

AFRA News

Newsletter of the Association For Rural Advancement Number 20 February 1993



MANDLAZINI
PEOPLE WON'T
SEE NEW
SOUTH AFRICA
WHEN THEY ARE STILL
STARVING AT
NTAMBANANA

MR T. TOLMAY
YOU HAVE BULLDOZED
OUR FOREFATHERS
LANDS
BACK

NATAL SOCIETY
LEGAL
DEPOSIT
1993-02-21
LIBRARY

WE WANT
REMAINED
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LAND BACK
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Richards Bay reoccupation

Roosboom & Charlestown get back land

Drought

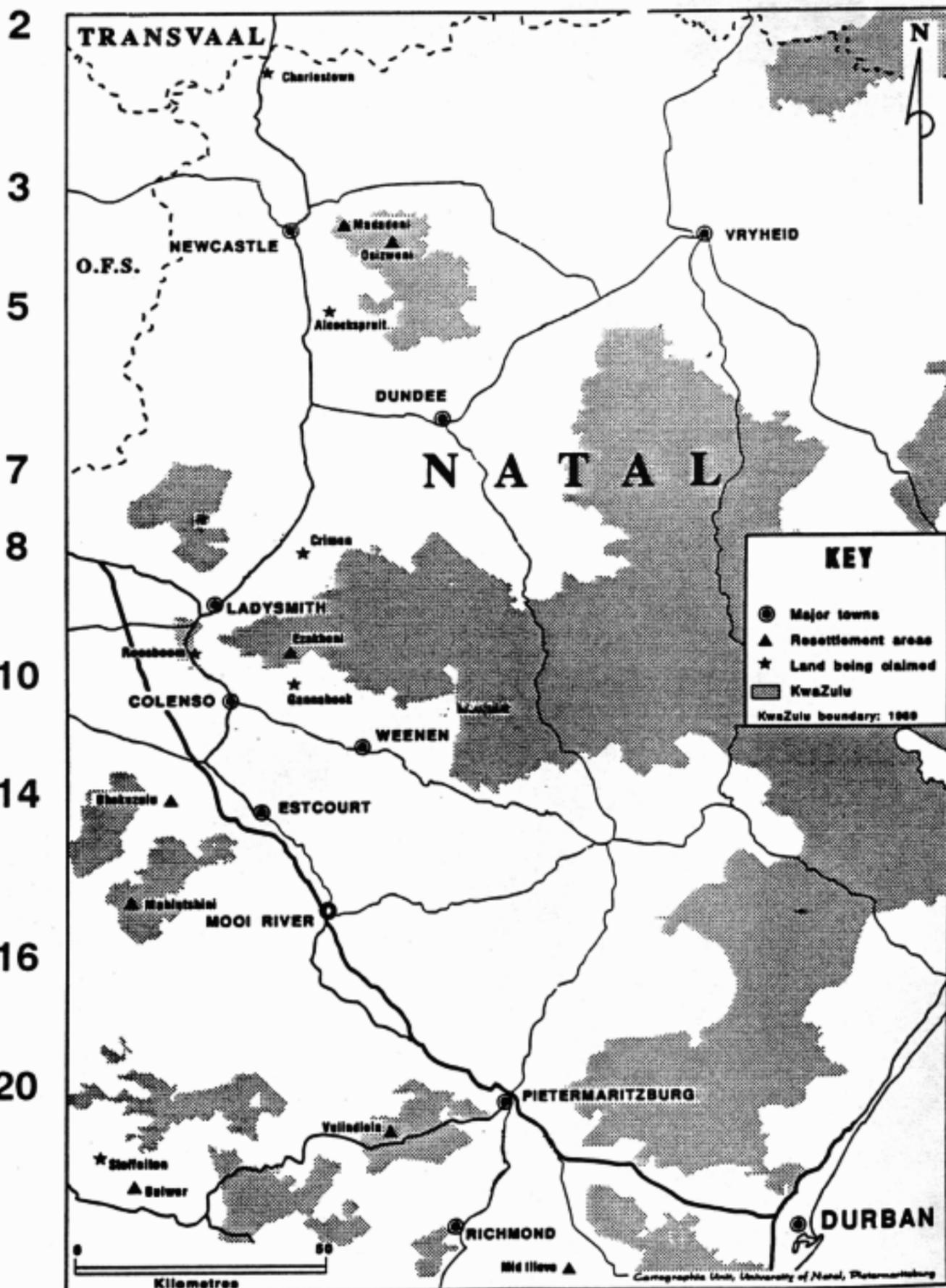
Land rights update

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The views expressed in *AFRA News* are not necessarily those of AFRA.

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AFRA is an independent, non-government organisation committed to assisting rural people in the midlands and north-western region of Natal/KwaZulu in their struggle for land rights, a just land dispensation and sustainable development. In general, AFRA aims to promote the building and strengthening of community organisations, particularly those committed to broadening representation and participation of women, youth and other marginalised groups. We also make information on land and related issues accessible to rural communities and the broader public

AFRA is affiliated to the National Land Committee (NLC), an independent umbrella body which coordinates the activities of nine regional land organisations.

Photo credit:
pages 14 & 15 - Weekly Mail

The people shall share - but not our properties

BACK to Canaan. This was the message of the Mandlazini

community on Sunday, February 14 1993 in their attempted reoccupation of the fertile land in central Richards Bay from which they were removed in 1976. More than 500 members of the community came from as far away as Ntambanana, 60km from Richards Bay on Natal's north coast, to take part in the planned march and reoccupation, the first by a dispossessed community in Natal since 1991. Although the community was stopped from carrying out plans to reoccupy the land indefinitely by an urgent interim interdict obtained by the Richard's Bay Municipality, their spirits were high as they started the long dusty walk to the chosen site - the place where their church had once stood. Singing softly to the mournful whisper of a two metre long home-made horn and jollier bursts from a bugle, old and young trod the path of a time of plenty in the searing heat. The very old travelled in cars and kombis. One old man, cycled slowly at the side of the crowd.

At the chosen site, older members of the community recalled the days of milk and honey before their removal at gunpoint. They spoke of the gum and fruit trees they had lost, their



Some of the marchers on their way to the site where the community church once stood.

crops and houses and how they were able to make money from fishing. They compared their lost Canaan to the dry wasteland of Ntambanana where they were forced to live. "It was unfit for human habitation. There was no healthy water, no employment, no plantations conducive to vegetables and fruit trees. Because of its climate and conditions, cattle farming land in Ntambanana was too small to accommodate us," said Mr Jotham Zithulele Sokhulu, secretary of the Mandlazini Interim Committee.

Speaker after speaker spoke of the people's hurt and bitterness over the loss of their land. They had not been compensated for their loss. Promises of employment in Richards Bay, when factories opened, did not materialise, they said. And the properties

from which they had been forced off at gunpoint were now prime industrial and residential areas in Richards Bay.

At the end of the service, the community handed over a memorandum for the mayor of Richards Bay, detailing their grievances and demanding the return of all remaining industrial and residential land. The Mandlazini Interim Committee is hoping to enter into negotiations around the return of the land with all relevant parties, including the National Peace Accord.

The community's protest was monitored by observers from the United Nations, European Economic Community, Organisation of African Unity and the local Dispute Resolution Committee. A large contingent of security forces was also present.

