RESETTLEMENT — 1992

Goedgevonden waits in limbo

W/Mail . 10/1 - 16/1/92

The black farmers of Goedgevonden are being made to feel like intruders as they wait for an appeal against their eviction from land they used to farm.

By LINDA RULASHE

THE black farming community of Goedgevonden near Ventersdorp in the Western Transvaal is being denied a new lease on life.

The land from which they were removed in 1978 has been leased to white farmers for as little as 17c a hectare by the Department of Agricultural Development and the community's claim to it is now being contested in court.

However, until the Appellate Division decides whether to uphold a supreme court decision to have them evicted, the black community will be made to feel as if they are intruders.

The area in which they have set up their zinc shacks has been cordoned off with barbed wire and a roadblock, only open between 8am and 6pm, has been set up. Access is allowed only to residents whose names are checked off a list, which has resulted in a few scuffles with department guards.

The department will not extend opening hours and this has made it nearly impossible for some community members to get to and from work or for relatives and friends to visit.

So far no serious incidents have occurred since last May's attack when 1 000 farmers destroyed 13 shacks, vandalised and looted the returnees' property and injured a number of them. An interdict against the AWB, whose headquarters are in the town, has been granted.

The attack came one month after the community moved back to the land from Bophuthatswana, where they had been removed to farmland at Vrischgewaagd and Gannapan.

In Goedgevonden, the agriculture department has refused to allow the community to plough or to improve their houses. To do so would be to create a "permanent situation". The department says it will "maintain the status quo" by forbidding any improvements to living conditions or homes.



Future in the balance ... Goedgevonden community members contemplate their fate **Photo: GUY ADAMS**

While the department has provided running water and medical services, Geoff Budlender of the Pretoria Legal Resources Centre said of the government's obstinacy over the other issues: "This is a reflection of how government wants to freeze the situation."

Field workers from the International Red Cross and the Transvaal Rural Action Committee (Trac) are the only relief organisations that have been granted permission to assist the community.

The South African Red Cross Society was originally not allowed access to the farm and medical aid or food had to be passed through the fence where the roadblock is situated.

"At least they treated us better in Bophuthatswana," said William Mgcina, whose grandparents, buried in the old graveyard, once owned grazing fields in the area. "In Bophuthatswana my three children could go to school and my cattle were able to graze but now that is impossible."

Mgcina — a miner in Rustenburg — has had to pay people in Bophuthatswana to look after his livestock and poultry.

Fields on which the Goedgevonden community originally planted their crops is now being farmed by seven white farmers.

"Where they have planted is our land," said Roselina Mokwena (64) bitterly as she remembered her days as a young wife who often ploughed the fields.

Lettie Jacob (66) said: "I wanted to fix my house the other day because when it rained, it got flooded and the furniture was being destroyed. But they refused. We want our land back."

The Goedgevonden community dates back to 1947 when black people settled and started ploughing there. The land was owned by the South African Development Trust and, as was common in such areas, the people regarded the land as their own although they may not have been the formal owners.

Negotiations are taking place among lawyers from the Pretoria Legal Resources Centre — which represents the community — officials from the Department of Agricultural Development and Development Aid, church people and community representatives.

However, these discussions are not proceeding smoothly.

According to a Trac report, the last negotiations were characterised by a degree of "unreasonableness" on the part of the government in its persistence not to improve conditions at Goedgevonden.

Chairman of the state's negotiating team Gillis de Waal said only that there were still quite a number of hurdles which had to be crossed.

Representatives of the families have had to deal with officials who have a history of opposing the community's interests.

Even though these officials may be talking a new language, their decisions reflect their old prejudice.

This became clear in the fundamentally different starting points that the two negotiating teams have adopted.

The Goedgevonden people believe that any solution must begin from Goedgevonden. It must be a political decision in principle to allow the people's return, and thereafter the agricultural viability and support for off-farm activities could be considered.

The government, by contrast, began by wanting to remove the people again to Bophuthatswana. Thereafter, they felt a solution based on principles of "agricultural productivity" could be found: people who knew only white farming would decide what was productive and they would select those who would be allowed back.

The government has rejected any proposals regarding a mixed form of farming in which part of the members of the community would be involved in communal grazing and share cropping while another is involved in off-farm employment.

The report concludes the rest of the community will either have to remain in the homeland, or move on to "site and service schemes" in urban areas, which means they would effectively become urban squatters.

There is also the question of the rest of the community — who tried to follow but were turned away at the roadblock. They are still waiting in Bophuthatswana.

The next set of discussions are scheduled for January 15.

Negotiate land issues — Minister

CAPE TOWN — Land issues should be solved through negotiation and consensus rather than costly court proceedings which might take years to resolve, Regional and Land Affairs Minister Jacob de Villiers said yesterday.

He told a news briefing that the advisory commission on land affairs would advise President F W de Klerk on the identification and use and ownership of land affected through previous discriminatory legislation.

Asked if government had ruled out establishing a land claims court, he said all alternatives had been discussed in Parliament and committees in 1991, and the advisory commission on land allocation was the result.

"To speculate on others would not serve any purpose," he added.

The commission, under chairmanship of Mr Justice T H van Reenen, was set up in November 1991 in terms of the Abolition of Racially Based Land Measures Act of 1991.

"Government has, through this mechanism, made a real attempt to come to grips with the past and to deal with land claims effectively and expeditiously."

He invited all interested parties to give their full co-operation and support to the proceedings of the commission.

"In my opinion, consensus through negotiation is a more viable method to solve the intricate land issues rather than reverting to costly court proceedings which might take years to resolve," he told the briefing. — Sapa.

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Chief in R1-m mystery

CP Press 2/2/92

By DAN DHLAMINI

THE troubled Bakwena ba Mogopa tribe has been plunged into more controversy with the disappearance of their chief, and the alleged misappropriation of more than R1-million by tribal leaders.

Chief JL More, who ruled the tribe since its forced removal to Pachsdraai near Groot Marico in 1983, is alleged to be in London, but a relative recently received a letter from him posted in Zambia.

This week, the Pachsdraai villagers, led by Isaaih Kau, Professor Molaba and RH Noge, successfully instituted a Supreme Court order barring the respondents, OT More and seven others, including Department of Development Aid officials, from convening a meeting at which More was to be elected as the headman.

Lawyer Ceaser Bungane, who instituted an urgent application on behalf of Kau and other applicants, told City Press the return date was February 18.

Those cited as respondents are OT More, Thage Kau, K Masilo, Andrews Rampa, Mopale Ramolora, M Opperman and J Stopforth.

Attempts to contact the respondents drew a blank yesterday. A woman who said she was OT More's daughter said he would only be available tomorrow.

Noge, a school principal who acted as spokesman of the Bakwena ba Mogopa at Pachsdraai, told City Press the villagers had now also launched an investigation into possible fraud.

"Our investigations have also revealed that the South African government paid R1 175 000 for mineral rights at Mogopa and for damages incurred when the tribe was moved to Pachsdraai.

"Our information is that three tribal leaders signed a secret resettlement agreement with South African government officials, hence the compensation. We will reveal their names at a later stage," he added.

Noge said villagers had not received any compensation for damages incurred during the trek, adding that R8 000 had already been recovered from one of the estranged tribal leaders.

A large number of Bakwena villagers who had resisted resettlement have since returned to Mogopa.

Winterveld: the forgotten place

Sowetan 3/3/92

Sowetan 3/3/92

271

FOCUS

THE road from Pretoria winds for half an hour through lush white suburbs and farms before depositing motorists, with a bump, in a dustbowl of mud shacks stretching to the horizon.

This is Winterveld, a bleak 40-year-old slum of up to one million black inhabitants that is never seen by most residents of the prim white capital city 50km to the south.

The 500sq km settlement symbolises the daunting welfare challenge bequeathed to the new South Africa after years of apartheid race segregation.

"Winterveld is a forgotten place, a dumping ground, an in-between-land," said Rosetta Simelani of the Rural Advice Centre.

"These homeless people are caught between the devil and the deep blue sea The new South Africa must provide for squatters like these," said local priest the Rev Smangaliso Mkhatshwa.

Aid workers describe Winterveld as among the ughest of apartheid's offspring, the unforeseen product of a policy of forcibly removing blacks from areas designated for whites.

The slum, once winter grazing land for the cattle of white farmers, grew from the 1950s onwards as an overflow area for designated "black" towns which mushroomed too quickly for apartheid's developers.

Child mortality is 50 percent in some parts, unemployment 70 percent, sewerage and electricity non-existent.

Local black farmers, despairing of poor soil and lack of water, turned their fields into shacks for squatters, many of them illegal immigrants harassed constantly by police.

Winterveld's warren of shanties is also a notorious hideout for criminals on the run.

South Africa, apparently eager to abdicate responsibility for Winterveld, asked the black homeland of Bophuthatswana to absorb the slum as part of its fragmented territory in return for nominal "independence" in 1977.

Funds

Bophuthatswana complied, but the homeland, one of 10 tribal territories where more than half of South Africa's blacks live, never lavished funds on Winterveld because few residents are Tswanas, the homeland's designated ethnic group, residents say.

Farmer Rachel Tsukudu (73) said she walked five 5km to scrape for water in a dried up stream Her maize field is withered. "Every Sunday we pray for rain," she said.

Joseph Matona (75) said his crops had failed for years due to the poor Winterveld soil He earns a total of R15 a month from three squatter shacks on his property

Welfare agency Operation Hunger says 2 million South African blacks in places like Winterveld could be starving by May unless the government speeds up relief to replace food supplies hit by drought

The agency, which feeds 1,8-million people daily nationwide, says that because of lack of funds it can only help 16 000 people in Winterveld It says most of the slum's people qualify for its programmes.

In a clearing, barefoot children watch warily for snakes as they sit under trees to escape the baking 40 deg C heat at the "Eureka" bush school

Headmistress Ms Constance Gwabeni said most of her charges were children of some of the estimated one million Mozambicans who for years have fled to South Africa to escape war at home

"In the middle of a lesson some fall asleep because they have had no food," she said. "Our main problem is the snakes, and the wind which blows the dust on to the children's clothes."

Zimbabweans and Zaireans, as well as South Africans from all over the country, come to Winterveld because it is near jobs in the main industrial centres, ignoring the squalor and endemic malnutrition-linked diseases like tuberculosis.

"At least here there is sometimes food in the shops and people are not killing each other," said Musa (49), a Mozambican who bribed his way back over the frontier to Winterveld after police caught and forcibly returned him to Mozambique last year.

He lives with his wife and five children in a three-roomed mud-brick house. A sixth child died at birth.

Late last year, 40 years after the slum's birth, a Winterveld Development Programme was formed with the support of the state-backed Development Bank of Southern Africa

Political reforms

Details of the project have yet to be worked out and the possible reincorporation of Bophuthatswana into South Africa under political reforms could complicate the process, experts say.

Aid worker Ms Joan Pearton said blacks were leaving for nearby Soshanguve township in "white" South Africa where they had a better chance of buying land. But a continuing influx from elsewhere kept Winterveld's population stable.

"The residents have always struggled to survive," she said.

"It remains a dumping ground. People throw their old folk away in Winterveld. They come and build shacks, install their parents and then disappear back to Soweto." - *Sapa-Reuter.*

'These homeless people are caught between the devil and the deep blue sea. The new South Africa must provide for squatters like these.'

Steel union

Sowetan 13/3/92

THE National Union of Steel and Allied Workers will meet in Atteridgeville, Pretoria, tomorrow to prepare for its forthcoming congress.

The meeting, which starts at 9am at the Atteridgeville Community Hall, will also plan for the Heroes' Day service to be held next Saturday.

Nusaaw general secretary, Mr Ndomane Tibane, said the meeting would also discuss new wage rates for its members in the iron, steel, engineering and metallurgical industries.

Focus on schools

By PHANGISILE MTSHALI

THE National Education Co-ordinating Committee will focus on the activities of the mushrooming inner city schools at a meeting in Johannesburg tomorrow.

The meeting will be held at Khanya College and will be attended by parents, teachers and directors of the schools.

It starts at 8am. Sowetan 13/3/92

Mr Sam Mokgantsang, of the NECC, said it was hoped that the conference would set up a monitoring group that would investigate the activities of these schools.

The NECC had identified 40 inner city schools in and around Johannesburg, he said.

"Many of them charge high fees because they are not subsidised," Mokgantsang said.

"Many parents cannot afford to pay these fees and this leads to these schools becoming bankrupt. In some cases they close down and leave thousands of pupils stranded."

He said his organisation had embarked on a campaign to transform these "street academies into proper schools and establish liable management structures to counter corruption and exploitation".

Doornkop land issue

Sowetan 13/3/92

MEMBERS OF the Doornkop 42 community meet in Mosterlus on Sunday to discuss the response of the Commission of Land Allocation ~~to~~ their demands. 271

Strategies for the continuation of the struggle to reclaim their land will be finalised, as decided at a national workshop at Wilgespruit Fellow Centre on February 23 and 24.

Spokesman Mr Kalushi said Botshabelo committee should also attend the meeting to "share ideas with the Doornkop people".

Jo-Anne Collinge looks at the clash between the NP's and ANC's pledges on property

Land reform v security of title

STAR 19/3/92. (271)

GOVERNMENT land reform programmes and the constitutional protection of property rights sound like different aspects of a single cause, right?

Wrong — easily a dozen times wrong, says the land reform lobby. Nothing is more certain to hamstring Parliament's ability to redistribute land and house people than an unqualified protection of property rights in a Bill of rights.

The ANC, itself part of the land reform campaign, carries a heavy load for protecting the landless and homeless in the constitution-making process.

It would probably like to purge the property clause from a future Bill of rights — after all, some countries get by without one.

But the National Party and the Government would no doubt put all their muscle into opposing this. The assurance to white property-holders that their title is safe has become a virtual refrain of the De Klerk campaign for constitutional change.

Furthermore, the South African Law Commission report not only recommends that property rights be protected and that compensation for expropriation "in the public interest" be referable to the courts, it sees in the ANC's draft Bill of rights a plan for "naked and arbitrary nationalisation of whatever nature without the courts being able to protect those prejudiced in any way".

The Wits Centre for Applied Legal Studies recently convened a conference of organisations who are determined to dismantle the apartheid land legacy. They debated hotly on how a Bill of rights could pass muster with the Nats as regards property and yet serve the dispossessed.

These were some of the moves they proposed:

● That land be treated as a special instance of property and dealt with separately in a Bill of rights. Various lawyers pointed out that "property" had been taken to mean physical entities such as land and housing; and intangibles such as copyrights, employment rights, social security benefits and shares in a company.

Land, it was argued, had particular characteristics that set it apart from most other property — not least of them its finite quality and its position as an absolute necessity of life.

● That certain forms of affirmative action be specifically related to land rights. The ANC's Albie Sachs noted that a Bill of rights could be employed variously as an offensive and defensive weapon. And several contributors argued that the propertied classes had been outstandingly successful in invoking Bills of rights to defend their property.

In India a property clause that Prime Minister Jawarhalal Nehru — a convinced socialist — regarded as the key to implementing land reform, proved a formidible weapon in the hands of the propertied classes. University of the Western Cape legal expert John Murphy related that India eventually dropped the clauses from the constitution in 1978 "after 30 years of wrangling with the Supreme Court. Before their repeal ... India's judges showed themselves more inclined to favour individual property rights than the imperatives of social reform".

Affirmative action provisions on land would make the Bill of rights a potentially offensive weapon for the dispossessed.

● That the question of compensation be looked at afresh. Firstly, that it apply not only to those whose land might be expropriated or otherwise removed under the post-apartheid regime, but also to historic dispossession under apartheid. Secondly, that the compensation level be determined in such a way that financial considerations do not become an insurmountable obstacle to land reform.

Those arguing for land redistribution flatly rejected the notion of compensation at market-related prices, which applied for 10 years in Zimbabwe and effectively throttled the process of land reform. The ANC has proposed that a notion of establishing "an equitable balance between the public interest and the interests of those affected" should be the basis of compensation. The Law Commission argues this method defies objective testing by the courts.

● That the constitution be used to redirect judges' attention to forms of land rights other than conventional freehold title. The diversity of "real" land rights — which relate to the way people occupy, use and gain access to land — must be placed side-by-side with the abstract notion of ownership embodied in title, argues Unisa's Dr Andre van der Walt. This means a wider range of people would have a claim to land they had occupied — perhaps for generations — without title; and that security of tenure could be guaranteed to such landholders. Dr van der Walt and others propose a land claims court or tribunal as a means of refining "pluriform" concepts of ownership.

The ANC, which found itself under fire from various quarters in relation to its original property clause, is redrafting the land and property provisions in its Bill of rights proposal. Still incomplete, the redraft takes account of many of the above arguments.

It unequivocally protects the homes of all people, rich and poor alike.

It also directs the legislature very clearly to make land laws that will embody the principle of equity and will facilitate "provision of adequate housing for the whole population".

It obliges parliament to set up a land claims tribunal which will, among other things, investigate restoration of land to those subjected to forced removals or appropriate compensation where restoration is not feasible.

A separate property clause is being contemplated. And Mr Sachs hinted that the ANC would not seek State intervention in the area of what he termed "commercial property" — debentures, shares and various business interests. "It's the area least open to constitutionalising," he commented. The Left had learnt that tight government control of markets was not viable. "We think that it should be open."

There is no way that resolution of the land question can avoid hurting somebody — either the homeless and landless will remain so, or someone has to give. What the ANC seems to be calculating is whether, with their homes and their business interests guaranteed, the present ruling group might not be prepared to forfeit a measure of land — against *some* compensation — in the name of righting wrongs and securing a future society. □

Land rights: Minister gives details

STAR 1/4/92

Political Staff

Minister of Regional and Land Affairs Jacob de Villiers has clarified which authorities will gain jurisdiction over communities established by the South African Development Trust and administered until yesterday by the Department of Development Aid.

Both the trust and the department cease to exist from today. Their functions have been shared among provincial administrations, self-governing territories and central Government departments.

The announcement by the Minister resolves the uncertainty and confusion in many black communities.

Mr de Villiers said: "The status of all assets (of the SADT) changes to that of Government property." He supplied the following details concerning jurisdiction in specific areas:

● The townships of Soshanguve and Lethlabile have been transferred to the Administrator of the Transvaal and Botshabelo to the Administrator of the Free State. These officials will bear responsibility for administration and servicing of these vast townships and will have "power to dispose of immovable assets ... in terms of the Upgrading of Land Tenure Rights Act".

Mr de Villiers said township registers had been opened for Soshanguve and Lethlabile.

"This will enable all residents holding occupational rights, deeds of leasehold and deeds of grant to obtain freehold title. Approximately 28 000 erven in Soshanguve and 5 800 in Lethlabile will immediately be converted to full ownership."

● The Minister of Regional and Land Affairs has gained "dominion" over other townships, settlements and areas in all provinces and he will "further dispose thereof subject to certain agreements still to be concluded". Provincial Administrators will undertake servicing of these areas.

● SADT property already within self-governing territories has been transferred to the governments concerned, except for a few properties.

Powers of the self-governing territories have been extended in relation to land and mineral rights "in order to enable them to further dispose of the land concerned, in accordance with the White Paper on Land Reform".

● Property not scheduled for transfer to a TBVC state or a self-governing territory has been transferred to the Department of Public Works "subject to the mandate of the Advisory Commission on Land Allocation".

Townships saved from homelands

271

Sowetan 1/4/92

By ISMAIL LAGARDIEN

SOSHANGUVE, Letlhabile and Botshabelo have been saved from incorporation into the homelands or self-governing territories and will from today fall under the Transvaal and Free State provincial administrations.

Residents who hold occupational rights or deeds of grant will obtain freehold title immediately - all they have to do is register the property in their names.

In terms of the Upgrading of Land Tenure Rights Act of 1991 about 28 000 erven at Soshanguve and 5 800 at Letlhabile will also be converted to full ownership, the Minister of Regional and Land Affairs, Mr Jacob de Villiers, announced yesterday.

The announcements flow from the abolition by the Government of the South African Development Trust and the Department of Development Aid from today.

It follows the announcement on October 16 last year by President FW de Klerk that all racially based land measures would be abolished and at the same time frees 1,2 million hectares of land earmarked for incorporation into Lebowa, Gazankulu, KwaNdebele, QwaQwa, KwaZulu and KaNgwane.

De Villiers confirmed yesterday that all but the 17 million hectares of land which was "bought" in terms of the Land Acts had already been allocated.

Eleven proclamations were published in a special Government Gazette in Pretoria yesterday and give effect to the transfer of the assets and resources of the SADT and the Department of Development Aid to central Government departments such as agriculture, public works and regional and land affairs.

De Villiers said in future services and the administration of Letlhabile and Soshanguve would be rendered by the TPA and at Botshabelo by the Free State Provincial Administration.

The administration of other townships and settlements had been transferred to his own department.

'Apartheid' departments stop functioning today

BDay 1/4/92

BILLY PADDOCK

CAPE TOWN — The Development Aid Department and the SA Development Trust stop operating today following a process of rationalisation and an attempt to rid SA of apartheid administration.

Staff, functions and assets have been transferred to the self-governing homelands, central government and provincial administrators.

This brings to an end another section of the apartheid bureaucracy used by Verwoerd and succeeding Native and Bantu Affairs Ministers to implement their dream of separate homelands for different ethnic groups.

Regional and Land Affairs Minister Jacob de Villiers said at a briefing yesterday the abolishment of the Development Aid Department and the Trust brought to an end an era "started in 1910 to cater for all the material, moral and social well-being of black people".

President F W de Klerk announced last October that the department and the trust were to be abolished after recommendations of the Commission for Administration which also found evidence of corruption.

Since then the Department has been dedicated to the transfer of 3-million hectares of land to the self-governing states. A final 1,2-million ha were to be transferred to Public Works and Regional and Land Affairs, De Villiers said.

The 11 proclamations and three Government Gazettes published yesterday finalise the termination of the department and the trust, and affect essentially 100th of SA's land that will now be administered without racial discrimination. SA's total land area is 123-million ha.

Self-governing homelands administer 7-million ha and 10-million ha are set aside in the TBVC states. The remaining 1,2-million ha are fragmented and could not be consolidated.

All the development and related functions rendered by the SA Development Trust would now rest with individual line function departments and respective administrations, De Villiers said

No townships that were not under the jurisdiction of self-governing homelands were incorporated in the latest move, he said, adding that Soshanguve, Lethlabile and Botshabelo townships had been transferred to the respective administrations of the Transvaal and the Free State.

All residents holding occupational rights in Soshanguve and Lethlabile would immediately be entitled to register their properties under full ownership in terms of the Upgrading and Land Tenure Rights Act of 1991. No payment would be required, but residents would have to take the initiative and register their properties, which would be transferred to them formally in the Deeds Office some time in the near future, he said.

"The dominium in other townships, settlements and areas ... are transferred to the Regional and Land Affairs Minister who will further dispose thereof subject to certain agreements still to be concluded," De Villiers said.

Because of this transfer of 3-million ha to the self-governing states, the legislative and executive powers of these administrations relating to land and mineral rights have been extended by proclamation.

Further proclamations were also promulgated yesterday to make provision that Acts of Parliament and proclamations of the State President are assigned to the Administrators of Provinces for execution. These relate mainly to social welfare, health, nature conservation, township establishment as well as rendering local government services.

Accent on service to community

BDay 1/4/92

CAPE TOWN — Correctional supervision or community service as an alternative to imprisonment would be introduced selectively from today and was expected to be a nationwide option by the end of March next year, Minister of Correctional Services Adriaan Vlok said yesterday.

A system of correctional supervision had been experimented with in the Pretoria area since August last year It had been introduced on March 20 to areas in the Cape Peninsula including Bellville, Goodwood, Simon's Town, Mitchell's Plain and Wynberg.

A sentence of correctional supervision is a sentence in its own right which is served within the community and not in a prison. It involves service to a community without payment.

Vlok said a number of conditions, such as house arrest, were set to limit offenders sentenced to correctional supervision.

"Criminals who have chosen crime as a way of life, or those who pose a real threat to society, are excluded from correctional supervision." — Sapa.

Moutse will not become homeland territory

Political Staff

All three sections of the Moutse district in the northern Transvaal are to remain under control of the South African Government and will not be transferred to either KwaNdebele or Lebowa.

This was announced yesterday by Minister of Regional and Land Affairs Jacob de Villiers in a statement accompanying the tabling in Parliament of the 1989 Rumpff Commission Report.

Mr de Villiers stressed that the small area of Moutse 2 would not be included in KwaNdebele, although the commission had recommended it be incorporated. In this decision the Government had been guided by the wishes of landowners in Moutse 2, he said.

The announcement brings to a close years of vacillation over the jurisdiction of Moutse, an area with about 120 000 residents. The territory was excised from Lebowa and in early 1986 was incorporated into KwaNdebele against residents' wishes. This triggered protracted resistance.

Eventually, the incorporation was declared unlawful by the Appeal Court.

But this judgement, which returned Moutse to central government administration, was subject to the findings of Mr Justice F L H Rumpff who was appointed in 1988 to look into the issue.

In December 1990 the Government indicated it would support Mr Justice Rumpff's principal recommendations — that Moutse 1 and 3 remain under central government jurisdiction for 10 years, when the constitutional problem would be considered, and that Moutse 2 be incorporated into KwaNdebele.

With the tabling of the report yesterday, the official position on Moutse was revised.

The Government had also not accepted the commission's general recommendations on the determination of boundaries, the Minister said.

New life in Barolong land battle

By DAN DHLAMINI (271)

THE 31-year-old legal battle for land between the Barolong ba Modiboa and the Potchefstroom Town Council started afresh this week when 75 of them were arrested for trying to reclaim their ancestral land. CP Press 19/4/92

According to a western Transvaal police spokesman the 62 men and 13 women have been charged with trespassing and illegal squatting.

The spokesman said they would be released on R30 bail and were scheduled to appear in court on Tuesday.

The battle between the Potchefstroom Town Council and the Barolong started on March 21 1961 when the then tribal representative, Morris Gorewang, was arrested, charged and convicted for refusing to vacate Machaviestad. He appealed and the Appellate Division set aside the conviction.

The Barolong were eventually forcibly removed by the government in 1971.

In December last year 25 tribesmen who attempted to reclaim the land were also arrested for trespassing.

The charges were withdrawn after the parties agreed that the Barolong would always seek permission to visit their ancestral land.

The Barolong had been granted permission to clean the graves and hold a prayer meeting from April 16 to April 20, but, according to a Potchefstroom Town Council spokesman, permission had been withdrawn after they had arrived with truckloads of building materials.

Uprooted tribe put through courts again

By DAN DHLAMINI

THE Barolong Ba Modiboa's second attempt to reclaim their land near Potchefsroom this week landed many of the tribesmen in court again.

Barolong Action Committee chairman John Ntsimane, 56, and 74 others – including 24 minors – appeared before Potchefstroom magistrate Davie de Jager, charged with trespassing on municipal land.

They were not asked to plead and the hearing was postponed to May 12. Charges against the minors were withdrawn, and the R30 bail granted to each adult was extended.

The hearing was a sequel to the incident on Good Friday when the tribe moved to New Machavi – also known as Matlwang – and allegedly violated terms of an agreement with the Potchefstroom Town Council.

According to the agreement the tribe was given permission to visit Matlwang from April 16 until noon on April 20 to clean their forefathers' graves.

When the agreement was violated the town council charged the tribesmen with trespassing.

Last year 23 Barolong tribesmen who tried to reoccupy Matlwang from where they were uprooted in 1971, were arrested.

Hospital disrupted

By STAN MHLONGO

SEBOKENG Hospital was brought to the brink of a standstill this week as hundreds of employees toyi-toyed around the hospital grounds in protest against shoddy practises and alleged apartheid at the hospital.

The march, led by the ANC Youth League, SACP and National Education Health and Allied Workers Union (Nehawu) members, brought hospital life to a halt.

Addressing the crowd, ANC Youth League official Sakhiwe Khumalo called for:

- Separation of maternity and assault patients in ambulances to avoid embarrassing the expectant mothers;
- Lower ambulance tariffs, cheaper patient fees, and exemption from payment for pensioners, the disabled, the terminally ill and the unemployed;
- More ambulances;
- A living wage for hospital workers; and
- An end to racially segregated hospitals.

Family fight to recover 'their land'

271
ARG 30/4/92

JOHN VILJOEN
Staff Reporter

MORE than 20 years ago, the Petrus family were forced to sell about 4 000 sq m of land near Zeekoevlei to the State for a little more than R3 000 because of the Group Areas Act.

No-one else has lived there but now, alarmed at signs that the State may be selling the land to developers, they are fighting to get back the home they believe is rightfully theirs.

The Legal Resources Centre has asked the Advisory Commission on Land Allocation to recommend to the State President that the land be returned to the family.

The commission advises the State President on the fate of land the State acquired under race-based laws which were repealed last year.

The Petruses are only one of thousands of coloured families who lost their land in this way.

