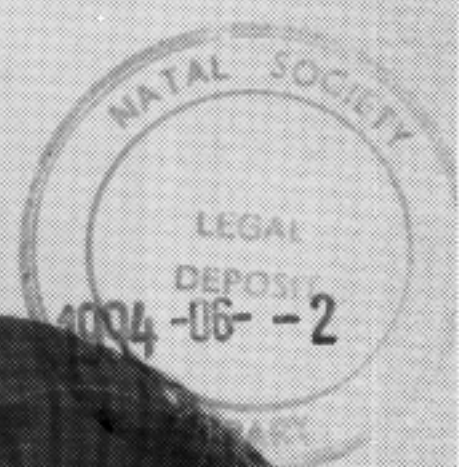
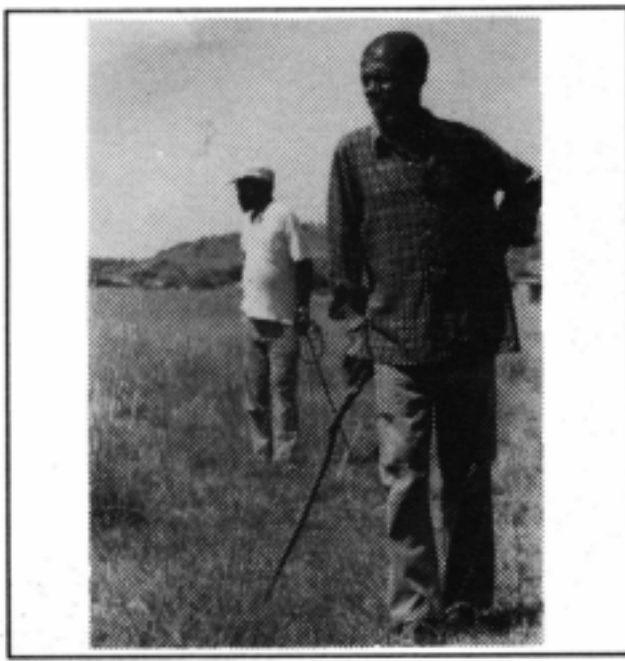


AFRA *News*

Newsletter of the Association For Rural Advancement
Number 27 April/May 1994





Cover:
Canefields community in Estcourt have acquired extra productive land. See page 13 for their story.

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Cover, pages 11 and 13:
Cedric Nunn
Pages 3, 4 and 6:
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The Natal Witness

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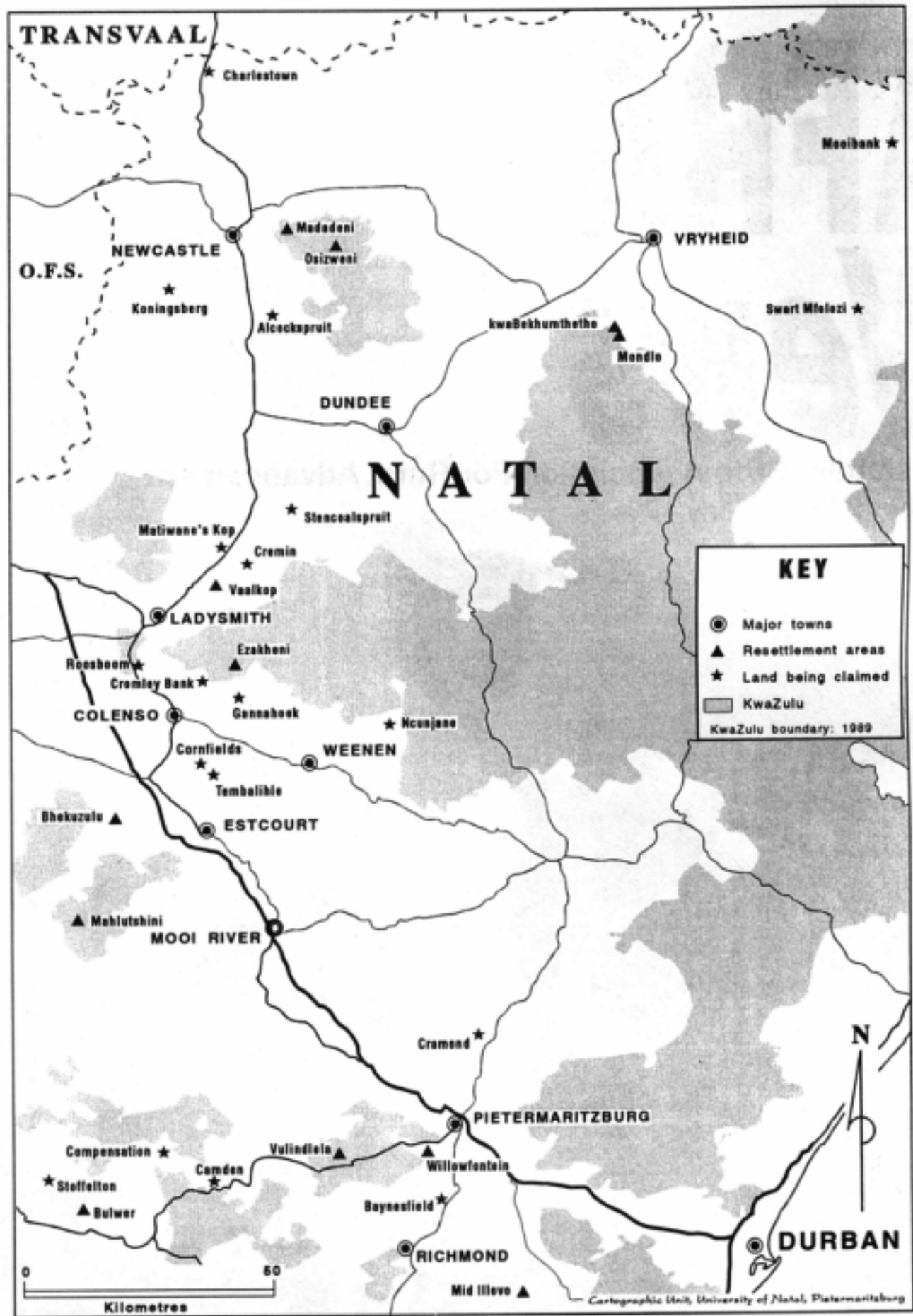
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AFRA is an independent, non-government organisation committed to assisting rural people in the midlands and north-western region of Natal/KwaZulu in their struggle for land rights, a just land dispensation and sustainable development. In general, AFRA 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 and development organisations.

