom people will not be deterred from actively asserting their legitimate rights to their land by threats of eviction. What if Roosboom is repeated elsewhere and on a larger scale?

It is imperative therefore that the government acts immediately to withdraw eviction threats, and to restore expropriated land and title deeds to the original landowners of Roosboom and other freehold areas. Any land reform that excludes these provisions will simply perpetuate the injustices of the past, and perpetrate fresh wrongs towards the victims of apartheid.

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