According to LRC attorney Mr Henk Smith, the State holds the title deeds of about 5 000 Western Cape properties, many of which were probably acquired under the Group Areas Act.

A spokesman for the Grassy Park advice office said the State had forced people like the Petruses to sell their land and was now selling it for a profit.

She encouraged other people in the same position to come forward to test their rights.

Nicolas Petrus bought erf 2944 Zeekoevlei from the Cape and Transvaal Land and Finance Company for £325 (R650) in 1952.

According to his widow, Mrs Katrina Petrus and her daughter Rose, he cleared the land — "one big Port Jackson forest" — himself and built a home for his family.

Mr Petrus, a gardener, eventually cleared the whole property and "after months of sweat and hard work" laid vegetable gardens.

The Petruses sold vegetables and milk to supplement the family income.

In 1961 group areas were established in the Cape and Wynberg districts. The Zeekoevlei area was set aside for ownership by whites although, at that stage, the white area did not include the Petruses' plot.

In 1965, the white area was extended to include their land on the corner of 8th Avenue and Zeekoe Road.

When Mr Petrus died in 1967, lawyers advised Mrs Petrus she could do nothing to keep the land as it had been declared white.

According to deed records, the land was transferred from Mrs Petrus to the Community Development Board on December 10 1971. Attorneys negotiated a price of R3 310.

The family stayed on the property, paying rent to the board. When their home burnt down in 1981 the family dispersed, some into unsafe, gang-infested areas where they have never been happy.

Now they want to return.

The family, who have kept an eye on their former home through the years, recently noticed a large developer's sign there.

It advertises eight properties on the neighbouring plot.

Alarmed, the family asked the LRC to approach the Advisory Commission on Land Allocation to secure the State President's intervention.

The LRC has warned the Department of Local Government, Housing and Agriculture in the House of Representatives that it could face legal action if it sold the land before the Petruses' claim had been answered.

LRC attorneys wrote that Mrs Petrus claimed she and her family "were disadvantaged and severely prejudiced by the forced sale of their land as a result of the ... Group Areas Act."

Said Mrs Katrina Petrus: "I feel my husband and I tamed the land. When it was cleared, the whites came and took it away.

"I say that my children and I have rights to the land."



FLASHBACK: Ashley Forbes shows a clenched fist salute on his release from Robben Island.

Residents to slug it out with TPA

Sowetan 30/4/92

HARTEBEESFONTEIN residents near Rustenburg, fighting against incorporation into Bophuthatswana, plan to meet the Transvaal Provincial Administration over the issue.

They were this week told by the Western Transvaal regional representative of the Department of Land Affairs, Mr Henry Stopforth, that the department was no longer handling the matter.

Stopforth told the Hartebeesfontein Civic Association that the TPA had on April 1 been appointed the authoratitive body.

All the residents' grievances should now be directed to a Mr Pelser, who is the TPA's director in the region.

Co-ordinator of the Hartebeesfontein Civic Association Mr Nathaniel Mmusa has requested Stopforth to set up a meeting with Pelser.

Mmusa said yesterday that the association had not been informed of the takeover.

He said they had handed a memorandum of their grievances to the local administration office last year.

Senior police officers in the Rustenburg district attended this week's meeting with the residents.

Land evictions go private

South 2/5 - 7/5/92.

THE 'new' South Africa has spawned a new type of forced removal — by the private sector.

In the past, attorneys have successfully defended platteland communities, such as those at Reagile near Koster and Oukasie outside Brits, against forced removal by the state.

With the repeal of racial land legislation, communities like those at Goedgevonden and the Mfengu in the Eastern Cape have also sought legal help to return to land from which they were forcibly removed.

In the Eastern Transvaal, the Legal Resources Centre (LRC) has been involved for the past four years, through its rural legal clinics, in defending labour tenants faced with eviction.

Members of this group are among the most vulnerable in terms of land rights.

During an 18-month period up to July 1991, the LRC represented such tenant families.

But the tempo of eviction of tenants, many of whom have been there for generations, is increasing noticeably.

About 80 clients recently asked for help because they had received eviction notices, known as "trekpasses", or believed they were under threat of eviction.

Political flux, and perceptions about a possible re-allocation of land under a future dispensation, underlie what appears to be concerted pre-emptive action by a growing number of farm owners against possible future land claims by tenants.

Litigation in the local magistrate's courts and negotiation with farm workers has yielded limited success in promoting the legal rights of tenants.

It has not been possible to obtain for them the right of security of tenure.

Considerable success has been achieved concerning the right to a period of notice and correct legal procedures before eviction.

For some families negotiation has achieved more favourable terms of eviction.

But as an LRC attorney told a recent tenant meeting: "One thing we have not been able to win is the right to live on your land forever."

In this crisis, it has become apparent that the potential of protecting tenants' interests through litigation and negotiation in individual cases has been exhausted because of the limited legal rights tenants have.

In one Supreme Court case the judge said three months' notice was the minimum reasonable requirement.

Following advice by the the South African Agricultural Union, most farmers are now issuing three-month "trekpasses".

A successful challenge to this notion in the Supreme Court is still needed.

It is the LRC's view that notice must, at the very least, allow a tenant to sow and reap his annual crops, and to find adequate alternative accommodation.

A legal strategy alone can ultimately do little to protect people, other than to help highlight their problems.

What is required is collective political lobbying by tenants. Although some of the evictions will continue to be challenged in court, land rights groups and tenants are now acting to elevate their struggle to the level of national politics.

A meeting of the National Land Commission (consisting of land rights groups and attorneys involved in land rights issues) was held in November.

In February, a committee was elected at a conference of labour tenants as a start to articulating their needs and demands.

The conference called for, among other things, a moratorium on all evictions and resolved to meet the relevant sub-committee of Codesa, as well as arrange urgent political meetings with political leaders.

— The LRC Review

Barolong in danger of losing land forever

271

C(Pres 3/5/92.

By DAN DHLAMINI

THE Barolong ba Modiboa's land of birth, Machavie, which they have been fighting to get back for the past 31 years, may soon be turned into a game reserve, it was revealed this week.

Barolong Chief TS Makodi received a letter from the National Parks Board informing him that they and the Potchefstroom Town Council had agreed in principle on the sale of Machavie after two years of negotiations.

The letter stated the NPB would allow the tribe to visit and tend their forefathers' graves, which will be well protected and looked after.

Makodi, whose faction still resides at Rooigrond near Mafikeng in Bophuthatswana – where they have been since they were forcibly removed from Machavie in 1971 – said the letter came as a surprise. It came at a time when Barolong hopes had been high that the Land Commission would recommend that they be allowed back to Machavie.

"We have been talking to the government since 1961 without success and yet the NPB, who started negotiating only two years ago, have already succeeded in their aims," said Makodi.

"This shows that apartheid is still alive and kicking, because the Potchefstroom Town Council should have given us first option to buy our own land back.

"We would have got funds from the outside world to develop Machavie into a farming area. We are, however, prepared to negotiate with the NPB," he added.

Chairman of the Ikageng-based Barolong Action Committee, Joseph Ntsimane, who was among 75 arrested for trying to reoccupy Machavie two weeks ago, said he rejected the idea.

Potchefstroom Town Clerk J du Plessis confirmed the negotiations with the parks board over the purchase of Machavie were at an advanced stage.

Parks board secretary Herman Botha said he was aware that Barolong had an historical claim to the land.

were arrested for committing further crimes. The Department is not aware of any further cases which allegedly could possibly have been involved in criminal actions

Thus only 3% of the total of persons placed under correctional supervision up to 31 March 1992 reverted to crime and this testifies to the success of the system of correctional supervision.

On 1 April 1992 facets of correctional supervision as alternative sentence option were extended to the proclaimed magisterial districts and on 8 May 1992 and 1 June 1992 will be further extended to a considerable number of magisterial districts in different regions It is envisaged that the system should be operative in all magisterial districts in the Republic of South Africa by the end of March 1993

(b) 31 March 1992

Reply substituting reply to Question No 230 on 27 April 1992, put by Mr A Gerber (col 832)

Certain organization: funds raised/financial statements

230 Mr A GERBER asked the Minister of National Health †

(1) Whether a certain organization, the name of which has been furnished to the Minister's Department for the purpose of her reply, obtained a fund-raising number from her Department, if so, (a) for what purposes was this number allocated and (b) what is the name of the organization,

(2) whether her Department is exercising any control to ensure that the funds raised are utilized for the above-mentioned purposes by the organization concerned, if not, why not, if so, (a) to what extent and (b) with what result,

(3) whether, in view of certain allegations which are being made in the media in respect of this organization and particulars of which have been furnished to her Department she intends inquiring or causing such an inquiry to be made into the financial statements of the organization concerned, if not, why not;

(4) whether she will make a statement on the matter? B539E

The MINISTER OF NATIONAL HEALTH:

(1) Yes,

(a) to establish a special fund for the making of awards to, or the funding of projects of one or more organizations which, in the Republic of South Africa, including those territories which previously formed part of the Republic of South Africa—

* provide opportunities to people, preferably self-employed or unemployed, in the form of business advice and practical skills-training; or

* provide opportunities in the form of sports training and the provision of better sporting facilities to disadvantaged communities, or

* finance further education in the arts and music among disadvantaged communities, and

which are authorized to collect contributions in terms of the Fund-raising Act, 1978 (Act No 107 of 1978), or organizations approved by the Director of Fund-raising, and

(b) the Ithuba Trust,

(2) yes,

(a) the relevant organization must in terms of the provisions of the Fund-raising Act, 1978, submit annually audited financial statements On basis of these statements it is determined whether the organization has disposed of the collected contributions in terms of its authorised objectives, and

(b) during the first year (1989/90) of its registration the organization has made a few donations to unregistered organizations, which was not in accordance with its objectives This matter was rectified after it was discussed with the trustees of the organization The auditors of the organization also pointed out certain management problems within the organization These problems were also rectified by trustees after actions were taken by the Director,

(3) no, as indicated at (2)(a) the audited financial statements are checked annually In terms of the Fund-raising Act, 1978, the Director may further inspect the affairs of any organization if requested thereto by a person and if he is satisfied on the ground of facts declared under oath by such person, that an inspection is necessary or desirable.

Although several allegations were made by the public and in the media against the said organization, no substance for such allegations could be found by the Director;

(4) no

Land bought: Development Trust and Land Act

232 Mr P G SOAL asked the Minister of Regional and Land Affairs

(1) What was the total (a) area of land which had been bought in each province in terms of the Development Trust and Land Act No 18 of 1936, as at 31 December 1991 and (b) amount paid for this land,

(2) what area of land (a) was bought in each province in 1991, (b) was added to each self-governing territory and independent Black state in that year and (c) remained to be bought in each province as at 31 December 1991,

(3) (a) what area of land was added to each such territory and independent Black state as compensation for the removal of Black spots, and (b) what was the total area of land held by the South African Development Trust, as at the latest specified date for which figures are available? B541E

The MINISTER OF REGIONAL AND LAND AFFAIRS

(1) (a)

Transvaal	4 884 310 hectares
Natal	580 579 hectares
Orange Free State	202 407 hectares
Cape	1 551 205 hectares
TOTAL	7 218 501 hectares

(b) R1 367 134 934

(2) (a)

Transvaal	7 852 hectares
Natal	1 240 hectares
Orange Free State	2 419 hectares
Cape	3 824 hectares
TOTAL	15 335 hectares

(b)

KwaZulu	Nil
Lebowa	Nil
Gazankulu	Nil
KaNgwane	4 946 hectares
KwaNdebele	Nil
Qwaqwa	Nil
Transkei	Nil
Bophuthatswana	32 424 hectares
Venda	Nil
Ciskei	Nil
TOTAL	37 370 hectares

(c) In view of the abolition of the SA Development Trust and the consequent repeal of the provincial land quota by the Abolition of Racially Based Land Measures Act 1991 (Act 108 1991) no land has been acquired within the meaning of the 1936 quota The areas of land mentioned hereunder must however still be acquired in terms of parliamentary and cabinet decisions

Transvaal	5 104 hectares
Natal	5 844 hectares
Orange Free State	Nil
Cape	5 675 hectares
TOTAL	16 623 hectares

(3) (a) The required information is not readily available

(b) As at 1 April 1992 None

Persons under 18 years: prison sentences

237 Mr P H P GASTROW asked the Minister of Correctional Services

(a) How many persons under the age of 18 years were serving prison sentences on (i) 30 June and (ii) 31 December 1991 and (b) in which prisons were these persons serving sentences? B550E

The MINISTER OF CORRECTIONAL SERVICES:

(a) (i) 302

(ii) 413

cont →

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Cont →

Funds spent on towns 'fruitless'

Six SA Development Trust towns developed between 1976 and 1981 had an average occupancy of only 4 percent, and the funds laid out on them could be regarded as misspending to say the least, the Pickard report said.

Another 11, with a total of 19 729 erven, had an occupancy rate of 19,3 percent.

Whatever the reason for their not having been settled, it appeared that the spending on these developments was largely fruitless.

Six of the 75 closer settlement areas developed since 1980 had no inhabitants at all, and the average occupancy of the 75 was 15,7 percent.

According to the department, the reasons for the low settlement rates included limited job opportunities, political factors, lack of demand, water shortages and lack of services.

"Without unnecessarily expanding on this, it strikes me that each and every one of these reasons (perhaps to a lesser extent the political considerations) are precisely the sort of considerations that ought to enjoy priority in the planning of any town," Judge Pickard said. — Sapa.

Ghost town stands as edifice to disgraced department's bungles

STAR 11/5/92

By Dirk Nel
Northern Transvaal Bureau

PIETERSBURG — Deserted school buildings, a clinic, scores of discarded pre-constructed toilets, empty building sites, overgrown streets and an unused water system are all that remain of a R7 million northern Transvaal settlement partially built by the South African Development Trust in 1986.

When the now defunct Department of Development Aid set out to solve the Moutse land dispute between Lebowa and KwaNdebele in the 1980s, it planned to move thousands of villagers from the disputed area to a new township, known as Restaurant, about 50 km south-east of Potgietersrus, a former housing official of the Transvaal Provincial Administration told The Star.

But the people for whom the settlement was intended refused to occupy it, and the deserted "ghost town" is now just another stark reminder of unjustified expenditure exposed in the Pickard Report.

The unblemished school buildings are still in good condition, with all windows still intact, though they could do with some paint.

A well-planned sewerage system was also apparently in place.

The Pickard Report, released last week, describes the planned town as "a R7 million settlement of more than 1 400 sites, along with toilets, taps, streets, a reservoir, a senior secondary school, a junior school and a 20-bed clinic".

The report found the settlement was abandoned for political reasons, but also said failure of departmental officials to conduct proper foundation surveys meant the clay soil was not detected until severe cracking of all buildings made the town uninhabitable.

A R65 000 attempt to repair buildings failed, and as late as 1989 between R60 000 and R70 000 was spent on protecting the buildings against vandalism.

"Clearly the whole project was abortive," the report concluded.

What particularly concerned Mr Justice Pickard was that a senior official deliberately misled the then Minister, Dr Stoffel van der Merwe, into giving false information about the project in a letter to a Conservative Party MP.

Payout calls mooted over fraud probe

271 STAR 12/5/92.

By Jo-Anne Collinge and Pretoria Bureau

Rural communities who suffered as a result of massive corruption in the Department of Development Aid (DDA) would almost certainly demand compensation, National Land Committee spokesman Bahle Sibisi warned yesterday.

"The question is who is going to pay for this. Communities should not have to pay — they have already suffered enough," said Mr Sibisi, in response to the Pickard Commission's findings that millions of rands had been misused over a long period before the DDA's disbanding.

The NLC said: "The Government has not failed to point to the lack of funds available to improve the living conditions, meet development needs and make land available to black rural communities."

It added that a case in point was the Government's restriction on the restoration of land to people who were uprooted under the policy of forced removals.

Mr Sibisi said the NLC, which works extensively in rural areas, would be studying the full report of the Pickard Commission and consulting with communities directly affected by the misuse of funds.

The NLC said the commission had brought to light what people had long suspected. "The suffering and misery of many black rural communities who have been forced to deal with the DDA bear testimony to the incompetence and corruption of this department. Many attempts were made to bring to light the experiences of these communities, to no avail."

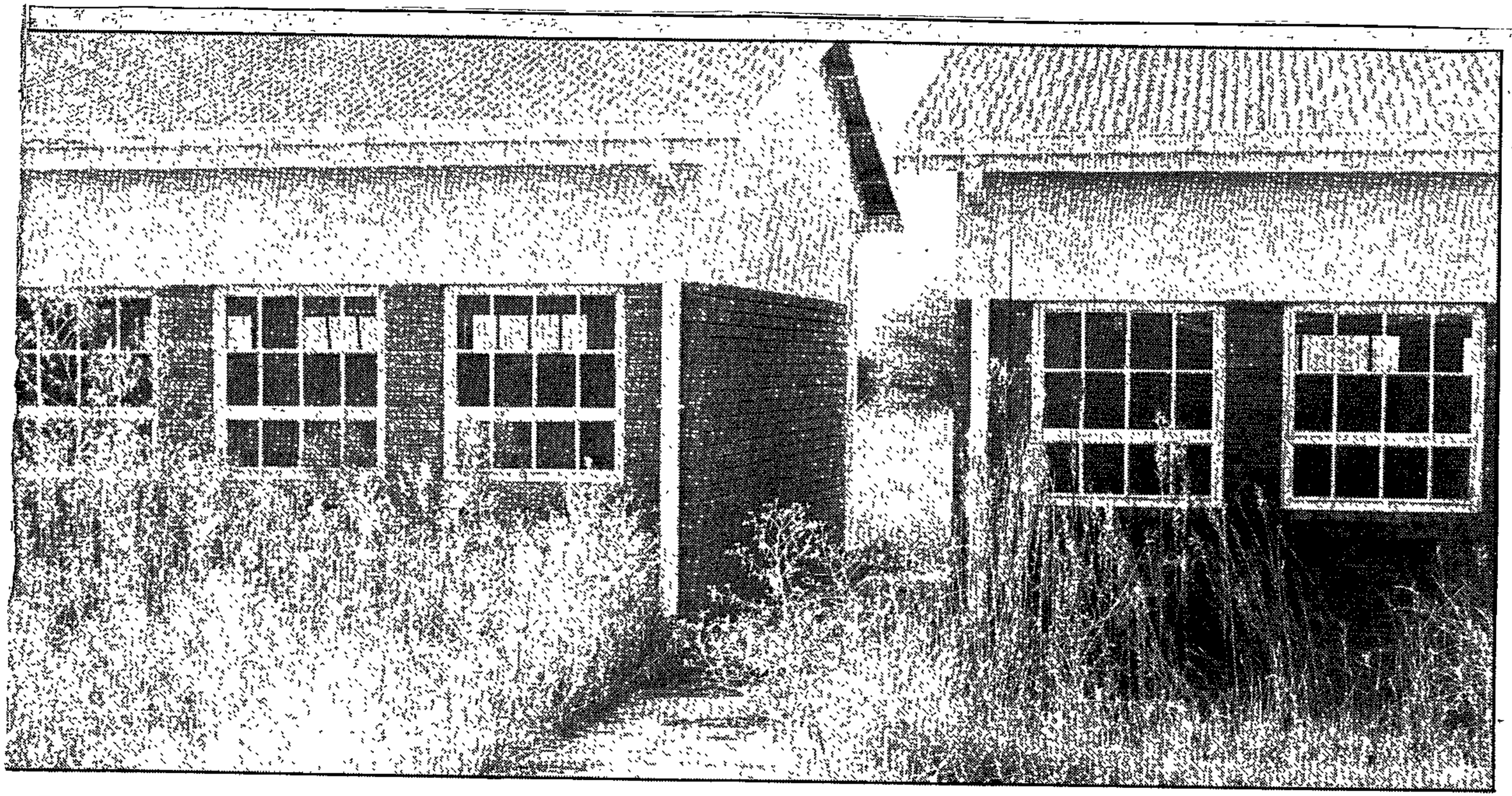
Despite the disbanding of the DDA, the Government would be held accountable, the NLC said. The organisation stated it was astounded by the extent of mismanagement "and the duration for which it was allowed to continue. The inaction of the Government makes them accomplices in this crime."

● It was unfair to see the entire public service as corrupt because a handful of civil servants in the DDA were "bad boys", said Public Servants Association general manager Dr Hans Olivier.

Defending the more than 1 million public servants in the country, Dr Olivier said the same corruption could be found in the private sector. "That doesn't mean the whole private sector is corrupt.

"There were maybe two handfuls of bad boys in the Department of Development Aid, and proper disciplinary action should be taken against them. However, many others in the department were not guilty at all, and it is absolutely wrong to paint them with the same brush," he said.

● Lesson to be learnt — Page 15



STAR 12/5/92.

Lesson to be learnt here

The now-defunct Department of Development Aid built this school — complete with concrete pathways and excellently equipped classrooms — in 1986 as part of a grand plan to move thousands of blacks from the disputed Moutse area. But Moutse residents refused to move to the new township, which was to have been known as Restaurant.

About 1 400 building sites were marked out, water was laid on, a sewerage system was put in place and a clinic was constructed for the community's medical needs. Some R7 million later, the project was simply ditched.

Details of the shocking squandering of taxpayers' money were made known last week in the Pickard report. Pictures: Dirk Nel

271

Policeman held for arms cache

POLICE yesterday seized a large arms cache and arrested a prominent KwaZulu policeman who is alleged to be a "warlord". Sowetan 15/5/92

Ten other people were arrested at Umlazi on Wednesday night for operating a protection racket.

The arrests, including three women, followed a report to the Montclair police station by a resident who claimed he was threatened by the gang. He was told he could not operate a business at Umlazi unless he paid.

Police spokesman Captain Bala Naidoo confirmed yesterday that members from the Montclair firearm unit and the reaction unit had made the arrests.

"At this stage the accused are facing charges of extortion. However, we are considering handing over the case to the special investigation unit for them to take over," said Naidoo.

He said among the weapons found were two G3 rifles - mainly used by the KwaZulu police - an R1 rifle, a Mossberg shotgun, an HMC sub-machinegun, four pistols, 211 rounds of ammunition, a teargas grenade, a "thousand foot" flare, five holsters, a car radio, a portable telephone and R1 100 in cash. - *Sapa.*

Matter of fact

IN a report on page 1 in *Sowetan* yesterday a sub-headline read: "Face to face with killer".

This headline got on to this page erroneously and had no relevance to any of the stories or people on the page.

Court asked to decide on land dispute

Sowetan 15/5/92 (27)

Sowetan Correspondent

THE Government has recommended to the Garankuwa Regional Court to do an on-site inspection to determine whether a disputed piece of land is on the South African or Bophuthatswana side of the border.

Forty-seven people are facing charges of illegal squatting in the homeland after being arrested on a piece of land somewhere on the border between the two countries.

Prosecutor Ms IM Moloisane submitted to magistrate Ms ES Monyeki yesterday that the court should visit the location of the squatter camp.

The attorney for the squatters, Mr Jake Maseka, put it to the court that the accused were arrested by the Bophuthatswana police while occupying an informal settlement in Kruisfontein, which borders the homeland's area of Kameelfontein.

The complainant, Chief James Mamogale, leader of the Bakwena-ba-Mogopa tribe of Hebron, west of Pretoria, told the court the squatters were unlawfully and illegally occupying a part of Kameelfontein in Bophuthatswana.

He said the land was owned privately by a section of his tribe.

There was some drama in the packed courtroom when Maseka put it to Mamogale that he also sublet shacks in his own backyard, which by implication was tantamount to encouraging illegal squatting.

Mamogale replied that certain people had approached him looking for "a place to sleep" and that in return these people had thanked him with "something".

The places that have been thrown away

STAR 16/5/92.

271

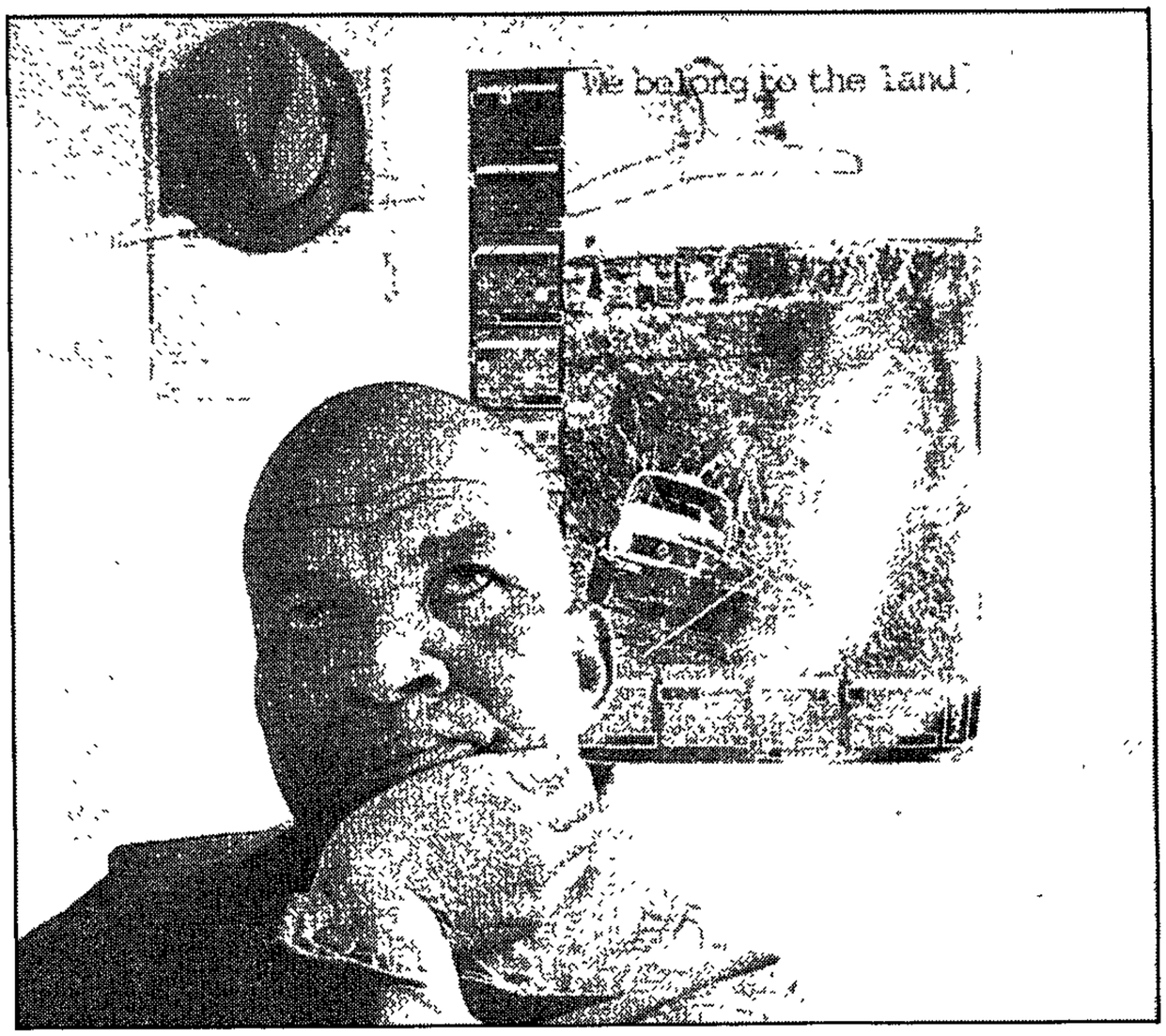
MOUTSE, Immerpan and Rust de Winter have one thing in common. They were all part of a futile plan to consolidate the KwaNdebele homeland in preparation for independence. That meant they all came under the control of the Department of Development Aid. Today, they still bear the scars of the DDA's incompetence and greed. Chief Reporter JOHN PERLMAN went to investigate.

IN MOUTSE III, a dust-and-desolation community north of Bronkhorstspruit, there is no clinic for the 155 000 people who live there and the children pack the classrooms 90 at a time.

In Immerpan, about 100 km away near Marble Hall, an entire school stands empty in a bone-dry deserted field, the walls cracking, the thorn bushes slowly closing in.

An hour and a half's drive back towards Pretoria is Rust de Winter — once a showpiece of irrigated agriculture. Now a forlorn cotton crop is barely visible above the waist-high weeds.

All these places were part of a futile plan to consolidate the KwaNdebele homeland in preparation for independence. That meant they all came under the control of the Department of Development Aid, whose incompetence and greed has been detailed in the Pickard Commission report. These places also bear those scars



STILL WAITING: Deputy chief F G Mathebe says the Government has done nothing for Moutse III since the community opposed removal in 1987.

Delusion

This was the plan — and judged even by apartheid grandmaster standards, it was a delusion indeed.