AFRA News No.27
Published and produced by:
AFRA, 123 Loop Street
Pietermaritzburg 3201
Phone: 0331 457607
Fax: 0331 455106
Laser printer supplied by
Canadian Embassy
Printed by: ACE PMB

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

Natal's land used as election bargaining chip

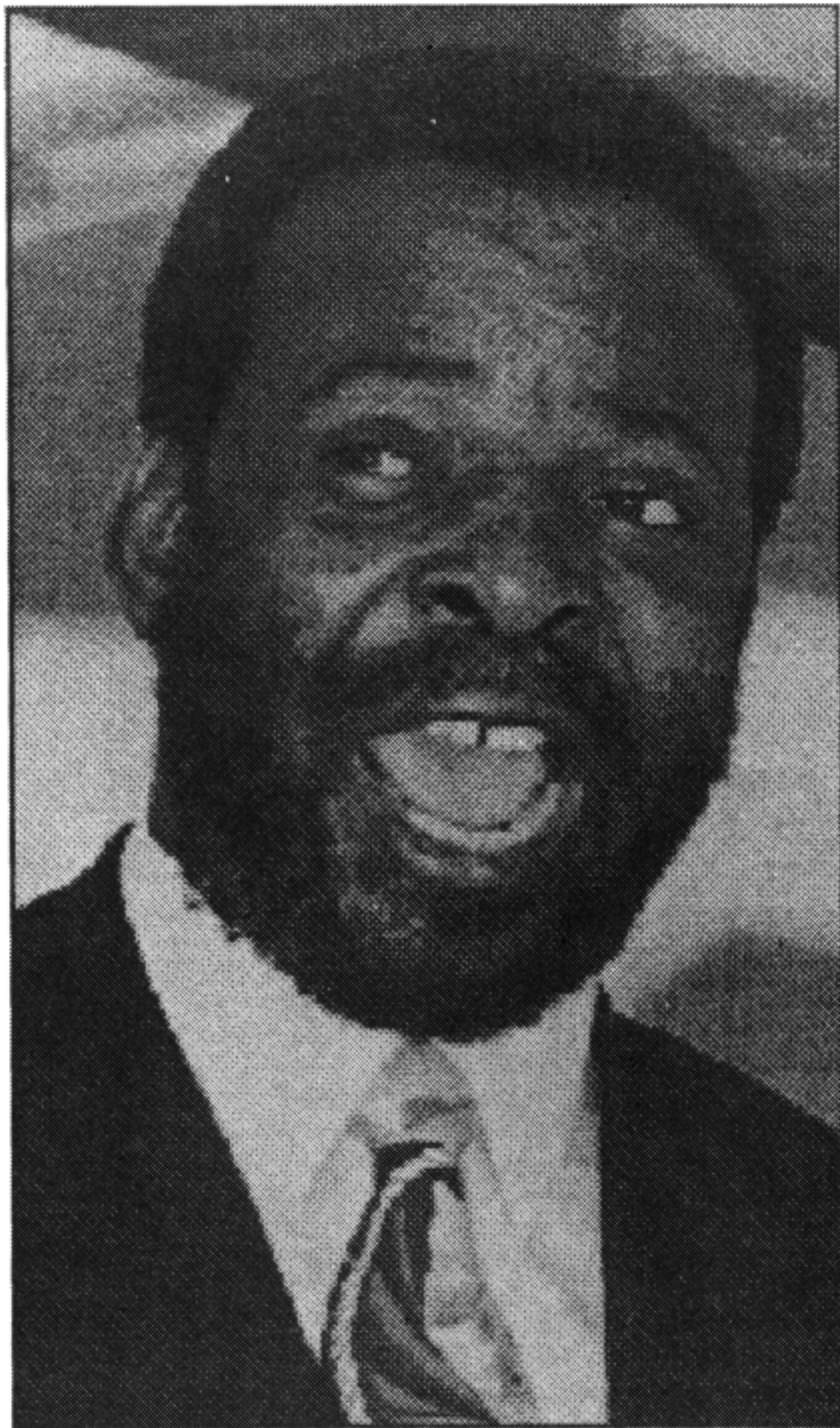
ABOUT 3 million hectares of land, a third of Natal and almost the whole of KwaZulu, was effectively removed from central government control and transferred to King Goodwill Zwelithini on the eve of South Africa's first democratic election.

And a local newspaper reported on May 23 that IFP MP, Velaphi Ndlovu said the IFP would not have participated in the election if the deal had not been clinched.

The KwaZulu Ingonyama Trust Act, 1994 is set out in KwaZulu Government Notice No. 26 of 1994 and is Act 3 of 1994 in the KwaZulu Legislative Assembly. It was assented to by former state president de Klerk on April 25 1994.

It provides for King Goodwill to administer all land in the area for which the KwaZulu Legislative Assembly was established in terms of the Self-Governing Territories Constitution Act, 1971 and land acquired by the KwaZulu government under Proclamation R232 of 1986 and Proclamation R28 of 1992 or any other law.

Mr Kobus van Vuuren, the state legal adviser, said that the former Minister of Land Affairs, Andre Fourie, asked him if it was possible to transfer land to the king. Van Vuuren told him it was possible, theoretically. A few days later, van Vuuren was approached by the KwaZulu Legislative Assembly (KLA) to draft legislation effecting such a transfer of land. Van



The KwaZulu Ingonyama Trust Act removes almost the whole of KwaZulu from central government control and places the land under King Goodwill Zwelethini.

Vuuren refused to do so, on the basis that the KLA had its own legal people.

Van Vuuren was eventually instructed to go to Ulundi to help draft the Act. He said he understood that the KLA adopted the legislation on April 20, whereafter it was assented to by former state president de Klerk.

The transfer was effected without the knowledge of

key players in land issues and ANC leaders and appears to have been rushed through with a great deal of secrecy.

