

How others see the past and the future. . .

The message from rural communities was clear when they demonstrated at the World Trade Centre. But what do organisations involved in rural issues say? **AFRA News** asked some of the key players in rural land and development to complete four sentences:

1. 1993 was the year when the land question ...
2. The biggest land blunder in 1993 was ...
3. ... will definitely happen in rural land and development in 1994.
4. In 1994 our organisation will to help resolve the land question.

Here are the views of those who managed to do so. Those who were asked but didn't manage to reply were the Inkatha Freedom Party (IFP), Democratic Party (DP), Pan Africanist Congress (PAC) and Natal Agricultural Union (NAU).



African National Congress (ANC)

1. Land emerged as one of the most important issues which will need to be resolved in an equitable manner, for the sake of peace, justice and social stability in a democratic South Africa. It was the year when even the World Bank, for the first time in its history, announced that a major land reform programme was an essential component for development and economic stability in South Africa. And it was the year when the government-appointed Commission on Land Allocation confirmed all the reservations expressed by the democratic movement, in being unable to effectively deal with even some of the simplest claims put forward by rural communities.

2. When the government unilaterally went ahead with its plans to transfer land to Lebowa, Qwa Qwa and KwaZulu, despite opposition from a wide range of organisations.

3. The setting up of a land claims court, as well as the beginnings of a reallocation of resources to the rural poor and landless will definitely happen in 1994.

4. In 1994 the ANC will do its best to help resolve the land question.

Development Bank of South Africa (DBSA)

1. The land question entered the national debate with major organisations like the World Bank providing lessons of experience from elsewhere. That indicates that a land reform programme, where there is at least 30% of commercial farming land, needs to be embarked upon using the principle of the "assisted market" and given due consideration to restitution from a land claims court.

2. The inclusion of state/trust land into homelands, albeit under joint administration, effectively giving these areas a large social and economic asset prior to consensus being reached with all stakeholders as to who would have access to such land.

3. It appears that the "rural voice" via newly created rural forums and CBO structures will be more articulate and for the first time their problems and aspirations will be articulated in the national debate.

4. DBSA will continue to provide assistance in the form of providing both policy analysis/information and investment support in pilot projects which will contribute to finding longer term solutions to a range of public sector, non-government and community based organisations.

Land and Agricultural Policy Centre (LAPC)

1. The land question occupied its real place in the national debate. Land has long been treated as a marginal issue by the democratic movement. The NLC's Back To The Land campaign and a watershed land redistribution options conference, hosted by the LAPC, reminded us that South Africa shall never be "new" and "free" unless and until the land question is resolved.

2. The inclusion of property rights in a new bill of rights. The property rights clause is not itself a bad thing. However, any property rights clause should take into account the existing property relations and structural disadvantages of victims of past policies. The present property rights clause may negate the very purpose it purports to be serving, that is, the protection of the individual's property. There is a large number of people who were wrongfully and unlawfully dispossessed. A just and fair bill of rights should take this into account.

3. The much awaited NLC national conference will definitely ensure that a firm foundation for rural community involvement in land issues and rural development is laid. No government, no matter how committed it may be to resolution of the land question, will take seriously issues raised by an unorganised rural constituency. Organisation and grassroots participation will ensure that the land question and rural development are on top of the agenda of a democratic

government, not only in 1994, but always.

4. LAPC will embark on a national participatory research programme to help resolve the land question in South Africa. This research will be conducted in each region, as demarcated by the multiparty negotiating forum. We have no doubt that it will provide the most valuable information for a new government to use to resolve the land question.

National Land Committee (NLC)

1. Land began to get prominence on the national agenda, although it is still not being treated with the importance which it merits. Communities started to mobilise more visibly through the Back To The Land Campaign.

2. Disposal of state land through unilateral transfer to joint administration with bantustan governments and sales to individuals and corporations. Further blunders were the unilateral passing of nine new land laws and the inclusion of property rights in the bill of rights.

3. Increased mobilisation and organisation of rural and landless people to impact on rural land and development policies and reconstruction. The catalyst for this will be the NLC's national community land conference in February 1994.

4. NLC will devote more time and energy to building and strengthening community organisation and also feeding community experience into policy formulation and lobbying around rural and landless people's concerns.