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Working together to get back their land

THE Mandlazini Interim Committee, the body which is coordinating community efforts to restore their land in Richards Bay, is made up of 10 members. Besides the normal office-bearers, there are two older members of the community- history advisors to the committee. "We were young when the removal took place," explained Mr Jotham Sokhule, the committee's secretary. "So we need the older people to help us with what happened long ago." The committee also has a technical advisor, Mr Joe Mkhwanazi.

The committee has some members with ANC, IFP and PAC affiliations, but they have agreed to put aside their party politics in their struggle for the return of their land. So far, the



Members of the Mandlazini Interim Committee speaking to the community before the march. *Front row, left to right: Mr Jotham Sokhule (secretary), Mrs Gertie Hlabisa (ass. secretary), Mr Selby Mthiyane (chairperson).*

committee has worked very successfully to highlight the concerns of the community. The protest action organised on February 14 is a good example of the committee's resourcefulness and seriousness.

The committee has also approached several government bodies about their plight. They wrote to the Natal Provincial Administration, the Advisory Commission on

Land Allocation (ACLA), the state president and the Richards Bay Town Council. None of these appeals to have their case settled have met with much progress from these bodies. In its reply to the Mandlazini Interim Committee, ACLA said in November 1992 that it could not deal with their case because the land in question was not owned by the state, but by the Richards Bay Municipality.

Some facts about the removal

IN early 1976 about 6 000 people living at Reserve 6 in Richards Bay were removed to Ntambanana, some 60km away. In 1977 a section of Reserve 4 was excised from the schedule of African land and the people were also removed to Ntambanana. A further estimated 20 000 people were removed from Reserve 4 after it was excised from the schedule of African land in 1979 and excised from KwaZulu in 1981.

Both areas are in a lush sub-tropical belt with high rainfall. People grew fruit trees and had lumber plantations. Although much of the agriculture was of a subsistence level, some people made an independent living from the land. In some cases, a fairly extensive form of agriculture was

practised. Those people living close to the coast could also supplement their produce with fishing. Fresh water and fuel were readily available. In addition to the agricultural wealth of the areas, Reserve 4 had extensive mineral wealth. This mineral wealth was controlled by the South African Development Trust (SADT), which was recently disbanded along with the DDA, and was mined by Richards Bay Minerals. In 1976 Richards Bay Minerals signed a 25 year lease with the SADT. In 1980 the Financial Mail reported that the area had known reserves of 700 million tons of mineral deposits, expected to last for 30 years. Richards Bay Minerals was described as the world's second largest producer

of zircon (used in the steel foundry, steel refractory, glass refractory and ceramic manufacturing industries) and the third largest producer of titanium.

In contrast to the wealth they had to leave, the people found hardship in Ntambanana. Ntambanana is dry and bushy and suitable for cattle ranching. It was not suitable for intensive settlement and agricultural production. Water was also a problem and, when people were first moved there, they were dependent on water supplies brought in by tanker.

This summarised account of the removal comes from the Surplus People's Project Reports, Volume 4, 1983.

Roosboom and Charlestown get back their land



Increasing violence at Ezakheni has made resettlement of the Roosboom community an urgent task.

THE communities of Roosboom and Charlestown have finally won back the land from which they were forcibly removed through apartheid land policies and laws. This was announced on December 11 1992 at a press conference called by the Advisory Commission on Land Allocation (ACLA). Members of both communities were overjoyed to hear the news, and celebrations are being planned. However, both communities now face the challenge of ensuring that the land they have won back is developed according to their needs.

Roosboom

Most of the Roosboom community who were

forcibly removed, settled in Ezakheni, a township near Ladysmith. People were never happy in Ezakheni and since 1992 Ezakheni has experienced increasing violence. Little wonder then that when Roosboom was officially returned, members of the community quickly began moving back to escape the violence. This latest development has made planning for the resettlement of people and the development of Roosboom a difficult but urgent issue.

On January 14 1993, the Roosboom Board of Overseers (the body which had coordinated community efforts to get back the land) met to identify the main issues which the community needs to address and how

these should be tackled. They asked AFRA to convene a meeting of all possible organisations and agents who would have a role to play in Roosboom.

This meeting will hopefully establish land allocation and settlement procedures. This will involve restoring title deeds to landowners. At the moment there is little clarification from the government about how or when this will take place. In the meantime, the Roosboom community will be identifying and confirming former landowners or heirs. It is also not clear which government body will take responsibility for development in Roosboom. The Natal Provincial administration (NPA) is said



The community has started to rebuild the school at Roosboom.

to be responsible, but it is not clear which section of the NPA will do so. The community hopes that a meeting of all possible players will help to clarify and speed up implementation of these issues.

A difficult question which faces the community is how to settle tenants and people who lived in Roosboom but who did not have title deeds. The meeting felt that this should be dealt with through strengthening community organisation and through development planning.

In terms of strengthening community organisation, short term goals include drawing up a constitution for the Roosboom Board of Overseers, which will act as a civic organisation and setting up a conflict resolution committee. In the long term, the community wants to develop institutions which will be able to manage affairs in the area.

Around development planning, the community has identified the need to complete the land capability study and for this to be mapped. There must also be a process of building community consensus around a development

vision for Roosboom, identifying needs and priorities and physical planning for area. In the short term, a school needs to be built and provided with water. The school which did exist at Roosboom was destroyed during forced removal of the community. In the medium term, the community will have to get funding sources for projects and programmes and ensure that infrastructure, services and facilities are developed.

The community has also identified the need for Roosboom to be involved in monitoring violence in Ezakheni and to participate in local dispute resolution structures.

Charlestown

The Charlestown community faces similar challenges to that of the Roosboom community. Currently, they are preparing to have a meeting with the Development Services Board and the Natal Provincial Administration, the government bodies which administer Charlestown. At that meeting they will be discussing the return of their title deeds and development of Charlestown.

Concern over ACLA's land claims announcement

OUT of the nine cases on which the Advisory Commission on Land Allocation (ACLA) advised the state president, only two communities who suffered forced removal got back their land - Roosboom and Charlestown. The Ga-Mampuru community from the eastern Transvaal had their claim turned down because the land no longer belonged to the state. In terms of its objects, ACLA is only able to consider state land. According to ACLA, the state president directed it to investigate the possibility of other state land being identified and made available to the Ga-Mampuru. In response to ACLA's announcement, the Transvaal Rual Action Committee (TRAC), an affiliate of the National Land Committee (NLC), questioned the government's refusal to reverse its sale of the Ga-Mampuru's land. "The issue of restoration does not only concern getting back farming land, it also concerns people's historic connection to particular pieces of land. Just as the government used to compensate black farmers when removing them, they should negotiate fair compensation for the white farmers who were the beneficiaries of apartheid forced removal," TRAC said.

And the Thornhill community of the Queenstown District remained in the dark about the fate of their claim. Although ACLA made it clear that a decision was reached, this decision was not disclosed. The NLC office said such secrecy would only create anxiety and tension among people in the area and that the peculiar statement around the Thornhill community's land claim emphasised the need for ACLA's reports to be made public and for the state president to give reasons for his decisions.

Fighting the drought in Stoffelton

THE drought in Natal has affected many communities with whom AFRA works and a drought facilitator has been employed to advise communities about whom they can approach for assistance. Even communities in high rainfall areas have experienced severe drought-related problems. The community of Stoffelton, near Bulwer, is an example.

