

# Land Charter

This document is compiled from demands that were agreed to by 353 communities at the Community Land Conference on 12 February 1994 in the Bloemfontein City Hall.



## "We need land."

1. We need our land to live on, for grazing, farming and community facilities.
2. Our rights to land must be guaranteed.
3. Land must be shared between blacks and whites. We say, "One farm, one farmer!" Land must be available for redistribution and it must be distributed in a democratic way.

We therefore call for:

- state land to be redistributed to people without land;
- the land that is chosen for redistribution must be

fertile and we must be able to use it productively;

- South African Defence Force (SADF) land to be used for redistribution;
- land owned by absentee landlords to be redistributed;
- forestry land to be considered for redistribution;
- the government to make its state land holdings known;

4. People who have been evicted from their land, tenant farmers and other landless people should be given top priority in a future land reform programme.

5. Communities need land for different purposes and these needs must be provided for in any government resettlement programme.

6. Game reserves should not enjoy priority over people. Game parks can only be erected with the permission of the people. Only if communities can have some benefit from that and have some say in the management of that.

7. The present system of land title deeds should be reviewed. Any changes to the tenure system must be made with full consultation with communities. A new tenure system should offer



communities different options of secure tenure.

8. Any decision by a future government to expropriate rural land must be taken in consultation with the communities concerned. Communities must be paid compensation if they are affected by the expropriation.

9. Communities living on trust land or government land must be given the title deeds to the land.

**"The land that was stolen from us must be returned."**

1. The land from which people were forcibly removed should be returned

(with mineral rights) immediately and unconditionally at no cost to the community concerned. People who had title deeds should have them returned or updated.

2. Privately owned land near to land claiming communities must be considered for allocation.

3. Communities should be compensated for damages and losses suffered due to their forced removal.

4. The government should make restoration a priority and should allocate at least 10 percent of its annual budget to land reform. Not all of the money should be spent on compensation.

5. There must be a just process for dealing with land claims: a representative land claims court must replace the Commission on Land Allocation (CLA).

6. Where private owners or the SADF are occupying land that previously belonged to communities, the government must ensure that the land is vacated.

Compensation can be considered, but it should not prevent land restoration.

7. Indigenous peoples' right to the land must be recognised. And, communities must be able to make claims to land that was taken from them as far back as 1652.

8. When land is restored to a community, it must be shared fairly within a community. There must be no discrimination as to who has access to land - especially not against women.

**"Farmworkers and labour tenants, demand access to land and security of tenure. Laws which victimise us must be scrapped."**

1. We demand a halt to all evictions of labour tenants and farm workers. We want the Prevention of Illegal Squatting and Trespass Acts to be scrapped. We want legal protection and security of tenure.

2. We want to be given ownership of our homes.

3. We should not lose our homes if we do not continue working on the farm, or if we are disabled or pensioned. The wives or widows of farmworkers must not be thrown off the land because of the circumstances of their husbands.





4. Farmworkers and tenants must be given secure rights to graze their cattle and plough. People's rights should be protected when farm ownership changes hands.

5. Laws must be passed to protect people working on farms. These laws must set down conditions of employment and minimum wages. Firm steps must be taken to oversee that labour laws on farms are implemented. And, farmworkers must be informed of their new rights. Farmworkers should also be involved in making laws. Farmworkers should be paid the same rates as other workers in towns because they work equally hard.

6. Farm evictees, tenants and other landless people should be given top priority in any land reform programme.

7. The government should set aside land on farms for the people living on the farms to use.

8. We want an end to child labour on farms. People breaking this law must be monitored and severely punished.

9. Groups who can service and assist farm dwellers should have free access to the farms. Farmworker unions should be legally entitled to organise workers on farms.

10. Women and widows should not be evicted when their husbands die or are dismissed. Farmers must be responsible for supporting orphaned children of deceased workers.

11. Farmworkers must be provided with safe transportation to and from towns.

## **"Women must be able to own land, and have equal rights in all areas of their lives."**

1. Women should be able to own land whether they are married or single. And married couples should have their houses registered in the names of both spouses.

Women and men should have the same rights to land.

2. Women should have equal representation with men on local government.

3. There should be no discrimination against women in inheritance rights.

4. Women should benefit from development programmes and be targeted for training. There should be special training centres and adult education courses geared for women. There should be regional or local health care workers.

5. Women living on farms must have secure places to live.

6. There should be special housing subsidies for women who cannot afford to buy or rent houses or pay rent. Housing subsidies to assist women who are single parents must be introduced.

7. A ministry of women's affairs should have offices in every local government office and regional level to ensure that women's rights are protected.