National Party (NP)

1. Land really came to the fore in the debate on constitutional and socio-economic reform. It is encouraging to know that a transitional constitution has been adopted which makes provision for both the protection of property rights and restitution to deal with wrongs of the past. These are key issues in the land debate, without which reconciliation and development cannot take place.

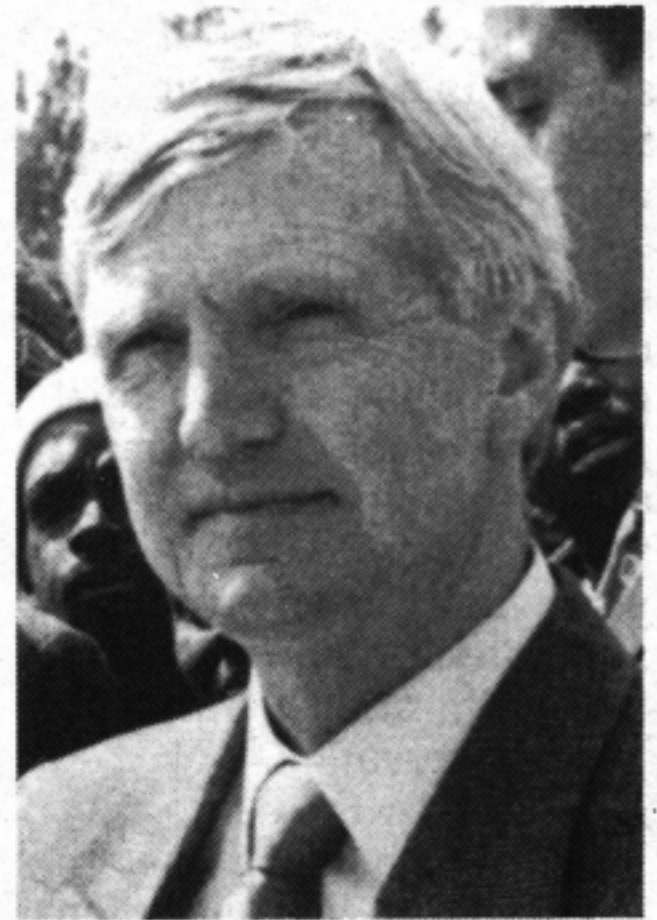
At the same time, 1993 has been a year in which attention was focused on steps to promote access to land within both an urban and rural context. Within the government's national housing programme, large amounts of funds were allocated for provision of land and infrastructure. Steps were also taken to initiate a programme to enable rural communities to gain access to land for settlement. The Agricultural Credit Board has established a programme which focuses on the needs of small, emerging farmers.

2. No blunders, as far as the NP is concerned. But it *would be* a blunder if parties were to conclude the year by pointing fingers at each other on the important and sensitive subject of land, rather than constructive engagement by all in dealing with the needs, aspirations and fears of land reform.

3. No predictions, but the NP believes the following objectives should form the basis of a common goal, serving as a bonding element for concerned parties:

- promotion of access to land rights
- promotion of certainty regarding land rights and property

- judicious use of land as a non-renewable national resource
- implementation of a feasible restitution programme to address past injustices



4. The NP will strive to ensure that land reform receives the priority it deserves and is tackled within an integrated framework, in the urban and rural context. Within the framework of a rural strategy, the approach will be to address the problems of poverty, malnutrition, the need for land and unemployment. The NP will strive to deal with restitution fairly and expediently, as well as promoting small farmer and rural settlement by state-funded support schemes. Where state land is available, it will be allocated to this end, but funding programmes will also be available to afford people the opportunity to obtain private land in a market-oriented process. These programmes came into being in 1993 and will be actively promoted to enable their fruition in 1994.