The former head of the ANC's Land desk and recently appointed Minister of Land Affairs, Derek Hanekom, said that he was shocked by the transfer. "As head of the ANC Land Desk I was not aware of this at all and the new Ministry of



FW de Klerk assented to the Ingonyama Trust Act on April 25, a day before the election.

Land Affairs is receiving notice of this for the first time," he said. Hanekom said that he was not aware of others in the ANC having knowledge of the transfer.

"Effectively the land that was KwaZulu is no longer state land. It's in private ownership, held in trust by the King. Can it be reversed? We'll have to see what to do. As the constitution stands, the National Assembly can repeal laws. I think the Act was an attempt to appease the King and to get the IFP to participate in elections.

"My ministry will be raising the issue politically and will be carrying out a full

investigation to find out on whose ultimate authority the transfer was authorised. We have consistently tried to get a moratorium on the transfer and sale of state land, but we never thought that bantustan land would be transferred. There are potentially grave political implications and we're deeply concerned. At a legal level, we'll be consulting various interested parties and see what needs to be done," he said.

Chief Zibuse Mlaba of Ximba, near Camperdown, one of the chiefs affected by the transfer deal also expressed surprise. "I am very shocked," he said. "I was not aware that this had

happened. Those who took this decision were not mandated by us. They cannot just deal with our land without consulting us. As far as I'm concerned, we have a new national government and we will have new local government and provincial government. The land should not be controlled by chiefs or the king, but by the new government."

The ANC's Jacob Zuma, who has been deeply involved in negotiations with the IFP said it was the first time he had heard about the transfer deal. "It is very surprising that it happened just before elections," he said. He said that he was not aware of anyone else in the ANC who had knowledge of it.

The ANC Midlands DIP head, Blade Nzimande, condemned the way in which the deal was effected. "The fact that this was done behind the backs of people and through an illegitimate bantustan structure seems to indicate that it aimed at undermining any constitutional accommodation of the king by the ANC.

"I don't believe it was done in the interests of the king. I think it was another attempt to use the institution of the king as a political base. It seems to have been aimed at ensuring that the KwaZulu Legislative Assembly retains actual control of the land even if KwaZulu gets disbanded. The Act should be reviewed, if necessary," he said.

Coenie de Villiers, Director-General of Land Affairs said that such transfers were not his direct responsibility. "Nobody consulted me about this Act

and I was not aware of it," he said.

Others in senior positions in the Department expressed concern about possible implications of the deal and the fact that they had known nothing about it.

According to Peter Rutch, of the Legal Resources Centre in Durban, King Goodwill now effectively holds title to the land. "The Act has removed the land from control by the new Minister of Land Affairs, although the national government would have the power to change this law. The question is," he said, "who has legislative control over the Act, passed in the KwaZulu Legislative Assembly?" Rutch said that although the Trust Act restricted the Ingonyama to use of the land for the benefit, material welfare and social well-being of the tribes and communities on it, he could do with the land what he pleased.

What the KwaZulu Ingonyama Trust Act says

SPECIFICALLY the Act provides for the following:

1. The Ingonyama Trust is established with perpetual succession and power to sue and be sued in its corporate name.
2. The Trust shall be administered for the benefit, material welfare and social well-being of the tribes and communities as contemplated in the KwaZulu Amakhosi and Iziphakanyiswa Act 1980.
3. The Ingonyama shall be the only trustee of the Trust and will administer the affairs of the Trust, with powers to delegate any of his powers and functions as trustee to any individual or executive authority in

KwaZulu or Natal established by law.

4. The Ingonyama, as trustee, may deal with the land in accordance with Zulu indigenous law or any other applicable law.

5. The Ingonyama shall not pledge, lease, alienate or otherwise dispose of the land or any interest or real right in the land without first getting written consent of the traditional authority of the tribe or community concerned or any person who holds or has rights to the land.

6. All land and real rights shall be transferred to the Ingonyama for and on behalf of the tribes and communities concerned, without payment of transfer or stamp duty or any other fee or charge.

7. The Registrar of Deeds (Pietermaritzburg) shall endorse the title deed to any of the land concerned to the effect that the land in question is transferred to vest in the Ingonyama for and on behalf of the tribes and communities affected. Title will rest with the Ingonyama.

8. The government of KwaZulu and its successors in law will provide financial assistance to the Ingonyama to administer the Trust. The funds for this financial assistance will come out of the annual budget voted for by the legislature.

Ingonyama means, "a person referred to in section 13 of the KwaZulu Amakhosi and Iziphakanyiswa Act 1980 (Act No. 9 of 1980) or a person who acts on behalf of the Ingonyama in terms of Zulu indigenous law, and 'the King of the Zulus' has a corresponding meaning," the Act explains.

Natal's land: who controls what?

FIGURES from the Department of Regional and Land Affairs in Pretoria show that there is no state land in Natal which falls under the new Ministry of Land Affairs.

- The total land area of KwaZulu/Natal is 9 148 100 hectares.
- The total SADT land in Natal/KwaZulu is 510 022 hectares of which about 260 000 hectares has been transferred to the Department of Agriculture and is presently being planned and prepared for farmer settlement. Another estimated 240 000 hectares was transferred to the NPA and comprises urban areas that have already been settled.
- The Department of Defence controls 7 181 hectares.
- The Department of Environmental Affairs controls about 757 282 hectares.
- Water Affairs and State Forestry controls 229 625 hectares in Natal and 130 085 hectares in KwaZulu, but these figures do not take recent privatisation into account.

New Land Affairs Minister sets priorities



Derek Hanekom, former ANC Land Desk head and recently appointed Minister of Land Affairs, spoke to *AFRA News* a few days after his appointment. Here's what he had to say about his initial plans for land reform and the priorities for his ministry.

What current land legislation is likely to be retained and what scrapped?

The Land Claims Court is the key and can be fast tracked. We have prepared a final draft of the legislation around the Land Claims Court process and this will be put to the August sitting of parliament.

Other key areas which we will be focusing on are strengthening tenure rights to allow various tenure forms to exist, for example

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the kinds of rights which labour tenants have to land. We will also be restructuring the financial institutions. We have a team working on this for the president's committee. They're looking at how the different land related financial institutions can be integrated. We will also be repealing the Subdivision of Agricultural Land Act. And most importantly, we'll be looking at some kind of overarching legislation around land redistribution. After the World Bank study, there was agreement that we should do our own study. We have a team working on a review of the World Bank's costing of land reform. We're looking at a combination of grants and subsidies. Our research study could take a year to complete. It will be valuable but we can't wait that long.