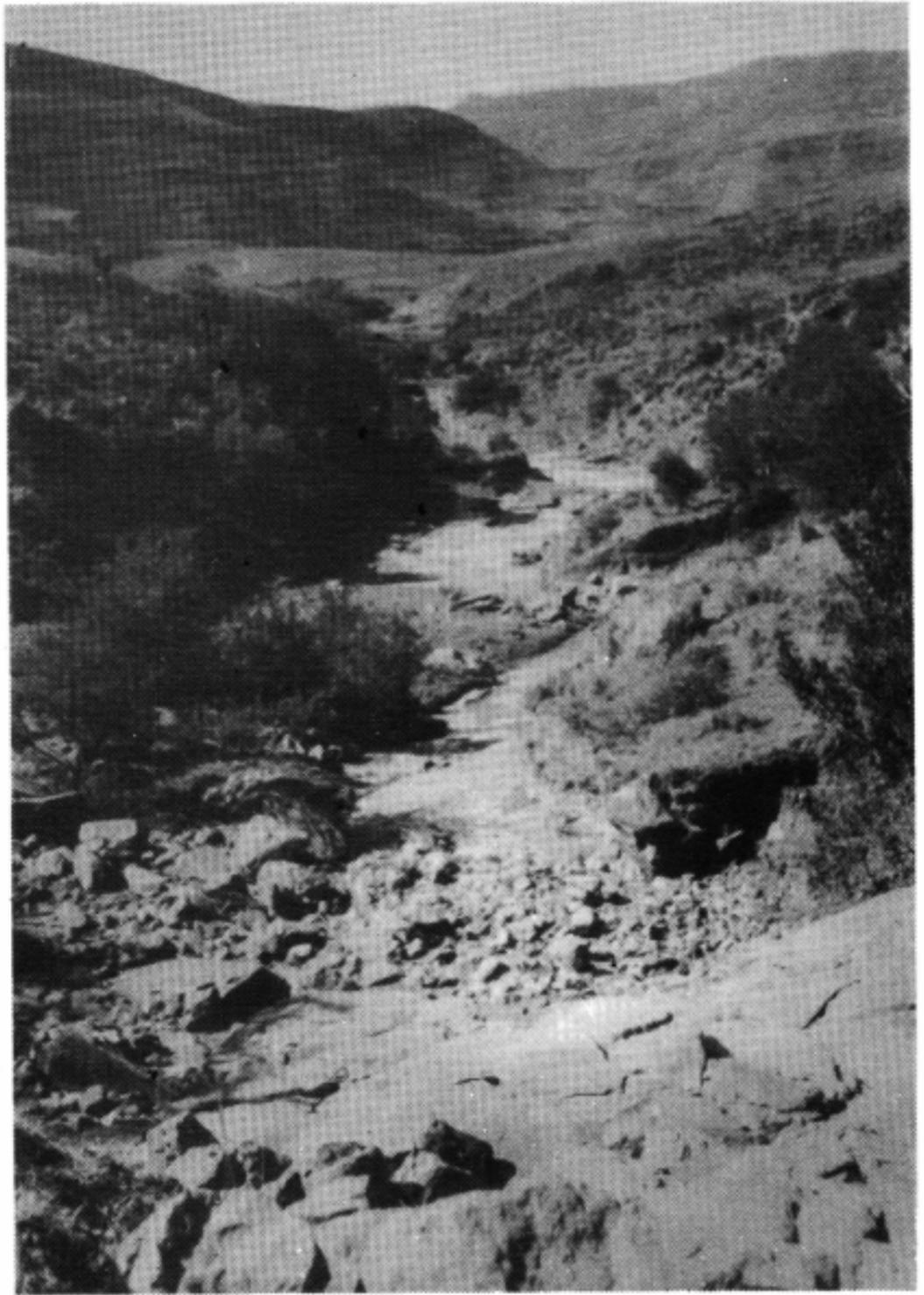
Good rains last fell in Stoffelton in January 1991.

Usually, Stoffelton gets 754,2mm of rainfall a year, but in 1992 only 510mm fell. This is about 40% less than the average. This shortage of rainfall has caused many problems in the community.

During 1992 no crops were harvested. Last January the whole crop of potatoes, beans and maize was lost through lack of rain and severe heat. People had to buy food at high prices from the shops to survive. Prices of all necessary goods increased. The price of an 80kg bag of mealie meal rose from R60 to R95.

Cattle also died because of poor grazing and lack of water and almost every family reported the loss of some of their cattle. One family lost five.

But the worst problem is that springs have dried up. Some springs that had water for the last 50 years, have dried up. Since August 1992,



A dried up stream in Stoffelton.

almost all the springs have had no water and people had to drink stagnant river water. This caused illnesses in the community. Adults and children became affected by bilharzia and dysentery. The NPA health service reported one severe case of typhoid in Stoffelton.

During this time, the community got no help. In November 1992 AFRA asked the Joint Services Board (JSB), KwaZulu and the Natal Provincial Administration (NPA) for help with emergency water. After discussions with the community, the JSB and KwaZulu agreed, in December, to transport

water to the community by tankers. The JSB financed 10 4.5 kilolitre tanks and KwaZulu offered to fill the tanks by tanker.

The community identified the sites for the tanks, constructed bases and set up committees. Meetings were held with people in the different areas of Stoffelton to discuss how the community would share the water from the tanks. People were also advised that the water in the tanks needed to be treated before use because it was polluted water from nearby rivers. The first time people received water was on January 10 1993.

Land Rights Update

Camden Farm and Compensation

THE land claims by communities in these areas will form part of the Advisory Commission on Land Allocation (ACLA) recommendations on land in Impendle. ACLA official, Mr N van Rensburg said most of Compensation was already owned by black farmers, and this land would not be considered by ACLA. However, some 20 000 hectares next to Compensation was still owned by the state and recommendations would be made about this land. Regarding people living in the township section of Compensation, Mr van Rensburg said that the Department of Regional and Land Affairs was presently investigating how leasehold here could be converted to full title.

AmaHlubi to meet Estcourt Farmers

THE AmaHlubi community will be meeting with the Estcourt Farmer's Association and others in an effort to explore land claims in the Estcourt District. At a meeting with the Estcourt Farmer's Association on February 10 1993, the Association said it was keen to reach consensus about land claims in the District before the ACLA hearing.

The Association also distanced itself from a letter written by a government official in 1992. The letter, written by a Mr Redinger, and sent to the Ministry of Land and Regional Affairs, followed a meeting between Mr Redinger and the Estcourt Farmer's Association. It spoke disparagingly about the AmaHlubi and AFRA. The Farmer's Association agreed to write a letter distancing themselves from Mr Redinger's remarks.

ACLA is expected to hold a public hearing on the AmaHlubi land claim soon after March. The AmaHlubi land claim, of some 90 000 hectares in the Estcourt District, is the single largest claim from one community.

Alcockspruit land claim hearing

ACLA will be holding a public hearing on the Alcockspruit community's land claim on February 24 at Newcastle. *See page 10 for the Alcockspruit story.*

Gannahoek labour tenants take landowners to court

TWENTY families who live at Gannahoek farm in the Colenso District are struggling to remain on the land they have always called home. The families, who worked as labour tenants, found their security of tenure threatened when the farm was sold to new owners in 1991. After a year of very difficult negotiations, the Gannahoek community have now taken their matter to court. On February 24, 25 and 26 1993, the Supreme Court in Pietermaritzburg will hear oral evidence about the community's claim to

continue living at Gannahoek. Essentially the court will have to determine four things:

- Did the previous owner of Gannahoek, Mr McFie, agree that the families could stay on the land?
- Did Mr McFie tell three of the families that they could stay on the farm for the rest of their lives when he sold the farm?
- Were eviction proceedings undertaken at the Colenso Magistrate's Court by Performance Farming Enterprises (Pty) Ltd (PFE) withdrawn and does this mean that the families can remain on the farm?
- Did Mr Albers, the new owner of Gannahoek and PFE executive, tell the families on June 10 1991 that they would be allowed to stay on the farm for the rest of their lives?