KwaNdebele had agreed to accept independence but demanded more land

No problem. The 800 000 people in Moutse, of which Moutse III is a part, were mostly Pedi-speakers. Move them to Immerpan and elsewhere and give them to Lebowa. KwaNdebele would give other land in the Nebo area to Lebowa to compensate for Moutse

And then the wheels came off. The Moutse people refused to move and a 1987 Appeal Court judgment backed them up Still hell-bent on cutting KwaNdebele adrift, the P W Botha government then forced farmers in Rust de Winter to sell and the DDA took over the land. Botha's present of prime white farming land was all wrapped up but was never handed over — a new regime took over KwaNdebele and decided they did not want independence anyway.

That was the late 1980s. Today, Moutse III battles the odds without help from a government which, residents say, lost interest once it could no longer uproot them.

"This place has been thrown away," says John Mohlamonyane, chairman of the local taxi association.

"Nothing has been done here since 1987, nothing," says F G Mathebe, the deputy chief. "We have seen nothing developed in Moutse III."

Mathebe says health care depends on a mobile clinic that visits the area twice a month. Water supply depends on Government water tankers.

"They never bring enough water for the community," he says, "and we have to buy water from dealers who charge R5 for an 80 litre drum" Schools for Moutse's children, he says, have been built by the community.

"The only schools they (the Government) built for us were in places like Immerpan, the places they wanted to dump us in," he says.

"They wasted millions there for nothing," says Mohlamonyane.

The school in Immerpan, built in 1985 and never used, is watched over by three rather bemused men.

Stretching as far as the eye can see, wooden stumps mark out the plots of land where the Moutse people were meant to rebuild their lives. Holes in the ground indicate where scores of tin toilets had been placed.

Those accusing objects were hastily removed in March this year, perhaps in anticipation of the political ripples that would follow the Pickard Commission disclosures. A few remain on the school grounds, some fallen over, some holding each other up, none with any manufacturer's mark that would indicate who got rich on this particular deal.

The school itself has 15 big classrooms, lots of office and storage space and a smart little house for a principal who never moved in.

As the Pickard report noted with other DDA projects, some walls already have cracks wide enough to push your fingers into.

But if the DDA's planning and building abilities were questionable, it was nothing compared to their farming skills.

We visited Rust de Winter with a farmer who was bought out in 1988, tried to stay on, and then left in despair at what he saw.

"This used to be my land," he says, his arm sweeping across a dark-soiled field choking on weeds. "Since it was taken from me, a plough has never passed over it."

In a field next door stands a forlorn-looking cotton crop, wreathed in weeds. "This used to yield about 2,8 tons a hectare. They won't get more than 300 kg a hectare from this."

Close by, a large farmhouse has been reduced to rubble "This used to belong to a friend of mine," he says "Things were being stolen from this place, so instead of doing something about it they just flattened everything"

The Rust de Winter lands are now under the control of the South African Development Trust Corporation, which many, including Mr Justice Pickard, believe took over the work of the DDA when it was disbanded this year.

Gilles van de Wall, director-general of the DDA until 1989, is now chairman of the SADTC.

He branded an earlier attempt to investigate the DDA as a "witch-hunt".

Farmers who still live in the area are reluctant to talk, although a number did make representations to Mr Justice Pickard. They are mindful of the fact that the hand which failed to feed them still has the power to choke them

Crops

But statistics illustrating the consequences of the DDA takeover have been gathered The farmers in the area used to plant 3 500 ha of summer crops

The SADTC has about 600 ha under cultivation, despite buying new sprinkler systems at an estimated cost of R500 000. Some 500 permanent workers and their families and another 6 000 on a seasonal basis found employment in Rust de Winter.

It is alleged that nearly 9 km of wire has been stolen from fences around the fields "without them even noticing". It is also alleged that the SADTC has sold water from the Rust de Winter Dam, the cornerstone of the irrigation scheme, to the KwaNdebele government for R2 million in order to make its books look better.

"This is what happens when civil servants farm with the taxpayers' chequebook," says the farmer who went away. "And that is why they don't want us to come back. People would see how it should be done. Then it would be impossible to cover anything up."

Ghosts still haunt throwaway town

271

C/Press 17/5/92

By SOPHIE TEMA

THE ghost of Lebowa's forgotten village – Restaurant – which has never been lived in since it was built seven years ago – returned to haunt the government when mismanagement of millions of rands was exposed this week.

Situated near Potgietersrsus, Restaurant – known as Zevenfontein by locals – was built by the defunct Department of Development Aid in 1985 to house residents of Moutse who were being incorporated into KwaNdebele.

Restaurant hit the headlines again this week following the recent Pickard Commission Inquiry which exposed widespread malpractises in the Department.

Villagers in the area spoke to City Press this week about the planned incorporation of Moutse and their bitter resistance to the government's plan which resulted in scores of deaths.

Moutse refused to be incorporated and residents won a court judgment in 1987 backing their right to stay. But the shadow of Restaurant remains, where 1 400 building sites were marked out, water laid on and a sewerage system put in place.

All that remains now of the abortive project are two deserted schools, a 20-bed clinic, several pre-constructed toilets and an unused water system built by the SA Development Trust in 1986.

Piet Matshaba is one of three nightwatchmen hired to guard one of the schools, which has 15 large classrooms, lots of office and storage space and a house for the principal who never moved in. Vandals have stripped the place, the floors have fallen in and cobwebs are strung from the rafters.

The entire village was built on clay and as the Pickard report noted with other DDA projects, some buildings have cracks wide enough to push your fingers through.

Parks Board backs down on Machavies

Cpress 17/5/92

By DAN DHLAMINI (271)

THE National Parks Board (NPB), which intends developing Machavies into a game reserve, will not continue with the project before consulting the Barolong ba Modiboa who are reclaiming their ancestoral land.

In an interview this week NPB executive director Dr Anthony Hall-Martin said he had arranged a meeting tomorrow with lawyers representing the Barolong to discuss the matter.

The interview follows a court case which revolves around the Machaviesland, about 20 km from Potchefstroom.

This week Barolong Action Committee (BAC) chairman Johannes Ntsimane and 50 members of the tribe appeared in a Potchesftroom Magistrate's Court charged with trespassing on municipal land.

This was the Barolong's second attempt in two years to reclaim their land from where they were forcibly removed in 1971.

Last December, 25 tribesmen were arrested for trying to reoccupy Machavies, which is also known as Matlwang.

Charges against them were subsequently dropped. Potchefstroom town clerk J du Plessis said this was "for humanitarian reasons".

On Good Friday another scuffle broke out when the authorities claimed the tribe had broken a visiting agreement and again allegedly tried to reoccupy the land. The case will be heard on June 16 and the tribesmen are out on bail.

This week Ntsimane said the committee would await the outcome of trial before talking to Hall-Martin.

Hall-Martin said his letters to the BAC had drawn no response.

included reporting back at set times This system was implemented prior to the investigation of the Pickard Commission.

The Government accepted the report of Judge Pickard and I deemed it necessary to send a letter to the functionaries of every authority receiving part of the estate of the now defunct Department, drawing attention to the findings, proposals and recommendations of the report so that they could take effective steps to rectify the deficiencies.

Turning to the hon member for Springfield, I agree that it is a shame that some officials abused their powers The culprits will be brought to justice and will be punished properly, either in the courts or in terms of the Public Service Act.

Secondly, it is indeed tragic that this mismanagement took place at the expense of the development of the clients themselves. It is very tragic, because we cannot afford to further marginalise the people in the rural areas.

Regarding whether all those involved will be tracked down, I think this whole process was set in motion by Judge Pickard's report. He said that he would show us the trends, and we could follow matters up and bring all the culprits to book, as the hon the Leader of the Official Opposition suggested

However, we will have to prove their guilt and this will have to be done in an ordinary court of law I do not want to deal with the question of whether Mr Justice Pickard should be appointed, but we have the Ombudsman in the person of Mr Justice P J van der Walt who deals with these matters He is there and he was put there especially for this purpose.

Mr M F CASSIM Mr Chairman, it is always a great pity when people in high office abuse their posts and their positions We feel terrible about that situation.

Inasmuch as we want to go after the people who have committed these misdemeanours, we must also look at the other important aspects, namely procurement, the State Tender Board and the purchases made today, tomorrow and next week. It is important that we do not allow these things to happen, but it is also important that we pronounce to the world and the country at large that this will not be tolerated. Perceptions are so important!

What is happening is that we are trying to close the stable door after the horse has bolted However, that is only part of the solution The more important, credible solution is the steps being taken now to ensure that these things do not happen and are not happening even as we speak.

We agree that it is good that the Government appointed Mr Justice Pickard and we compliment the Government on that It is good that the Government intends to prosecute these people and that procedural steps are being taken to ensure that such things do not happen. It is also good that structural adjustments are taking place and that bilateral talks are taking place between the TBVC states and our country. We applaud that and we endorse that.

We wish to encourage the Government in the steps it has taken, but we say they should go beyond that and speak to the people out there in our country who do not believe that it is possible to have good, orderly and credible government The Government should tell them that action is being taken and that active steps are being taken to put these things right The most important thing at this stage in our country is that that which was part of an ideological system—the rot that set in was part of that ideological system—is being swept away. That is the most important thing that has happened. We now accept that the principles of apartheid and all that it spawned were rotten and that those things are being swept away The present Government is taking the lead in doing so [Time expired]

Mr M RAJAB Mr Chairman, I appreciate the hon the Minister's commitment to tracking down those who were responsible, but I must point out that they have obviously covered their tracks and that in a court of law it might be difficult to get a conviction

I spoke about the SA Development Trust Corporation Ltd. As all hon members know the commission reported adversely on the workings of this particular corporation. We therefore also call upon the hon the State President to institute a further independent investigation into allegations of irregularities, misuse of public funds and inefficiency in the corporation's management system which were ventilated in weekend media reports.

Finally, what also needs to be investigated is how the Department of Development Aid, a State department with a budget of nearly R6 billion, managed to become such a mess and to find out who was responsible in terms of ministerial accountability, which is an accepted convention of the political system from which ours is derived The Government's silence in this regard has been deafening

The chairman of the SA Development Trust Corporation Ltd, Mr Van de Walles, is a former Director-General of the Department of Development Aid and has thus far escaped a full public scrutiny of his affairs. It is time that this took place.

In the final analysis, public money must be protected by the vigilant and thieves must be punished. Those who fail to prevent the theft must be called to account.

The MINISTER OF REGIONAL AND LAND AFFAIRS: Mr Chairman, I wish to go on with the point raised by the hon member for Springfield relating to the SA Development Trust Corporation Ltd May I say at this point that, in response to the recommendations made in the Pickard Report, the auditing firm of Strydom and Company was appointed to do such a study and go into the utilisation of national assets from that angle

With regard to the second point, I agreed with the SA Development Trust Corporation Ltd in October last year that they would transfer their functions and operations, which take place on a regional level, to regional corporations, and that is now in the process of implementation. By the end of August, 70% of this devolution should be complete

To respond to the hon the Leader of the Official Opposition, I really believe that I would never be able to do justice to the exemplary role played by the hon the Minister for State Affairs in South Africa, specifically in respect of the policy of normalisation and that of the abolition of discrimination on the basis of race or colour His experience was brought to fruition in the ambit of his responsibility in the Department of Development Aid

I might say that in my office I have had the opportunity to experience first-hand the meticulousness with which he completed his work, the responsibility with which he executed his job, the depth of his knowledge and the incisiveness of his questions in comments and queries I really do not think the ineffectiveness of the various investigations he instituted can be laid at his door.

I will have the point the hon the Leader of the Official Opposition raised about the public servants investigated in order to have this matter exposed properly.

The CHAIRMAN OF THE HOUSE: Order! I regret that the hon the Minister has exposed himself to the situation that his time has run out.

QUESTIONS

†Indicates translated version.

For oral reply

General Affairs.

Advisory Commission on Land Allocation

*1. Mr M RAJAB asked the Minister of Regional and Land Affairs

(1) Whether the Advisory Commission on Land Allocation appointed by the State President has received any applications for compensation; if so, what are the relevant details,

(2) whether he will make a statement on the matter?

D153E

271

The MINISTER OF REGIONAL AND LAND AFFAIRS

(1) No applications for compensation have been received. However the Advisory Commission have received numerous requests and representations falling within the ambit of its objectives. In a nutshell this entail advice to the State President regarding the identification of—

* land belonging to the State or any State institution and acquired for the purpose of promoting the objects of a law repealed by the Abolition of Racially Based Land Measures Act, 108 of 1991;

Cont-d

* rural land with a view to the acquisition thereof for purposes of agricultural settlement;
* the planning and development of such land, and
* the allocation of such land

Within this context and these parameters the Advisory Commission have received applications from a broad spectrum of individuals and communities across the country Various enquiries and discussions have already taken place. No advice on how to deal with the applications has as yet been submitted to the State President. Some requests and representations could not be considered due to the fact that the relevant applications fell outside the ambit of the Advisory Commission's statutory powers.

(2) No The Advisory Commission is an independent creation of statute which must advise the State President It would not be proper for me to make any statements prior to or in anticipation of reports still to be forwarded to the State President.

Mr M RAJAB· Mr Chairman, arising from the hon the Minister's reply, could he tell this House whether any applications were made for the return of vacant property held by State departments to former owners of those properties?

The MINISTER Mr Chairman, I think the answer to that question is yes However, I am not able to supply full details in that regard, because, as I have indicated, the advisory commission is an independent body, and does not function within the ambit of my Ministry I do not receive information directly from that commission, and therefore I shall have to make enquiries

The LEADER OF THE OFFICIAL OPPOSITION. Mr Chairman, further arising from the hon the Minister's reply, could he let us know what the policy of the State is concerning restitution and retribution, on matters relating to the return of land that was expropriated?

The MINISTER Mr Chairman, I refer to the hon the Leader of the Official Opposition to the White Paper we published last year on the whole process that we utilized in Parliament during the course of 1991 This led, *inter alia*, to the establishment of the Advisory Commission on Land Allocation Within the ambit of this commission and of discussions, we reached consensus in Parliament on how to deal with this The other matters should be debated elsewhere.

The LEADER OF THE OFFICIAL OPPOSITION Mr Chairman, further arising from the hon the Minister's reply, is he aware of the fact that undertakings were given by former Ministers of Community Development that resettlement premises would be supplied and restoration of land, wherever applicable, would be done on the basis of the cost price at the date of construction or acquisition? If such undertakings are confirmed, is the State prepared to honour them?

The MINISTER· Mr Chairman, I have made a note of the points the hon the Leader of the Official Opposition has raised I am not aware of these undertakings given by other Ministers, because I do not deal with that portfolio However, I will have the matter investigated and then supply the hon the Leader of the Official Opposition with an answer

Mr M RAJAB: Mr Chairman, further arising from the hon the Minister's reply, will he concede that, primarily because we are in a reconciliation mode, the activities of this particular advisory commission should be completed as soon as possible?

The MINISTER: Mr Chairman, I do think it is important that the activities of the Advisory Commission on Land Allocation should be completed as soon as possible However, I also believe those investigations should be done properly One cannot hasten a body which has to investigate fully all the circumstances, and then has to come up with definite advice for the hon the State President

Death of certain person of Phoenix

*2 Mr M RAJAB asked the Minister of Law and Order·

(1) Whether the South African Police have investigated the circumstances relating to the death of a certain person of Phoenix who died of brain injuries allegedly sustained as a result of police action on or about 22 March 1992, and whose name has been furnished to the Police for the purpose of the Minister's reply, if not, why not; if so, what are the findings;

(2) whether he will make a statement on the matter? D154E

The MINISTER OF LAW AND ORDER

(1) Yes, a case of murder has been investigated by the South African Police Except for an identification parade, to be held in the coming week, and the post mortem report, which is still being awaited, investigations have already been completed The case docket will be handed to the Attorney-General for his decision as soon as these aspects have been dealt with.

(2) No

Business interrupted in accordance with Rule 180C (3) of the Standing Rules of Parliament.

Rezoning of sites: Lenasia/Lenasia South

*3. Mrs R EBRAHIM asked the Minister of Local Government and National Housing·

(1) Whether any residential, crèche or religious sites in the Lenasia and Lenasia South area have been rezoned by his Department for business purposes since January 1989; if so, what sites,

(2) whether any betterment fees were paid, if not, why not, if so, what are the relevant details,

(3) whether the comments of the respective management committees were obtained in this regard; if not, why not, if so, what were their comments,

(4) whether he will make a statement on the matter? D160E

The MINISTER OF LOCAL GOVERNMENT AND NATIONAL HOUSING·

(1) Yes, the following sites have been rezoned from residential, crèche, or religious sites for business purposes since January 1989·

(a) Erf 1879, Lenasia South

(b) Erf 136, Lenasia

(c) Erf 4423, Lenasia

(d) Erf 2612, Lenasia

(e) Erf 4859, Lenasia Extension 4

(f) Erven 2434 and 2437, Lenasia Extension 1

(2) Yes Particulars with regard to betterment fees are as follows

(a) Erf 1879, Lenasia South No betterment fees were necessary because no services had to be improved

(b) Erf 136, Lenasia Dispute with the calculation of the betterment fees Contribution is being recalculated.

(c) Erf 4423, Lenasia: No betterment fees were necessary because no services had to be improved.

(d) Erf 2612, Lenasia: No betterment fees were necessary because no services had to be improved

(e) Erf 4859, Lenasia Extension 4 Contribution R506,00

(f) Erven 2434 and 2437, Lenasia Extension 1 Contribution R236,00.

(3) Yes Comments are as follows

(a) Erf 1879, Lenasia South Committee supported the application

(b) Erf 136, Lenasia Committee objected

(c) Erf 4423, Lenasia: Committee had no objection.

(d) Erf 2612, Lenasia· Committee was consulted. (Comments not available)

(e) Erf 4859, Lenasia Extension 4: Committee objected

(f) Erven 2434 and 2437, Lenasia Extension 1 Committee objected

(4) No

Overseas women wrestlers

*4 Mr K PANDAY asked the Minister of National Education

(1) Whether he intends allowing overseas women wrestlers to take part in wrestling contests in South Africa; if not, why not, if so, when;

(2) whether he will make a statement on the matter? D171E

Winterveldt's schooling dilemma

Cl Pres 24/5/92

By MOSES MAMAILA

THE row between the Bophuthatswana government and the Winterveldt community remains unresolved, and children – the main victims of the conflict – continue to suffer.

Hundreds of children from the peri-urban shack city outside Pretoria attend lessons outside and in shanty classrooms at 12 private schools, while about 29 Bop government schools are reportedly empty.

According to Winterveldt Civic Association chairman Khehla Nyamakazi, the Bop government deliberately did not provide basic rights for the residents to punish the community, which has always opposed its incorporation into the homeland.

Nyamakazi said the government schools could not be used by many kids because Tswana was the only language being taught in them, even though Tswanas were in the minority in Winterveldt.

The children in the private schools, which start from Grade 1 and go to Std 4, pay R15 a month in fees. The money is used to pay teachers, most of whom are unqualified.

A Bophuthatswana government spokesman could not be reached for comment.

New hope for E Cape's notorious Langa

PAT CANDIDO
The Argus Bureau

PORT ELIZABETH. — By the stroke of a pen, 40 000 people were moved from their homes in Uitenhage's Langa township six years ago. Now, with the luck of the draw, 802 families are to return to the area which holds a pivotal place in the black liberation psyche.

Today Langa, the scene of the March 1985 confrontation when 18 people were shot dead by police, is still an emotive word.

For Langa is not only the site of a grave apartheid wrong, it also borders the conservative working class town of Uitenhage where rightwingers during the recent referendum recorded a strong No vote.

Readmitting blacks to an area they previously occupied for almost 140 years is not a step of which all whites readily approve. Most are only too happy to have the townships as far as possible from white residential and business areas.

But, despite all efforts to keep the outskirts of the town "white", former Langa residents started to return to squat on the edge of the town.

The Urban Foundation became involved last year, after the municipality tried (and failed) to shift the squatters. The town council then decided to back a controlled return and Unifound Housing in the Eastern Cape was approached.

An application was made to the Independent Development Trust for funds and a land availability and services agreement between the municipality and Unifound was negotiated with a funding agreement finalised with the IDT.

(271)

Jurisdiction of the area was transferred from Kwanobuhle to Uitenhage and the municiplaity's engineering department undertook responsibility for design and engineering work.

A 26-member community organisation forum undertook to discover which of the former residents were eligible and wanted to return

Then, out of the blue, the Uitenhage Town Council decided to change its mind and abort the project. Faced with pressure from business, political and community organisations, it again changed its mind and decided to go ahead.

However, in February, white ratepayers voted overwhelmingly in favour of a referendum on the issue with a large majority of the 14 percent who voted voting against the scheme.

In spite of this the council stood firm and work was allowed to continue.

But how to decide who should return to the area was a problem. About 4 000 families responded when screened to see if they met the criteria — they had to earn less than R1 000 a month, be older than 21, have dependents and not have been subsidised previously.

Then community organisations came up with a highly imaginative solution — a lottery. A rally was held at the soccer stadium and children from the audience were invited to do the draw and the issue was decided

What will families returning to the area get?

Mrs Cheryl Alessandri, project co-ordinator, said they would be given a serviced site with access to tarred bus routes. Each site would have a single water tap and access to gravel roads. There will also be a flush toilet and stormwater drainage. ARG

Eventually, it is hoped, Langa will house 3 500 families, the standards of housing improving in a graded development until it reaches the border of what until recently was the "white" part of town. (Sg) 5/5/92 (271)



Flashback to March 1985.

Fifty families to resettle near their ancestral land

271 ARG 9/7/92

PORT ELIZABETH. — The Mfengu community, dispossessed of their land in the Tsitsikama in 1977, will resettle 50 families on land held in trust for them by the Moravian Church.

The move comes after a 15-year struggle by the community to return to ancestral land given to them by the British in appreciation for Mfengu assistance against the Boers. They were forcibly moved to the Ciskei in 1977 and their land was sold to white farmers.

The Tsitsikama Exile Association's co-ordinator, Mr Mashwabada Msizi, said the resettlement was to take place in August and formed part of a community programme of action decided on in April last year.

Mr Msizi said: "Fifty families will be resettled on the Moravian Mission land which is adjacent to the land which we were removed from.

"The resettlement to the Moravian land has been properly planned with the assistance of professionals, a town planner, civil engineer and a land surveyor," he said.

He said the community and the Moravian Church had been shown the final draft of the resettlement area.

"The community is now waiting for the Moravian church to resume the process of resettling the community," said Mr Msizi.

He said the government had agreed to the return of the land several months ago, but there had been many delays.

Mr Msizi said the government "asked us to come up with a resettlement package".

At a community workshop, it was decided to demand a substantial portion of the original Mfengu land for farming, some state-owned forest land, an appropriate site for resettlement, with infrastructure and housing, state assistance for the return and integration of the community back into the Tsitsikamma.

"We see the state's delaying tactics as a means to try and stall the resettlement process. The state has also conveyed to us that they do not have money to buy the land from the farmers who now own the Tsitsikama land.

"The association rejects this notion, especially after hearing that the Department of Development and Aid squandered R3,2 billion. Also the state has made available R3,8 billion for drought relief when the money was originally not budgeted for. We therefore believe they must have money." — Ecna.

Mfengu move closer to home

Cl Rep 12/7/92

(271)

THE Mfengu community, dispossessed of their land in the Tsitsikama in 1977, will resettle 50 families on land held in trust for them by the Moravian Church.

The move comes after a 15-year struggle by the community to return to ancestral land given to them by the British in appreciation for Mfengu assistance against the Boers.

They were forcibly moved to the Ciskei in 1977, and their land was sold to white farmers.

The Tsitsikama Exile Association's co-ordinator, Mashwabada Msizi, said this week the resettlement is to take place in August, and forms part of a community programme of action decided on in April last year.

Msizi said: "Fifty families will be resettled on the Moravian Mission land which is adjacent to the land which we were removed from.

"The resettlement to the Moravian land has been properly planned with the assistance of professionals, a town planner, civil engineer and a land surveyor."

According to Msizi the community and the Moravian Church were shown the final draft of the resettlement area which was drawn up by "professionals".

"The community is now waiting for the Moravian Church to resume the process of resettling the community."

He said the government had agreed to the return of the land several months ago, but there had been many delays.

Msizi said the government asked "us to come up with a resettlement package".

The community demanded a substantial portion of the original Mfengu land for farming, some state-owned forest land, an appropriate site for resettlement with infrastructure and housing, and State assistance for the return and integration of the community back into the Tsitsikama.

However, the government asked for time to prepare its own package.

"We see the state's delaying tactics as a means to try and stall the resettlement process.

"The state has also conveyed to us that they do not have money to buy the land from the farmers who now own the Tsitsikama land.

"The association rejects this notion, especially after hearing that the Department of Development Aid squandered R3,2-billion." – Pen

Land deeds 'misled', Jeffrey

SUNDAY TIMES 19/7/92

GOVERNMENT officials persuaded the registrar of deeds in Kimberley to rush through the sale of public land to six white farmers without informing him that the land was also being claimed by black former residents.

The Department of Agricultural Development in Pretoria dispatched a senior official to Kimberley to shepherd the registration of the land through within a day instead of the normal week.

By BRIAN POTTINGER

Mr Willie Swanepoel, registrar of deeds in Kimberley, said this week he would never have speeded up the registration of sale of the 6 000ha of land near Barkly West if he had known the background.

He said the department had told him there was a danger of "squatters" moving on to the land.

"I was unaware that the land in question was the subject of an inquiry by the Land Commission," he said. "Had I known there was a challenge to the land I would not have expedited the registration."

He said the department had contacted him about a week before the registration to make an appointment to lodge the documents.

The registrar's statement adds to the growing row over the treatment of the Majeng community. The dispute is now set to culminate in a court action aimed at setting aside the sale of the land.

The community was removed from its land outside Barkly West in the Northern Cape between 1969 and 1974 in terms of apartheid policies.

Since late 1989 members of the community have petitioned the government to let them return to the land — either as tenants or owners. The community's claims are before the Advisory Commission on Land Allocation — a special government commission set up to make recommendations on the use of state-owned land.

Earlier, two cabinet ministers had given assurances that land seized under apartheid laws, or subject to claims before the Land Commission, would not be sold off.

Last week lawyers representing the Majeng community discovered that the 6 000ha of disputed land had, in fact, already been parcelled up and sold off to neighbouring white farmers. The transfers had been registered on June 23.

Officials from the Department of Agricultural Development speeded up the process of registration when they learnt that lawyers for the community had become aware of the agreements to sell the land. The lawyers had contacted the government in an attempt to prevent registration.

Irrevocable

The state officials, it now appears, waived the condition of sale that required the farmers to consolidate their existing land with their newly acquired land before registration could be effected.

Instead, the officials got the farmers to sign irrevocable undertakings that they would in future consolidate their land, thus bypassing the terms of the agreement of sale and enabling immediate registration.

A legal representative of the Majeng community confirmed that senior counsel had been briefed and papers were being drawn to contest the sale of the land in the Supreme Court.

Baralong refuse to accept court ruling

By DAN DHLAMINI

FIFTY Barolong ba Modiboa tribesmen this week refused to accept the withdrawal of trespass charges against them.

Charges were laid following a second attempt by the men to re-occupy Machaviestad in April this year.

A Baralong spokesman told the Potchefstroom magistrate that they would not accept the withdrawal of charges and that the case should proceed in order for them to return to their ancestral land.

The magistrate postponed the hearing to August 17 and the accused were released on R30 bail.

Angry Barolong said their return to Machaviestad was not negotiable.

Removals victim goes to court

W|Mail 24|7-30|7|92

BY CARMEL RICKARD

OLD age pensioner Andries Radebe, victim of the government's "black spot" removals 15 years ago, wants the supreme court to declare the expropriation of his land unlawful, and give it back to him.

Radebe, who had title deeds to his farm in Cremin, Natal, has begun action in the Pietermaritzburg Supreme Court testing the legality of his 1977 forced removal. However, 99 other people removed from their land at Cremin during the same period are waiting in the wings to see whether Radebe is successful.

His is the first case this decade giving the courts an opportunity to test the legality of removals carried out under apartheid legislation. Radebe was moved under laws which allowed the state to expropriate land, force black title-holders off their properties (called "black spots") and clear them from areas the government designated "white".

By 1985, an estimated 3,5-million people had been removed under these laws, and another 1,9-million were under threat of removal. Many, like Radebe, have never given up hope that they will return to their land. Even before the court starts to hear his application, it could encourage "black spot" victims in other parts of the country to look for possible grounds for similar court action.

Lawyers from Durban's Legal Resources Centre who are acting for Radebe argue that in (non-political) expropriation cases, the courts protect the rights of the landowner by insisting that every procedural technicality is observed to the letter.

However, in Radebe's case a number of formalities required by the law were not carried out. For example, the Land Act and the Expropriation Act say the owner of a property must be properly notified of a planned expropriation. Radebe claims he never received any notification, nor was any notice put up on his house or the boundary fence.

The Expropriation Act also says if the owner cannot be traced the notice must be published in the *Government Gazette* and other media. This too was not done.