8. Land should be set aside for community facilities which benefit women, such as creches, community gardens and women's training centres.

9. Women want there to be sufficient schools in all areas. There must be free and

compulsory education for our children, and sufficient sports fields.

10. Women want places to go if us or our children are abused.

## **"There must be democratic, non-racial, non-sexist local government."**

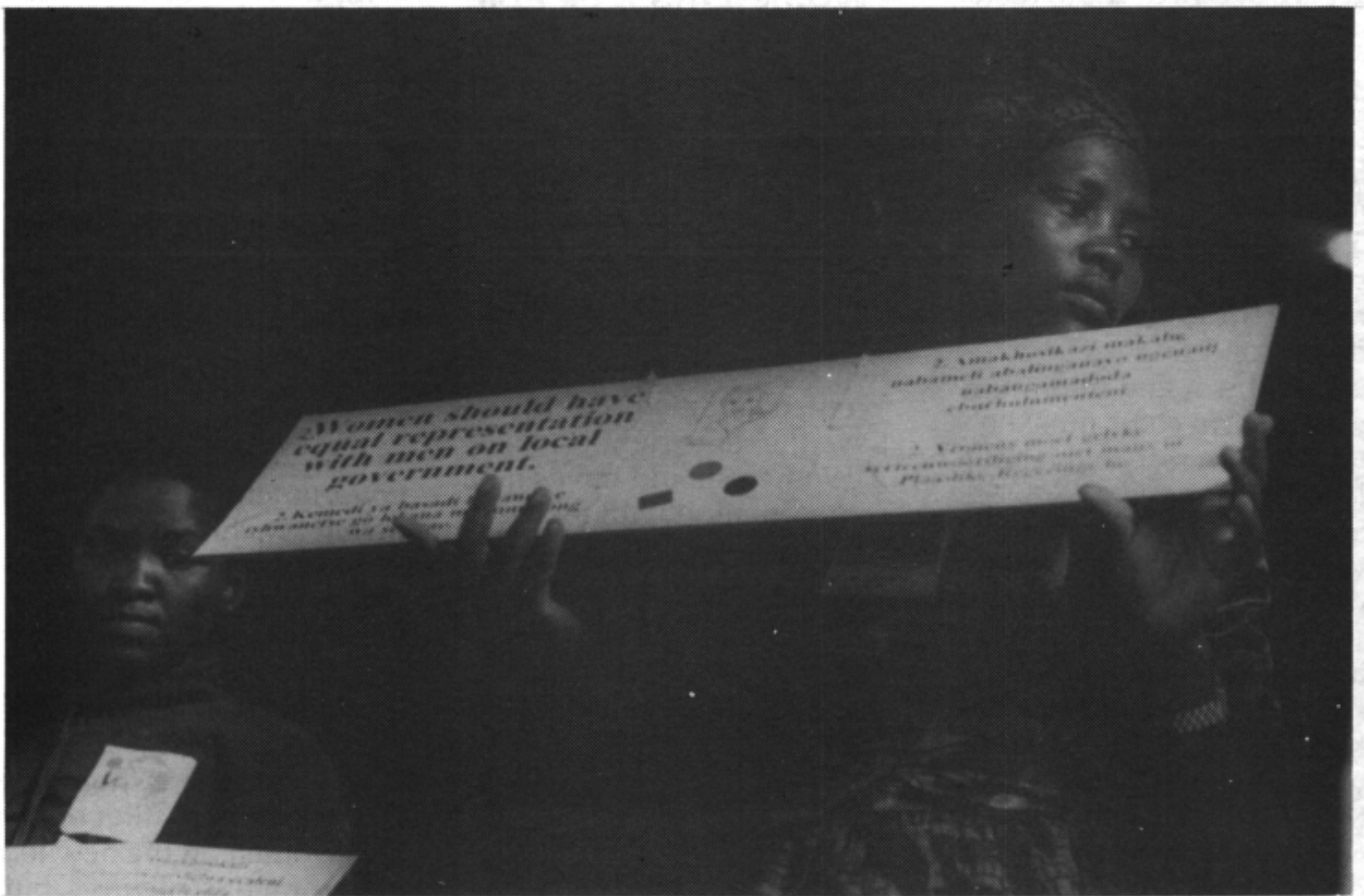
1. Communities must be able to take part in local government and development decision-making, especially where land issues are concerned and especially in the rural areas.

2. A new local government must be non-racial and non-sexist. There should be a 50/50 representation of men and women on the new local government structures, but ensure that those we elect are active in the community and can do the job.