If the court does not find in favour of the families regarding the above points, it will then have to decide whether the notices given to the families were reasonable.

Towards the end of 1992, the court granted an interim order which interdicted and restrained Shonalanga Safari Lodge (Pty) Ltd, the current owners of Gannahoek, from impounding cattle or goats belonging to the community or causing these cattle to be impounded. Shonalanga Safari Lodge (Pty) Ltd was formerly called Performance Farming Enterprises (Pty) Ltd.

The tenants also asked for the court to:

- set aside and declare to be of no force or effect Shonalanga Safari Lodge's written notice to the community in August 1992 that they pay a

monthly grazing fee from September 1992 for their cattle and goats

- set aside and declared of no force and effect a verbal notice from Shonalanga Safari Lodge that the families pay a monthly fee from October 1992 for their cattle and goats
- intedict and restrain Shonalanga Safari Lodge from issuing any instruction or demand directly or indirectly to any of the families which would or may interfere with their right of occupation of Gannahoek.

Shonalanga Safari Lodge (Pty) Ltd will have to show why the above should not be ordered when the matter goes to court on February 24 1993.

STOP PRESS

Shonalanga Safari Lodge has asked for a postponement of the court case, on the basis that they wished to reopen negotiations around the community's purchase of the farm. Both parties agreed to this postponement on February 5 1993.

Mooibank tenants in difficult negotiations with Mondi

NEGOTIATIONS with Mondi Forests are continuing, under difficult circumstances for the community. The families who still live on the farm want to keep cattle and grow subsistence crops - they want to retain their rural lifestyle which has sustained them for generations. Mondi wants to plant forests and one of the options they have put to the families involves moving to another farm owned by Mondi. When AFRA visited the Mooibank

community at the end of 1992, they said they felt intimidated by Mondi's actions, which included continued ploughing of land under negotiation. Mr Mbunga Nkosi told AFRA that people were very concerned. "We believed the negotiations were on track, but Mondi seems to have a different agenda. We feel trapped. Until there is agreement that we move to the other side where most of the kraals are, I am not allowed to plough or keep my cattle. I bought manure, planted my seeds, then Mondi came and ploughed up the seeds. I was at work at the time."

People said that although Mondi was negotiating, it seemed the company really wanted to drive people away from the farm. "Mondi wants to get rid of us because we are standing in the way of their trees. The community is not used to apartheid practices: that is why we are happy to share. Mondi is from a different background altogether. Mondi has all the laws on its side, not us.

"We are living in South Africa, which is very unique in the world. It is because we are black that we are having all these problems. When apartheid is dead the indicators of this would be a redistribution of wealth, no more evictions and removals from areas that are rich to poor areas, as is happening with Mondi. Mondi wants us to move to Wonderboom where it is dusty and rocky. They want to keep the rich farm for themselves," said Mr Zakhele Sithole.

Added Mr Mlomo Sithole: "Mondi has pieces of paper called title deeds. They can chop down the trees but not us, the people. They know we have a long history with

this land, yet they can still say the land is theirs."

The families have lived on the farm all their lives and have strong links to the land where their ancestors are buried.

National community meeting on land restoration

FOLLOWING their meeting in November 1992, communities from around the country will be meeting on March 27 and 28 to review the decisions they took about ACLA.

At the November 1992 meeting, communities decided to give ACLA until January 30 1993 to deliver. If ACLA did not, then communities said they would embark on other strategies to get back their land by March 1 1993. One of the options discussed was reoccupation of land from which communities were forcibly removed.

Communities also raised the possibility of appointing a People's Land Claims Commission. Communities warned the state president that if the government continued with unilateral land transfers to the homelands, then people like themselves would have no choice but to also take unilateral action.

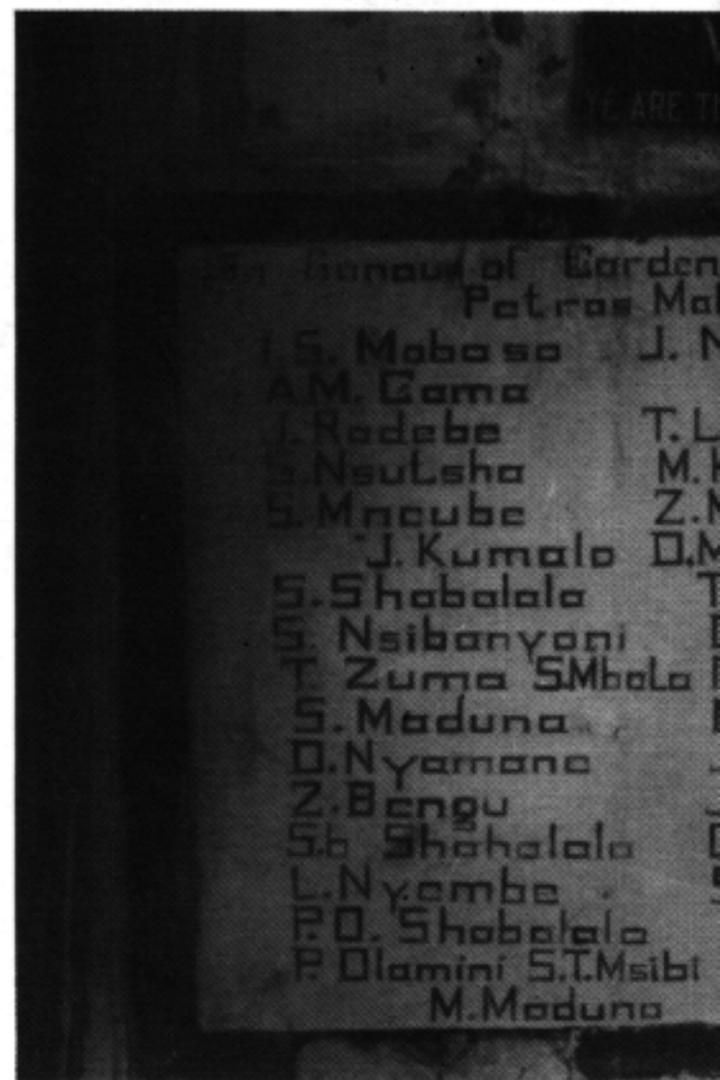
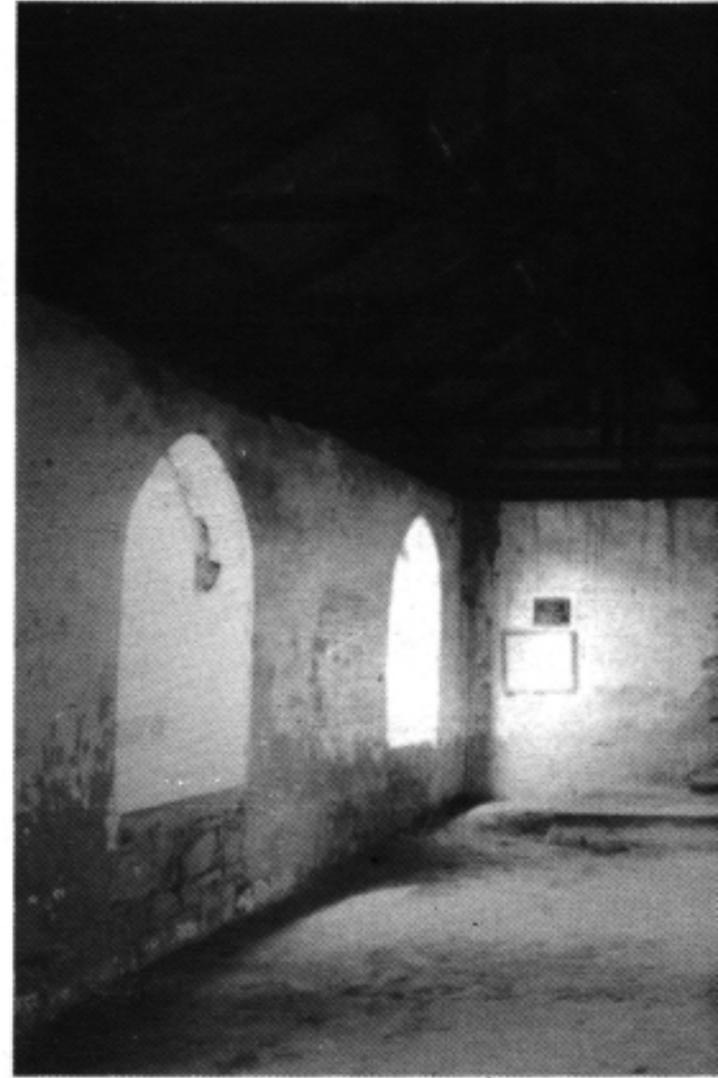
"In our own words"