The law further states that expropriation must be carried out "for public purposes". However the land lay fallow for 11 years after Radebe and his family were removed to Ezakheni township in northern Natal. Only then was it sold to cattle farmer Derek Dreyer who used it for pasture.

Radebe says that if his land had been needed for public purposes, it would have been put to that use immediately after it was expropriated, or very soon afterwards.

Therefore, he argues, "the minister did not come to his decision to expropriate fairly and honestly because the property was not in reality required for public purposes".

A major hurdle for this and any other case brought to test "black spot" removals is that it happened so long ago. To explain the delay, Radebe outlines steps he took over the years to contest and query the expropriation as well as the R4 017 cash he was paid in compensation, which he offers to return.

Former Catholic priest and author of several books about the effects of the removal policy, Cosmas Desmond, supports Radebe's application in an affidavit. Desmond explains how removals affected the communities — usually illiterate, frightened, rural people. He says the results were so devastating that "immediate and effective litigation to rectify wrongs" was almost impossible.

ANC-Cosatu plan daily paper

W|Mail 24|7-30|7|92

By REG RUMNEY

THE African National Congress-Congress of South African Trade Unions alliance is planning to launch its own daily newspaper.

The publication will not, it is reliably learnt, rely solely on donor money but will mobilise private sector funds. Details are still sketchy but it is understood a company will be set up to run the paper. The company will be controlled by a trust, comprised of two ANC representatives, two Cosatu representatives, one South African Communist Party representative, one other and private investors. The trust and the private investors will appoint the board of directors of the new company.

The ANC and Cosatu have started to raise funds. Nigerian investors are said to be interested, and the ANC has commitments from Italian unions and the Italian government to set up a democratic media centre. Potential local investors such as the Federation of African Business and Consumer Organisations and National African Federation of Chambers of Commerce and Industry have also been approached.

Whether to buy an existing operation or start a new paper from scratch has not yet been decided. But it is unlikely the Anglo American-controlled English media groups will sell any of their papers. Anglo is believed to be strongly opposed to selling any of its newspaper interests to political organisations.

Argus chief executive Doug Band says his company's position is clear: it has no publications for sale to political organisations. However, it will be willing to help any "political" newspaper with distribution and printing and the like. "Should the ANC and Cosatu wish to buy or start a newspaper we would help them in any possible way."

Are you interested in

Tribe gets compensation from park

STATZ 3/8/92 (271)

By Charmeela Bhagowat

The Bakgatla-Ba Kgafela tribe has finally started to receive compensation for the land it gave up 13 years ago for the creation of Pilanesberg National Park, on promises that they would share the park's profits.

Last week they received a cheque for R49 000, part of the park's 1991 hunting and gate fee profits, from the Bophuthatswana National Parks Board (BNPB) at a colourful function in Saulspoort.

It was an historic moment both for the tribe, and for wildlife conservation and community development in southern Africa.

For years there have been bitter recriminations from the tribe over the land on which they lived and grazed their cattle for centuries, and for which they had never been compensated by the Bophuthatswana government.

The Bakgatla chief's son, Kgosi Pilane, said the money would be used for the development of the Bakgatla-Ba Kgafela community and would be administered by their newly formed Community Development Organisation.

BNPB director Roger Collinson said the tribe could look forward to receiving part of the Pilanesberg National Park's hunting and gate fee profits every year now that the park was finally showing substantial profits.

The Sustainable Environmental Conservation through the Utilisation of Natural Resources project (SECURE), a BNPB initiative which was launched at the ceremony on Friday, would help develop the community and conserve natural resources, Mr Collinson said.

Mr Collinson added that SECURE's main objective was to get the people to support and take part in conservation and, at the same time, use the financial benefits conservation offered to develop their own communities.

Uprooted by apartheid, but a grim battle looms

STRIDING through the long, tawny-coloured grass, Mr Andries Radebe flung his right arm out to indicate where his home once stood.

The 81-year-old man pointed to the land he had ploughed for crops, where the cattle grazed, where the children played. "That was the school, the Wesleyan church was over there. I planted these trees myself," he said, gesturing rapidly.

For the first time since 1977, Mr Radebe was walking on the soil he inherited from his father in Cremin, 30km from Natal's Ladysmith.

Now, with the help of the Legal Resources Centre, he is launching a court battle to regain the land taken by the government 15 years ago as part of its policy of removing "black spots".

Mr Radebe, his family, and the families of 99 other title holders were forcibly removed to the township of Ezakheni, which falls under Kwazulu.

CATHY STAGG accompanies an old man on an emotional journey back to the land which apartheid took away from him

Mr Radebe, born in 1911, has two sons and three daughters. They did not accompany him this week as he walked over the land, reliving memories of the past. They did not see him weep over the unmarked graves of their brother and sister.

Under a bluegum tree, Mr Radebe bent down, his face suddenly contorted with grief. "Two of my children lie buried here.

"My wife had triplets in 1963. The little girl died the same day. It was a Friday. The next Friday we buried her brother.

"But the remaining triplet is alive today. He matriculated and became a policeman."

The diminutive old man speaks English fluently, although he uses Zulu for greetings and thanks.

He describes the lifestyle once enjoyed by the community in Cremin prior to the forced removal and talks of raising such crops as pumpkins, beans and mealies.

The fruit trees are gone now, but the grove of trees he planted for shade around his home still stands. Apart from these trees, the only trace of Mr Radebe's family history are the huge stones which marked out his kraals.

Mr Radebe was proud of his herd of cattle, which represented his life's savings. But because there was no grazing in the township, he had to sell them at a pittance to the white farmers who took over.

"Up there, that's where the cattle grazed," he said, his arm tracing an arc towards the horizon.

For 11 years after the expropriation, the land lay fallow. Then it was sold to the late Mr Derek Dreyer.

Mr Radebe tried on a number of occasions to regain the land.

He went in person to the Native Commissioner's office several times. He gave up when he was told to stop making a nuisance of himself and that his file was closed. He felt so humiliated by the clerk's attitude that he wept.

The determined old man went to attorneys for advice. They charged him R200 to tell him there was nothing that could be done.

During the state of emergency, he thought it best to keep quiet. But he never stopped hoping that one day he and his family would reoccupy the land.

Then the Legal Resources Centre in Durban took up his case.

Papers have been filed with the Maritzburg Supreme Court alleging that, for several reasons, correct procedures were not followed and as a result, the government never got title to the land.

The government intends opposing the application and the answering affidavit is due to be lodged on September 30.

Executors of Mr Dreyer's estate, his sons Andre and Leon of Dundee, and Mr RW Lee of Ladysmith, have not opposed the application so far.

The progress of Mr Radebe's case will be watched with interest by the 99 other dispossessed families. They regard it as a test case. The land which could be involved is 623 hectares.

● The Land Commission will hold a public meeting in the Ladysmith town hall at 10am on Tuesday to hear from other Ezakheni township residents.

Apartheid rolls on

ST Times 16/8/92 271

THE six homelands are set to gain administrative control of more than one-million hectares of land, prompting an outcry that the government is surreptitiously continuing to implement grand apartheid.

By EDYTH BULBRING: Political Correspondent

Plans for the transfer of the land, earmarked during the apartheid era for incorporation into the homelands, will go before the cabinet this month.

However, ANC spokesman on land affairs Aninka Claassens has already slammed the proposed move as "cynical and dishonest".

This land was formally owned and administered by the SA Development Trust, which was attached to the discredited Department of Development Aid.

In terms of the White Paper on Land Reform released last year, the incorporation of this trust land was stopped in the light of the government's reform process.

But the state has come under pressure from homeland leaders, who said the land was promised to them in the past and that they needed it now for development. The bulk of this "promised land" is being claimed by Kwazulu and Lebowa.

About 520 000ha of the land is already occupied by communities and tribes. A further 500 000ha, although partly earmarked, has not been allocated, and could be sold or developed.

Almost 240 000ha of this land is presently leased to farmers, mostly whites. The leases expire at the end of the year.

Prohibition

Deputy Land Affairs Minister Johan Scheepers said this land could not be left without tenants. The government would have to decide soon what to do with it and other promised land.

It had to reconcile promises made years ago to the self-governing territories, and policy contained in the White Paper which prohibited the incorporation of this land for state farming purposes.

The land, Mr Scheepers said, could not be sold on the open market, as this would create problems with extra-parliamentary organisations and with the homelands, which claimed it as their own.

An interim solution would be to place the "promised land" under the administrative control of the self-governing states. Joint structures between the government and the homelands would be set up to decide how the land should be used.

"We must come to an agreement with the self-governing territories on how they are going to utilise the land. It is not a question of merely handing over the land for administrative purposes," he said.

He stressed that while the land would be administered by the self-governing territories, it would still be owned by the state, pending further decisions.

Miss Claassens said yesterday the proposed action was ultimate proof of the government's bad faith over "de-racialising" access to land.

Recent government policy expressed in the White Paper was cheap fraud, she said. The only land identified by the White Paper for emerging black farmers was the same trust land which was now being given away.

By putting the onus for development of the land on corrupt and unpopular homeland governments, she said, the state was absolving itself of further responsibility for rural development.

It was an attempt by the government to pre-empt a new rural-development policy by an interim or future government.

Negative

"It indicates a mad scramble to get rid of state assets so that it cannot be used as a national resource in the future."

Miss Claassens said it was cynical and dishonest to say that the transfer of land was less serious because it involved only passing over administrative control.

For people living in these areas, administrative control by the homelands had exactly the same negative effect as full incorporation, she said.

If the government went ahead with its plan, it would be reverting to the unilateral apartheid land policies of the last decade, thus slamming the door on the possibility of negotiated land solutions.

● See Page 12

Meat to get new marking

B/DAY 20/8/92

GERALD REILLY

PRETORIA — A meat marking system which will identify all carcasses and meat fit for human consumption was announced yesterday by Agriculture Department meat hygiene director Jan Coetzee.

He said the step had been taken to help the public and local health authorities.

The public assumed meat products bought in shops originated from approved sources but this was not necessarily the case because of illegal slaughtering, he said.

20/8/92.

The directorate, Coetzee stressed, was responsible only for health and hygiene control within an abattoir. Outside abattoirs, this became the responsibility of the National Health Department and local authorities.



Perez Olindo of Kenya, who was recently appointed Bophuthatswana National Parks Board chairman, at a news briefing yesterday. Picture: ROBERT BOTHA

Redistribution of land is on the cards, says ANC

B/DAY 20/8/92.

BLOEMFONTEIN — It was not ANC policy to nationalise land, but "maldistribution" of land would have to be addressed and there would have to be redistribution, ANC agricultural spokesman Derek Hanekom told the Free State Agricultural Union annual congress yesterday.

The challenge faced by the ANC was the unequal access to land, productivity and efficient production to ensure sustainable food production.

Hanekom said a bigger problem than the forced removal of blacks from farm land was the prevention of people buying or leasing land.

The greatest source of income in rural areas had been remittances from migrant labourers, but as more people lost their jobs, those on the land became more dependent on subsistence farming.

Hanekom said the ANC proposed a land claims court to deal with people who had been forcibly removed.

He said the ANC land reform programme was not a socialist system, and gave Taiwan as an example of successful land reform.

He suggested a land tax could lead to the release of land by those who were not using it productively.

The ANC did not have a comprehensive agricultural policy, he said.

MP Paul Farrell (NP Bethlehem) said the NP and government regarded organised agriculture as the mouthpiece of the farmer. It was accepted that groups other than whites would have a voice.

Agricultural finance would depend on the repayment capacity of land. Surpluses were a bigger problem than shortages and quality would become increasingly important.

MP Dries Bruwer (CP Lydenburg), who is the CP's agriculture spokesman, said that Western economies would recover only if agriculture recovered. The CP believed a government which did not care for farmers, or did not recognise them as a special sector, was a stupid government.

The CP believed in private land ownership and commercial farming based on private initiative. It rejected any form of state interference that would lead to artificial redistribution of agricultural land, collective land ownership, and socialistic agricultural economic systems.

Land courts were not part of CP policy because a healthy legal system could deal with land claims. — Sapa.

Urgent need to plan for water shortage

B/DAY 20/8/92.

PRETORIA — SA's limited water resources would force the country into a supply crisis unless co-ordinated planning and management techniques in the southern African region were developed swiftly.

This was stressed at the water week conference at the Council for Scientific and Industrial Research which ended yesterday.

Speakers said water scarcity intensified by mismanagement, degradation or underdevelopment of the region's water resources would hobble economic growth. Water Affairs engineer P H van Niekerk said the undervaluation of water would lead to shortages and low economic growth throughout southern Africa.

GERALD REILLY

If the price of water was to reflect its scarcity, other options such as regional transfers and desalination would become viable, speakers said.

Correct pricing would control demand, encourage careful use and provide the finance to ensure a co-ordinated water resources development.

Water Affairs Commission executive director Piet Odendall said water demand from SA's growing population would outstrip supply by the second decade of the new century.

Speakers warned conflict among water users was escalating as growing needs outstripped the natural geographic availability of water.

Water Affairs engineer A H Conley said with the increasing scarcity of water and the reduction of suitable sites for new projects, the costs of supply schemes were rising rapidly.

For water provision to be sustained, the concept of users paying an economic price would have to be accepted, he said.

Speakers stressed SA's water supply sector remained highly fragmented. Institutions involved included homeland governments, local authorities and water boards.

Planners were confronted by alarming policy and strategy deficiencies that prevented comprehensive programmes being initiated in developing communities.

Row brews over plan to auction Govt land

STAR 24/8/92

271

By Jo-Anne Collinge

The Government's proposed auction of 53 parcels of prime urban land in the PWV area hangs in the balance as opposition mounts to the authorities' repeated moves to dispose of State-owned land in advance of the installation of an interim government.

When the urban land auction was announced a fortnight ago, the ANC gave notice that it would pull out all stops to prevent the sale going ahead.

The Star is reliably informed that the ANC has been joined by other parties, including business interests, in pressing for a suspension of the auction.

The ANC was stinging in its criticism of the Government's intention to "offer this land to speculators and developers" when an enormous land and housing crisis existed in the PWV.

Earlier this month, an auction of agricultural land in the Tarkastad and Queenstown areas was halted after development organisations and the ANC Border region raised protests.

Some of the land in question is being claimed by communities who were subjected to forced removal and whose cases for reparation are being considered by the State President's Advisory Commission on Land Allocation.

The community of Majeng in the northern Cape was less fortunate. Though it had made known its intention to reclaim the land from which it was moved, the farm was sold by the State to a white farmer earlier this year.

In addition to privatisation of land, the proposal by Minister of Land Affairs Johan Scheepers that six self-governing homelands might gain ownership or powers of administration over another 1 million ha of land has raised a storm of protest from the National Land Committee (NLC), SA Council of Churches and, it is understood, the Patriotic Front.

After the initial report, Mr Scheepers made it clear that the transfer to the homelands was only one of several options being considered. Other options included the sale of the land to individuals, communities or tribes, or joint control by the SA and homeland governments.

The minister's clarification does not get around criticisms of the ad hoc and unilateral nature of the action.

"We believe that this step by the State is a move calculated to pre-empt the possibility of a new government implementing a coherent and carefully planned process of allocating State land. It will also bolster the homelands in the days before they are dismantled," said the NLC.

Govt 'will not hand over trust land to homelands'

BIDAY 25/8/92

GOVERNMENT would definitely not hand over more than a million hectares in trust land to the homelands as weekend reports suggested, Deputy Land Affairs Minister Johan Scheepers said yesterday.

He said in an interview government still supported the principle of handing over land for private ownership to black farmers and the Cabinet would take a final decision on the fate of the land by the end of September.

"It is not government policy to hand over land to the self-governing territories. The principle for us is to establish black farmers as much as possible."

But a development agency source said yesterday government was still under pressure from the homelands to cede land to them.

The source said the majority of the land would be handed over to KwaZulu in an effort to consolidate that area for political reasons.

"This is just a technical smokescreen for a political decision that implies the continuation of the homelands in the long term

RAY HARTLEY

and strengthens the hands of those arguing for a federal system in negotiations," the source said.

Scheepers said the handing over of administrative control and not ownership to the homelands was only one of many options being discussed.

He said government was in the process of consulting political parties and organisations about what to do with the land, but would not name those taking part in the discussions.

"There is also some land which has been taken away from tribes and it must be given back," Scheepers said.

Some of the land was already occupied by black farmers, while other parts were being used for forestry and nature conservation, he said.

"The prime purpose is to try and deal with land ownership by communities. We must reconcile the promises of the past with the needs of the present," Scheepers said.

Inquiry into land claims sent to FW

STAR 25/8/92 (Sun) (271)

By Jo-Anne Collinge

The Advisory Commission on Land Allocation has completed its investigations of the first few land claims lodged by communities uprooted under apartheid laws, and its recommendations are now before the State President, according to commission chairman Mr Justice T H van Reenen.

In some cases, where vacant State land was not available to resolve the problems caused by removal, the commission had recommended that the Government acquire land for the purpose.

Some communities are arguing that they should be restored to the very land from which they were removed; others are seeking compensatory land, he said.

Mr Justice van Reenen said that, in hearing cases from land claimants and other parties, the greatest problem had not been deciding who had a right to the land "but whether we, as a commission, are entitled to deal with the land in question".

In terms of the Abolition of Racially Based Land Measures Act, the commission was empowered to make recommendations only in respect of non-utilised Government-owned land.

In some cases the land from which people were removed was no longer in State hands, but had been sold to private parties. In other cases, the land had been expropriated by measures other than those laid down in the Act.

"We have already made suggestions which involve property which does not fall in that category (which the Act empowers the commission to deal with) but which we consider could be used to solve a particular problem. We believe the Government should buy property in some cases."

Numerous other claims are waiting to be heard. The commission's one-year term ends in October, but it is likely to be extended.

I spied on inmates, probe told

STAR 25/8/92

Pretoria Correspondent

A police reward for information on people with unlicensed firearms prompted a Nancefield hostel resident to spy on other inmates.

"Mr 01" yesterday told a Goldstone Commission committee he went to the police in 1990. He also approached the police with information after he learnt that the Sowetan newspaper was offering a reward for information on people who killed train commuters in October last year.

His contact was Detective Warrant-Officer Sjula Sithebe, of the Firearms Unit, who introduced him to a Captain Kruger.

Acting on Mr 01's information, police raided the hostel, found firearms, and arrested two men.

Mr 01 said he was paid for the tip-off, and Captain Kruger told him to continue supplying information.

Mr 01 said hostel residents who were Inkatha members were encouraged to attack ANC supporters.

Among Inkatha leaders who addressed hostel meetings were Themba Khoza, Musa Myeni and Humphrey Ndlovu.

Mr 01 said he was at a meeting at which plans to attack train passengers were outlined. Armed with a panga, as he could not afford a firearm, he joined the other hostel members the next day at 6 am.

At Kliptown station he suggested that he should turn back, as the sight of a panga might frighten commuters.

Mr 01 told the committee that he later informed the police about the incident. This led to the arrest of a number of people at the hostel whom he identified as the organisers of the train attack.

Land hand-over 'very damaging'

STAR 25/8/92

By Jo-Anne Collinge

If the Government pursues its plan to hand over control of more than one million hectares of land to self-governing homelands, it could do severe harm to communities on this land in terms of their access to pensions, health and social services and land, the National Land Committee (NLC) warns.

The intention of the Government to transfer the administration of this former South African Development Trust (SADT) land to various homelands was disclosed recently by the Ministry of Land Affairs.

It is the latest of a series of controversial moves to unilaterally dispose of land under central government control in the face of claims for restoration of land or reparation by communities which suffered under racial land policies.

"Such a step will not only have severe and detrimental consequences for the communities concerned, but will preempt the possibilities of establishing a coherent land and development policy in the future," an NLC statement reads.

The NLC noted that in the '80s the forced incorporation of communities such as Braklaagte, Moutse and Botshabelo plunged these areas into upheaval and bloodshed. "Now, the Government seems intent on replicating this experience."

The NLC, an umbrella organisation embracing a number of regional land rights and rural development groups, charges that "true to old-style apartheid crucial and far-reaching decisions about people's lives are being taken without their participation".

The land give-away to the homelands was out of step with moves toward an interim government.

"We believe that this step by the State is a move calculated to pre-empt the possibility of a new government implementing a coherent and carefully planned process of allocating State land. It will also bolster the homelands in the days before they are dismantled."

White Paper 'not last word'

271

STAR 26/8/92

By Jo-Anne Collinge

The addition of large tracts of former South African Development Trust (SADT) land to the six self-governing homelands would run sharply contrary to the Government's White Paper on the land question, says Deputy Minister of Land Affairs Johan Scheepers.

Reacting yesterday to a storm of protest which followed press reports that the Government planned to augment the homelands by about 1 million hectares of former SADT land, Mr Scheepers stressed it was "untrue" that these territories would gain ownership or administrative control of this land.

No decision on the matter had yet been taken, he said. But his department was continuing to consult the homelands and other parties and would shortly make recommendations to the Cabinet.

The department's view was that it might be necessary to depart somewhat from the White Paper to relieve land pressure in the self-governing homelands. But this should not extend to incorporating SADT land into the homelands or placing it under their sole administrative control, Mr Scheepers said.

"We see the main issue as landless people; people in need of the land adjacent to self-governing territories. When we talk to these territories, they say: 'Our people need more land.' We are not shifting aside the White Paper; it is still a working document. But when you investigate possibilities, you go beyond the White Paper."

Mr Scheepers made it clear that, having consulted various parties, the Government would make its own decision. "We are still the Government and we must govern" was his answer to accusations that the move constituted unilateral action ill-suited to the phase of political transition.

He said he believed it would be impossible to take a decision that would satisfy everybody. But he appealed for parties to be "balanced".

agreement.

fund. Picture ROBERT BOTHA

Minister denies claim on land for KwaZulu

RAY HARTLEY

MORE than 600 000 ha of state land could still be transferred to KwaZulu, despite government assurances to the contrary, Association for Rural Advancement (Afra) co-ordinator Richard Clacey said yesterday.

But Land Affairs Deputy Minister Johan Scheepers reiterated his standpoint that no decision had been taken on the land. He said the area on the KwaZulu boundaries was far less than 600 000 ha. Groups like Afra were welcome to discuss with him their opinions on what should be done with the land.

Clacey said any land transfer would lead to an escalation of violence because some communities in areas likely to be transferred were openly hostile to incorporation into KwaZulu.

He had it on good authority that government was considering transferring the land for strategic political reasons — a charge denied by Scheepers, who described the land issue as non-political.

Clacey said KwaZulu was putting pressure on government for additional land.

He said government claims it was considering transfering administration — and not ownership — as one of many options were misleading.

Afra had identified three types of land likely to be transfered: land now leased by white farmers, land settled by blacks, and small areas of land around townships, he said. Some of the land leased by white farmers had been seized from people who still claimed ownership, Clacey added.

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NET INCOME AFTER

'Let our children return to our land'

W/Mail 21/8 – 27/8/92 (271)

Their forefathers bought the land 100 years ago but the community was evicted in the 1970s. Now they want it back. But the land commission does not have the power to guarantee this.

By **VICKY QUINLAN**

"SOME other schools were only closed, but everything was destroyed at St Hilda's. Old as we are, we are eager for our children to return to Roosboom. I pray every day that the children will be able to return to the land of their forefathers."

The poignant words were those of 75-year-old former teacher Ethel Hlatshwayo, speaking this week at one of the first hearings of the government-appointed Advisory Commission on Land Allocation in Natal, and the first involving communities forcibly removed by the state from land they legally owned. The areas in question are Roosboom, a small town south-west of Ladysmith, and Charlestown, near Volksrust.

The Roosboom claim has its roots in two land purchases 100 years ago — of 244 acres by Charles Sitholi and 722 acres by John Khumalo and nine others. When Joseph Khumalo secured an option to buy 1 500 acres, he formed a syndicate with 48 families to buy. They thought their futures, and those of their children, were secure.

In 1976 and 1977, the minister of agriculture exorioruated the Roosboom land and forced them out to Ezakheni in kwaZulu.

The people of Charlestown, which was reduced to a ghost town by removals in the 1960s and 1970s, have committed themselves to returning to their land and have tried to negotiate with government officials on numerous occasions, to no avail.

Heartrending as it was, the evidence of Hlatshwayo and others before the commission may not lead to the restitution of their land. The commission, they stress, is a flawed body which merely advises State President FW de Klerk and has no independent powers. Communities were asked to nominate representatives to it, but none of the nominees was appointed.

Set up in terms of the Abolition of Racially Based Land Measures of 1991, its brief is to make recommendations on the identification of state land, planning and development within the state's financial means, and land allocation.

The Roosboom and Charlestown people want an independent body with decision-making powers. Says Joanne Yawitch of the National Land Committee: "A judicial process is needed that can fairly adjudicate on disputed land claims."

Also under fire is the commission's terms of reference: "Two things are at issue," Yawitch says. "The first is that the 1913 and 1936 Land Acts disadvantaged specific groups of people and a process is needed to address this. The second is development and the need for land for the landless. A separate process is needed to address this.

"A case in point is land at Impendle, Natal. At a commission hearing, the debate centred on the development of the land and various bodies presented ideas. No communities were represented.

"Moreover, the issues addressed there are completely different from those in the cases of Roosboom and Charlestown."

Yawitch also points out that plans to transfer more than a million hectares to the homelands has major ramifications, over which there may be dispute. "How does the government know if there are claims on this land? In its White Paper on land released last year, the government indicated that the incorporation of trust land should be stopped. A moratorium on contested land is needed."

LAND FM 28/8/92

Jumping the gun

Government is sensitive to pressure over what must be done with more than a million hectares of land once destined for incorporation into the homelands.

Deputy Minister of Land Affairs Johan Scheepers says he is talking to extra-parliamentary groups about the use of the land He says he is open to suggestions and feels it offers an ideal opportunity to "try to address some of the imbalances between whites and blacks over land ownership."

But the National Land Committee (NLC), which appears to follow a line similar to the ANC's on the issue, says that if government is serious about dismantling apartheid structures, it should not consider handing any control to other authorities.

The NLC's Joanne Yawitch says: "Control should be retained by the relevant government agencies. In this case, it should be managed by the Department of Agriculture."

The land in question was formerly owned and managed by the SA Development Trust, linked to the Department of Development Aid It was scheduled to be incorporated into six homelands but the process was halted abruptly last year following publication of government's White Paper on Land Reform.

Incorporation was seen as contrary to the reform process. But government caused a storm earlier this month and was accused of trying to continue to implement grand apartheid when it admitted that the land might be placed under the administrative control of the self-governing states.

Government's problem is that a solution is needed urgently and a Cabinet decision is expected shortly. Though much of the land is occupied by communities and tribes, nearly 25% is leased to farmers — most of them white — whose tenure expires at the end of the year.

The issue is exacerbated by government being caught in the middle of two pressure groups. The liberation movements are adamant that nothing should be done to expand or enhance the standing of the homelands. Yet self-governing leaders are demanding the handover of promised land for much-needed development.

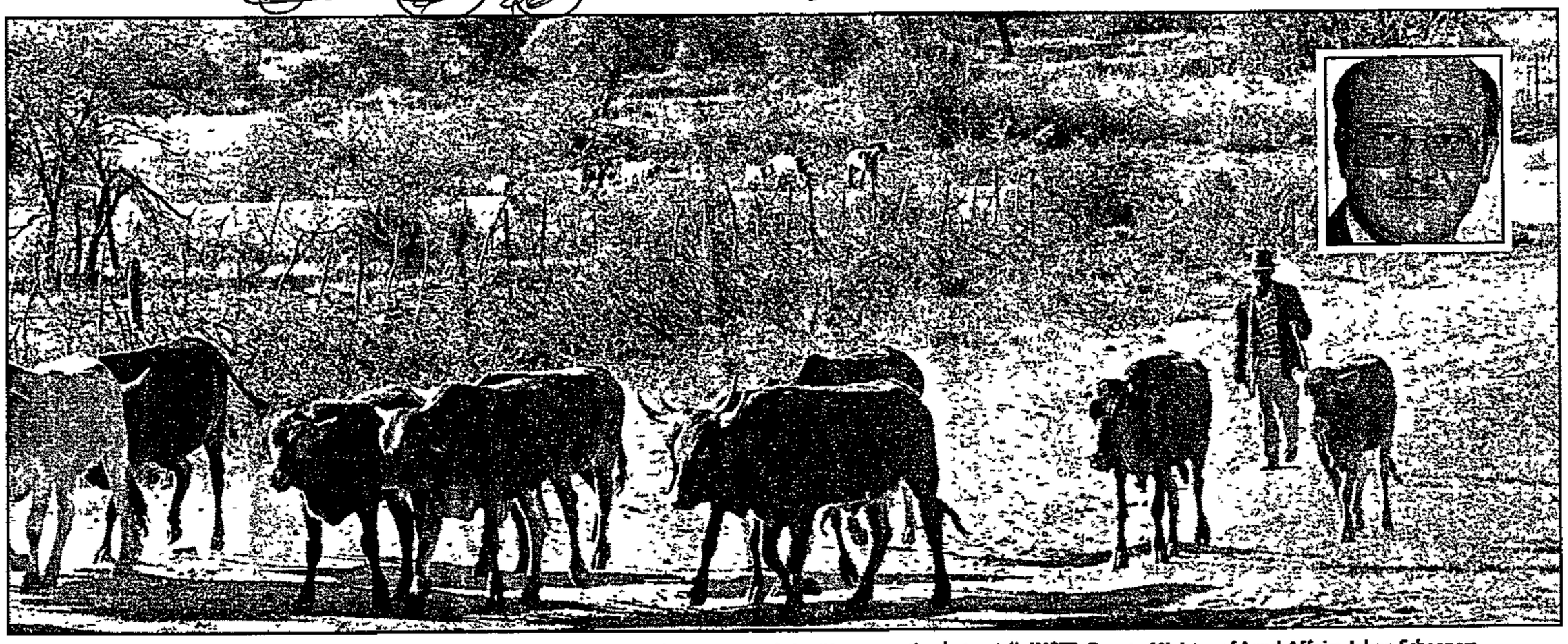
Yawitch says a political motive which contradicts the spirit of Codesa is being attributed to the moves by the Department of Land Affairs. "Clearly, handing land over to the self-governing territories strengthens a political position It enhances the influence of those territories, increases the number of people over whom administrators of those territories have influence and strengthens the hand of those who want a federal solution for SA."