3. Farmworkers should be included in any new local government structure. Farmworkers must be educated about their rights and given training to participate in local government. Laws must be passed to stop farmworkers involved in local government from being victimised by their employers.

4. There should be a land court to intervene on land allocation disputes with local government.

5. District councils must help out where local authorities cannot afford to provide basic services.



## "There must be affordable houses."

1. The government must provide financial assistance to residents, including farm workers, for housing. There should be subsidies and services for people living in informal settlements.
2. Rent arrears should be set aside. People who have been evicted because they have been unable to pay rental or service charges should be provided with alternative, state subsidised accommodation.
3. People living in informal settlements want surveyed and upgraded plots on which to build houses. Land and affordable housing for settlement should be made available close to town.
4. People staying in council houses shouldn't have to pay transfer costs because they have been staying there for long enough.
5. Hostels must either be upgraded into family units or they should be scrapped if this is not possible.

6. Hostels should be structured on a short term basis and local government must be responsible for services to the hostels for this period.

## "There must be affordable, good resources and services."

1. Rural communities demand the provision of basic, affordable services and infrastructure. These should include:
  - a clean water supply;
  - adequate and accessible health care;
  - schools and creches;
  - electricity and telephones;
  - roads;
  - proper sanitation;
  - sport and recreational facilities; and
  - agricultural extension services.
2. Development programmes must include job creation, capacity building and skills training

which can help relieve poverty. Local resources should be used to develop rural areas.

3. The government must provide financial assistance to farmers, such as subsidies, loans and disaster relief funds. A percentage of the national development budget must be earmarked for rural development.
4. The government must provide basic services to land that has been restored and to private land occupied by farm workers and labour tenants.
5. A national public works programme should give priority to employing people who have been oppressed.
6. New, small and communal farmers should enjoy tax concessions and subsidies for the first five years.
7. We will not be able to develop a hungry nation - basic foodstuffs should not have VAT added on.



## **"There must be equal political rights for all."**

1. The Transitional Executive Council must have the power to deal with land and should immediately order that the sale and transfer of state land to bantustans, private individuals or companies be stopped. CLA or any other structure established to administer or allocate land must report to the TEC and directly to affected communities not only to the State President.
2. We are not happy with the property rights and restitution clauses in the interim constitution. The property rights clause must be scrapped because it makes the expropriation of land for community purposes too expensive. The property rights clause will make the lives of those who have been dispossessed worse than before. The restitution clause sets the cut-off date for land claims at 1913 which excludes indigenous people's land claims. We demand the constitutional right to restitution.
3. All apartheid land laws must be abolished and new laws formulated.
4. Chiefs must become accountable to the people - we do not want chiefs imposed on us. Chiefs must not impose levies on the land unless the community agrees. Chiefs should not have control of land allocation. Committees must be elected by people in the community to administer to control land affairs.
5. We must be protected from intimidation and harassment by the police,

white farmers and the right wing who impound and kill our cattle and want to drive us from our land. People who protect communities from intimidation must be known by communities, controlled by communities and paid by the government. Once apartheid laws are gone, all people must be treated equally under the law. If anyone commits a crime or intimidates other, he/she must be punished no matter who they are.

6. All apartheid structures must go. The House of Representatives and the homelands should be scrapped and the land that their authorities have controlled should be freed. In particular, we demand the immediate reincorporation of Bophuthatswana.
7. There should be no favouritism to family or friends in administration and land allocation.

## **"Landless and rural people must organise or starve."**

1. The victims of forced removals and those with land problems must get organised! Build unity in our communities which will strengthen us in negotiations. Set up community forums which can speak on behalf of rural people when negotiating with government. Farmworkers must be organised.
2. The Community Land Conference should send a memorandum to the Transitional Executive Council (TEC) to request a

formal meeting where we can present our demands. The TEC must tell us the time by when our demands will be met.

3. A memorandum must also be sent from this conference to the African National Congress (ANC) and the present government to make sure they know what our demands are before the election.
4. We must organise local and regional actions to support our demands.
5. If our demands are not met, we will launch a campaign to occupy vacant land and state land, and return to our land.
6. Build women's forums in our regions to discuss land, and organise women at a local and regional level to make sure that women's concerns are addressed.
7. Political parties and our own restoration forums should promote women leaders and ensure that women's issues are highlighted in the media.
8. We call for the formation of a national body to represent the interests of all small farmers.
9. We call on all rural people to vote for a government that will fulfil our demands and to elect leaders who will listen to our needs and visit our areas.
10. All communities should form local structures to take forward their demands.
11. We call upon the Independent Electoral Commission, National Peace Accord and International observers to ensure that voter education can occur in rural areas and on farms.