We have to move fast on redistribution, where we see two crucial areas - the removal of obstacles in the market and state assistance for people who can't work through the market. We also have to develop support for people who get land. Not only agricultural support, but also broader rural development.

Other areas which need attention are tenure reform and restitution (as contained in our proposal and legislation for the Land Claims Court process). In

retrospect, I believe we have spent too much time on the restitution issue.

My ministry will also be setting up a strategic planning unit before August. Similar units are likely to be set up in other ministries and we're waiting for guidelines about them.

How do you intend to deal with the expectations which rural people may have of the new government's land reform programme, for example, the demands which emerged from the Community Land Conference held in February this year?

We'll move decisively to let people know we are dealing with their issues. We have already dealt with some of the concerns which rural communities expressed. We have in the past said that we differ with some of the demands which emerged from the Community Land Conference, but we've also said that we know what underlies communities' sentiments.

For example, although we don't agree with the one farm one farmer demand, we will ensure that more people get access to productive land. We'll let communities know that we're not dragging our feet and have no intention of doing so, but that there will be unavoidable delays. I

think communication with people will of the utmost importance and we will also maintain a relationship with the National Land Committee.

What relationship would your Ministry like to have with NGOs working in the rural land sector?

It will be critical for us to have a close and cooperative relationship with them. NGOs have a good body of knowledge and we need to work with them. They're our strength.

What changes can we expect to see around land reform by this time next year?

The Land Claims Court will be fully functional and a number of claims would have been settled - some more successfully than others. Financial institutions would've been restructured so that black aspirant farmers have better access to finance. There will be new Bills and possibly Acts around tenure reform. Around land redistribution, there might already be allocation bodies to deal with this.

How will you ensure that your ministry links with others effectively so that the different aspects of rural development are complemented?

The best way will be through the Reconstruction and Development Programme (RDP), as it commits all departments and ministries. I was quite surprised to see a copy of the RDP lying on the desk of the Deputy Director-general for Land, Hennie Smit, when I visited him unannounced recently. And the Minister of Agriculture, Kraai van Niekerk, told me that he now sees a new mission for

his department. The Department of Agriculture has looked at the RDP and has tried to trim its current budget so that there is a pool of resources available.

Regarding land reform, I don't expect resistance to our position on the need for land to be used productively. We want to strengthen the rural directorate in the land reform department and also have a development planning unit which will help rural people to make decisions

What are your greatest hopes?

To develop a model for land restitution in close consultation with people working in the field and which meets the legitimate aspirations of rural people and victims of forced removal without exacerbating civil strife. In short, to manage the delicate process of transition.

I would've liked us to have moved more decisively to address people's land needs. But one of the difficulties has been the amount of time we had to spend on the property clause.

What is the best thing that happened while you were head of the ANC's Land Desk?

After many workshops and much dialogue we arrived at the point where people felt we had a workable, good position on restitution. The network of people involved in land issues that we've been dealing with on the restitution clause felt satisfied and we've now drafted an Act which we'll be presenting to parliament in August.

About Derek Hanekom

THE 41 year old new Minister of Land Affairs is also the chairperson the management committee of the National Rural Development Forum, a recently established NGO, and a director of the Land and Agricultural Policy Centre.

Hanekom was educated in Cape Town and is currently completing a Masters in Agricultural Economics with the University of Pretoria. Between 1978 and 1983, he was farmed in the Magaliesburg - dairy, poultry and vegetables.

In 1983 he was sent to Pretoria Central, where he served a three year term. After his release in 1986, he worked for the Administrative Training Project in Johannesburg, before leaving for Zimbabwe, to join his wife. In Zimbabwe, he coordinated the Popular History Trust in Harare.

In 1990 he was appointed coordinator of the ANC's Land and Agricultural Desk and was responsible for the policy development in these areas. He was also the ANC's Yeoville Branch chair.

No surprises in ministerial appointments

OTHER land related ministerial appointments have brought no major surprises. The Minister of Agriculture remains the same, as does the Deputy Minister of Land Affairs.



Tobie Meyer, Deputy Minister of Land Affairs.

Tobie Meyer

Anthon Tobias Meyer, the Deputy Minister of Land Affairs, started his political career as branch secretary for the National Party in Cradock and then became its chairperson. During 1987 he became the Cradock MP. His involvement in parliament included being secretary of the study group on agriculture, a member of the Select Committee for Public Accounts and vice-chairman of the Commission for Cooperation and Development. In 1991 the National Party government appointed him Deputy Minister of Agriculture and, later that year, added land affairs to his portfolio. Under the Government of National Unity, he was

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appointed as deputy Minister of Land Affairs on May 11 1994.

Meyer has also been a farmer since 1956 - in the Ficksburg and Humansdorp districts. He also has farming interests in the Tsitsikamma area.

He served on the Control Board of the South African Broadcasting Corporation, before it was revamped last year and was also a director of Volkskas Bank.



Kraai van Niekerk, Minister of Agriculture.

Kraai van Niekerk

Andre Isak van Niekerk was also born in Natal, in Eshowe. He matriculated at Grey College in Bloemfontein and then studied agriculture at the University of Stellenbosch, where he completed a Phd in 1977. His working career includes teaching science and agriculture at the Eshowe Bantu Training College in 1962, a research job at the University of Stellenbosch from 1964 to

1967 and a scholarship from the British Council in 1968 to carry out research at the Rowett Institute in Aberdeen, Scotland. He entered farming in 1971 and then became involved in several branches of organised agriculture, including the Cape Agricultural Union.