But Scheepers insists: "While I am discussing the issue with the homelands, it is not our intention to hand the land over to any self-governing territory, either by way of incorporation or administrative control. It will remain the property of central government, whatever course of action is chosen."

Though acknowledging that Scheepers is aware of the need for a workable solution, Yawitch says any form of control given away will have severe implications for the people in the area. "Every aspect of their daily lives, from pensions to health and other social services, will be affected."

It is hard to believe government can be contemplating increasing the power of the homelands in any way and even harder to accept this in respect of the highly emotional land issue. ■

War over 'promised land'



TUG-OF-WAR COUNTRY: A herdsman goes about his work in Leeuwfontein, one of the "incorporation hotspots". INSET: Deputy Minister of Land Affairs Johan Scheepers.

THE Government found itself in a bit of hot water this week over its attempt to auction off land earmarked for black settlement. The question JO-ANNE COLLINGE asks is: what did it think it was playing at?

THIS week's skirmishes over land raised quite a bit of dust.

The attempt to auction off 53 pieces of Government land on the Reef was stopped by ANC pressure, and Deputy Minister of Land Affairs Johan Scheepers, verbally pelted by his critics, issued persistent denials that self-governing homelands were to get giant "gifts" of land

Between partial retreats and coded messages, it was hard to make out precisely where the battle was going.

Were these controversial Government moves, involving privatisation and homeland control of land, simply blunders due to the lack of a coherent land strategy?

Or were they purposeful, if risky, steps taken in pursuit of a land strategy intended to underpin the National Party's political/negotiating position?

Incorporation

Scheepers made it clear that, while the Government was avoiding full-blown incorporation of land into the homelands, it was not going to deny homeland governments some say over what he called their "promised land".

The land in question, totalling about a million hectares, belonged to the now-defunct South African Development Trust. It was part of the infamous "13 percent" earmarked under the old Land Acts for black settlement and eventual incorporation into the homelands

As Scheepers refined his denials of an outright gift of this land to the homelands, it became clear that the Government would probably share administration of these areas with the homeland governments

To give the homelands ownership or sole control of the land would be to flout the White Paper on Land Reform, the Deputy Minister said

"We are not shifting aside the White Paper; it is still a working document. But when you investigate possibilities, you go beyond the White Paper."

Joint administration would, in all likelihood, be accompanied by the sale of this land — effectively State land — to individuals or communities, Scheepers indicated.

Land rights groups, such as the Natal-based Association for Rural Advancement and the National Land Committee (NLC), have stated plainly that joint administration is as bad as outright homeland control, which is in turn as unacceptable as transferring ownership to the homelands.

Memories of incorporation are recent and bloody — in Moutse, Braklaagte and Leeuwfontein in the Transvaal, where resistance to the new administration gave rise to brutal vigilantism and security force repression. The Moutse land grab lit the fuse to virtual civil war in KwaNdebele in 1986

Even the extension of homeland administration of areas beyond its borders has been resisted. For instance, the Border village of Mgwali brought a successful court action to have the arrangement declared unlawful.

The pointers from the past are unequivocal: by introducing even an element of homeland rule, the Government has chosen a path which runs a high risk of conflict. It seems strange that it should do this when political parties across the spectrum accept the imminent demise of the self-governing homelands.

The very obvious problem of landlessness and overpopulation in the homelands is the spur, says Scheepers. "We see the main issue as landless people, people in need of land adjacent to self-governing territories When we talk to self-governing territories, they say 'Our people need more land'"

Although a considerable proportion of the 1 million hectares is already heavily populated, a fair chunk constitutes agricultural land currently being leased to white farmers, he points out.

The NLC's Joanne Yawitch asks: Why this sudden about-face? And ANC sources point out that it is entirely feasible to offer land to the landless without drawing homelands into the solution.

While squatter settlements mushroom, the Transvaal Provincial Administration, for one, has been less than adept at finding land to give the homeless secure tenure

Earlier this month a Transvaal Supreme Court judge attempted to nudge the TPA into securing land for the people of Welverdiend, a community left high and dry on a deproclaimed diamond digging in the western Transvaal.

Postponing a hearing which could feasibly end in eviction, Mr Justice Mynhardt ordered that a copy of his judgment be sent to the TPA to urge it to find a real answer for Welverdiend The court heard that TPA negotiations over about a year had been fruitless

The extremely limited powers given to the State President's Advisory Commission on Land Allocation, set up to redress some of the injustices of forced removal, is regarded as a further comment on the depth of the Government's real concern with landlessness

These factors suggest that the land deal is at least as important to improving relations between the homeland governments and the NP Government as it is to relieving population pressure. To the NP's political opponents it appears more than coincidental that homeland governments are being consulted about land just as President de Klerk's meeting with parties interested in strong regional government comes into view

ANC sources charge that State resources are "being used quite crudely" by the NP for the party-political purpose of alliance-building How far this will succeed remains to be seen The six self-governing homelands are divided down the middle politically — Lebowa, KaNgwane and KwaNdebele falling into the pro-ANC Patriotic Front camp and QwaQwa, KwaZulu and Gazankulu siding with the NP

Pre-empting

The ANC's local affairs chief Billy Cobbett describes it as a "cautious scorched earth" strategy, while the NLC observes that the NP is intent on "pre-empting the possibility of a new government implementing a coherent and carefully planned process of allocating State land"

The land policies of the ANC and the Government differ fundamentally

But during the period of negotiations, many believed, the policy differences were almost academic as implementation would remain suspended at least until the first democratic elections were held.

However, there is now some evidence that the Government has a land strategy in addition to a policy, and how the ANC and its supporters will match it remains to be seen

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FINAL PUBLIC AUCTION FINAL

SMUGGLED GOODS DESTINED FOR USA REDIRECTED TO RSA DUE TO US CUSTOMS SEIZURE OF IRANIAN MERCHANDISE

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Resulting from deterioration in USA/Iranian relations and current embargo on Iranian goods 23 bales of Iranian and Oriental rugs redirected to RSA on SA Winterberg Bill of Lading No A25597 to be sold by public auction to pay landing fees and special ... on US

Bank will not help Masterbond victims, says Stals

BRENDAN TEMPLETON

MASTERBOND victims cannot expect the Reserve Bank to provide them with financial relief, says Bank Governor Dr Chris Stals

He announced during the Bank's annual meeting this week that the Bank was investigating the possibility of introducing a limited deposit insurance scheme for private investors to protect them from loss of savings

When Saturday Star asked him ... bond victims who invested through banks, the answer was a firm "no"

Banks acted as agents for Masterbond taking millions of rands from thousands of pensioners even though this was illegal in terms of the Deposit Taking Institutions Act.

Stals said the registrar of deposit-taking institutions — who was answerable to the Bank — had paid out certain investors who suffered when some small banks were liquidated recently ... was not a fiduciary ... was a lender of last resort.

To clarify the situation, the Bank intended to determine exactly when it would be willing to pay out private investors The only guideline the Bank would use was whether such payouts were in the interests of the banking industry as a whole Masterbond fell outside the Bank's ...

Others differed with him They believed the registrar should have forced Masterbond to register because it was taking deposits from the public

The registrar claimed Masterbond fell outside the ambit of deposit-taking institutions legislation as it accepted deposits on behalf of property development schemes and therefore acted only as an agent

... and Don MacKenzie of the Masterbond Victims Disaster Fund believed this meant it could not claim to have been merely an agent

Stals said he wished to end the five-year marriage' between the registrar and the Bank

The registrar had a regulatory role to play which could be ... the Bank's proper function — the control of monetary supply

The registrar does not ...

Lack of water threatens people of Daggafontein

A COMMUNITY of 15 000 people in Daggafontein could suffer serious health problems because water resources were running dry, Transvaal Rural Action Committee (Trac) fieldworker Star Motswege said yesterday.

He said a request for emergency water supplies made to the TPA a week ago had been ignored, forcing the community to queue at a spring which serves as a livestock watering hole.

Sapa reports that already an old woman has died in the area after queueing in subzero temperatures to get water.

Motswege said the TPA had been asked also to get money allocated to the Development Aid Department for the drilling of boreholes to supply the community with water. He said the remaining 70 000 Daggafontein residents were relying on 30 litres of water a family a day from private boreholes.

Meanwhile, Operation Hunger executive director Ina Perlman said yesterday the scheme was spending R5m a month feeding about 2,3-million people across the country. She told a news conference to announce the launch of Gold Rush 13 that about 3-million people were without independent food sources and this figure could grow unless action was taken to promote subsistence farming and fight poverty.

Perlman said government and business should intervene to help establish and maintain subsistence farming with borehole water as an interim measure to combat widespread hunger.

"There's got to be serious awareness of the link between chronic malnutrition and the effect it has on productivity," she said.

A minimum wage for farm workers should be considered to reduce rural poverty. "One of the worst features of agriculture in this country is the non-participation of farm workers in the productivity of farms. They have no stake in productivity," she said

Requests for feeding for between 1 000 and 2 000 people a day were pouring into Operation Hunger offices and 200 schools had asked for feeding schemes in the past two weeks, she said.

There was no shortage of food in SA, unlike the rest of Africa, but there were no funds to buy and distribute it.

Operation Hunger was thinking of appealing to other organisations to help it in its commitment to giving the hungry at least one meal a day, Perlman said.

She slated homeland governments for not maintaining and repairing water pumps in rural communities.

□ Gold Rush 13, the original instant millionaire game, will be launched on Friday and will now include R25 000 in monthly draw prizes, Perlman said.

The closing date for entries would be February 6 next year with the draw on March 2. The winner would be decided at the running of the FNB 1 600m at Turffontein on March 6.

The monthly draws begin in October with tickets bought before October 16 eligible for the first prize.

RAY HARTLEY

NEWS FEATURE Molotlegi family's prolonged fight may end with heir's court case

Battle to unite the Bafokeng

UNCERTAIN FUTURE Mollwane Molotlegi, heir to the chieftainship of the Bafokeng tribe of Phokeng, may never take over the reigns if found guilty of attempted murder:

Sowetan 15/9/92

By Abbey Makoe

THE hostility between the Bafokeng tribe and the Bophuthatswana authorities will come to the fore again when Mollwane Molotlegi, heir to the tribe's chieftainship, appears in the Tlhabane Magistrate's Court.

Phokeng is regarded as the core of resistance to the Bophuthatswana leader Chief Lucas Mangope's administration and villagers have been paying dearly for their continued opposition to the homeland's rule.

Small wonder that Molotlegi's alleged involvement in an attempted murder is seen in the village as yet another ploy by Mangope to harass and destabilise the area.

In fact, tribal elders fear that should Molotlegi be convicted, he may never be allowed to take over the chieftainship from his ailing father, Chief Lebone Molotlegi, who is in exile in Botswana.

In an interview with *Sowetan* at his home in Phokeng, Mollwane Molotlegi (27) said his main ambition was to unite the beleaguered 300 000-strong Bafokeng tribe.

"That's my mission," he said.

When his father went into voluntary exile in 1990 after complaining about "continued harassment", Mangope installed Lebone's younger brother George as acting chief.

The move met with massive resistance from villagers but there were some who supported the move, thus dividing the tribe.

Recalling the events that led to confrontation with the homeland authorities, Mollwane said it all started when former State President PW Botha unleashed the South African Defence Force on Mr Rocky Malebane-Metsing, Major Timothy Phiri and others who had kept Mangope hostage at the Independence Stadium in Mmabatho during an attempted coup in 1988.

The two leaders of the foiled 16-hour coup are members of the Bafokeng tribe.

Immediately after the averted coup, the Molotlegi family and a host of villagers abruptly fell into disfavour with Mangope. Mollwane and his father and mother were put behind bars, accused of taking part in the coup.

Mollwane was detained for seven days and kept in solitary confinement before being released without being charged.

Bophuthatswana police started prying into the affairs of the royals and randomly visited (they still do) the Molotlegi palace to conduct searches, claiming they were looking for "missing people", according to Mollwane.

But now, part of the tribe has rallied behind the acting Chief George Molotlegi, thus dividing the villagers into two camps.

It is this division that has prompted Mollwane, a mining engineering graduate of Howard University in Washington DC in the United States and former mathematics and science teacher at Bafokeng High School, to embark on his mission.

The chief-in-waiting says he has seen his father's village fragmenting after February 10 1988, the day of the attempted coup.

Mollwane says he became used to the inconvenient impromptu visits to his home by the Bophuthatswana police. "The whole idea is to destroy the authentic chieftainship of the tribe," he says.

"They don't seem to realise it's not my father or mother who decided against Bophuthatswana - it's the people of the tribe. We serve their interests," Mollwane says.

He cannot not understand "a few" who support Mangope's "adventures" in the village "They don't realise Bophuthutswana won't be there in future."

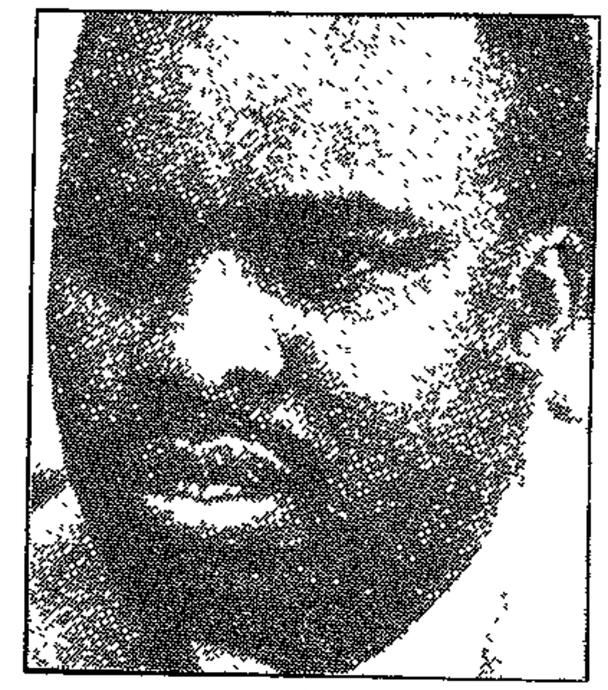
> **They don't realise Bophuthatswana won't be there in the future**

On the village's demand to be reincorporated into South Africa, he says: "Our forefathers used to go to Kimberly on foot, working hard at the diamond mines until they bought this land.

"We can't accept someone from Mafikeng signing a piece of paper to the effect that our village be ruled by someone against the will of the local people."

He says of the support his family enjoys from villagers: "I'm sure we will overcome our turbulent times. My parents will come home one day."

The tribe, which earns an estimated R30 million from platinum in annual royalties from Impala Mines in the area, continues to be subjected to state harassment, says Mollwane.



Mollwane Molotlegi

The woes of the besieged Molotlegi family do not end there. In March last year, Mangope was at it again, this time declaring Chief Edward's wife Semane Molotlegi a prohibited resident in the homeland.

Mrs Molotlegi lived in Phokeng for almost 30 years after she married the chief. All their six children were born there.

Mangope's wrath has allegedly carried on He installed Chief George. His argument, to date, is that a ruling chief has to be with his people, not run the affairs of the tribe by "remote control".

But all these hardships do not deter Mollwane. "I am raring to face whatever challenge I have to," he says.

This is the first of a series on the protracted feud between the tribe and the Bophuthatswana authorities.

Cape forced removals halted

STAR 16/9/92.

By Jo-Anne Collinge

The Minister of Defence has given an undertaking which temporarily removes any threat of further forced removals in the northern Cape community of Khosis.

In response to an application brought in the Kimberley Supreme Court by Khosis resident Joseph Free, the Minister undertook that there would be no interference by members of the SA Defence Force with those residents who wanted to remain at Khosis, pending the court's final judgment on the legality of the removal.

The matter is expected to be decided in mid-October.

An unknown number of families has moved from Khosis since Friday, when the defence force sealed off the area. Mr Free alleged in court that some families were being coerced into quitting ancestral land.

The National Land Committee describes the SADF's activities at Khosis since Friday as constituting "the first rural forced removal since the Mogopa community was moved in February 1984".

According to Mr Free's affidavit, a large task force of soldiers sealed off the residential area of Khosis on Friday. They welded closed various gates and prevented all movement in and out of the community.

Although the official position of the military task force was that they were merely assisting those who wished to move, "it is quite clear that the task force is intent on intimidating the entire community — through financial and other threats, the show of force and the like — to vacate the property," said Mr Free.

Statements by soldiers caused people to fear that they would lose their pensions and be physically endangered by military operations if they did not move to the resettlement village of Jenn Haven, he said. Furthermore, the local school had been closed and fences had been cut, allowing cattle to stray.

Some 125 families lived at Khosis until the weekend.

They are descendants of Griqua tribesmen who settled the land in the 1850s. Tswanas who also lived in the area were removed to Bophuthatswana in the late 1970s.

The present landholders at Khosis were confined to a 14 000 ha "camp" in 1978 when the SADF moved on to the land. Many own large herds.

While some residents were willing to move, others repeatedly rejected resettlement options during the 1980s because the land offered would not support them all.

The lady is banished

■ RESISTANCE SYMBOL *Since moving from Phokeng, first lady of the Bafokeng tribe, Semane Molotlegi, has become a symbol of resistance for her people:*

Sowetan 16/9/92

By Abbey Makoe

FROM a distance Semane Molotlegi strikes one as an ordinary housewife working hard to fend for her family.

A reserved woman, she never says much except when forced to do so.

Yet she has gone through what few other women have experienced - like being banished from her village.

Wife of self-exiled Chief Lebone Molotlegi of the Bafokeng tribe near Rustenburg, Semane has become a symbol of resistance to the homeland government's rule in Phokeng.

She recently defied an order declaring her persona non grata in the area by entering the village. A case of trespassing is pending against her.

Despondent reaction

How does she feel about this twist in her life, imposed by Bophuthatswana strongman Chief Lucas Mangope?

"I think that guy does not have a wife or children," she says, her tone filled with dejection.

"How can you separate a mother from her children or a wife from her husband?" she asks.

She has led a royal life for almost three decades in the platinum-rich village, enjoying the status of a first lady

She has mothered six children, including the current heir to the throne of the Bafokeng tribe.

It takes a lot of patience to get Semane to be more forthcoming. Long after the interview, she talks of her two main "antogonists" in the homeland, her brother-in-law George and Chief Mangope.

When she talks about acting chief George Molotlege in particular, she almost cries, saying: "How could he show such insensitivity to our plight?"

But she does not blame George entirely. She says: "Mangope is behind the whole thing."

Detained in 1988

Semane first encountered the wrath of the homeland authorities in 1988 after an attempted coup in Mmabatho. She was detained with her husband before he fled, complaining of harassment while he was ill.

Semane remained with their children at their palace until she was told to leave in March last year.

Between the day of her detention and that of her expulsion, Semane grew in stature.

Talk to her and you realise that she has not been changed by the esteen shown her by the village.

The only thing she wants, she says, is to see justice done in Bophuthatswana.

Justice to her means two things: re-

> **"How can you separate a mother from her children or a wife from her husband?"**

First Lady

Semane Molotlegi: First Lady of the Bafokeng tribe

Years in Phokeng: 30

Number of Children: six

Husband: Rightful chief Lebone Molotlegi

Expelled by Mangope from Phokeng: March 21, 1991

Residence: Lives with friends in Johannesburg

incorporation of the whole homeland into South Africa, or, at the very least, of the village alone.

Incidentally, the call for the reincorporation of Phokeng into South Africa was first made in 1983 after Mangope had allegedly vowed: "I shall divide this tribe into two."

Semane recalls that around that time the chieftainship was demanding that Mangope's government should not be given more royalties from the platinum mines than the sum the chief was getting.

"That was actually when all hell broke loose," Semane says.

She believes her husband, who is ill in Botswana where Semane was born, will one day return home.

She sounded less concerned about her own plight than that of her husband.

"God is on our side," she says, toward the end of the interview. "We shall overcome."

Chief under siege

By Abbey Makoe

ROYAL FEUD *Relationship with Mangope questioned after the rightful leader fled to Botswana in 1988:*

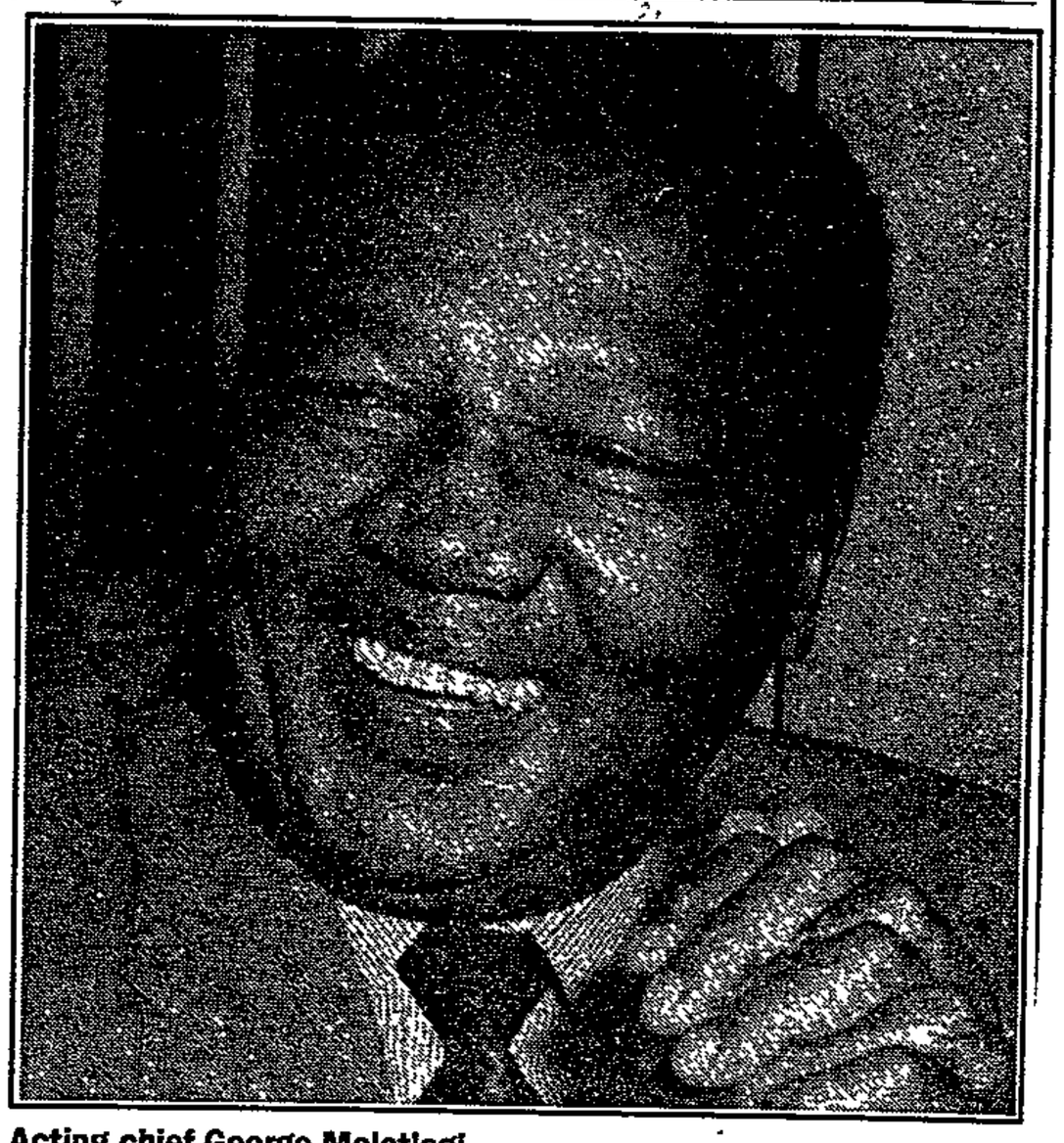
ACTING chief of the Bafokeng tribe at Phokeng near Rustenburg, George Molotlegi, has almost gone through hell on earth. So far he has survived, or so it seems.

Late in 1988 he "took over" the chieftainship from his brother Edward, who fled into exile in Botswana. Bophuthatswana leader Chief Lucas Mangope, number one on the list of hated people in Phokeng, sanctioned the move.

Shortly afterwards, Mangope met with unprecedented opposition in the village that has come to be regarded as the heart of resistance to his administration.

It seems the most controversial decision George ever made was taking over the leadership of the 300 000-strong tribe. Many of its villagers are well-off and highly literate.

Placard-carrying villagers loyal to Edward took to the streets and hurled insults out of anger. Marches and protests against George, who is stationed at the local civic centre, are the order of the day.



Acting chief George Molotlegi

Defamation lawsuit

Letters from George's opponents, distinguished by their hard language, were delivered at his office frequently. George sued opposition leaders for R75 000 for defamation. The case is pending.

But George is confident of attaining the peace and stability that used to prevail among the Bafokeng tribe.

He concedes it is not going to be easy. The man with whom he has to smoke the peace pipe - his brother Chief Edward - has not spoken to him since 1982. George confesses he has not tried to speak to Edward either.

Furthermore, George ascended the throne six years after Edward is said to have expelled him from the village, allegedly because George is not his father's son.

George says the incident was witnessed by Edward's wife Semane, whom Mangope declared an unwanted citizen in Bophuthatswana in March last year.

George says Edward told him: "You are not my father's son and I give you six months to get out of my father's house."

He moved to Mogwase in Mankwe region, about 30km from Phokeng.

He did not challenge the expulsion because he "was shocked and might have over-reacted".

Other events - including the relationship between George and Mangope - have widened the rift between George and Edward's family.

Many villagers, especially those loyal to the exiled chief, continue to pay dearly for their opposition to Mangope.

The Bophuthatswana security police in armoured vehicles, vans and private cars have become a regular and intimidating sight in the village since Edward fled.

Shortly after fleeing his platinum-rich village, Edward allegedly appointed his "uncle", Cecil Tumagole, to act in his absence, a move that seemed to enjoy majority support.

But George defied the order and took over. He said Cecil was not his uncle, a point he reiterates with monotonous regularity.

George has frequently repeated: "I am my father's son and have a right to act as chief."

He quashes any suggestion that he was influenced by Mangope to grab the chieftainship and brushes off references to himself as "Mangope's stooge".

"My father had only two children. In fact, two sons, my brother and I," George says "I had a right to step in."

But his critics, led by tribe elders Kebareng Bogopane, Cecil Tumagole, Mmalebogo Nameng and Mabitso Phetoane, believe the recent detention of the heir to the throne, Mollwane Molotlegi, is a ploy to keep him out.

They argue that Mangope will assert that criminals cannot rule in the homeland when the time comes for Mollwane to take over the chieftanship.

On Tuesday, a charge of attempted murder against Mollwane was withdrawn in the Tlhabane Regional Court.

> **"An impression has been created that I am the 'lovey-dovey' of the homeland government. That's false"**

The opposition also want to know why George does not plead with Mangope to stop harassing Edward's family.

Edward reportedly incurred Mangope's wrath after the aborted coup of 1988 in the homeland of Bophuthatswana.

He was seriously ill and said from his refuge in Botswana that he still feared for his life.

However, George sounded serious at a recent media briefing in Sandton when he stressed his desire to end village hostilities.

The major problem, he emphasised, was that he was not prepared to initiate a meeting between himself and Edward.

"What if his family and supporters turn around and ask who asked me to plead on their behalf?"

Meeting half-way

He said he and Edward had many common friends, particularly in Botswana and Soweto He welcomed the possibility of a mediator to set up a meeting, and he was willing to go to Botswana to meet his brother.