A - Z of rural land and development in 1993

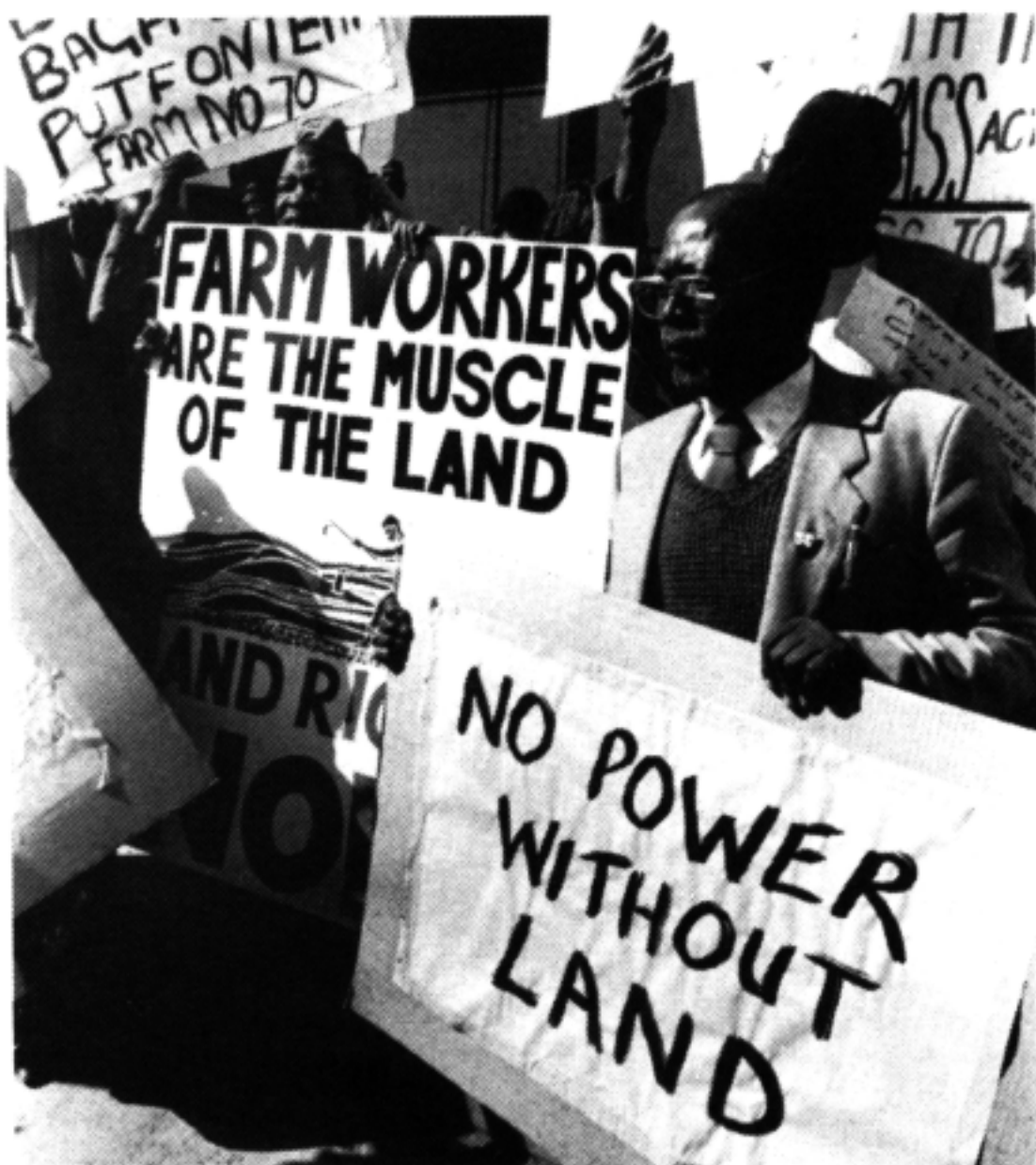
A **ACLA** - The government-appointed Advisory Commission on Land Allocation failed to act as an effective mechanism for either land restoration or redistribution. Since the Commission was established in 1991, it has heard 42 cases. Of 23 cases on which it made recommendations, 11 were claims from removed communities. Only six of the communities who brought claims will have their land returned. Despite its poor record with these limited cases, the government has now entrusted to the Commission the enormous and complex task of allocating more than 900 pieces of state land in Natal.

B **BANTUSTANS CORRUPTION** - In September auditor-general, Henri Kluever disclosed that there was evidence of theft and administrative incompetence, corruption and lack of control in five bantustans. In KwaZulu there were "serious shortcomings in the systems of internal checking and control as well as a disturbing failure to adhere to financial regulations and instructions". There were also unaccounted for missing firearms in the KwaZulu police reaction unit and quartermaster's store and 101 cases of theft

and irregularities involving R78 000 worth of firearms and ammunition.

BACK TO THE LAND CAMPAIGN - In response to government manoeuvring around land allocation, rural communities began to organise more widely under the banner of the "Back To The Land Campaign". Rural communities and service organisations with whom they work are planning a national community land conference for early 1994. Communities at the conference will draw up a land charter which will serve as an organising tool and a document of demands to lobby political parties standing for election.