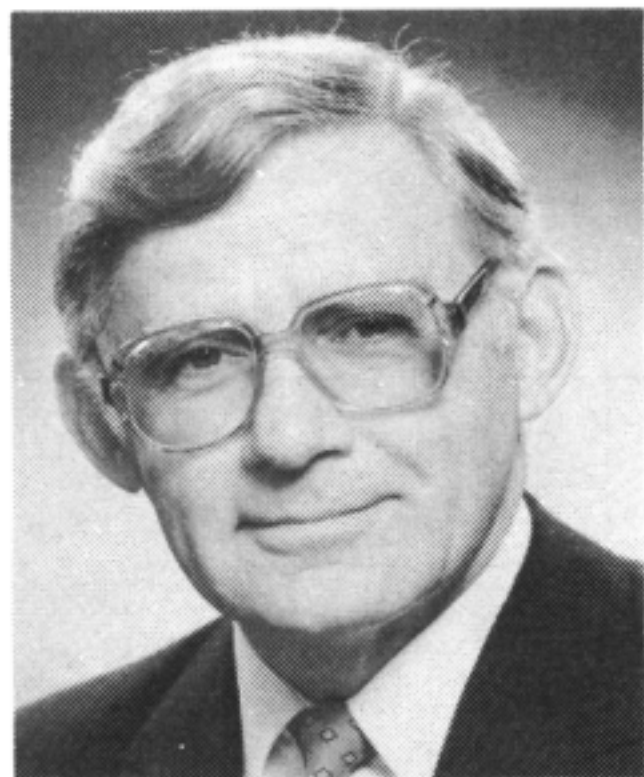
In 1981 he became an NP member of parliament for Prieska, in the Cape. During that time he served on a select subcommittee on the Mixed Marriages Act, on a standing committee on agricultural economy and water affairs and represented the Cape NP on the Federal Information Service as director of information.

The NP government appointed him Deputy Minister of Agriculture in 1986 and then as Minister of Agriculture and Water Affairs in 1989. He became Minister of Agriculture in 1991, a post he has retained in the new Government of National Unity.

George Bartlett

George Shepstone Bartlett was born in Port Shepstone, on the Natal south coast and turned 63 on March 14 this year. Bartlett went to school in Pietermaritzburg and then completed bachelors degrees in Science of Agriculture and Applied Science at Toronto University in 1955 and 1957.

He worked in Canada for a large tractor company and for the Ontario Department of Planning and Development before



George Bartlett, KwaZulu/Natal's Minister of Agriculture.

returning to South Africa. In South Africa he worked for the South African Sugar Association and Illovo Sugar Estates. He became a sugar cane farmer in 1964. He also became a member of the Durban Club, the Durban Country Club and the Lions Club.

Bartlett's political career started in the United Party. In 1974, as member of the United Party, he became a member of parliament for Amanzimtoti.

When the United Party disbanded, he became a member of the New Republic Party (NRP) where he moved a motion in 1984 that it merge with the National Party.

When the motion for merger was defeated, Bartlett left the NRP to join the NP. In the NP he held the positions of Natal treasurer, Natal vice-chairman and, in 1989, became the NP's Natal leader.

As the NP's Minister of Mineral and Energy Affairs, Bartlett was often the centre of controversy.

Frequent petrol hikes sparked calls for his resignation, there was strong

opposition to his defence of the NP government's Mossgas project and he came under fire from an environmental pressure group, the Campaign For St Lucia, for his apparent support for titanium mining in the ecologically sensitive St Lucia area.

Bartlett has been quoted as saying that his current agriculture portfolio in the KwaZulu/Natal provincial cabinet is close to his heart.

He has said his priorities are to make sure food supplies are adequate for domestic use and export, to address soil conservation and subsistence and small farmer agriculture in KwaZulu.

He said that he would be looking at increasing the number of black people involved in agriculture and that this meant addressing land issues.

ANC wants changes to government departments

THESE are proposals from the ANC about how the new government departments should function. We focus specifically on those departments related to land.

The national structure

The ANC says it wants to flatten the structure of the bureaucracy from five executive levels to three - eliminating the positions of Chief Director and Deputy Director. There would then be three levels of management - Director General, Deputy Director General and Director.

Principles for provincial government

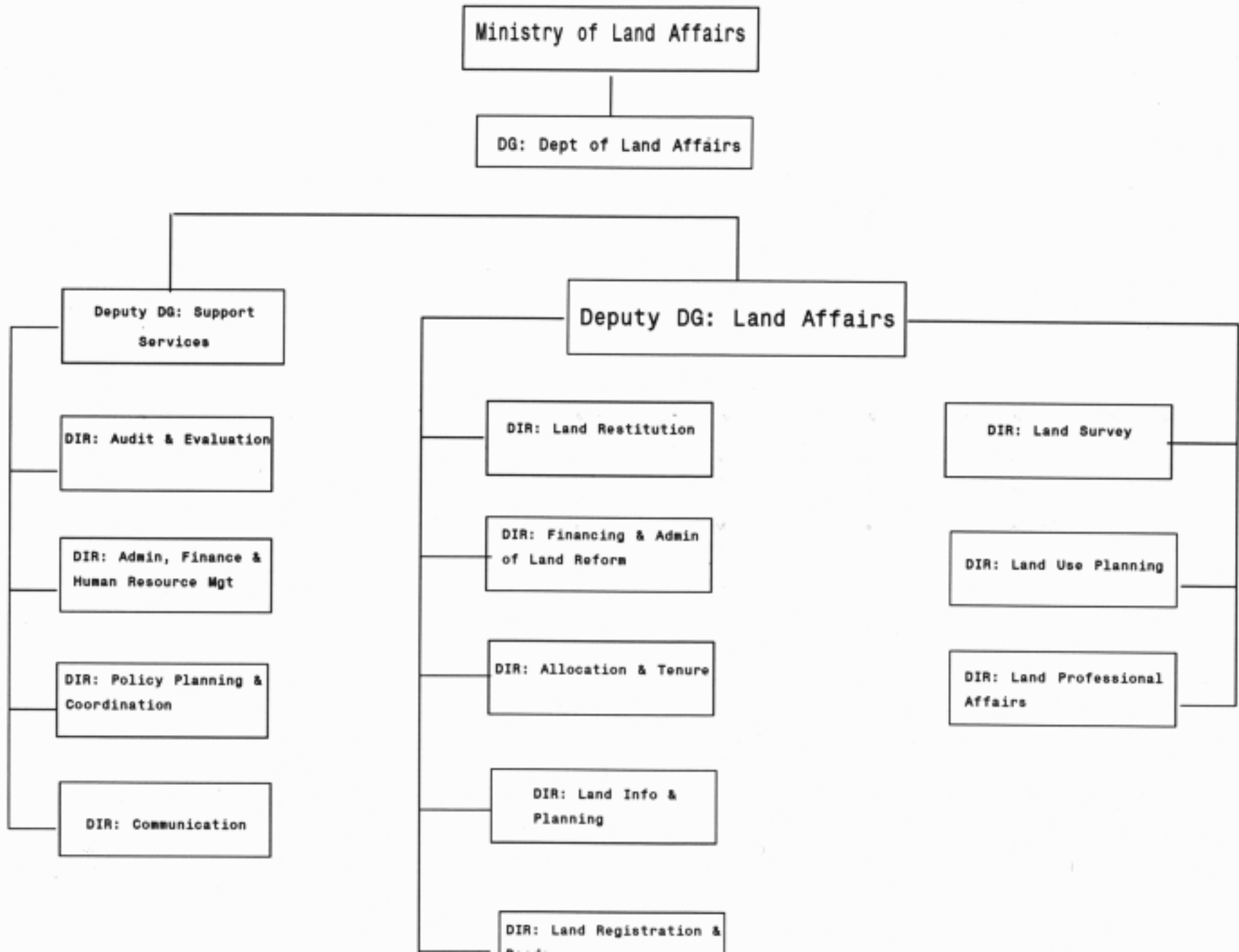
There should be a maximum of 10 portfolios in regional government. Provincial departments and ministries must be guided by uniformity of structure across provinces for ease of coordination of national programmes and policies. Each provincial ministry should have a structure responsible for support functions to all departments in the ministry.