"I'd be willing to plead on his behalf (to Mangope) once he requests me to do so," he said. "An impression has been created that I am the 'lovey-dovey' of the homeland government That's false."

He said he was disturbed by accusations he was conniving with Mangope against Chief Edward. "My brother himself used to be close to that man (Mangope)," he said

"In fact, my brother once told me that we were related to Mr Mangope. Before my marriage, he personally chose Kwena, Mr Mangope's eldest son, to be my best man.

"But, all in all, I wish the situation could return to normal."

and will set up job-creating operations in such ment.

State presses ahead with homeland incorporation

W/Mail 18/9 - 24/9/92

Weekly Mail Correspondent

LAND has become a major bargaining chip in the game of negotiations and winning support for a federal option for South Africa. The government's recently exposed plan to transfer about 600 000ha of state land to kwaZulu administration — and a further 600 000ha to other homelands' administration — is more than a routine administrative matter. The proposed transfer aims to further strengthen kwaZulu's power in the drive to a federal future.

Several seemingly unrelated developments point to this. Following the Bisho massacre, kwaZulu's Chief Mangosuthu Buthelezi and Ciskei's Brigadier Oupa Gqozo met at a private dinner in Ulundi. The brigadier later attended the reed dance ceremony at Ulundi where he pledged Ciskei military support to kwaZulu.

KwaZulu also this week threatened to secede if it was not incorporated into South Africa on its terms. And in August this year, kwaZulu Finance Corporation (KFC) executive director Marius Spies revealed that a proposal was being looked at which would enable the KFC to take over regional activities of the South African Development Trust Corporation (SADC) in Natal. The SADC was disbanded in March this year, along with the discredited Department of Development Aid.

Spies said an agreement had been signed by Buthelezi and Land and Regional Affairs Minister J de Villiers allowing the KFC to extend its operations beyond the former scheduled black areas of kwaZulu.

At the recent National Party congress in Bloemfontein, Foreign Minister Pik Botha said the government needed about a million Zulu votes.

The government's latest attempt to buy support from homeland parties contradicts its own undertakings on land reform. In its 1991 White Paper on Land Reform, the government undertook to abandon apartheid policies of land allocation — including an end to incorporation of land into the homelands. Nevertheless, it transferred three million hectares of state land to the six homelands in March.

The current transfer comes under a veil of secrecy and an absence of consultation with communities which might be affected. Despite repeated requests for the whereabouts of the land to be made public, the government has refused to do so. Despite communities' written objection to such transfer, Land Affairs Deputy Minister Johan Scheepers is yet to meet them. Meanwhile, talks continue between the minister and homeland parties.

A range of political players in Natal have come out in opposition to the plan. The Democratic Party's Wessel Nel, referring to the land earmarked for transfer, said in a statement in August: "It is incumbent upon the government to consider first any recommendations of the Advisory Commission on Land Allocation, submissions by the affected communities and rural development needs and then to negotiate an acceptable practical solution."

The southern Natal region of the African National Congress has also begun to put pressure on the government. On September 9, a delegation from the region presented a memorandum calling for the "immediate termination of any intention of the South African government to transfer land to kwaZulu and other bantustans". And on September 12, about 5 000 Clermont residents marched to the local police station to protest against the planned transfer.

This opposition has drawn sharp response from the Inkatha-owned *Ilanga* newspaper. In an article entitled "Watch out for the land wolf", the newspaper warned: "People must beware of those who merely wish to use the sacred issue of land as an instrument to divide people and create conflicts that enable them to further their nefarious plans for an undemocratic one-party state." This week, *Ilanga* claimed that opposition to the transfer was an ANC/South African Communist Party/Congress of South African Trade Unions plot to stop kwaZulu gaining control over land that was due to it. The newspaper further claimed that the 600 000ha was being returned to kwaZulu in terms of a 1988 ruling.

Past attempts to force homeland control on to communities have not achieved the desired results and are unlikely to do so in the current situation. However, informed sources say the negotiations deadlock has given the government time to press ahead with pre-emptive restructuring.

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Chief's silence is worrying followers

Sowetan 21/9/92 (KED) (27)

By Abbey Makoe

SUDDEN DEPARTURE *No word from Bafokeng chief Lebone Molotlegi since he fled to exile in Botswana:*

THE BAFOKENG tribe of Phokeng near Rustenburg have not heard from their chief, Edward Lebone Molotlegi, since he fled into exile in Botswana in 1988.

The reasons for his sudden departure are still shrouded in mystery

He kept repeating the words: "I'm being harassed."

It is not known whether the exiled chief of the platinum-rich Bafokeng tribe took part in the aborted coup in Bophuthatswana as Mangope alleges.

When he fled, Molotlegi, the rightful chief of some 300 000 people, was a respected leader.

Tribespeople held him in high esteem, a man whose word was accepted as final and unquestioningly obeyed.

Soon after his escape to Botswana, the country of his in-laws, his followers were harassed by Bophuthatswana authorities for demanding his return.

The people believed that Bophuthatswana strongman Lucas Mangope had wronged their chief.

Police raided homes

In the meantime, Mangope's harassment of villagers was becoming more and more harsh

Bophuthatswana police raided homes, shebeens and schools with monotonous regularity. Some villagers campaigning for the return of Molotlegi were detained and held without being charged before being released.

But almost fours years later, the Bafokeng have not heard a word from their chief.

Ran out of patience

Molotlegi has not given a Press interview, let alone respond to reported allegations against him.

Instead, tribal elders manning offices at the chief's evacuated palace have become Molotlegi's spokesmen Not quoting Molotlegi directly, though, but tribal elders are simply calling whoever can help to assist in getting the chief back home.

Meanwhile, particularly since Mangope installed the exiled chief's brother George as acting head of ther tribe, support for the exiled Edward continues to wane.

Large numbers have run out of patience and are rallying behind the initially unpopular George. But, of course, many loyal supporters of Chief Molotlegi who are worried about the future are moving toward the middle of the road rather than turn to George.

The loss of support for Chief Molotlegi was also helped by the unbanning of political organisations in South Africa and the return of exiles since 1990.

Coming back home

Expectations among tribespeople were high that their chief would also be coming back home. But this has not been the case

Among those who have turned their backs the chief are those he has helped.

Many of them are today openly supportive of George and are seen enjoying themselves everytime Mangope visits Phokeng, affectionally shouting "Tautona" to him

In March last year when Mangope expelled Molotlegi's wife from Phokeng, it became clear that the writing was on the wall for the once mighty royal family.

But until today, nothing has been heard from the man leading a new life in Botswana.

His supporters say that the least their exiled chief should be doing is to denounce Mangope's activities

Instead whenever Chief Molotlegi features in the news it is when his wife, children, tribal elders or his die-hard supporters say something about him in the newspapers.

Mangope is himself well aware of this. He often makes the threat that "there is another one in Botswana, lying low. I reiterate that should he set his foot here (in Bop) he would be locked up", to applause of his own supporters.

Rocky Malebane Metsing, the most sought-after man in the homeland and a Bafokeng tribe member, dared Mangope and visited Phokenga.

Not only that, Metsing addressed villagers in a playing field in an area classified as South Africa within Phokeng.

Boost to the morale

On that day, which provided a boost to the morale of chief Molotlegi's supporters, Bop police appeared real morons, watching a self-confessed coup leader some 50 metres away on a piece of land falling outside the homeland.

Now people wondered why their chief could not also come in a helicopter and do as Metsing had done , maybe just to say· "Dumelang Bakwena Bo Mmanape!" or maybe give assurance that everything would be alright one day.

Political organisations such as the ANC and Azapo are now making inroads into the "Village of Platinum", and along the way introducing national politics into the minds of villagers, who are generally concerned with tribal politics.

Azapo's think-tank, Dr Gomolemo Mokae, has been to Phokeng and so has the ANC's Popo Molefe. The PAC could have the same intention.

And the focus in the village is, no doubt, now shifting from Phokeng and its platinum to more serious things in the liberation of a black man, regardless of whether he is a Tswana from near Rustenburg.

Yet chief Molotlegi is there in Botswana refusing to speak

"Silence," they say, "is golden." But not in the new-found perception of villagers toward Chief Molotlegi.

Harsh reality

Name: Edward Molotlegi. Used to lead some 300 000-strong tribe.

1988: Fled to Botswana.

Reasons: Complained about harassment. Mangope sought him in connection with a coup.

His future?: Uncertain.

Moutse marches for water

STAR 20/9/92

271

By Musa Mapisa

Hundreds of Moutse community members yesterday marched to local government offices in Dennilton to demand a better life for themselves.

The small community has repeatedly refused to be incorporated into neighbouring KwaNdebele. It is for this reason, community leaders say, that they are being "punished by being denied basic needs".

The march, which started at the local stadium, was organised by the women, whose main grievance is a lack of water in the area.

The marchers presented a list of demands to the Transvaal Provincial Administration community development chief in the district, H Laubscher, and the district representative, Nic van der Westhuizen.

The demands included installation of water taps and electrification of homes, the building of schools, adequate health care and job creation.

According to Stan Mathabatha, a teacher and one of the delegates who presented the demands, in many areas there is not a single water tap.

"Water there is being delivered by tanks at three-week intervals, which is not satisfactory at all," he said.

The Moutse delegation, the TPA and the local authority agreed to meet on Wednesday to further discuss the issue.

Mr Mathabatha said residents were also demanding an end to massacres, installation of an interim goverment of national unity and elections for a constituent assembly.

War of words over land wrangle

Citizen 27/9/92 (27)

By FRED KHUMALO

IN the wake of a government-organised indaba on federalism, a development agency has charged that the plan to transfer 600 000 hectares of State land in Natal to KwaZulu is a way of winning support for a federal option.

In a report the Association for Rural Advancement said land had become the government's major "organising chip in the game of negotiations", and this was unacceptable.

The report is yet another salvo in the war of words that has been raging between Afra and KwaZulu authorities who have been using *Ilanga*, the Inkatha-owned newspaper, to explain why the proposed transfer of land to KwaZulu is necessary.

Last week *Ilanga* ran a lead story to the effect that the ANC-Cosatu-SACP Joint Working Committee was working with Afra in trying to block KwaZulu from acquiring "white-owned land" which include the "white" towns of Mahlabathini and Nongoma.

Afra reacted angrily to the story and reiterated its belief that the planned transfer will unnecessarily complicate land claims.

The transfer was also contrary to government undertakings made in the 1991 White Paper, Afra said. In the White Paper the government undertook to abandon policies of apartheid land allocation.

The land to be transferred to the homeland could include such areas as Clermont, whose inhabitants enjoy freehold rights. The proposed transfer has stirred controversy, with observers noting that the KwaZulu incorporation of Clermont – an ANC stronghold which remains unscathed by political violence – could plunge the township into bloodshed.

Afra notes KwaZulu has "become increasingly visible in areas where land claims or land tenure rights are at issue".

A meeting of the Northern Natal Farmworkers' and Residents' Committee early this month in Vryheid was jointly addressed by NP MP for Vryheid Jurie Mentz and the KwaZulu minister who serves on a joint co-ordinating body for the area.

The Advisory Commission on Land Allocation (Acla), formed after the passing of the 1991 Abolition of Racially Based Land Measured Act, did not stop government attempts to try to sell off land being claimed by dispossessed communities.

The government tried twice to sell off various farms in the Estcourt district which were being claimed by the Amahlubi tribe.

But the intended sales were halted after a huge outcry. Acla chairman Judge van Reenen then passed a declaration officially halting the sale of land subject to dispute.

In May this year, Agriculture Minister Kraai van Niekerk also emphasised that land taken over by the government in terms of apartheid would not be sold.

But Afra feels the promises have not been kept. "Recently, a government department hurriedly sold off some 6 000 hectares of land in the northern Cape which is being claimed by the Majeng community."

The land Victoria gave them

Racial discrimination has robbed hundreds of South Africans of their land and their living. Though the government says apartheid has been abolished, injustices have still not been redressed. Weekend Argus Reporter DALE KNEEN investigated.

FOR 30 years a group of dispossessed black farmers from Citrusdal have been fighting to get back their land.

They say they were forcibly removed from their farm through a combination of racism and trickery. Their homes were razed and their livestock burnt alive.

Now that the "new South Africe" has arrived they are hoping to get back their land But instead, they face eviction because they are squatters.

They are the Elandsklowers, a group of people forced off their land in the 1960s and one of 36 dispossessed communites all over South Africa.

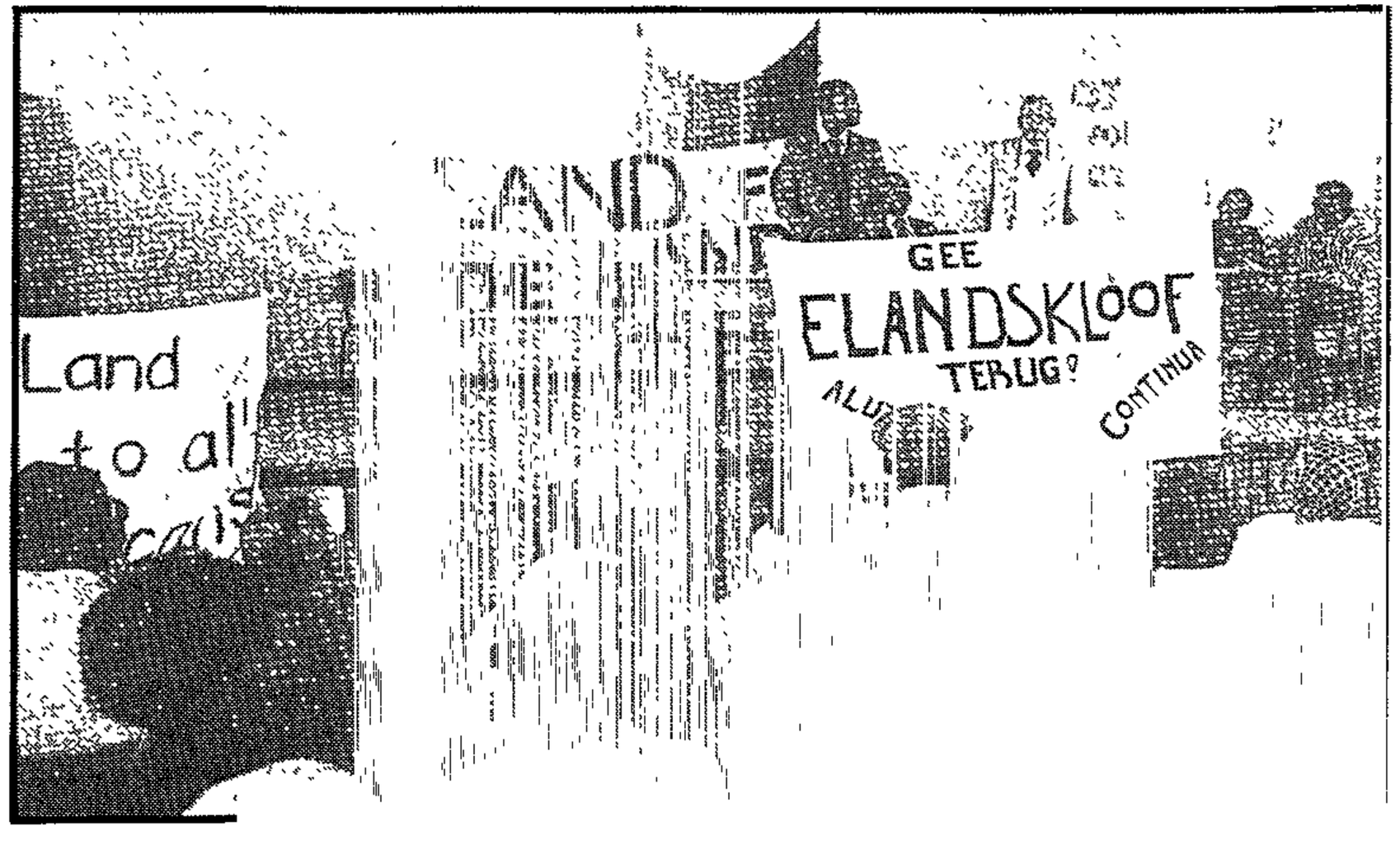
Twenty-six families of the original community of 72 families are now squatters on a farm called Allendale, from which they face eviction.

But they all think of themselves as farmers from Elandskloof, a farm half way between Ceres and Clanwilliam in the Cedarberg of the Bokkeveld region.

They trace their history on Elandskloof to 1861, when the Dutch Reformed Church purchased the land for £875 to be used as a mission station.

Thirty years later the farming community living on the mission had expanded and more land was needed.

A request to Queen Victoria for additional land yielded positive results and a [illegible] 896 mor en was





The coloured community of Elandskloof could not make an economic existence and people from outside the coloured community had given them the wrong advice as a result of which they had decided to march on Cape Town. — P W Botha.

□ **LEGAL BATTLE:** Mr Martinus Fransman and Mrs Aletta Titus hold a court order summonsing the president and the Dutch Reformed Church to appear in the Supreme Court.

□ **STRUGGLE CONTINUES:** Since they were forced off their land in the 1960s, the Elandsklowers have held meetings and mass marches in their attempts to get back their land

QUOTE

Unlike other labourers they were not tied to any single farmer. If they decided to change jobs, or were retrenched, dismissed or simply felt tired of working, they would go back to their homes at Elandskloof. This is something most farmworkers cannot do when they lose their jobs, they lose their homes. It is this crucial point: the people of Elandskloof were not subject to some feudal dependence on white farmers as other workers are. — The Argus, 1962.

Continued

granted, w .1 .1t J U, so .ha, l. oe used for mission purposes.

A further condition was that the people pay the cost of land surveying.

According to a dossier on Elandskloof compiled by the West Coast Council of Churches, the rental paid by local residents contributed to this community becoming relatively self-sufficient.

The approximately 600 people lived simple yet comfortable lives They had security of tenure and a degree of self-sufficiency coupled with seasonal wage labour.

Said one of the surviving farmers, Mr Jan Fransman "In the old days, Elandskloof yielded four bags of dry beans, totalling 183 pounds in weight. That came from an individual's ground, measuring 180 feet long and 18 feet wide

"We also planted pumpkins, mealies, potatoes, and so on, but not everybody planted the same crops People used to give each other of their crops We also kept livestock for the meat.

"My father had a total of 105 goats We did not have tractors, we used donkeys to do the ploughing. We also built our own homes with *suur stene*. We also made the bricks ourselves."

Another Elandsklower, Mr Johannes Andrew, said· "My father told me that every Elandsklower had a piece of land, they were farmers My father told me they planted oranges and other fruit. These orchards are still there today."

According to research conducted by the Surplus Peoples Project (SPP), the educational and spiritual needs of the community were well served by the school and church on the settlement. Church committees, sports clubs and other organisations existed.

Extended families were the norm and parents left their children and homes behind, while they worked on surrounding farms during the harvest, secure in the knowledge that the grandparents, aunts, uncles and cousins who remained on Elandskloof would take care of their children, homes and gardens.

Said Mr Jan Dirks "We built the church and the rectory with our own hands It was not the NG Church's ground. Queen Victoria donated it to us. We grew and sold *buchu* (a herb). Later the NG Commission told us to sell this *buchu* to them. Groenewald was the first minister at Elandskloof, Dippenaar and Blake came later, each of them had a shop on the farm."

About 200 children were registered at the school which went up to Std 6. Music competitions and other functions were held there.

This way of life was shattered in the late 1950s when the formal titleholder of the land, the Dutch Reformed Church, decided to sell Elandskloof

The rather vague reason given by the church was that the area was being farmed uneconomically, inefficiently and unscientifically.

But according to the SPP's Mr Boyce Williams, it appears that the church's decision was partly due to pressure from white Citrusdal residents and farmers who complained that the Elandskloof community influenced the area's labour market by resisting low wages

A memorandum drawn up by farmers refers to the area as a "black spot". The SPP says it appears one of the main reasons for getting rid of the independent community was that the people of Elandskloof were not subject to semi-feudal dependency on white farmers as other farm workers in the area were.

Various options were mooted in the church's attempt rid itself of the farm, among which was an attempt to sell the land to the Department of Coloured Affairs, which refused this offer on the grounds of cost.

Tenders were called in the 1960s and two district farmers, Mr Piet Smit and his brother, Johan, offered R34 000 while the Elandskloof residents offered R30 000. The Elandsklowers heard no more about the sale.

The land was transferred into the names of the Smit brothers with the clause "for missionary purposes" removed from the title deed. The church offered each resident it considered "legal" £100 to resettle but the offer did not take into consideration the community had nowhere to go.

Life became hell for the Elandsklowers.

They say they were locked out of their church and school, their crops were burnt, their homes destroyed and their domestic animals poisoned. When the community leaders pleaded for more humane treatment they were charged with illegal squatting

Mrs Wilhemina Januarie remembers "The ouma and oupa's house was set on fire. We tried to see what we could do to help. There were five pigs in a pen nearby and they were burned to death. The ouma's daughter ran to the house when she saw the fire and got her mother out. They lost everything, her money too. They got nothing out, except the clothes they were wearing. The pigs shrieked so loud as they were burning and when my youngest brother tried to let the pigs free, they (Smit and his labourers) told him to leave the pigs to burn, and oh, how they screamed!"

On August 1962 the Smit brothers obtained a court order for the eviction of the chairman of the Waaksaamheidskomitee, Mr Jan Januarie

The entire community decided to march to Cape Town to speak to the government. Residents packed their essential belongings and started the long walk on September 10, 1962, to ask the Mission Office and the Department of Coloured Affairs for help. When it started raining they camped next to the road.

Said Elandsklower Mr Daniel Dirks. "The Boere-Vereniging came with lorries to buy us, as if we were slaves. They even said that they did not want old people, they wanted young people especially."

Mrs Aletta Fransman added: "We sat in the bushes that night, I had a week-old baby then. I did not know what was happening, I still can't come right now . . ."

For Mr Willem Titus, too, evoking memories of that day is heart-breaking "What I remember about Elandskloof is very painful. I can still see it my mind's eye, how people lived along the river for about a week. People got sick, older people died from sheer heartache, one lady even gave birth in the bush."

Attempts by the community for redress were in vain, not only because the legal system and racial legislation were obviously biased against it, but also because the then Minister of Coloured Affairs, Mr P W Botha, charged the community's lawyer and others who supported it as misleading "agitators".

At present, the Elandsklowers on Allendale are facing eviction and are becoming desperate because they have nowhere to go where they can continue their community life.

Aided by the SPP, they have made a submission to the Advisory Commission on Land Allocation to get back Elandskloof and they have launched a Supreme Court battle to stop their eviction from Allendale.

But they still have heard nothing . . .

NEWS FEATURES *Taung is no longer a peaceful*

Running the tribe by remote control

Sowetan 9/10/92 (409) (271)

■ DEPOSED CHIEF Mangope accused of tyranny while trying to gain control of villagers:

By Abbey Makoe



DESPITE their poverty, Taung villagers near Vryburg had always lived in peace and harmony - until Bophuthatswana leader Chief Lucas Mangope deposed their elected chief, Mr Samuel Mankuroane, in 1988.

This trend of Mangope's imposition on and deposition of tribal leaders in the homeland has become common in many villages.

It began in 1988 when Mangope amended the traditional law he inherited from Pretoria on receiving independence.

At the time, the law regarding tribal leadership did not empower him to do as he pleased. He had limited powers over the chieftainship.

But Mankuroane, a Bachelor of Commerce graduate from Natal University, was, nevertheless, prepared to fight Mangope in court. However, his own show of strength faded when he discovered Mangope could overrule a court ruling by imposing a new law.

Mankuroane says he first tasted Mangope's wrath in 1987 when he refused to join the Bophuthatswana leader's ruling Democratic Party. He says at the time he was also promised a seat in parliament.

Mankuroane says he was fetched from his royal kraal in a luxury car and driven to Mmabatho, where he was promised that he would be appointed Minister of Finance. "I refused."

Mankuroane says he was also told that his qualifications were a blessing in disguise for the homeland government.

But instead of joining other chiefs in becoming "men of Mangope", Mankuroane chose to remain among "men of the people".

It was then that Mangope's police raided and ransacked his offices and forcibly paved the way for the installation of Mangope's chosen man, Stephen Molale, says Mankuroane.

Prior to the events of 1988, Mankuroane had acted as an assistant to the previous chief, Scotch Mankuroane, his predecessor.

But Mangope continued to harass the graduate chief despite the fact that after the death of Chief Scotch Mankuroane, the royal family chose Chief Samuel Mankuroane to lead the tribe.

He was to run the affairs of the tribe until Chief Scotch Mankuroane's eldest son and rightful heir to the throne came of age.

According to Samuel Mankuroane, Mangope did everything he could to frustrate his running of the tribe. Mangope withheld his R350 monthly salary for a year and two months, he says.

"I had to rely on voluntary contributions from my people who understood what Mangope was up to," Mankuroane says.

And now, Mangope is allegedly ruthlessly quelling any dissent against his wishes in Taung. The homeland police are allegedly arresting and assaulting villagers campaigning for Mankuroane's return. He is presently living in exile in Johannesburg.

Mankuroane says he holds monthly meetings with his supporters in Johannesburg and makes decisions on the running of the tribe's affairs from his place of refuge.

Every year he addresses his people near the border of South Africa and Bophuthatswana in the Western Transvaal.

In his bitter battles with Mangope, Mankuroane has won R20 000 in an out-of-court settlement for unlawful arrest.

"But all in all," says Mankuroane, "I run the affairs of my tribe by remote control. That may end when Mangope is either overthrown or a new constitution is enacted for South Africa," he says.

NEWS IN BRIEF

Land judgment today

A FAR-reaching judgment on the right to land acquired by the state in terms of the Group Areas Act will be handed down in the Cape Town Supreme Court today.

A court application was brought by the Hendricks family of Rondevlei challenging the state's right to sell land acquired through the Group Areas Act. The family hopes to get the land back.

"Despite the fact that they still live on the land and that the Group Areas Act has been repealed, they discovered that the land had been resold without their knowledge. The court will decide whether or not this sale should go ahead," the Surplus Peoples Project said.

Van Eck, Boesak to take up Khosis resettlement issue with government



Dr Allan Boesak



Mr Jan van Eck

Weekend Argus Correspondent

KIMBERLEY. — Rebel African National Congress Member of Parliament Mr Jan van Eck and ANC NEC member Dr Allan Boesak have indicated that the Khosis resettlement issue will be discussed in bilateral talks with the government.

They will be addressing rallies in towns across the Northern Cape during their stay which ends tomorrow.

The two men said the issue of resettlement would be taken to the highest national level and would be discussed with the State President and the Minister of Defence.

The Khosis community has been at the centre of a growing controversy after plans by the House of Representatives and the Defence Force to resettle about 120 families from their farms at the Lohatlha army battle school to a settlement called Jenhaven about 20 km from Postmasburg.

Earlier, Mr Van Eck and Dr Boesak led a march, attended by about 250 people, to the Kimberley city hall, where they handed over memorandums to representatives from the House of Representatives, the Department of Education and Culture and the SADF demanding:

- The Khosis people be restored to their ancestral land;
- The SADF be removed from Khosis and that the Lohatlha army battle school be closed;
- All foreign soldiers and mercenaries (specifically from 32 Battalion) be returned home; and
- The school in Khosis be reopened.

Shortly before the city hall march ended, it was announced that the DEC had decided to "continue providing education to the remaining pupils at Khosis".

Sources from the HoR and SADF have said that, of the 120 Khosis families, only about 15 have remained in the area and the rest had moved to Jenhaven.

Meanwhile, the SADF has countered claims of intimidation and harassment saying it was only helping the Khosis relocate to Jenhaven.

Officer commanding the battle school Brigadier J Dippenaar said: "There is a strong indication that those 15 families who remain in the area now want to move freely (to Jenhaven) because they realise the new area provides them with better facilities and a better future."

Land-fight family wins first round

ARGUS 17/10/92 (271)

■ The number of properties owned by the Community Development Board and registered at the Western Cape title-deeds office has shrunk from more than 5 000 to 3 241 in one year. Many of these properties were expropriated from their owners. Now, families face uphill battles to get back their land.

ROGER FRIEDMAN
Weekend Argus Reporter

APARTHEID forced them off their land, but this week the Hendricks family of Rondevlei won the first round of the battle in the Supreme Court for its return.

An order was granted by Mr Acting Justice Prest on Thursday prohibiting the sale of the land, pending the results of applications to the Administrator of the Cape and the Advisory Commission on Land Allocation to declare its sale invalid.

The application for an order against the development boards of the Houses of Representatives and the Assembly, the registrar of deeds and a speculator, Mr P Basson, was made by Mr John Hendricks and his grandmother, Mrs Kassie Hendricks, of Rondevlei.

In a bizzare sequence of events, the Hendrickses were forced to sell their 4 164 sq m property to the Community Development Board for R39 900 in 1984 after the area had been declared "white" in terms of the Group Areas Act.