C **CLAIMS** - The proposal for a land claims mechanism, able to make decisions about land claims and land disputes, began to get wider support from among others, agricultural unions and World Bank researchers in South Africa. Proposals for an alternative process to the Commission on Land Allocation has not been implemented, but is likely to happen once a new government is in place in terms of a clause in the bill of rights which guarantees restitution of land rights to victims of apartheid land laws and policies. The World Bank proposed either an administrative tribunal or a land claims court to deal with claims. Claims



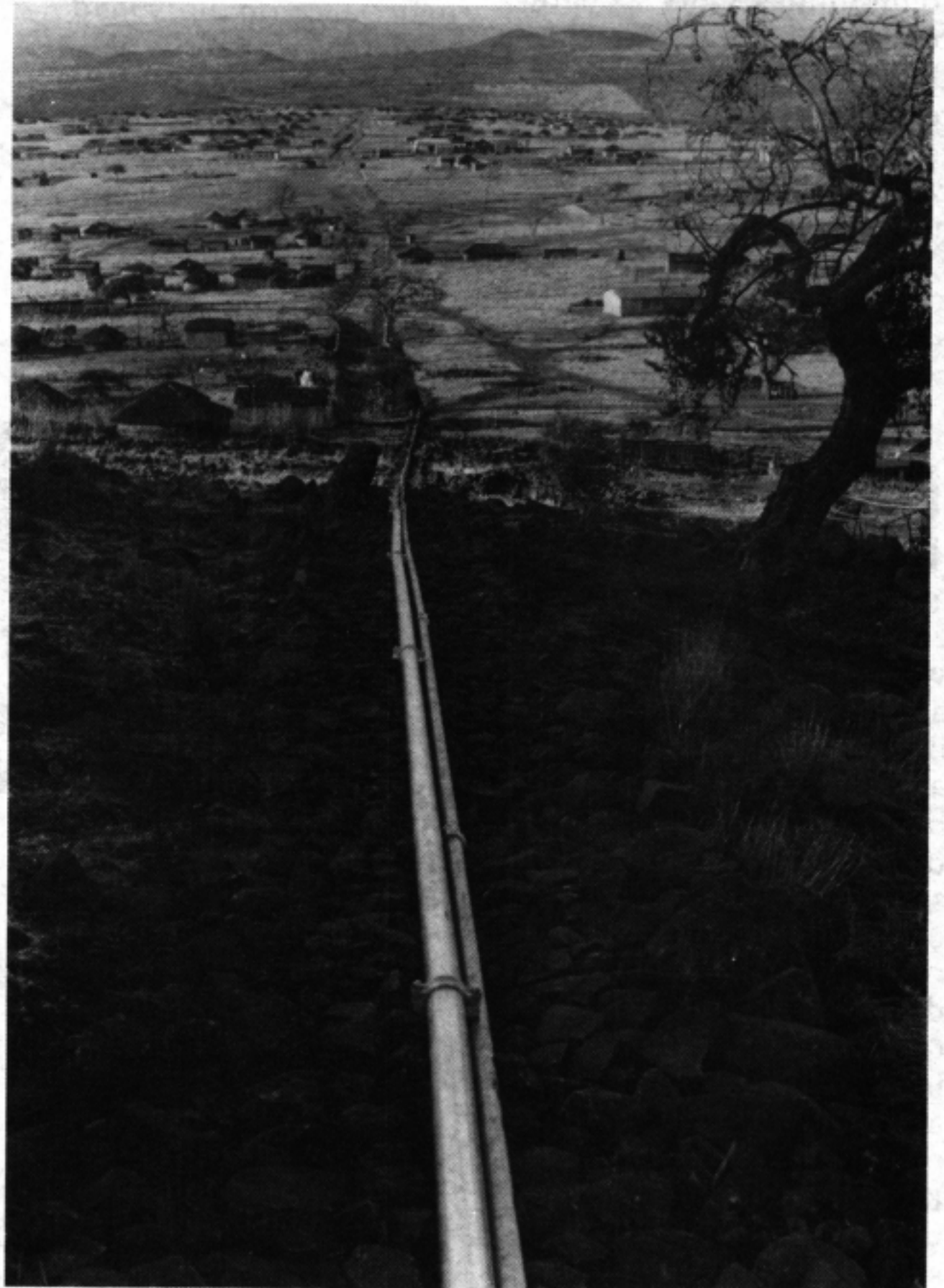
which would qualify include black spot, bantustan consolidation and labour tenant removals. The Bank said white property owners who may have been expropriated through racial land policies would be excluded from the land claims process, on the assumption that they were adequately compensated and had access to the political process denied to victims of apartheid.