We won't forget the

ALCOCKSPRUIT is about 30kms from Newcastle and about 10kms from Danhauser. In 1969 most of the community was forcibly removed to Madadeni and Ozisweni. Only two families remained at Alcockspruit in protest against the removal. But they too were forcibly removed in early 1970. Here the Alcockspruit community tell us their story. They tell of the joy of life before their forced removal. They tell of the pain of removal and what they want the government to do now.

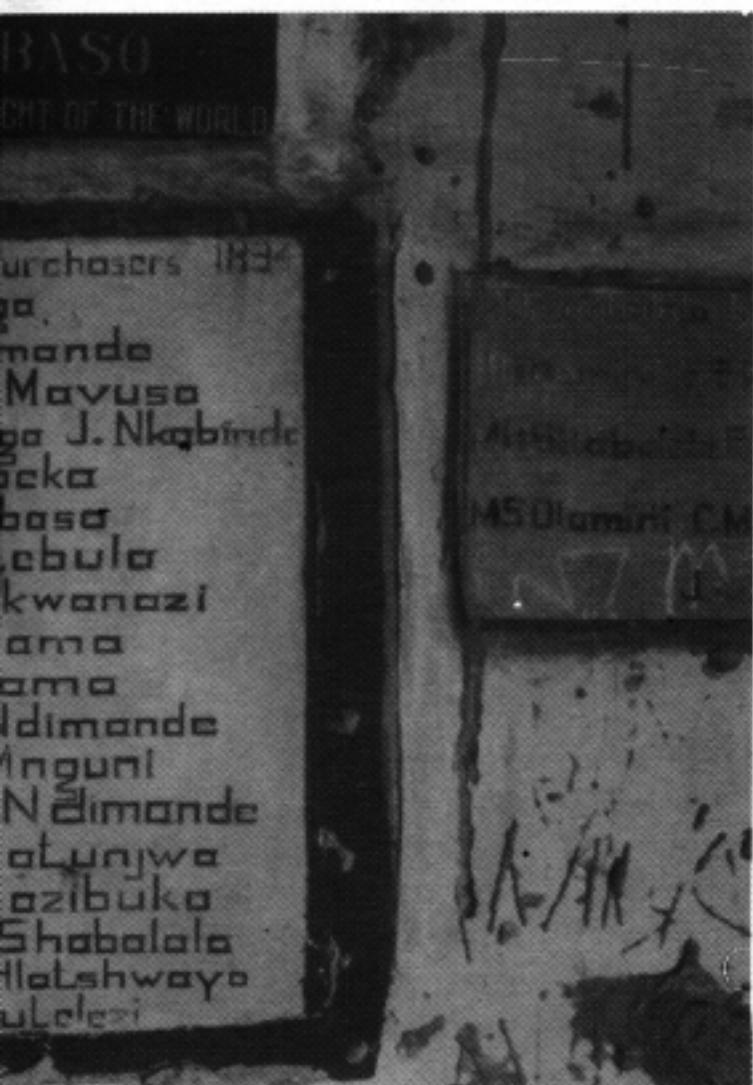
ALCOCKSPRUIT consisted of three farms known as Crane Valley, Gardens and Lochlomond. These three farms were bought by a syndicate of Africans in 1894. The purchasers had title deeds for these farms. The names of these initial purchasers are recorded in the Alcockspruit church, which is still standing at Gardens. After buying the land, the syndicate subdivided the farms into smaller plots for different purposes: residential, agricultural and other. Although the syndicate had overall controlling powers, individuals owned their plots. There was also land known as commonage and which was set aside for common use by the whole community, or for the benefit of the whole community. On the commonage land there were:

- Fenced cattle camps with dipping tanks
- Community halls (one at Crane Valley and one at Gardens School)
- Schools with gardens and sports grounds. The school buildings are still standing and house a farm school that is managed by a farmer who was formerly leasing the farm
- A church (still standing)
- Two cemeteries which were well fenced and are still being used. One of the purchaser's descendants was recently



Top: The church at Alcockspruit, built by the community before their removal.

golden years...



Bottom: The plaque in the old church at Alcockspruit, with the names of the original owners of the land

buried there. There were wells which were dug by the community members and some of these still exist.

All these structures were built by the community members using their own initiative and financial resources, without outside help. The community members themselves dug the stones, cut them into shape to build school classrooms, the church and their dwelling houses. Many of these structures can still be seen standing at Alcockspruit today, although they are in bad shape.

The Alcockspruit community took advantage of the fairly fertile land which they owned. Everyone made productive use of their land. The community kept cattle, goats, sheep and horses which were used for ploughing the fields, as transport and as a source of meat, milk and kraal manure for fertiliser. On their fields the community planted crops like maize, beans, pumpkins, mabele and others. These were mostly for their own consumption, but they sold their surplus to Indian traders and at the maize mill at Danhauser. People were by and large self sufficient, if judged according to those days' standards and levels of needs.

Their children attended school at Gardens

Intermediate School, which the community built. This school had classes up to Std 7 (Form 2). There was a principal's office and a kitchen where pupils got meals. There was also a well-equipped library and a woodwork workshop. Most of these scholars went on to become teachers, nurses and carpenters.

Alcockspruit was a stable community. Diseases, crime and even death were uncommon. People lived to a ripe old age, as can be seen from the graves in the cemetery.

The community youth formed an association called Gardensville Youth Association. This association held concerts and collected money to entertain their elders, especially during Christmas and New Year celebrations.

The removal

In 1968 the community members were told individually that their land would be expropriated. People were given 60 days to submit their title deeds or inform the Minister of Agriculture of the place where these were kept. They were told that they would lose ownership of the land, improvements and rights to minerals belonging to them.