Seven years later, the development board sold the land to Mr Basson for R23 000. He sold it to the New Apostolic Church for R160 000 just one month later.

Mr Basson had been provisionally sequestrated five times with a final sequestration order granted against him in 1987.

He was rehabilitated in April last year, the month he bought the property.

Meanwhile, in 1989, the land had been declared "coloured" again, but the development boards failed to inform the Hendrickses.

In December last year, Mr Basson arrived at the property and informed members of the Hendricks family, who were still living on the land, that he owned it and expected rental of R10 a person.

Several members of the family paid this rental and now plan to claim back the money. Later, Mr Basson cut off their water supply.

In an affidavit to the court, Mr John Hendricks explained how his grandfather, who worked as a gardener at many Rondebosch residences, had saved diligently to purchase the land in 1949.

"We have never been rich and thus (were) unable to develop this property to its full potential, but it has remained for many years our secure base where the family could live together.

"My grandparents have moved to Uitsig, but to those of us still on erf 82055 it is our permanent home and our historical family base."

The Hendrickses claimed the sale of the land was invalid as it had been sold to Mr Basson by the House of Assembly's Development and Housing Board which, as the land was "coloured" prior to the repeal of the Group Areas Act, did not have the right to sell it.

Legally, the land fell under the jurisdiction of the House of Representatives' Development Board.

Mr Hendricks contended the board's decision to sell the land to Mr Basson was in bad faith because the selling price was below market value.

Also, the Hendrickses argued, the land was sold to Mr Basson for purposes not permitted in terms of the statute which created the separate tricameral boards.

The statute permitted the land to be sold for development purposes, not speculative ones, and a clause granting the board a preemptive right to repurchase should Mr Basson attempt to sell was deleted from the deed of sale.

In June this year, the Hendrickses received notice from Mr Basson's attorneys to vacate the land by July.

On September 6, they were granted an urgent Supreme Court interdict prohibiting the sale or transfer of the land and prohibiting their eviction.

Neither of the boards nor Mr Basson filed opposing papers. In a letter from the State Attorney acting on behalf of the boards, it was conceded "the sale of the land to Basson was not properly authorised".

The African National Congress's Mr Willie Hofmeyr said the deal bore all the hallmarks of a scandal and nobody could be blamed for believing corruption was involved.

The government was deliberately selling off land expropriated from black people before it could be reclaimed.

The issue of land taken away from people under apartheid laws was an extremely sensitive and hurtful one.

Mr Hofmeyr said: "We want a proper and independent investigation into the whole deal."

Mr Steve Kahanovitz, the legal resource centre lawyer who represented the Hendrickses, said the issue "casts serious doubts on the state's sincerity in addressing land reform in the manner they expounded it in their white paper a year ago".

He pointed out that these transactions were taking place after the Advisory Commission on Land Reform had been established and in spite of the fact that the commission was established to address these self-same problems.

"The development boards should refer this controversial land to the commission, not try and sell it."

Mr Bahle Sibisi of the Development Action Group welcomed the court's decision.

He said it was regrettable that it was necessary to institute lengthy, expensive legal proceedings to stop the further erosion of the peoples' right to land.

"The Hendricks case exposed the illegitimate manner in which the state was increasingly disposing of land seized under apartheid legislation, he said.

Ms Debbie Newton of the Surplus Peoples Project said the Hendricks case showed up the state's strategy to get rid of as much prime land as possible before any new dispensation.

"If the state continues to sell off Community Development Board land we will have a very hard time of addressing the legacy of apartheid," she said.

New battle has begun

By JENNIFER GRIFFIN (271)

THREE years ago the government allowed the Mogopa people to return to their land – but only to clean their ancestors' graves.

Instead of cleaning graves, nearly half of the 5 000 Tswana-speaking Mogopa, forcibly removed by the government in 1984, returned to their land near conservative Ventersdorp and began rebuilding their lost homes Cpress 18/10/92.

After a bitter eight-year battle, the Mogopa people have finally won back part of the land in a precedent-setting court case that should help other forcibly removed groups with similar claims.

"Even when we said we were coming to clean the graves, we would clean one or two graves a day. In the afternoon we built shacks," said Leah Mphse, whose tin shanty replaces the eight-room stone house destroyed when the police tore down the village and carted residents off to Pachsdraai in Bophuthatswana.

Upset that the Mogopa had returned to land designated as a "black spot" in an area reserved for whites, the government attempted another removal. The Mogopa then took their fight to the courts.

After three decades of apartheid's forced removals, responsible for the relocation of some 3,5-million blacks, the Mogopa case marks the first time the government has agreed to return land to a black community

But the Mogopa received only half the land they bought in 1912, and many members of this once self-sufficient farming community remain sceptical of the government's promises

Despite their win, the impoverished rural community feels it will take years to fully restore the once-thriving village that was reduced to rubble by the government.

Guts and bravery saw the Mogopa people beat the State's system

The returned land is rocky and not suitable for crops The government retains the part previously used for farming. Most of the community's cattle and farm implements were lost during the removal

Life remains harsh for the 2 000 Mogopa who have returned One minibus serves the entire village, and the people, many of them elderly, must travel 25 km to buy their groceries in Ventersdorp

There are no jobs and money is scarce because the government discontinued pensions for those who resisted the removal, according to the Transvaal Rural Action Committee (Trac), which has assisted the Mogopa people in their ongoing fight.

While authorities have decided to return 5 000 hectares (12 350 acres) known as Zwartrand to the Mogopa, the portion of land still in dispute, a farm called Hartebeeslaagte, is used by white farmers for cattle grazing.

The Mogopa won their first court case against the government in 1985 They were to receive a new piece of land, but that land was soon to become part of Bophuthatswana.

The church then helped the Mogopa raise R2,8-million to buy a farm near their old home outside Ventersdorp



STANDING PROUD ... Mogopa community members have begun re-erecting their homes. ■ Pic: JENNIFER GRIFFIN

The government again forestalled the resettling of the Mogopa by expropriating the land in question, said Trac.

Finally, in 1991, the court decided that the government must negotiate the return of the Mogopa land. The government eventually reached a settlement in June this year, in which they returned Zwartrand, Pachsdraai, and another plot of land near Rustenburg.

"Hartebeeslaagte will remain the property of the State," said Land Matters Director Pine Pienaar. "It and Zwartrand originally belonged to the tribe, but now, since the recent legal settlement, they own much more land than originally "

Agricultural Development Department officials have met the Mogopa to help plan for ploughing But the Mogopa say they farmed for decades without government help, and need only farm tools, not advisors, to restore the village to self-sufficiency.

Despite their legal victory, the Mogopa still await the title deed to the back part of their land.

Members of the community once referred to the portion of land which the government has not agreed to return as their "bank", said Mphse.

In order to win the rest, the Mogopa plan to make an application to the government's Advisory Commission on Land, a body set up after the repeal of the Land Act, but some argue this commission has no real power

About 30 black communities are presently fighting for their land in disputes similar to the Mogopa's, says Trac fieldworker Lydia Kompe.

Under a new government, the ANC has said that it would redress past injustices by establishing a land court to deal with competing claims. Priority will be given to victims of forced removal, according to ANC policy guidelines

"Among white farmers who were canvassed, most prefer such a court to the idea of the redistribution of land," said ANC representative Derek Hanekom. The court would encourage negotiated settlements and a cut-off date regarding length of occupation will be a factor.

"Forced removals would be the easiest kind of claim to address."

But members of the Mogopa community predict hardship in the future Ephraim Pooe, a withered and blind 87-year-old man, who once had a five-roomed stone house in Mogopa, now sits in a dark shack in front of the rubble of his old house. "I don't think the lives will be the same as before," he said

Boesak urges end to govt selling land

Staff Reporter

IT appeared the government was selling off land seized under the Group Areas Act "as fast as it possibly can" and people who had legitimate claims should urgently submit a claim for its return, said Dr Allan Boesak.

In a statement yesterday, Dr Boesak, chairman of the ANC's Western Cape branch, said that of the 5 200 properties in state hands last year only 3 200 remained.

The Rondevlei case — where the Supreme Court stopped the sale of family land to a speculator — was a clear example that "illegal sales and corruption" were taking place while the interest of those with legitimate claims were being ignored, Dr Boesak said.

"People have suffered for many years under apartheid. The apparent intention of the land reform legislation was to provide some kind of compensation for hardships and dispossessions experienced under Group Areas.

(271) CT 19/10/92

"But far from ensuring that this legislation is administered in good faith, government departments seem to have resorted to corrupt and underhand methods to determine and sideline the legitimate rights of the original victims," he said.

The ANC demanded that immediate steps be taken by the government to freeze all state land sales and to inform families whose land had been removed under the Group Areas Act of their right to lodge a claim.

People with legitimate claims were asked to approach their local ANC offices without delay.

The ANC, along with other organisations, was considering a campaign to inform the public of its right to submit claims, Dr Boesak said.

ANC condemns govt land sales

271 CT 16/10/92

Staff Reporter

THE government is "deliberately" selling off as much land expropriated from black people under apartheid legislation as it can before those people can reclaim it, African National Congress assistant regional secretary Mr Willy Hofmeyr said yesterday.

This follows a Supreme Court decision yesterday blocking the unauthorised sale of a Zeekoevlei plot, which the Community Development Board had bought from the Hendricks family for R39 900 in 1984 after the area was reclassified white in 1982, to a speculator for R23 000.

At a press conference at the Legal Resources Centre, which represented the Hendricks family, Mr Hofmeyr described the deal as a "scandal".

"We want a proper and independent investigation," he said.

He said the establishment last year of the Advisory Commission on Land Allocation to allocate land to dispossessed people had been "a positive step, but it is clear that the government is not acting in good faith".

At the press conference the Cape Housing and Action Committee , the Surplus People Project and the Development Action Group all called for a moratorium on the sale of expropriated land.

City court bars sale of family land

CT 16/10/92 (271)

By RONNIE MORRIS
Supreme Court Reporter

THE Supreme Court yesterday blocked the unauthorised sale of a Zeekoevlei man's family land on which they had lived since the 1930s to a speculator and developer.

In terms of the order granted by Mr Acting-Justice C B Prest, an interim interdict against the chairman of the Development Board, the chairman of the Development and Housing Board, the Registrar of Deeds and a Mr P Basson on September 7 was discharged.

Pending an application by Mr John Hendricks to the Commission on Land Allocation and the Administrator, the chairmen of the boards and Mr Basson were interdicted and restrained from continuing with the transfer of the property.

The Registrar of Deeds may also not affect transfer of the land to Mr Basson or anyone else and Mr Hendricks and his family may also not be evicted.

In papers Mr Hendricks said the Community Development Board had paid his grandfather R39 000 for the land in 1984 under the Group Areas Act but in April this year it had been sold to Mr Basson for R23 000.

In May Mr Basson sold the land to the New Apostolic Church (Cape) for R160 000. A clause preventing speculation was deleted from the terms of sale between Mr Basson and the chairman of the Development and Housing Board, he said.

Mr Hendricks said it could be inferred the boards' decision to sell the land to Mr Basson was invalid and made in bad faith because the selling price had been fixed below the value of the property, Mr Basson had acquired the land for speculation and no attempt had been made to find out if he and his family wanted to buy the land for the selling price.

Another factor was the decision to sell the property by private treaty, on favourable terms, when those concerned knew the Advisory Commission on Land Allocation had been asked to look into and then report to the State President regarding the sale of land from which people were moved under the Group Areas.

In a letter to Mr Hendricks's attorneys, the state attorney said the government conceded the sale had not been properly exercised.

POLICY

Softly, softly on land issue



TITO MBOWENI ... "There are people alive whose land was expropriated by government."

By SEKOLA SELLO

THE ANC, only three weeks away before holding an important policy conference, does not seem anywhere near resolving one of the major problems facing it, the question of the land.

A draft document of the ANC which is currently being discussed by the membership before the policy conference at the end of this month, clearly shows the dilemma facing the organisation.

Objectives

The introduction to the document says two of the three basic objectives of the ANC policy are:

- First, to overcome the legacy of inequality and injustice created by colonialism and apartheid.
- Second, to develop an economy and state infrastructure that will progressively improve the quality of life of all South Africans.

These objectives go to the heart of the South African problem. The legacy of State-created inequality is largely responsible for a situation where 87 percent of the land is owned by whites who constitue only 13 percent of the total population of the country.

The other side of the dilemma is how to redress the inequalities without creating serious economic disruptions. The ANC is aware of the trials and tribulations faced by Zimbabwe President Robert Mugabe who has been trying to solve a similar problem for the past 12 years.

The ANC's draft document on land and agricultural policy clearly reflect this dilemma. The document notes that "dispossession and denial of rights to land have resulted in the present unequal division of land and landlessness, which will require legislative intervention far beyond the mere repeal of apartheid land laws".

Aware of the opposition land redistribution policies will definitely elicit among whites and most likely also taking international opinion into account, the document calls for a very cautious approach on this issue.

The document calls for a comprehensive land reform programme which will include the following:

- Redressing the injustices caused by apartheid's policy of dispossession;
- Addressing demands and grievances concerning land restoration and ownership by the creation of a special land court through which competing claims to land can be resolved;

Diversity of tenure

- Creating institutions to which the homeless and landless will have access in order to obtain land, shelter and necessary services;
- The recognition and protection of the diversity of tenure forms in our country;
- The promotion of a policy of affirmative action within a viable economic development programme to ensure, among other things, access to land with secure rights for residential settlement, as well as access to good agricultural land, which will create new opportunities in this sector.

The ANC envisages a land claims tribunal which will hear cases of people competing over any piece of land. According to the document, priority will be given to victims of forced removals, "who had their lands taken by the apartheid state".

ANC economist Tito Mboweni recently explained on SATV that there are cases "in living memory" of people whose lands were expropriated by government. These people, he said, had a strong case to demand their land back.

Allay fears

In order to allay the fears of those who may be affected by these land reform measures, the document proposes that "compensation will have a big role to play in dealing with competing claims".

However, the document is less clear on how an ANC-led government will recognise and protect tenure under which most whites own the land – and their expected resistance to giving it up – while at the same time being legislatively able to acquire land for the dispossessed.

Twelve years after independence, Mugabe is still trying to resolve an almost identical problem.

Can the ANC succeed in reconciling the needs of the dispossessed and the dispossessors? The ANC document on land policy – it must be emphasised this is still in a draft form – does not seem nearer solving this vexing problem.

Land redistribution is the priority

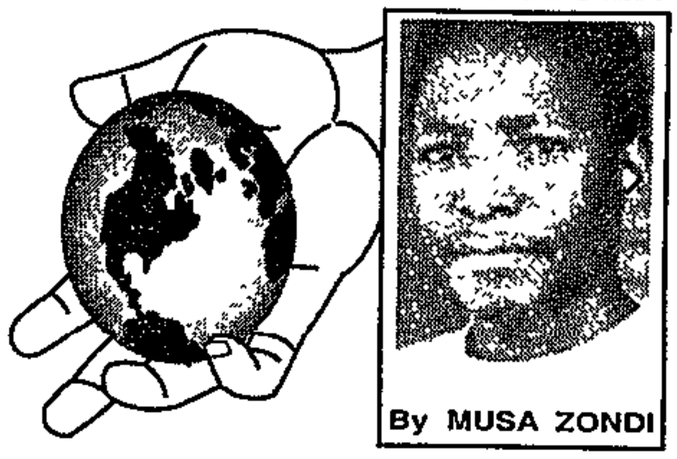
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Soweto 13/3/92



ROOTS

AN ENVIRONMENTAL COLUMN



By MUSA ZONDI

I HAD hoped the column last week would generate an intense debate on the environment - how we view it and how we integrate it into our programme of action - the fight for truth and justice.

Mr Charles Ndabeni, a member of the South African Council of Churches' Justice, Peace and Integrity of Creation has written an effusive response.

He argues that the fight to save our environment must be people-centred and reflect more on people and their relationship with nature. But I will not give myself the burden of translating what he said

Here is his response:

"As rightfully indicated in the article, there is an environmental apathy especially among the majority of the people in this country.

Before any blame could be apportioned to any person or organisation, some serious analysis should be done to identify the primary reasons for this state of affairs.

It should also be indicated that the struggle for environmental justice in the world, and in South Africa in particular, is a process that has been ongoing for some time now. It has been happening without greater public awareness.

Furthermore, land is central to environmental conservation in this country. There cannot be an environmental conservation without addressing the question of land - the 87 percent and 13 percent distribution.

This is precisely why the Justice, Peace and Integrity of Creation (JPIC), a World Council of Churches initiative, at its assembly in 1983 in Vancouver called on the churches to engage 'in a process of mutual commitment to justice, peace and integrity of creation'.

The problem with such an initiative is putting it into context for particular countries - especially South Africa with its multi-dimensional problems It also goes with the kind of support it can gain within a short space of time.

But because of the long struggle against injustice by the majority of the people of this country, many structures and organisations already exist and are presently waging a strong battle against unjust laws and practices in all levels of society.

The JPIC process is not intended to operate independently of these, which includes advocacy work on injustice issues, mainly restoration of human rights and distribution of the wealth, land and other resources.

Our country is plagued with injustice, oppression, violence and destruction of the environment, thus the issue of the apathy on the already abused environment, should not be seen as an isolated incident completely divorced from the pursuit for justice and peace in this country.

Because of the disproportionate distribution of land, environmental concern or conservation has been and continues to be the preserve of whites in this country because of their standing relationship to the land

Let us just pause for a minute and think of the following Act No 73 of 1989: Environment Conservation Act of 1989. There was no consultation for submissions from black people with reference to environment conservation in South Africa.

There is close to more than a thousand conservation, wildlife and general environmental groupings in this country and all are predominantly white-controlled.

There are very few black faces in these organisations

Surely there are good intentions and reasons for this The only organisation well-known in the black community is the National Environmental Awareness Campaign which is unfortunately only based in Soweto.

The liberation movements have desks or departments already set up on environmental issues. Surely these are good signs.

But in spite of these well-intentioned efforts towards achieving environmental conservation in South Africa, the result just does not yield as yet what is desired.

This is true as we realise how disproportionate desire and results, or how separate wishes and facts could be. But still, who can stop us from wishing and desiring for a free, safe and clean environment?

JPIC calls for action on environmental issues in this country.

At no point in time than today is the concern for environmental conservation so urgent. But at the same time, we also realise how blatant and devastating our experience of apartheid is.

Maybe part of the reason for our lack of involvement and participation on environmental issues, is that people are presently preoccupied with violence and the unfolding political process, thus not giving much attention to this important issue. But we also know that our people's desire for peace in South Africa is very strong.

Poisoning of the air and water, and increasing loss of soil fertility causes more diseases, hunger and anger. Much of what is happening is the result of the apartheid system in South Africa.

We need to·

- Affirm that God is in charge of creation, and that He has coded a close bond between justice, peace and the well-being of the whole of creation
- Work towards the creation of unity that seeks to build trust and respect for each other's differences.
- Affirm that all life is sacred and that we shall strive together to stop the violence which our country is presently engulfed in.
- We shall create areas of wilderness as sanctuaries to be preserved for human contact with nature.

Together with many others, we can advance environmental conservation in South Africa. I will certainly go along with a people-centred environmental ethic.

I also agree that our dreams for a new society cannot remain dreams, thus our envisaged freedom and liberation should include the liberation of the present unsafe environment riddled with toxic waste deposits, polluted water resources, extensive deforestation, land degradation and soil erosion."

State rushes to sell disputed tribal land to white farmers

STATE officials have rushed through the sale of 6 000 hectares of public land to white farmers knowing that black former occupiers have lodged claims to be allowed to return to the land.

By BRIAN POTTINGER

After months of delay, the officials quickly closed the deal and registered the transfers within a few days — before a government commission on land claims could hear arguments from the former inhabitants.

Mr Justice Van Reenen, chairman of the Advisory Commission on Land Allocation, this week ordered an immediate inquiry into the sale of the more than 6 000ha at Majeng near Barkly West, in the northern Cape, to six white farmers two weeks ago.

"We are having a lot of difficulties in this regard," he said, but declined to comment further

In March Judge Van Reenen publicly appealed to the government to freeze the sale of all land under review by his commission. The body was set up by the government recently to adjudicate conflicting land claims in the post-apartheid era.

The Majeng land was sold despite:

- A promise by Agriculture Minister Kraai Van Niekerk in May 1990 that agricultural land seized by the government in terms of apartheid's consolidation policies would not be sold, and
- A pledge by Dr Jacob de Villiers, Minister of Regional and Land Affairs, that black communities forced off their land by past policies would be given a chance to put their case to the Land Commission.

Urgent

This week lawyers representing the Majeng community, shocked by the sudden registration of sale, were preparing to take legal action to challenge the transaction.

The transfer of the land has taken even ministers by surprise.

Dr De Villiers conceded in a letter to the legal representatives of the community on June 18 that he was unaware the Majeng land had been advertised for sale He promised to arrange an urgent meeting between the legal representatives, himself and Dr Kraai van Niekerk, under whose jurisdiction the matter ultimately falls, to discuss the issue.

The date for the meeting was to be set on Dr De Villiers's return next week from abroad. He will be too late: officials have forged ahead with the registration of the deeds of sale.

The Majeng community only recently discovered that the land they were contesting was in the final stages of being parcelled up and sold off to white farmers

The community lived in the area between the Harts and Vaal rivers near Barkly West since before the turn of the century.

Between 1969 and 1974 the families were compelled by the government to move to Vaalboshoek, about 50km away, which was later incorporated in Bophuthatswana. In 1984 many of the families were again moved — this time to Kgomotso, about 30km from Majeng.

The Majeng land, meanwhile, was registered in the name of the SA government. For years it lay fallow and was then leased to neighbouring white farmers.

Since late 1989 members of the Majeng community have petitioned the government for permission to return to the land — either as tenants or owners.

The Majeng community's name has appeared on all the lists of dispossessed communities represented by the National Land Committee — an association of legal and development agencies — since March last year.

Expense

On March 17 this year lawyers advised the Land Commission that representations were to be made on behalf of the Majeng community for the return of their land.

A delegation of former residents went to visit one of the white farmers presently occupying Majeng land early last month to request permission to visit and clean their ancestors graves.

The occupier refused them entry and claimed that he and other white farmers had already bought the property. The astonished delegation also heard that a large section had been acquired by the Department of Correctional Services for the building of a prison.

Lawyers representing the community were then told by the government that the farm had been sold on January 31 to an unnamed number of farmers.

The Majeng land had been advertised in 1989 and was available to farmers with adjoining properties.

The purchasers of the new land would have to consolidate their land with the newly acquired land at their own expense within five years.

The sale took effect from January 31 this year — nearly 20 months after the promise by Mr Van Niekerk that no more land expropriated from blacks would be sold.

Signed

On Saturday, June 20, this year, impatient with refusals to allow them to visit their ancestors' graves, the Majeng community attempted to unilaterally visit the family graves on one of the white-occupied farms. Police turned them away.

The demonstration, however, had an apparently electrifying effect on the bureaucracy.

On the following Monday, June 22, the six farmers hastily signed their final assurances that they would consolidate the newly purchased land with their existing holdings.

The documents were delivered the next day by hand to the Deeds Office in Kimberley. The title deeds were lodged and registered the same day — remarkable given that the usual registration period is at least a week.

The Department of Agricultural Development official dealing with the Majeng matter has since been transferred and was unavailable for comment.

The departmental official at present responsible for Majeng did not respond to inqueries.

(c) No.

Plutonium shipments

393. Mr R F HASWELL asked the Minister of Environment Affairs:

(1) Whether the South African delegate to the International Atomic Energy Agency Conference held in Vienna, Austria, on 22 September 1992, lodged an objection to the possible routing of plutonium shipments via the Cape sea route; if so, what is the (a) name of this delegate and (b) purport of the statement or comment made on this occasion;

(2) whether the South African Government is in official contact with the Japanese government concerning the possible shipment of plutonium via the Cape sea route, if so, what are the details of the plans and other arrangements made in this regard,

(3) subject to (a) what conditions and (b) whose approval will shipments of plutonium be allowed to enter (i) South Africa's (aa) exclusive economic zone or (bb) territorial waters or (ii) South African ports,

(4) whether there has been a change in his or his Department's policy in regard to allowing plutonium shipments within South Africa's exclusive economic zone; if so, (a) why has there been a change, (b) what is the nature of this change and (c) what, in brief, is the new policy, if not, (i) what, in brief, is the existing policy and (ii) how will it be enforced?

B904E

The MINISTER OF ENVIRONMENT AFFAIRS:

(1) No official statement or comment on this matter was made by the South African delegate to the conference.

(2) The Japanese government has been apprised of the technical and legal requirements in respect of transport of radioactive materials in South Africa, including the territorial waters, related to the IAEA transport regulations and licensing requirements The Japanese government is still considering several different sea routes. Should it be necessary, appropriate application will be made.

(3) According to the Nuclear Energy Act, plutonium is a radioactive and fissile material and as such its transport is subject to the controls applicable to such material in accordance with IAEA "Regulations for the Safe Transport of Radioactive Material", for the purposes of which the Council for Nuclear Safety is the National Competent Authority In addition, vessels carrying such materials may, under certain circumstances, require to be licensed in terms of the Nuclear Energy Act, the licensing authority being the Council for Nuclear Safety

In terms of the IAEA regulations, multilateral approval is required for the design of the package used to transport this material. Such multilateral approval would not be applicable where the passage of the vessel is through the exclusive economic zone but would apply if the vessel passes through South African territorial waters. Where such multilateral approval is necessary, the consignor of the material is required to obtain such approval Multilateral approval is given by means of a certificate of design validation issued by the Council for Nuclear Safety and is issued upon submission and satisfactory evaluation of an engineering safety assessment Such assessment must demonstrate that the package meets all the test requirements specified in the International Atomic Energy Agency transport regulations and was manufactured in accordance with a quality assurance regime adequate to demonstrate compliance with the manufacturing specifications In addition, assurance of compliance with the package maintenance programme must be provided.

Should it be required in terms of the regulations, multilateral approval of the actual shipment may also be required. Similarly, such approval is given by a certificate issued by the Council for Nuclear Safety and may include provisions relating to the mode of transport, type of cargo, freight container and any necessary routing instructions. It would address supplementary operational controls in respect of the preparation, loading, transport, storage, unloading and handling of the consignment, including any special

stowage provisions It would also include emergency arrangements.

In addition, should such a vessel wish to enter a port, anchor or sojourn, in South African territorial waters, for any reason whatsoever, such vessel must be licensed by the Council for Nuclear Safety The licensing process requires a comprehensive quantitative assessment of the risks involved to be carried out, a comprehensive emergency plan to be established and financial guarantees to be provided in respect of any liability for nuclear damage which may be incurred by the licensee, should this be required by the Minister of Mineral and Energy Affairs

(4) No

Disposal of land

394. Mr J A JORDAAN asked the Minister of Regional and Land Affairs:

(1) Whether any land listed in Schedule 3 of Proclamation R.28 of 31 March 1992 was not referred to in a general notice issued by the Advisory Commission on Land Allocation on 2 October 1992; if so, (a) what land and (b) why;

(2) whether this land has been disposed of; if so, (a) at what price, (b) for what purpose, (c) when and (d) to whom;

(3) whether the disposal of this land was made public; if so, (a) when and (b) in what manner?

B890E

The MINISTER OF REGIONAL AND LAND AFFAIRS:

(1) No general notice for public attention has as yet been published by the Advisory Commission on Land Allocation regarding the utilization and allocation of the state land concerned. In accordance with the said Commission's mandate as stipulated in section 91 of the Abolition of Racially Based Land Measures Act, 1991 (Act 108 of 1991) an advice has, however, been submitted to the State President regarding the identification of land which has not yet been developed or allocated for a specific purpose This advice not only includes land mentioned in Schedule 3 of Proclamation R.28 of 1992, but also other state land

(2) and (3)

No The future allocation, alienation and utilization of the land concerned will take place on the basis of Governmental decisions taken on the advice of the Advisory Commission on Land Allocation and relevant bilateral agreements.

Transferral of land in East London district

395. Mr J A JORDAAN asked the Minister of Regional and Land Affairs

(1) Whether any land in the East London district was transferred to his Department on 1 April 1992 in terms of paragraph (e) of Proclamation R 28 of 31 March 1992; if so, for what purpose is this land being used or held,

(2) whether his Department is planning to develop this land; if so, what is envisaged in this regard?

B891E

The MINISTER OF REGIONAL AND LAND AFFAIRS:

(1) and (2)

No The land was not transferred to the Department of Regional and Land Affairs but to the Minister of Regional and Land Affairs. The land concerned comprises all the former South African Development Trust properties which are not situated within the jurisdictional areas of the TBVC States and Selfgoverning Territories The allocation and utilization of the land will be determined by means of bilateral agreements and advice of the Advisory Commission on Land Allocation

The development of the land concerned is being undertaken by the respective line function departments

Management of political party: member of SAP

396. Mr A GERBER asked the Minister of Law and Order:†

(1) Whether a certain member of the South African Police, whose name has been furnished to the Police for the purpose of the Minister's reply, serves on the management of a political party; if so, (a)

The evaluation and possible release of prisoners who committed crimes with political motivation in terms of the decision by the Government on 26 September 1992, is conducted by a joint committee. Information which was submitted to this committee included information which also served before the Consulting Body and the Indemnity Committee and the principle of confidentiality which was applied there is now also being applied. Therefore, it is not considered advisable to provide the information as requested by the Hon member.