COMPENSATION - The Natal communities of Roosboom and Charlestown had their land returned in December 1992. Then the government demanded that they repay the land value compensation they received when they were removed. Other communities who were "compensated" when they were removed and who get back their land are likely to face the same problem, according to a confidential document from the Commission on Land Allocation to the state president. Erik Buiten, Chief Director, Land Reform in the Department of Regional and Land Affairs, said the government had to be sensitive to specific cases and had to think in terms of the consequences for other rural and urban communities with land claims. We cannot treat them all the same," he said.

CONSERVATION - In Natal, the Parks Board and farmers in the Colenso/Estcourt/Weenen area tried to clean up conservation's bad image among rural black communities with their idea of a biosphere reserve. While the interests of black landowners were relatively easy to meet, labour tenants are still some way off from feeling secure.

D DROUGHT - Despite torrential rains in September and October, none of the country's dams are full and the drought has not ended, according to Water Affairs hydrology director, Stefan van Biljon. Allocation of government drought relief funds was in general biased towards the commercial white farming sector. In April 1993, the director of the South African Drought Relief Agency pointed out that of the estimated 10 million people living in rural areas, 93% were african, Yet the government, in its drought aid, had allocated R703 per rural white and only R13 per rural african. In February, the director general of agriculture, Frans van der

Merwe acknowledged the bias in government drought relief allocation and undertook to work with the National Consultative Forum on Drought in future in allocating drought aid. In June 1993, the Department of Agriculture said that more than R100 million would be spent on drought aid in the 1993/1994 financial year and that more than 10 000 farmers were dependent on this aid for survival. The drought highlighted the need for medium and long term plans to deal with drought as an recurrent phenomenon. During the height of the drought, almost 50% of work was on repairing boreholes.



DBSA - According to the DBSA, small farmer agricultural yields compared favourably with those of commercial farms, but more land had to be made available to small farmers. Apartheid had relegated South Africa's black farmers to marginal land and the current support system for farmers hampered black farmers from buying land in South Africa.

DAGGA - Possibly the best cash crop in Weenen. Some of the finest quality dagga is said to come from the Tugela Valley. And the crop is easy to grow, thriving in soil that is considered low potential and not arable. Five square paces of land could bring the grower about R200.

ELECTRIFICATION - About 3,5 million urban households are still without electricity and about 75% of South Africans do not have electricity. At the moment ESKOM is putting electricity into 200 000 households a year. They are hoping that, after the April election, conditions will be conducive to putting power into 500 000 households a year. At that rate, the electrification backlog could be eliminated in seven years time.

EDUCATION - According to the Department of Education and Training (DET), about 472 275 pupils attended farm schools during 1993, compared to 476 466 in 1992. The DET attributed the decrease to migration from rural areas as a result of the drought. The DET said the average teacher:pupil ratio on farm schools was 37:1. According to the National Education Policy Institute (NEPI), farm



schools in non-bantustan areas of South Africa accounted for about 27% of DET enrolment and 35% of DET teachers. NEPI said that pupils, teachers and parents at farm schools were dependent on the goodwill of farmers on whose property the school was. These farmers were often both the employers of the parents and farm school managers. Schooling had become an instrument of social control at the disposal of farmers, said NEPI. The DET raised subsidies for building farm schools from 75% to 100%.

FARMWORKERS' LABOUR LAW - On August 6, COSATU and the SAAU agreed on a separate Agricultural Labour Act (ALA) to cover farmworkers. The ALA will include some provisions of the Basic Conditions of Employment Amendment Act and the Labour Relations Act. But, changes to their provisions will not automatically apply to the ALA. The ALA will not include provisions from the Wage Act or wage

determination regulations. Main features of the ALA are that:

- seasonal workers, hired to harvest crops or weed land, are exempted from parts of the law
- farmers can negotiate with workers to work for 56 hours a week for a period of four months, provided the average working week over a 12 month period is not more than 48 hours a week.
- labour inspectors have only limited access to farmers' offices, if these are inside farm homesteads
- a Special Labour Court for agriculture will take the special circumstances of a farm into consideration before reaching a decision. There will be no right to appeal decisions of the Special Labour Court to reinstate workers. The decision can only be taken to the Industrial Court for review.
- there may be no legal strikes - disputes will be settled by compulsory arbitration