Principles of reconstruction and development must permeate all institutions of provincial and national government. Government departments must recognise the contribution of

organisations of civil society to good governance. Government must be structured to ensure the efficient and effective delivery of services at provincial level.

There are separate ministries and departments of agriculture, environment, land affairs at national level. At provincial level agriculture, environmental conservation, water and sanitation and land reform fall under the ministry of agriculture and environmental conservation.

The Ministry of Housing will have separate directorates for rural and urban housing.



Land claims is a priority

LAND claims will be handled by a newly created Land Claims Commission which will recommend awards to a Land Claims Court for endorsement. The Land Claims Court will resolve any disputes which the commission is unable to settle.

Legislation to effect this land claims process will be tabled at the first session of the new South African parliament. The aim is to make land restitution a quick, effective and accessible process.

The new legislation will say that all land claims must be lodged within three years of the start of the land claims process. Claims will first have to be lodged with the Land Claims Commission, which will have offices in each province. The Land Claims Commission will investigate claims, by getting more information on them, proposing solutions and trying to negotiate and mediate settlements. Agreements on land claims reached at the Land Claims Commission level will be referred to the Land Claims Court for ratification. Claims which the commission cannot resolve or which are very complex, will be referred to the Land Claims Court.

The process aims at encouraging local settlement of land disputes through constructive participation from affected parties. Attempts to evict claimants or to sell land in dispute will result in contempt of court orders. And awards of the Land Claims Court will take into account whether parties refused to negotiate or



For communities like Crimen, in Natal, whose land was sold to a private owner after the forced removal, the Land Claims Court provides a ray of hope for restitution.

whether they tried to obstruct settlement.

In many cases, which come to the Land Claims Commission, ordinary administrative processes, such as upgrading land rights or protecting leases, may settle the claim. If current owners try to take preemptive action, resulting disputes will inevitably bring the claims to the Land Claims Court.

The Land Claims Court will have a panel of judges and will operate as a circuit court. It will be a court of law at the level of the Supreme Court and appeals on its decisions will go to the Constitutional Court.

The Land Claims Court will have powers to order the transfer of state land and expropriation or purchase of land which has passed into private ownership. It may

also award alternative land to claimants, just compensation or alternative remedies, depending on the circumstances of a case.

Awards to claimants will take into account compensation they were paid at the time of their dispossession and this compensation will be deducted from the award the court may order.

Cases now before the Commission on Land Allocation will automatically be transferred to the Land Claims Commission and Land Claims Court when these start operating.

The Land Claims Court's main focus will be claims arising from forced removal and only people who have specific claims will have these addressed.

Gannahoek tenants buy land

THE interim constitution guarantees people who were dispossessed of their property rights in land after June 1913 the right to claim restoration of these.

This land restoration process might include claims from labour tenant communities who have occupied specific pieces of land for several generations, but who have no title deed.

If this happens, it will mark a significant shift in current perceptions of property rights, currently seen in terms of legal title to land.

But for labour tenant families on the farm Gannahoek in Colenso this route to security on land they have occupied for about three generations, will come too late.

Current narrow interpretations of property rights and threats of eviction have forced them to buy their land rights.

The families say they were on the land long before the first white owner got legal title to it. They see their purchase of the 578 hectares as a compromise, as they believe they have a right to the land, earned through generations of work under labour tenancy for white owners.

"We bought the land because we suffered the threat of eviction," said James Mtshali, a pensioner.

In the 1890s when the McFie family bought the land, known as Gannahoek,

ancestors of the families offered their labour in exchange for the right to continue to live on and work the land as they had always done. This arrangement continued until 1990 when the McFies sold Gannahoek.

New owners, Shonalanga Safari Lodge (Pty) Ltd, rejected the families' offer of labour in return for the right to continue living on and using part of the farm. A protracted and tangled struggle began.

This included attempts to remove the families and, when this failed, a negotiations process fraught with disagreement which ended in the Supreme Court.

Matters came to a head towards the end of 1993 when Shonalanga Safari Lodge ran into financial trouble. Negotiations were reopened and agreement was finally reached on the terms of sale of part of the farm to the families.

No sooner was agreement reached, than the Amalgamated Banks of South Africa (ABSA) took over, and the agreement to buy part of the farm was finally made with ABSA.