Just before the actual removal of the community, Alcockspruit was flooded by people forced off neighbouring farms. Soon

"In our own words"

"How can we forget how we were made homeless and landless in the country of our birth? The memory lives on! Never can we forget those golden years before our removal. Not until the day we die."

there were more of these people than the landowners. When the actual date for the removal came, these newcomers willingly left for Madadeni township. This gave the impression that the landowners of Alcockspruit had no objection to their removal. The landowners did not want to move, and they remained at Alcockspruit till towards the end of 1969. Two families remained, in protest, till early 1970.

In 1969 most people of Alcockspruit were forcibly removed to Madadeni and Osizweni townships. The manner of their removal was so brutal, ruthless and disruptive, that some pupils missed classes for the whole year.

But a year of schooling was not all that was lost. The most indelible memory and consequence of our forced removal is economic loss that the community suffered. For example, there was no time to move our tools, implements and livestock to the new places. Some simply had to be left behind, to be taken over by strangers as their own. The rest had to be sold to Indian traders at ridiculously low prices. Most cattle were sold for about R7 to R10 and this humiliation broke the spirits of many of the elderly people.

It must be understood that in our community these animals and implements were our main means of survival and a source of

wealth and pride. All these quickly disappeared as we were forcibly uprooted to satisfy the political aims and the greed of the powers that be.

How can we forget how we were made homeless and landless in the country of our birth? The memory lives on! Never can we forget those golden years before our removal. Not until the day we die.

Life in the townships

In Madadeni and Osizweni people were put into four-roomed houses without plastered walls or floors, which shows how brutal and badly planned the whole exercise was. Alternatively, it shows blatant disregard for black people in this country.

The houses were inadequate for our large families, so much so that some of our property could not be accommodated. Many of our family members were forced to go and live in other parts of the country. That is how the community of Alcockspruit was broken up.

In the new township environment many people had to struggle to make a living in ways that were completely strange to them. Fulltime, productive farmers were suddenly made jobless. People were made poor overnight. Many elderly people died of broken spirits and worry, after contracting illnesses such as high blood

pressure, hypertension and sugar diabetes. People could no longer get cheap, nutritious food as they had on their farms at Alcockspruit.

For most of us, life has never been the same again. Township life is so fundamentally different from country life, that even after 20 years we still long to go back to our land. People from different communities were bundled together here. And people are experiencing a variety of problems, such as a very high rate of crime caused by unemployment, as well as a drastic housing shortage for all but the few who could afford high bond rates, as most available land is in the hands of speculators and developers.

What we want

We want to return to our land at Alcockspruit. The only way for the wounds we suffered to be healed is for us to be allowed to return to our land at Alcockspruit, and for our title deeds to be given back to us. We seek the restoration of our land as it was when we were removed and reconstruction of the structures that were built through the sweat and toil of ourselves, our parents and our grandparents. We seek to return to that peaceful, glorious and prosperous life which we once enjoyed at Alcockspruit. We wish to be together with our loved ones who are resting in the

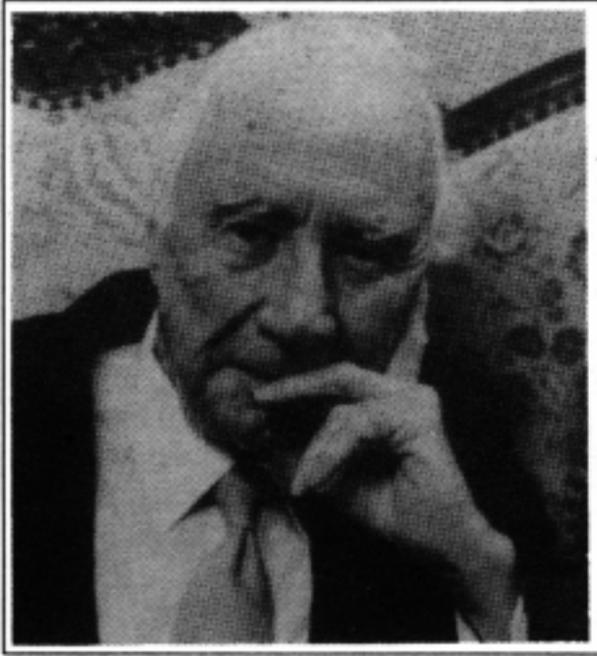
graveyards at Alcockspruit. We are longing to restore the church that our fathers built for us. Our hearts and lives are in bondage in a strange place.

We want the rebuilding of the structures that were destroyed -the whole land must be fenced, our fenced cattle camps must be rebuilt, together with facilities for dipping, the re-establishment of a large garden area for the use of the community, the re-establishment and fencing off of our lands for cultivation, the demarcation of residential plots, construction and establishment of the comprehensive school (including the technical school), the restoration of our church building, and the return of its facilities, the re-establishment of commercial plots, in consultation with the community, the re-establishment of the dairy

We want assistance with the further development of our place, in consultation with and for the benefit of the whole community, including:

- the construction of a dam
- the establishment of co-operative societies
- the building of community offices and a community hall
- provision of water, roads and electricity
- postal service, clinic, etc.

"For most of us, life has never been the same again. Township life is so fundamentally different from country life that even after 20 years we still long to go back to our land."



"I see my appointment as chairman of the Advisory Commission on Land Allocation as a further opportunity to serve communities."

Policy of serving

As a commissioner of ACLA you are faced with a very difficult task, not one which many people would envy. Why have you agreed to serve on ACLA? What are the main challenges for you as an ACLA commissioner?

Land and title to land is and will always be a difficult and emotional issue - it involves the whole community. I have, during my career, adopted a policy of serving the community. I see my appointment as chairman of the Advisory Commission on Land Allocation as a further opportunity to serve communities. In doing so I will endeavour, within the framework of the statutory objectives of the Advisory Commission on Land Allocation, and with the help of my colleagues, to make sound recommendations in an effort to solve the various land issues before the Commission within reasonable time.

At the end of 1992, ACLA made announcements on its work to date. The Deputy Minister of Regional and Land Affairs, also said that eight more land claims were being finalised, six reports were with the state president and 27 claims were under investigation. Is this currently the case and when can we expect further announcements about the Commission's work?

Although the Commission can only make

recommendations to the state president and it is for him to decide, I think it is safe to say that further announcements in this regard can be expected soon. The Commission is presently in the process of forwarding eight reports to the state president and is currently busy with a further 41 cases.

Although dispossessed communities have cooperated with ACLA, they levelled criticisms about the Commission when it was first established. More recently, the Farmer's Weekly, in an editorial on January 8 1993, said that the main problems with the current process of land claims was that ACLA is politically appointed, that it cannot make decisions and that its recommendations are not made public. What is your response to these criticisms?

I have taken note of the criticism levelled at the Commission. Nevertheless, I have up to now experienced a willingness by all to work together in solving problems. I must stress that the facts of a matter are always the determining factor which leads to a sound decision.

A range of groups, among them the South African Agricultural Union and the ANC, have called for a land claims court to be established to resolve land

the community

claims. What is your view of this?

Although I cannot elaborate on the question of a land claims court and the challenges facing South Africa in terms of land issues, I think it is of paramount importance that everyone should have access to land. I am of the opinion that the Commission can, within the framework of its statutory objectives, make a contribution in this regard.

What do you see as the main challenges facing South Africa in terms of land issues?

For the Commission, the main challenge is to deal with and resolve the cases that come before it in as short a time as possible. On January 15 and 22 1993 the Commission advertised in newspapers that it was considering some 300 000 hectares of state land, among others, adjacent to and outside Lebowa and Qwa Qwa.