FORUMS - Forums proliferated and became potential centres of decision-making around development. They include the National Consultative Forum on Drought (and its regional equivalents), the National Economic Forum (and its regional equivalents) and the Natal-based non-government caucus, the Democratic Development Forum. But, in most of these, rural issues remained peripheral. Various forums have begun to seek ways to include rural concerns. The challenge remains of effectively including a rural community voice, when communities are still in the initial stages of organisation. Another challenge is to streamline and rationalise the plethora of forums so that emerging community organisations can effectively engage with them.

G GOLDSTONE - Whether or not the government heeds the Goldstone Commission's recommendations was called into question over joint administration land deals with the bantustans. Although the Commission recommended that there should be a suspension of further transfers of land to KwaZulu, on the grounds that this could exacerbate conflict in Natal, the government went ahead and concluded the agreements, anyway.

GROUP AREAS REMOVALS - The second largest category of forced removal and one which has not yet produced many land claims. At least 834 400 people were forcibly removed under the Group Areas Act by 1982. When a mechanism which can address all land claims is set

up, it is likely that claims from this category will increase.

GOVERNMENT OF NATIONAL UNITY - While being touted in current electioneering as a way of securing unity in a democratic South Africa, it's a concept which many people have difficulty getting enthusiastic about. Whether it will actually work to unite South Africans who want to bring changes to the lives of people or as a brake on any significant shifts, remains to be seen.

H HOUSING - More than 10 million people live in informal housing in South Africa and the 10 bantustans. The World Bank found that in the PWV area about 75% of african households do not have access to water on site and almost 50% live in structures built of impermanent materials.

HEALTH - Tuberculosis in South Africa is 10 times more prevalent than the average rate in developed countries. The child mortality rate - an international indicator of a country's development - is more than double what it should be in terms of South Africa's Gross Domestic Product (GDP) and the worst in sub-Saharan Africa. In terms of its GDP, the child mortality rate in South Africa should be 34. Instead it had reached 72. South Africa currently spends about 47% of its total health expenditure on 23% of the population and 55% of doctors serve only 30% of the population. As long as this continues, health services and health will not improve.

INDIGENOUS LAW - Also called customary law, came under fire at multiparty negotiations as a measure which serves to oppress women and as possibly conflicting with the freedoms set out in the bill on fundamental rights. The end result is that indigenous law will be subject to regulation by law. Traditional authorities, the custodians of customary or indigenous law, will be recognised and have an essentially advisory status at different levels of government.

J JSBS - What will their future be in the new South Africa? Given their access to funds and resources it is unlikely that they will be sidelined.

JOB CREATION - The National Economic Forum has R 300 million for job creation nationally. Communities who want to use this money for job creation projects in their areas were invited to send proposals to the Regional Economic Forum.

K KWAZULU - In October the multiparty negotiating council's task group on discriminatory legislation turned their spotlight on the scores of laws in KwaZulu which infringe on freedom. The laws confer drastic and despotic powers on the KwaZulu chief minister, including pledges of loyalty by civil servants, rights of the KwaZulu chief minister to banish tribes and the KwaZulu Legislative Assembly's power to summons before it people it believed to have done wrong. Despite the existence

of these laws, the KwaZulu chief minister and IFP president, nevertheless felt justified in criticising the recently negotiated interim constitution as undemocratic. He called for support to fight for democracy and said everything should start with a just constitution. In November training camps, said to be for training self-defense units, were uncovered in Natal and KwaZulu. And in preparation for a possible closing of the financial tap from South Africa, the KwaZulu Legislative Assembly in November announced that they were establishing a solidarity fund to sustain the bantustan. The KwaZulu government has called for, voluntary of course, contributions of R20 or more from those who support the KwaZulu stand.

L **LOCAL GOVERNMENT** - As an interim measure, rural local government arrangements are likely to mirror those for the urban sector. Broadly, these involve racially-based councils being replaced by non-racial transitional councils. These non-racial transitional councils would be comprised equally of people drawn from statutory bodies and non-statutory bodies, such as civics. Non-racial councils will oversee existing local government administrations and prepare for local government elections. They will also work out new boundaries of councils and wards and finalise municipal voters' rolls. In rural areas, interim district councils could play similar roles. They could also coordinate local services

provided by the variety of line ministries and parastatal agencies.