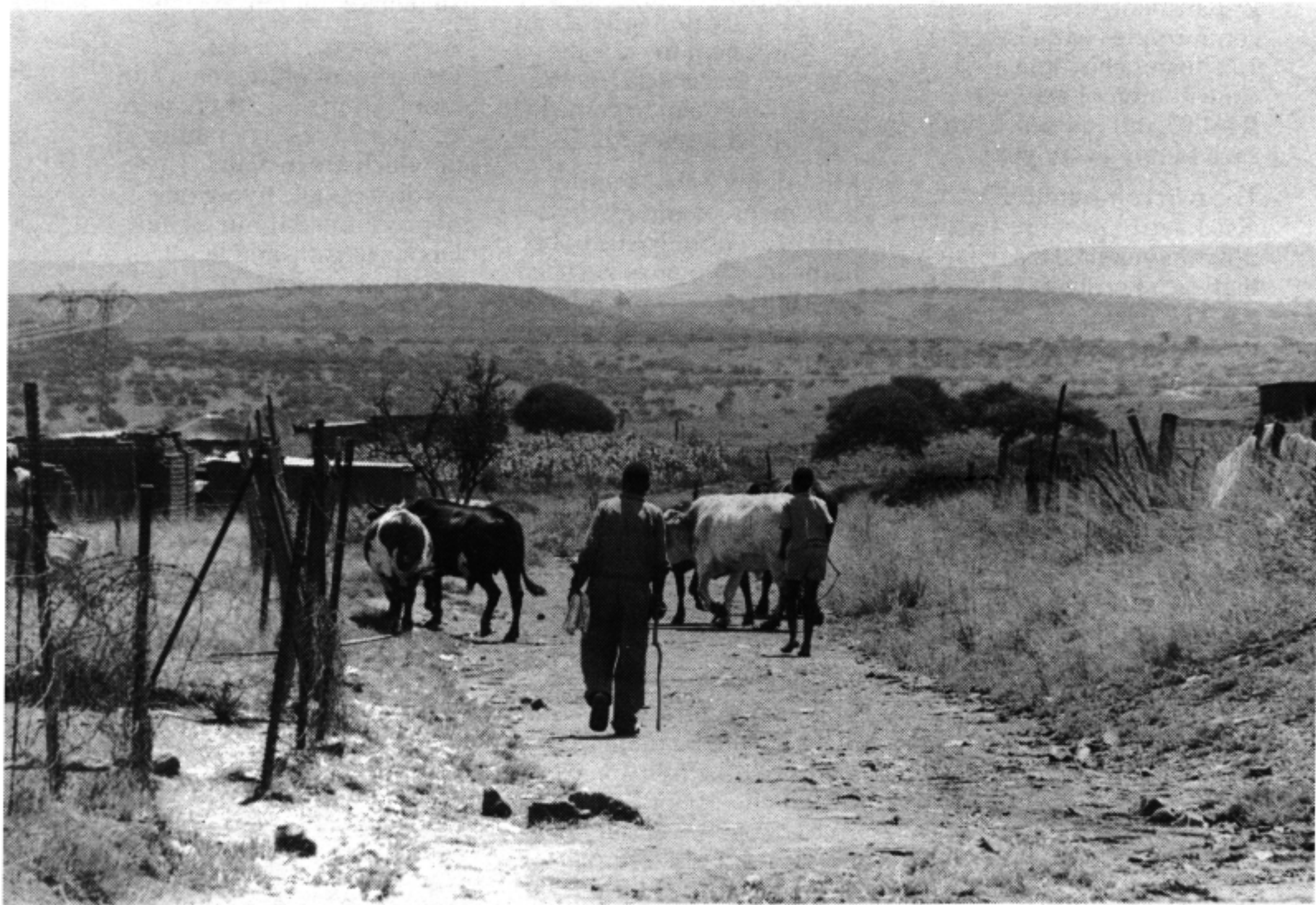
The sale agreement entitles the families to buy 578 hectares of the farm for R210 000. They collected over R80 000 towards the purchase by selling off cattle and took a loan from the Independent Development Trust to cover the rest.

Despite the bitter compromise they had to

make and their difficulties in raising the money for the purchase price, the families are relieved that their insecure past is behind them and are hopeful about the future. "I would like to see dams, schools, ploughing and animal farming," said Mbhekiseni Mabaso.

"After five years I would like to see this area changed in terms of development. It should still be a farm but a developed farm. We will tell the new government about the blunders of the old one and ask them for help," he said.

Cornfields and Tembalihle finalise land purchase



A LONG, winding, dusty dirt road that dips and bumps over streams and potholes. Cattle grazing lazily in the sun. Houses clustered along narrow throughways. This is Cornfields. It's also

Tembalihle and many other rural settlements in Natal, give or take a few minor differences. Places where nothing seems to happen and little seems to change. But beneath the simple rural trappings people are writing

a new future for themselves. The black freehold communities of Cornfields and Tembalihle in Estcourt, Natal, recently scored a breakthrough in their efforts to get access to more productive land. They did

this through persuading the Department of Regional and Land Affairs to give them an 80% grant to buy 8 500 hectares of privately owned land adjoining their existing landholdings.

Both communities were reprieved from removal in 1990, after a long struggle. Their land rights were then secure, but they needed more land for grazing, collecting wood and for thatching grass.

In terms of their financial agreement with the Department, the communities will also get a 15% loan, which means a contribution of between R441.93 and R304.67 from each family every year.

The two communities will also have to provide a 5% downpayment. This means that each family will have to pay between R469.15 and R322.73.

The day of the formal signing of the financial agreement saw the Cornfields community turned out in its best for a celebration befitting the end of a difficult struggle.

Mrs Nesta Shemba, a tenant at Cornfields, said the land acquisition deal meant that, for the first time, her family would own land. In their discussions about how the purchase of the extra land would happen, tenants and landowners in Cornfields agreed that everybody living in the community should be able to contribute equally to the amount the community must pay.

"I was born in Cornfields and my parents have been staying here since at least 1949. They have always been tenants. Now that I own land, I will be free to collect wood and to cultivate," Shemba said.

The community has elected a 15 person trust to manage the extra land they have acquired. The trust comprises different interest groups in the community, such as, youth, women, tenants and landowners.

Referring to the inclusion of women, Mr Emmanuel Mbhele, a member of the trust and also the chairman of the Cornfields Residents' Association, said: "There is talk of a new South Africa. Women must also be included in our structures. If they find there is something that they are unhappy about we want them to raise the issues in the structures. We don't want them to come in a group with placards."

Mrs Alzina Xaba, another trust member added: "There's a need for us to be in the trust because we need our rights. We want to have the same rights to the land as men."

The trust members said they knew they would need a lot of training to effectively help the community to manage the land, but they were confident that the lives of the people of Cornfields would improve as a result of the purchase.