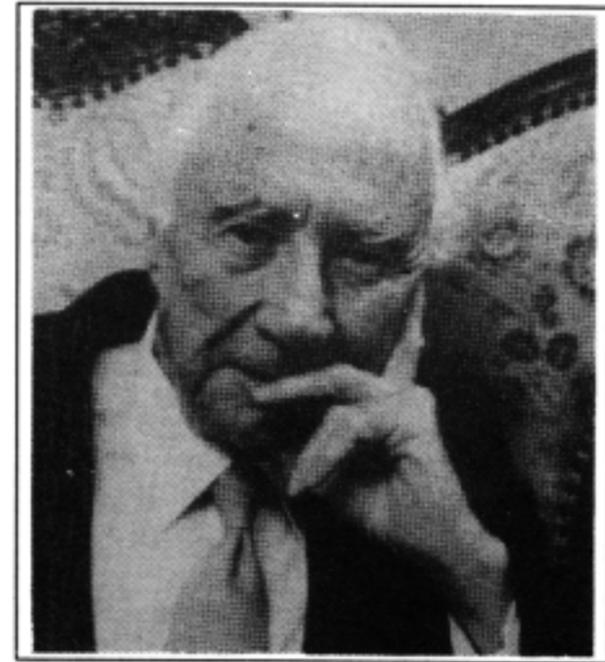
At the public hearings held so far, the commission has expressed deep concern about the development of land that is restored/allocated to communities. What is your view of future rural development in South Africa - how can rural development needs best be met?

The question of planning and development of land which is under consideration

by the Commission should be seen within the contents of its objectives, namely, that planning and development are necessary in order to offer the greatest number of people, in the case of agriculture a decent living, and in the case of residential land, adequate living space. It is to my mind obvious that in creating opportunities in order that people can be settled on land involves money. It is for this reason that the Commission must, in terms of its objectives, exploit ways and means to involve the private sector in developing land.

The recent plan by the government to transfer state land to homeland administration has put ACLA in a potentially uncomfortable position. How will ACLA approach the whole matter?

I am not in a position to comment on the land issue pertaining to self-governing territories, save to say that the Commission has considered approximately 500 000 hectares of state land in Natal, apart from land already advertised in the cases of Lebowa and Qwa Qwa referred to above, and identified which land has not yet been developed or allocated. Advertisements concerning this land will be forthcoming soon.



"...I cannot elaborate on the question of a land claims court and the challenges facing South Africa in terms of land issues..."

Affirmative action -

IN AFRA newsletter number 19 we carried three views around the issue of a land claims court. The concept of a land claims court is one of the options for land reform in South Africa. Another, is the question of affirmative action. Here, we present two views of affirmative action - those of Professor Stan Sangweni, who has had wide experience in the field of rural development (see AFRA newsletter number 18 for more about him) and Mr Peter Stockil, a farmer from Winterton and member of the Natal Agricultural Union.

Professor Stan Sangweni - School of Rural Community Development



"AFFIRMATIVE action means taking special measures to enable persons

who were discriminated against on grounds of colour, race and gender to break into fields from which they have been excluded by past discrimination. Dispossession and denial of rights of black South Africans to own land have resulted in the glaring unequal distribution of land and landlessness. To address this situation will require interventions far beyond the mere repeal of apartheid land laws.

"One such intervention must include a policy of affirmative action, not as a mere option, but as a deliberate and imperative measure to restore land ownership rights of the dispossessed citizens. The beneficiaries of such an affirmative action should be the landless, black, rural poor and women who have been deprived of rights to land through a combination of legislation, patriarchal systems and customary practices.

"To remind ourselves of the magnitude and dimensions of the problem of landlessness and the urgency with which it has to be dealt, it is important to keep in mind some of the key statistics concerning the land issue in South Africa. A

total of 386 000 square km in South Africa is savannas, an arid and semi-arid region with limited agricultural capability which lies in a broad horse-show shape, south of the Limpopo and Molopo Rivers in the north and down the east coast of South Africa. It is within this broad savannas that the rural 'homelands' occupy a mere 70 000 square km of land with poor soils on high sloping ground and severely limited by low and erratic rainfall.

"15 million black people live in the 'homelands' where more than 55% of households are small-scale landholders on an average one hectare of land with below subsistence production. Some 30% of families are landless. Only 10% of 'homelanders' derive income from agriculture, while between 60% and 80% depend on earnings from labour exported to industrial/commercial white South Africa.

"Some 60 000 family units constitute the white commercial rural area of South Africa - where average farm size is 2 500 hectares.

"It is important to recall that many black South Africans owned land in white rural areas before the application of the Land Acts of 1913, 1927 and 1936 - the main instruments of dispossession. An estimated 475 000 people from black freehold areas ('black spots') were forcibly removed from white rural areas between 1960 and 1983. In Natal, more than 100 000 black

land reform option

people were removed from their lands between 1948 and the late 1980s.

"These statistics serve to underscore the urgent need for a comprehensive land reform programme to address a problem of extreme national importance.

"An affirmative action programme is therefore of crucial importance as an instrument and a driving force behind the bold land reform interventions that need to be put in place to resolve the land issue. Within such a programme of land reform and land redistribution, an affirmative action programme should include the following:

- **Respect for land:** It must be accepted by all South Africans that ownership and use of land carries with it both rights and duties. Landholders should be required by law to recognise the need for productive use of the land and the need for protection of land as a productive asset for the country as a whole.
- **Land Claims Court:** A major priority of the affirmative action programme is the need to address demands and grievances concerning land restoration and ownership rights to victims of forced removal. This will require the creation of a land claims court through which competing claims to land can be resolved. Such a court would be independent, non-racial,

non-sexist and representative and would operate according to laid down legal criteria. A land claims court should be affordable and accessible; the state would have to provide necessary financial assistance to enable those with limited means to present their cases to the court. The ad-hoc disposal of land formerly under the South African Development Trust should therefore be suspended as the present mechanism of the Advisory Commission on Land Allocation falls short of community demands for land restoration.

- **Acquisition of land:** Land acquisition for the landless and dispossessed cannot be left to the forces of the market, government will have to play a key role in the acquisition and allocation of land. The state should therefore have the power to acquire land in a variety of ways, including expropriation in accordance with the provisions set out in a new constitution and a Bill of Rights. Government should have a right to acquire land to be made accessible to those most in need.
- **Policy instruments:** A vigorous rural development dispensation is the best medium for implementing an effective and dynamic affirmative action programme. High

priority should be given to provision of packages of extension training, credit and marketing facilities and other support infrastructures to black farmers and women farmers previously denied access to these resources. The present setup where these services are provided by 10 different ministries of agriculture is ineffective and inefficient and without any policy frame.

"The system of subsidies previously provided by government led to inappropriate and unsustainable agricultural practices and contributed to debt problems facing the commercial farmers presently. There are valid reasons for removal of subsidies which kill incentive for efficient management of the land and induce environmental degradation. But subsidies cannot be removed across the board. There is a need to institute a carefully designed package of subsidies that will facilitate entry of black farmers into sustainable commercial farming. Subsidy funds should be established, for instance, to cushion the high costs and risks of credit and high costs of supply inputs and research services to the new black farmers.

"Farmers associations and cooperatives on a non-racial and non-sexist basis should be encouraged to advance the interests of all farmers. Government should support the creation of these

▼ **Affirmative action**

institutions through training programmes for their members and personnel.