LAND LAWS - In the June/July parliamentary sitting, the government hastily pushed through nine new laws affecting land distribution. The National Land Committee's Joanne Yawitch said the laws would effectively alienate large amounts of state land and land belonging to communities in favour of bantustan and tricameral authorities. The laws would also entrench privatisation of land, and force privatisation of communal land on people without proper debate about other more creative options for secure tenure.

M **MORATORIUM** - The call for a moratorium on the sale and/or transfer of state land was made regularly in 1993 and to an extent heeded. Although joint administration transfer deals were made around state land with bantustan governments, these were not implemented on a wide

scale. The caution most likely results from the wide-ranging opposition to these deals and a realisation by that they could lead to much greater complications than at first anticipated. However, the present government is still set on trying to dispose of as much state land as possible before a new government is in place. Through its Commission on Land Allocation, it has invited submissions from parties who may wish to claim this land. Given the Commission's poor showing in dealing with limited, straightforward claims from removed freehold communities, we can expect disaster in its attempt to allocate the huge tracts of state land now under its scrutiny.





NNGOS - With the changing political context in South Africa, international funders are reviewing their funding approach. The main concerns are

- the political shift from resistance to development and the need for NGOs to shift their focus or face shrinking budgets
- poor management of funds by some NGOs
- a desire for communities to have more control over funding - challenging the gatekeeper role which NGOs have played as conduits for donor funding.

A study is being undertaken to look at a more sustainable funding framework for NGOs. Among the questions being addressed are:

- to whom should NGOs be accountable for explaining their costs -their own members, community-based organisations, funders, clients, statutory bodies?
- how should NGOs recover their direct and indirect costs?
- how do NGOs secure sustainable funding to develop, market and

implement specialist services?

- how should NGOs price their services?

Besides the challenges of a changing political and funding environment, NGOs will also face increasing competition for clients from semi-government agencies such as the DBSA and the IDT who may be able to claim greater capacity to deliver product.

ORGANISATION - Rural communities started to organise themselves in 1993. Some results of increasing organisation among rural communities, is the limited success which labour tenants have had in negotiations with individual landowners. Tenant communities campaigned for recognition of their land rights. The ANC in its land policies has undertaken to recognise labour tenant land rights and the World Bank in its land reform proposals for South Africa has suggested that labour tenant land claims be part of a future restoration process. Demonstrations by Transvaal communities

resulted in them forming a joint land task group with the Department of Regional and Land Affairs.

PROPERTY RIGHTS CLAUSE - In August, representatives from 80 rural communities throughout the country converged on the World Trade Centre to protest against the proposed property clause in the bill of rights in the interim constitution. Their objection to the clause was that it would entrench current (white) property rights and would effectively make large scale land restoration and redistribution financially impossible for a new government to implement. The result of the demonstration, the first of its kind for rural communities, was an amendment to the clause which will oblige the state to take factors other than market value into account when determining compensation. World Trade Centre negotiators also agreed to include in the bill of rights a clause guaranteeing restoration of land rights to victims of apartheid dispossession. The cut-off date for claims has been set at 1913.

QUESTIONS still to be answered. While much attention was focused on getting broad consensus on land claims, what remains unclear is how many of the estimated 3,5 million forcibly removed people are likely to want to return to their land, how many want to farm and what the costs of land restoration will be. What is also unclear is how



and when substantial land reform will be managed. And we still need a reconstruction programme able to lift rural areas out of their poverty.

REDISTRIBUTION - The World Bank has suggested a basic grant and a matching grant to meet land redistribution needs. The basic grant would be enough to pay for a major share of a rural housing site and would be available to people who meet the requirements for redistribution. The matching grant would support increased access to productive land and those wanting land would provide part of the purchase price. The Bank argued that if beneficiaries were exempted from paying for part of land redistribution, and current owners and farm creditors also had to be compensated, the state would have to pay all land acquisition costs. Given large resource requirements for other social needs, redistributing land on only a grant basis would mean either drastically reducing numbers of beneficiaries or

stretching out the programme over several decades. But redistributing land will not break the cycle of rural poverty. Interlinked with land redistribution must go a rural and urban reconstruction programme which will be able to address at least the basic needs of access to water, health care, education and jobs.