The Cornfields and Tembalihle land acquisition is the first to be finalised in terms of the Provision Of Certain Land For Settlement Act 126 of 1993 and it does not contradict proposals for a future land redistribution programme.

In its Reconstruction and Development Programme, the ANC proposed that beneficiaries of land redistribution should contribute towards the cost of land.

And the World Bank has proposed a matching grant scheme to help disadvantaged people get

access to agricultural land. The Bank has proposed that the state provide a grant of 30%, a loan of 50% and that beneficiaries pay 20% towards the cost of the land.

Issues which a new government will have to consider will be the amount of the grant portion and the criteria for beneficiaries to qualify for assistance.

The Cornfields and Tembalihle purchase of about 8 500 hectares of land cost about R6 million, of which the state has paid almost R5 million.

A spokesman for the Department of Regional and Land Affairs said there were another 76 cases pending, 35 of which are in Natal. These involve people living on deproclaimed mining land, labour tenants and landless people, he said.

The state had budgeted R27 million for the land acquisition programme for the 1994/1995 financial year.

The challenge of rural local government

THE interim constitution says that democratic local authority elections should happen every three years. The first of these elections will be held on the same day for all local authorities in South Africa. It is likely that this election will be held late this year.

Elected local authorities will be comprised of 60% ward representation and 40% proportional representation. Half the ward representatives must come from historically African areas and the rest must come from white, coloured and Indian areas.

The period leading to these local authority elections involves three stages:

- *establishing of local negotiating forums

- *decisions by these forums of a process to establish interim local government structures

- *replacement of existing apartheid structures with councils comprising 50% statutory and 50% non-statutory representatives

In urban areas, where poor townships become part of former white municipalities, local government can help to redistribute resources. But in rural areas poor black communities are often far away from trading centres where the resources are concentrated. Long distances between areas makes it difficult to plan and provide essential services like water, sanitation, health care and education. In many of the poor rural areas there is also no history of effective local

government. Simply charging local authorities with the responsibility for service provision and development in rural areas could see the old inequities of apartheid persisting.

To overcome the potential problem of entrenching apartheid inequalities, there is a proposal for rural local authorities to combine in District Councils which would be responsible for service planning and provision.

District Councils would be similar in size to existing Regional Services Councils (RSCs) or Joint Services Boards (JSBs). They would bring together areas such as commercial farmlands, rural settlements, communal areas and small rural towns.

There is growing consensus that District Councils ought to be established before the local authority structures in rural areas are all in place. The Association of Regional Services Councils have proposed that existing local government structures such as RSCs and JSBs be democratised and serve as Interim District Councils. Democratising these structures would mean including in them a range of local statutory and non-statutory bodies. RSCs and JSBs already provide a ready-made pool of resources and expertise. Where they do not exist (in former bantustan areas, for example) it is suggested that they be set up as soon as possible.

At present there is some debate about whether or not

the RSCs and JSBs should simply transform themselves. The Tugela JSB proposed on May 19 to increase their levies by 10% to fund establishment of 13 rural district councils in their area of operation.

Current decision-making structures on local government issues include Provincial Committees For Local Government and Local Government Demarcation Boards. Provincial Committees For Local Government consist of three statutory and three non-statutory representatives. They have been established in all nine new provinces and will oversee local government in the provinces with the provincial administrators. Local Government Demarcation Boards are responsible for making final decisions on local government boundaries. Members to the Boards will be selected through a process of public hearings, similar to those held for the South African Broadcasting Corporation Board.



ANC unveils Agricultural policy

WITHIN the RDP, the ANC's agricultural policy will:

- ensure that all rural people in South Africa can establish and maintain a life of quality by improving access to sufficient food, infrastructure, services, resources for production and jobs.
- restructure biased agricultural support to end discrimination created through unjust and inappropriate subsidies
- open opportunities and broaden the base of agricultural decision-making
- introduce policies which support establishment of a small farmer sector and which will provide access to land and agricultural resources, with appropriate training and extension services to people historically excluded from these
- reform agricultural marketing systems so that small and medium ventures and new entrants to agriculture have reasonable access to markets and credit and

can participate fully in national and international markets

- ensure that farming systems and the incentives which drive them are economically, environmentally and socially sustainable
- implement participatory land use planning to ensure optimal urban and rural land allocation, with due consideration for high quality arable land and soil conservation
- ensure fair and efficient water conservation and resource planning, management, development, apportionment and rights
- establish a regulatory framework to protect the health, safety and information requirements of consumers, workers and producers
- encourage organisation of workers, small farmers and other rural people at local, regional and national levels so that they have a voice in shaping policies affecting them
- recognise and develop the contribution workers make to agriculture, forestry and fisheries and provide protection of their basic rights and liberties
- promote regional and international trade cooperation for the benefit of Southern Africa

Transkei to abide by TEC decision on state land

TRANSKEI'S Major-General Bantu Holomisa said his government would abide by the TEC's decision on the sale of about 100 000 hectares of state-owned farms in the Transkei. The Border Rural Committee, a

National Land Committee affiliate, asked the TEC to stop the sale. They said it appeared that powerful and wealthy individuals in the Transkei wanted to gain ownership of the land in question before the elections. The previous Transkei government, it was reported, had leased certain farms to people, including members of the Matanzima cabinets. (*The Citizen: April 8 1994*)

Agricultural Labour Court gets first cases

THE Agricultural Labour Court (ALC) has received six applications and these are likely to be heard before April, said the president of the ALC, Professor Adolph Landman. Two of the six applications come from the Cape and four come from Natal.

(*Farmer's Weekly: March 25 1994*)

Umgeni Water triples supply

UMGENI Water Board has tripled the area it supplies with potable water. An extra 900 000 people will be included in the new service boundary of the company. Its previous area of supply covered an area north of Midmar Dam up to Tongaat on the north coast and down to Amazimtoti on the south coast. The new, extended area will run from the mouth of the Tugela River inland and down to the Lesotho border, and along the Mzimkhulu and Mkomazi Rivers to the sea. Additional towns that will be served are Stanger, Kranskop, Greytown, Mooi River, Mpendle, Himeville, Underberg, Richmond and Ixopo.

(*Natal Witness: March 24 1994*)