"The more than one million labourers and labour tenants who work and live in the white rural areas are particularly vulnerable. They and their families ought to be guaranteed full rights and protection under relevant labour legislation. The farmworkers and labour tenants who have had long associations with particular farms should have protected rights of occupation and use.

"The majority of families in the 'homelands' are female-headed households, with women carrying the burden of providing food and energy for the family. Rural development will require full integration of women, particularly regarding equitable access to land, water, inputs and services and equal opportunities to develop and employ their skills. Customary practices are not easily dismantled or even modified. But this can be addressed quite effectively through legal provisions to open ownership rights for women, including joint ownership and co-ownership of land to give women producers with absentee husbands legal rights to take decisions on land they manage. This will also ensure full membership and legal voting rights in organisations like farmers' associations and cooperatives."

Mr Peter Stockil - Natal Agricultural Union (NAU)



"AT THE NAU Congress held in September 1992, the farmers

debated and approved a comprehensive policy document. We believe this policy will take farmers of Natal into an exciting and challenging future. The policy document dealt with our economic policy, land ownership and use and regional government. The NAU supports the private ownership of land. To this end, the NAU would support measures which would make the privilege and responsibility of private ownership of land accessible to as many of our country men as possible. It is true to say that you look after something which you have actually had to work for better than something you have been given. We believe that private ownership is a symbol of independence, freedom, security and status. Private ownership extends credit worthiness. If something was taken away from someone else and given to someone else there is absolutely no reason why it can't be taken away from you and given to the next person. If people own their own land the community is

stable, family values are built up and health is able to be engendered into that community because there will respect for watering points and various other things which contribute to a healthy community.

"I believe that when you have got something which is your own the production capacity of that land is a pride and joy to you. Markets can be created because you have stable communities, one person is growing maize, selling it to the next guy who is growing cabbages, so you have a market built into the situation and you also have cooperation between people in that community who own their own section of land. To be able to have something which you can pass on to your children is a very important part of being proud of your land and looking after it.

"We believe the state must make more peri-urban land available for people who haven't got agricultural aspirations but have urban aspirations. This land must also be on a freehold basis. This move of population will create work and is a high economic multiplier.

"In Australia and New Zealand there is in place a policy through which disadvantaged applicants enjoy certain preferential status with the provision of loans and rates of interest when on a new agricultural venture. We believe that a points system could be worked out whereby aspirant farmers could be graded as to their eligibility for these loans. The scheme must be properly designed so as not to cause major distortions within the agricultural industry and within the land market.

"Co-ops must actively recruit aspirant farmers to their membership. This would avoid costly duplication of infrastructure and services. Many products can only be marketed through co-ops.

"How do we make land available? The first land which must be made available are the vast areas owned by the South African Development Trust (SADT). I hear that it is about 493 000 hectares in Natal. Any other state land not needed for service functions and conservation should be released for settlement. This should be done once a land claims court has completed its work. There should be a time limit after which land claims will not be adjudicated. The Sub-division of Land Act of

1970 should be amended to make land available to be sub-divided to sell to aspirant farmers. Measures must be taken to prevent land speculation.

"The method which we would look at as regards aspirant farmers is, firstly, through negotiation with groups representing aspirant farmers, a benchmark for the production capability of a small farm can be set. With the help of the Department of Agriculture, specialist farms would be sub-divided according to these criteria, making sure that all farms have access to roads and water. The price of this land should not be determined by its production capacity but also by other attributes such as distance from towns, schools, water, housing, rainfall, etc. The aspirant farmers would be made aware of the carrying capacity of the land and would be encouraged to maintain this. The land would be placed on the open market with some potential buyers having qualified for favourable financing.

"We have been talking about land which belongs to the SADT. We now refer to privately owned land which would also be able to be sub-divided into these small economic units and placed

on the open market and anybody can purchase those, also qualifying for affirmative action. One might say that with farmers sub-dividing land they might divide them up into as many small units as possible in order to get the highest price. The market will still dictate - he will have to have farms divided into the criteria which we have discussed and he might sell two of his best plots for a good price but if he's ending up with three plots which aren't any good, he will have to reduce his price in order to sell.

"We strongly believe that affirmative action should be done through an institution which is already in place - the Land Credit and Tenure Board. It is an institution which is already functioning and they should be channelled into being the vehicle for affirmative action along these lines. The Land Bank would be the place where commercial farmers would go for loans and anybody would be able to qualify depending on whether they qualify on its criteria. We, in the NAU, really believe that we stand on the threshold of a new era in Natal agriculture and we are ready to welcome aspirant commercial farmers into our ranks and we are prepared to help where we can and together feed this great nation."



Local government forum established

GOVERNMENT and civic organisations agreed in January this year to set up a local government forum. Civics and the government will be represented on this forum and agreements reached will be binding on all parties. A working group was established to work out the forum's terms of reference, the South African National Civics Organisation (SANCO) and the Local Government Minister, Tertius Delport, said after their meeting in Johannesburg.

(Business Day: January 14 1993)

DBSA distances itself from homeland governments

THE Development Bank of South Africa (DBSA) recently took a decision to end its role in the finances of homeland and other regional governments. The decision was part of the DBSA's restructuring programme.

(Business Day: January 8 1993)

Goldstone calls for halt on land to KwaZulu

THE Goldstone Commission recommended that government plans to hand over land and police stations to the KwaZulu government

will seriously aggravate violence and should be halted. The recommendation was part of the Goldstone Commission's Interim Report, released on December 28 1992.

(Natal Witness: December 29 1992)

Farmer's Weekly slates Advisory Commission on Land Allocation

IN a further call for the establishment of a land claims court, the Farmer's Weekly said in an editorial that ACLA's handling of land claims was not contributing to rural peace and stability. "No one will deny that settling the land claims of people forced to move by racially based laws of the past is difficult, but the snail's pace at which the Advisory Commission on Land Allocation (ACLA) appears to be handling this can't help but antagonize claimants. ACLA was formed 18 months ago to advise the state president on claims to state land but only last month were the first decisions announced - on nine land claims...yet the rate at which ACLA gets through its work is not the real problem. Major faults with the system are that ACLA is politically appointed, it can't make decisions and, above all, its recommendations are secret." The Farmer's Weekly said that the government should use the judicial process to settle land claims. A special court should be set up to hear such claims and the state should bear the costs of these hearings. Hearings should also be open to the public so that justice could be seen to be done.

(Farmer's Weekly: January 8 1993)

Basic services backlog

ESKOM says that air pollution in black townships would drop by 75% if these were supplied with electricity. By 1996, ESKOM plans to have supplied electricity to 164 000 new households. In 1992, about 23 million black people did not have access to domestic electricity. The Development Bank of South Africa (DBSA) estimates that it will cost R15,6 billion to supply all South Africans with acceptable water and sanitation services by the year 2000. The De Loor task group estimates that 198 000 houses must be built each year for the next 10 years to get rid of the housing backlog. The task group also estimates that about 75% (33 million) people will be urbanised by the year 2000. About 3,5 million to 10 million people were living in informal settlements and backyard shacks in 1992, it was estimated.

(Institute of Race Relations: Fast Facts No. 1/1993)

Farming figures

IN 1991 there were 61 902 farming units in South Africa (excluding the homelands), according to a survey by the Central Statistics Service. The same survey found that there were 63 000 working owners, tenants and family members on these farming units. There were 1,1 million paid employees including 703 000 full time employees and 413 000 casual and seasonal employees.

(Institute of Race Relations: Fast Facts No. 2/1993)