RECONSTRUCTION - As part of its plan to tie a future ANC government to addressing the needs of South Africa's disadvantaged, COSATU, SANCO and the NECC are jointly hosting a summit in December to which they have invited a range of civil society organisations. They plan to hold a much bigger conference of civil society organisations in March 1994. The aims of the December conference are to develop a common perspective and strategy to deal with the challenges of transition, to ensure a continued and central role for civil society organisations in a post-apartheid South Africa and to discuss a concrete programme of reconstruction and

development that will serve as a guide for a future government. The fourth draft Reconstruction and Development Programme developed by COSATU and the ANC essentially lists the kinds of things which most people would like in a new South Africa. However, it is intended to develop the current draft list of demands into a programme specifying the extent of different needs and time frames for implementing proposals. If this happens, the programme could serve as a standard against which a future government's success or failure can be measured.

SSTATE LAND - The government continued to dispose of state land in various ways. Among these was the administrative transfer of about 1.2 million hectares of state land to bantustan governments. These agreements included possibilities of state land being transferred to ownership of "tribes" and parastatals in the bantustans. The World Bank estimates that there is 320 000 hectares of arable unoccupied state land still available.

TITLE DEEDS - Although two Natal communities had their land returned, landowners in these have not yet got back their title deeds. The present government remains confused about how title deeds will be returned speedily, efficiently and economically. Another headache that the new government will have to sort out.

TENANTS - people who have no title to land but who have lived on specific pieces of land for generations may, under a new dispensation, have their land rights recognised and protected. In the meantime, such people, when faced with eviction, have had to rely on their own resources and tenacity to try to win security of tenure. Labour tenant and farmworker eviction is the single biggest category of forced removal which occurred in South Africa. By 1982 about 1 129 000 labour tenants and farmworkers had been removed and another at least 150 000 were under threat of removal.

U UNIONISATION OF FARM WORKERS - The Farmworkers Research and Resources Project (FRRP) estimates that there are 30 000 signed up and 15 000 paid up farmworkers in trade unions. There are at least seven unions organising farmworkers. Three of these are COSATU affiliates and one is a NACTU affiliate.

V VOTE for a democratic South Africa - A survey by the International Republican Institute released in November showed that 80% of eligible voters are extremely likely or quite likely to vote in next year's election. Other results from the survey were that 57% of people had already decided which party they would vote for, that people would vote to bring peace and freedom for all to South Africa and to improve living conditions. More than two thirds of those polled did

not think apartheid had ended. Preparations for next year's elections are stepping up. There will be about 80 000 ballot boxes at about 8 500 polling stations across the country. These and the voters who will use them will be protected by about 60 000 security forces. All police leave has been cancelled for the election period. The Department of Home Affairs is providing free photos for people applying for ID books. And churches are planning a national day of prayer three days before election day in 1994.

W WORLD BANK - South Africa holds 1,7% of World Bank shares. This makes it the Bank's number 14 shareholder in the world and the biggest shareholder in Africa, said Chad Dobson, of the World Bank Information Centre, at a workshop hosted by the Group for Environmental Monitoring and the Institute For African Alternatives. He said that under a new government, South Africa could occupy the Africa chair at the World Bank. In October 1993, the World Bank presented its land reform proposals for South Africa. Despite criticisms of its market-based approach, the Bank's proposals are probably the most comprehensive around land reform so far.

WOMEN - The ANC is the only party contesting the elections which has so far set aside a specific quota of its election candidates for women. A third of the candidates on the ANC election list will be women.

X The most important letter between now and April 1994. Where will rural people put their X? Will many of them be too scared to make an X at all? Will conditions allow them to make their X? Voter education and enforcing conditions which will allow voters to make up their minds are especially crucial in rural areas.

Y YES to a new constitution, even if it doesn't contain all the hopes and aspirations of South Africa's majority.

Z RADIO ZULU - The radio station with the largest number of listeners - 5 million - gave AFRA air time on eight different occasions to talk about land issues and to field questions from callers. The programmes helped AFRA to popularise current issues around land to people who have little access to other forms of information. It also helped us to deepen our understanding of the range and scope of land problems in South Africa.

Sources: Commission on Land Allocation, AFRA newspaper clippings, Institute of Race Relations, Forced Removal in South Africa - SPP Volume 1: General Overview.