In general I can also refer the Hon member to the Statement by the Government spokesman dated 26 September 1992, which *inter alia* deals with the release of prisoners who have committed crimes with political motivation (see reply to Question No 382).

Handing over of land to Ciskei

388. Mr P G SOAL asked the Minister of Regional and Land Affairs:

(1) Whether approximately 12 000 hectares of land in the Chalumna area south-west of East London had been handed over to Ciskei by January 1989, if so,

(2) whether, at that stage, approximately 8 000 hectares of the above tract of land were owned by the South African Development Trust and the remaining land was to be acquired as soon as possible; if not, what was the position in this regard; if so, (a) which farms constituted the land owned by the Development Trust and (b)(i) which farms were subsequently acquired by the Development Trust to make up the remaining approximately 4 000 hectares, (ii) at what total cost and (iii) in respect of what date is this information furnished,

(3) whether any of the farms making up the above 12 000 hectares, or portions thereof, have been disposed of, if so, (a) to whom, (b) at what price and (c) for what purpose?

B886E

The MINISTER OF REGIONAL AND LAND AFFAIRS:

(1) No. The so-called Chalumna area consisting of ± 12 000 ha would initially have been incorporated into the Ciskei in terms of a bilateral decision Certain factors have had the effect that the Government had decided not to incorporate the area into Ciskei, as originally decided, but that the area would be kept as part of the RSA for the purposes of settlement of the Imidushane Tribe under Chief Jongilanga

(2) and (3) Fall away.

Citizen of Ciskei appointed as chief

389 Mr J J WALSH asked the Minister of Regional and Land Affairs

(1) Whether a certain citizen of Ciskei, whose name has been furnished to the Minister's Department for the purpose of his reply, was appointed as a chief in accordance with Notice 80 of 1990 published in the *Government Gazette* on 9 February 1990, if not, in terms of what statutory provisions and/or regulations was this person so appointed, if so, (a) why was he appointed and (b) what is his name,

(2) whether the said notice has been amended since it was published in the *Gazette*; if so, (a) why and (b)(i) in what manner and (ii) to what extent?

B887E

The MINISTER OF REGIONAL AND LAND AFFAIRS:

(1) Yes.

(a) The person referred to was appointed as chief after a formal request was received from the Imidushane tribe.

(b) Doyle Mpuhle Jongilanga.

(2) No.

(a) and (b) Fall away

Issuing of identity documents: Johannesburg

390 Mr P G SOAL asked the Minister of Home Affairs:

(1) How many (a) identity documents had been issued by the (i) office of the regional representative and (ii) district representatives of his Department in Johannesburg since the referendum on 17 March 1992, and (b) applications for identity documents remained to be finalized, as at the latest specified date for which information is available;

(2) whether there is any delay in the issuing of identity documents in Johannesburg; if so, (a) why and (b) what is the extent of the delay;

(3) whether he will consider opening the offices of the district representatives in Johannesburg on Saturdays in order to deal with any applications for identity documents; if not, why not; if so, when?

B888E

The MINISTER OF HOME AFFAIRS:

(1) (a) (i) 25 597.

(ii) 66 050

As at 19 October 1992

(b) There is no backlog Applications are forwarded daily to the Department's Head Office in Pretoria for processing

(2) No

(3) The Department is continuously endeavouring to look after the needs of its clients, and it is also striving to arrange its office hours, whenever possible, in accordance with the needs of the public In the light of the afore-mentioned, the Department is of the opinion that, also with due consideration of limited funds, the stage has not yet been reached to open the offices concerned for longer hours in the week, or on Saturdays, or to open more sub-offices in the Witwatersrand.

Imidushane Tribal Authority: development of villages

391 Mr J A JORDAAN asked the Minister of Regional and Land Affairs:

(1) Whether, with reference to a statement made in September 1990 by a certain regional representative of the former Department of Development Aid, whose name has been furnished to the Minister's Department for the purpose of his reply, any villages were developed or are being developed on State-owned land in the vicinity of the Imidushane Tribal Authority that used to be owned by the South African Development Trust; if not, what is the position in this regard; if so, (a) how many villages are involved, (b) where is each situated or to be situated and (c) what is the name of the above regional representative;

(2) whether the development of these villages has been completed, if not, why not; if so, when, in each case;

(3) whether it is the intention (a) to develop these villages further, (b) to extend the area covered by the Imidushane Tribal Authority to include these villages and (c) to build more villages; if so, what are the relevant details in each case?

B889E

The MINISTER OF REGIONAL AND LAND AFFAIRS

(1) (a) The Department of Regional and Land Affairs is not in posession of the statement issued by the Regional Representative, East London, of the former Department of Development Aid The development referred to entails eight (8) residential areas (villages) which have been planned and which villages are being developed in the so-called Chalumna Area The residential areas, with rudimentary services, are not proclaimed townships and are being developed for the settlement of members of the Imidushane Tribe and farm labourers employed on projects in the Chalumna Area allocated to the said tribe

(b) The residential areas are situated in the allocated Chalumna Area, in extent approximately 12 000 hectares

(c) The former Regional Representative referred to, is presumably Mr C L Attwell.

(2) No, the development takes place continuously according to available funds for the Chalumna Development Project.

(3) (a) Yes, the development of the residential areas and the provision of rudimentary services take place continuously

(b) Yes (c) No

tally treated.
AFP

Names given to T'kei inquiry

CT 28/10/92

UMTATA. — The names of 20 inmates believed to be political prisoners will be submitted to a commission of inquiry headed by former Zimbabwean Chief Justice Mr Justice Enoch Dumbuntshena.

Lawyers for Human Rights regional director Ms Denise Rudolph said here yesterday she could not say if the list included those allegedly involved in the 1990 Transkei coup. — Sapa

ship.

Both are on trial for 23 offences, including murdering and robbing American tourist Mr Edward Perlmutter, 24, in the Knysna forest in October last year.

Yesterday Mr Perlmutter's father, Mr Joe Perlmutter, wept in court as he told how ... backpacked through South-East Asia and Australia before coming to South Africa.

He and his wife had become alarmed when their son failed to return home for Thanksgiving and ... found th... mail in...

Mr Pe... of his ... the Kny...

Call to stop govt land sales

JOHANNESBURG. — The SA Council of Churches called on the government yesterday to halt immediately the sale of state land to individuals and the transfer of some of it to homelands, and for a moratorium on land transfer until a "representative government" was in place.

CT 28/10/92

"The current sale of land, most of which has been done under the cloak of secrecy, as well as recent announcements of the transfer of land to KwaZulu, Lebowa and QwaQwa, are the most insensitive things the National Party government can do at this point," the SACC said.

"We warn that this step can contribute to the current climate of violence and instability," the organisation said. — Sapa

271

Keegan: Freeze District Six

CT 28/10/92

Staff Reporter

THERE was a good possibility that property in District Six would have to be frozen or "banked", until a democratically-elected and legitimate city council could take the development further, Cape Town deputy mayor Mr Clive Keegan said last night.

Addressing a meeting of the South African Property Owners Association on "the imperatives facing metropolitan Cape Town", he said that because of the impasse in negotiations about the future of District Six and the highly emotional nature of the question, it might become neccessary to "bank" the land.

On the question of political negotiations, he said community organisations in the Western Cape were, through no fault on their part, "desperately ill-equipped" with the skills necessary for such negotiations.

It would be difficult to get political negotiations going in the Western Cape until national political developments got underway, but more progress had been made in the region in the development sphere.

Land owners urged to unite for future

PRETORIA — Deputy Land Affairs Minister Johan Scheepers urged land owners this week to oppose any effort by a future government to subdivide or nationalise their land.

Scheepers said in Port Elizabeth a clear policy on land, not to be confused with the White Paper on land reform, was being developed.

Owners should form a pressure group to ensure the maintenance of their title rights and the protection of property rights, he said.

GERALD REILLY

The group would also have to watch developments in land speculation and exorbitant land prices.

"What is important, too, is that those who were disadvantaged in the past by race-based legislation will have to become land owners."

There was an imbalance between white land ownership and the rest of the population, he stressed.

This would have to be addressed by making land available and accessible to disadvantaged people, and those who had valid claims to state land had to be given the opportunity to put forward their cases.

He said direct state intervention in the land market should be kept to a minimum. Legal and administrative impediments to the change, use and ownership of land should be removed.

No to Apartheid Land Deals

As non-government and service organisations, we are all too aware of the desperate need which exists for access to land. However, we are concerned that the transfer deals made to honour past promises to homeland governments are aimed at winning allies in a future election, and not addressing land hunger. W\Mail 30|10-5|11|92.

When the government repealed the Land Acts and Groups Areas Act in 1991 it made it clear that it was not accepting the principle of restitution to victims of past policies. Yet now, the government is seeking ways of fulfilling homeland governments' claims for compensatory land. The government claims that its recent agreements with homeland governments around land transfers are aimed at addressing land hunger. But if the government was genuinely interested in resolving the land issue, why has it repeatedly tried to sell off land being claimed by communities? The most recent examples of such attempts are in the northern Cape (Majeng community) and the Western Cape (Rondevlei).

This kind of contradiction leaves us no option but to believe that the transfer deals are aimed at boosting government power and support among homeland governments and have little to do with addressing land issues. It seems that government decisions around land are motivated by potential political gain for itself, regardless of the cost to South Africa. Pre-emptive social engineering of this kind undermines the capacity of local communities to engage with the processes of transition and development and will have negative consequences for genuine democracy, justice and peace.

The land question is one of the most sensitive issues to be resolved in South Africa. In this period of transition, the government was understood to be adopting a caretaker role regarding continuing administrative functions, pending implementation of an acceptable system of government. Transfer of precious and finite land assets from one apartheid bureaucracy to another will neither assist resolution of the land question nor negotiations for a new, acceptable constitution.

Landing rights take issue back down to earth

By ZB MOLEFE

OVER the years some black politicians have been more vocal about it. Others talked about it in hushed tones. But there is no mistaking that these discussions have one thing in common: SA belongs to blacks.

And it is the PAC, since its founding 34 years ago, which has been more vocal and unwavering in its demand for the return of "usurped land".

Last week the land question was again brought to the front burner of the country's political arena.

The ANC joined forces with Human Rights groups in attacking the government's latest action on the land issue where thousands of hectares of former SA Development Trust land was handed over to unnamed corporations in Lebowa and QwaQwa.

Meanwhile, in Australia it was announced that Aborigines and government leaders are to begin a series of urgent talks to sort out their country's land ownership laws.

That must have struck a familiar chord with most South Africans who have read SEM Pheko's recently-published *South Africa: The Betrayal of a Colonised People.*

The SA-born Zambian jurist argues that Britain betrayed Africans in 1909 when the Union of SA came into being. And this betrayal, according to Pheko, was completed in 1961 when the Union committed an unconstitutional unilateral declaration of independence (UDI) and declared itself a Republic.

The author, who studied at the universities of SA, Zambia and London, bases his argument on principles of international law which raises the question of SA's legality as a sovereign nation.

"The 1961 South African Constitution was illegal," writes Pheko.

He quotes Zimbabwean international lawyer Mudimuranwa Mutiti who said: "the 1961 Republic Act was never ratified or assented by Britain, therefore, it was an unconstitutional unilateral political action."

In the same breath, Pheko reminds the reader that historically Britain has always crushed rebellions against the Crown – but only when they were led and inspired by black leaders.

Pheko argues and advances a number of international law points when he writes that SA was never a so-called independent or sovereign state of Britain.

This is in spite of some lawyers and European politicians who have said Britain's Westminster Statute of 1931 conferred independence or sovereignty of SA, Pheko points out.

Pheko also reminds his readers that when General JB Hertzog hailed Britain's 1931 Westminster Statute as meaning that SA had "sovereign independence and finality with regard to the country's freedom" it was described as "more sentiment than substance" in the House of Commons.

"Even some African leaders were led to believe that SA was an independent state," saidPheko.

Indigenous

Wits University's Professor John Dugard advanced the argument saying that because SA was a member of the then League of Nations it is evidence that SA is indeed an independent state.

Another flaw Pheko finds is the argument that the dominion status elevated SA to an independent or sovereign state. But, he argues further, "dominion" is neither a term nor a concept of international law.

Instead he finds "dominion" racist in origin. For instance, colonies such as Australia, SA and New Zealand, where Britain settled its own population, were the only ones termed "dominions".

Pheko then quotes constitutional lawyer HJ May who declared that: "On strictly legal grounds the dominions were subordinate to Great Britain."

Adds Pheko: "Britain is not the only colonial power which tried to manipulate international law by applying concepts that were foreign to international law.

"In international law a territory is either a state, a colony or a protected state."

Despite the political arguments, what are the feelings of black South Africans?

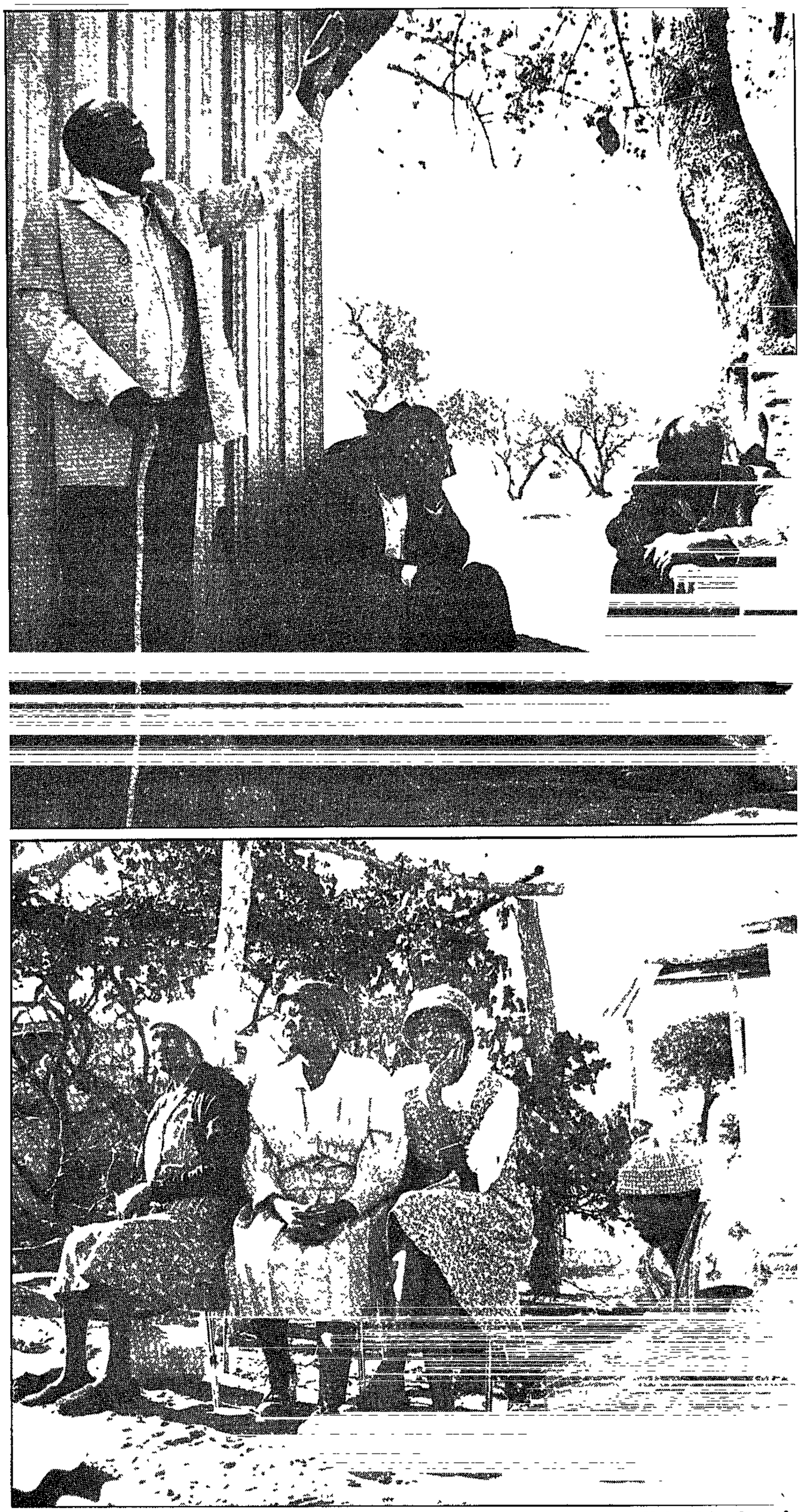
Pheko pulls no punches: "The indigenous people of Azania have never accepted the so-called independence of SA, except the advocates and minority adherents of the Freedom Charter."

Africanist Muziwakhe Anton Lembede advocated the policy of fighting for independence of Azania while PAC leader-founder Mangaliso Sobukwe said his organisation stood for "the complete overthrow of white domination. That means that the Act of 1909 – that fossiled relic of the white man's privileges and prejudices – must be scrapped".

Pheko also argues strongly against the historical misconception that whites found most of SA an "empty land".

There are Portuguese records of shipwrecks that provide ample evidence that SA was inhabited by African people long before 1652 when Jan van Riebeck landed in the Cape.

There is a section in the book where Pheko gives the authentic native names of numerous South African areas proving that blacks peopled SA long before white colonialism.



WAITING FOR THE PROMISED LAND . . . While the government lavishes a handful of friends and allies with gifts of land, millions of dispossessed and impoverished rural people wait desperately for a glimpse of hope. ■ Pics: GILLE DE VLIEG

Case of one acre, one vote

Are the Nats robbing land from poor to gain political support?

By LENNOX DIVER

IT seems that with this government all's fair in love, war – and land.

Land, an issue at the heart of the struggle for SA, is being given away willy-nilly by the Nats to individuals, private companies and homeland bureaucrats. And you can bet on it that they're all buddies or potential allies of the Nats.

So say the government's opposition, an equally interesting assortment of community bodies, land activists, priests, and parties – especially the ANC.

They say the latest manoeuvrings on the issue can be put down to rank electioneering.

They trace the government's decision to hand out 12 000 square kilometres of State land – or one percent of the country – to blacks, to a statement from Foreign Minister Pik Botha earlier this year.

Botha said that, according to his calculations, the Nats could win over 50 percent of the vote in a non-racial election.

He mentioned that this figure included key support from the homelands.

Facing a call to stall the land transfers – the activists want a moratorium on the policy – the government has come out fighting in a manner reminiscent of days gone by.

Deputy Minister of Land Affairs Johan Scheepers ripped into "the ANC" for trying to "jeopardise development".

He said the ANC had a "political agenda" to get into a position where it called the shots on the redistribution of State land.

However, opposition groups and observers found his assertion regarding land more than a little humorous. Earlier the government said in a statement that "further consultation with affected communities was not deemed necessary", invoking the angry accusation from critics that the government was "returning to its old, autocratic style".

The government's attitude also seemed to nullify previous policy set down in 1991 in a White Paper which stated that transfers of land to the homelands were to stop. This was followed by a law which abolished "racially based land measures".

The National Land Committee, a coalition of organisations representing people deprived of land under apartheid, said the government was trying to "pre-empt any real solution to the land question in SA".

It said that at a time when dissolving the homelands was supposed to be on the agenda, the government was trying to build up the system.

The committee said that the land being given away had for years been owned by the State through the SA Development Trust (SADT). It said: "It is this land which should be made available for redistribution to needy communities. Clearly, the present government is seeking to put this land beyond the grasp of any future government.

"The transfer of land is also aimed at redrawing the boundaries of SA to make a federal system of government a reality before it is even negotiated."

Who are the beneficiaries of the government's new-found generosity?

The government has said each homeland's development corporation and agricultural department will benefit, while private agricultural corporations such as the Zebedelia Citrus estate, will also get a bite.

"What the hell is happening? Why these free gifts to these people? The homelands' authorities have proven to be notoriously corrupt. Who the hell are these estates to get land when millions of rural people are running around desperate for extra grazing land?" said an incensed organiser for the Transvaal Rural Action Committee (Trac).

It helps the government little to know that one of the beneficiaries, Lebowa, was this week slammed for rampant corruption by Johannesburg chief magistrate Oelof de Meyer.

De Meyer's one-man commission was set up by the government in 1989 to investigate graft precisely in Lebowa's Development Corporation and its Agricultural Corporation!

Among 750 pages of findings was the revelation that whole departments were created without authorisation and were run by highly paid non-existent officials. The cost to taxpayers ran into billions.

In the midst of chaos and uncertainty on the land question, the National Land Committee had recommended that, despite its shortcomings, the government ought – as an emergency measure – to return to its own Advisory Commission on Land Allocation (Acla).

It said: "We believe that the future of all this land should be determined under a properly constituted Land Claims Court whose decisions would be binding, and which would serve under an interim government."

However, Trac said that the government had already gone ahead with the transferral of 380 square kilometres of land to Lebowa and 52 square kilometres to QwaQwa.

Still to come is the handing away of 168 square kilometres of land to KaNgwane and KwaNdebele and other smaller homelands.

"The biggie," said the Trac source, "is 600 square kilometres to KwaZulu."

The additional tension this would create in war-torn Natal was, he said, enormous.

Meanwhile, Minister Scheepers does not agree that land reforms are being overridden.

On the contrary, he said the government was in fact addressing the disparity in the black and white ration in land ownership.

The government's aims were philanthropic. He said it wanted "to improve the quality of life for the people".

He said: "The government will still endeavour to address this sensitive issue responsibly and with understanding."

However, a land activist said: "That's pure Natspeak, which means bull . . . ".

Court rules out Majeng tribe's claim to land

ST Times 22/11/92 (271) Gow

THE sale of 6 000ha of farmland in the Northern Cape once occupied by the Majeng community, has been upheld by the Kimberley Supreme Court.

An application was made for an interdict to put on hold any further developments on the land. It was transferred to white farmers, who bought it on January 21, 20 months after the government announced a moratorium on the sale of land expropriated from blacks.

The ruling handed down on November 13 puts paid to the Majeng community's claim for the return of their ancestral land being heard by the Advisory Commission on Land Allocation (ACLA).

By HEATHER ROBERTSON

The land between the Harts and Vaal Rivers near Barkly West was the home of the Majeng community since before the turn of the century.

Between 1969 and 1974 the land was expropriated by the government and the families were forcibly removed to Vaalboshoek, about 50km away, which was later incorporated into Bophuthatswana.

On March 17 this year lawyers advised ACLA that representations were to be made on behalf of the Majeng community for the return of their land.

Allegations

It was subsequently found that the land had been sold to white farmers and the Majeng community sought an urgent interdict against the government, the Minister of Agricultural Development and the six farmers who bought the land.

The Majeng community argued that the transfer of the land was prejudicial to their right to have their claims considered by ACLA.

Mr Justice JJ Basson ruled that the land had been allocated for specific purposes before the Abolition of Racially Based Land Measures Act was introduced on June 30, 1991, and that ACLA could, therefore, not make recommendations to the State President on the Majeng community's claim.

He rejected allegations that the farmers had colluded with the government to rush through the deeds of sale.

"The government decided on its own to effect transfer as soon as possible after hearing about the threat of possible squatting," the judge said.

On the basis of an affidavit by Mr Jacob de Villiers, Minister of Regional and Land Affairs, the judge found that he had not given the Majeng community an undertaking that their claim would be heard by ACLA.

Mr de Villiers denied discussing particulars of the Majeng case at his meetings with the Land Committee representing a number of dispossessed communities in October and November 1991.

"I was in any case not aware of the status of the Majeng land at the time of these discussions. I did not know whether the land was state land or not," said Mr de Villiers.

Mrs Kate Owen, the Majeng community lawyer, said yesterday the ruling meant that all dispossessed communities would have to reassess their position with regard to ACLA.

"In my opinion, it is up to ACLA to interpret the terms of reference of the 1991 Act and decide on the merits of a claim. This decision has placed the most narrow interpretation possible on the law and effectively excludes most other claims by dispossessed communities being heard by ACLA."



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Up to 7 000 farmers 'are likely to be sequestrated'

271

B|DAY 26/11/92

BETWEEN 5 000 and 7 000 farmers were likely to be sequestrated this year as a result of the drought and subsidy cuts, swelling the ranks of the unemployed by up to 100 000, a leading development official said yesterday.

IDT drought consultant Steyn du Plessis said R3,8bn allocated by government to agricultural relief aid over the next three years was biased in favour of commercial farmers, but would ultimately work against them.

Much of the money was being used to liquidate credit guarantees, pointing to a significant reduction of government subsidisation of agricultural credit support, he said.

Du Plessis said the IDT had appointed auditors to investigate the allocation of money from a R9,65m fund to farmers for the subsidisation of labour. It has been reported that farmers have been fraudulently claiming for non-existent labourers.

Du Plessis said field inspectors from the IDT and the Rural Foundation, which had been appointed to channel relief money to farmers, would check all farmers who were benefiting from the scheme.

The subsidy of R7 a day per labourer had to be used to improve the conditions of farm workers and could not be allocated to commercial farming. The scheme applied to farmers who would have laid off workers.

RAY HARTLEY

"We aren't prepared to sacrifice the (employment creation) programme because of potential discrepancies committed by individuals who commit fraud."

Meanwhile, the Consultative Forum on Drought's agricultural task force has sent government a seven-point memorandum on how to improve the allocation of relief.

The forum is an alliance of government and development agencies.

Government has allocated R5m to "retaining the services of full-time labourers". This is in contrast to the R226m set aside for the payment of "carryover debt" and the R229m allocated for "interest subsidy: new production credit".

"The allocation of resources is biased in favour of the white commercial farming sector," the task force said. "In particular this bias in allocations and a lack of sensitivity to the range of agricultural activity in SA is reflected in the lack of explicit allocations for subsistence farmers, small farmers, tenant farmers and black spot communities."

Assistance had to be made conditional on "suitable labour and environmental policies being upheld".

Latest government statistics show the Agricultural Credit Board approved 207 applications for subsidisation of labour and rejected 25.

About R349 000 has been paid to assist farm workers, while R84m has been paid for grain storage.

Sapa reports that Transvaal Agricultural Union (TAU) president Dries Bruwer said last night the TAU would not permit inspections of members' farms by organisations such as the Rural Foundation.

He said the union dismissed claims of a drought relief scandal with "disgust". "The members of the union are responsible people who produce food for all the people in SA."

GERALD REILLY reports from Pretoria that Agriculture Minister Kraai van Niekerk said last night the mainly black rural population was being saved from the disastrous consequences of drought by tens of millions of rands in government aid.

Reacting to allegations that most drought aid was going to whites, with only R200m allocated to 15-million blacks, he denied claims of mismanagement of aid funds.

Van Niekerk said commercial farming supported 1,2-million mostly black workers and their 5,5-million dependents.

Up to end-August, R20m in food aid schemes had benefited 26 073 families consisting of 140 533 people of whom more than 78 000 were children, 97% of them black.

R2,80 (including VAT) ★ Southern Africa: R2,80, excl tax ★ Zimbabwe: Z$6,00, incl tax

Volume 8, Number 48. Nov 27 to Dec 3, 1992

De Klerk's giant land hoax

W/mail 27/11 - 3/12/92

271

GROWING evidence suggests that the De Klerk government is engaged in a giant hoax against victims of forced removals, and that the state is moving behind the scenes to block the return of land.

● The Advisory Commission on Land Allocation, set up by President FW de Klerk to defuse the land issue, appears to have been designed to ensure its own ineffectiveness.

● Authorities are selling off state land so as to move the properties beyond the reach of the dispossessed.

Already 38 dispossessed black communities are threatening to re-occupy disputed land unless the government acts promptly.

The ANC is investigating the creation of a Land Claims Court with powers of expropriation.

The last time there were protests over land, they ended in bitter racial clashes. With the rightwing AWB threatening to "necklace Mandela" over land appropriations this week, the issue looks set to explode once more.

● See PAGE 3

The ghosts that stalk the farms of Rust der Winter

See the PHILLIP VAN NIEKERK column on PAGE 16

What happened to [redacted]

The great land hoax continues

WMail 27/11 - 3/12/92 (80+) (271) (101)

State dispossession of black land is far from over — and the patience of its victims is wearing dangerously thin. **Weekly Mail Reporters**

THERE is growing evidence to suggest that the government may be engaged in a giant hoax against victims of forced removals and that the authorities are moving behind the scenes to block restitution

Thirty-eight dispossessed black communities have issued an ultimatum to President FW de Klerk to act on the land issue, or face a renewal of the re-occupation campaign which threatened to precipitate racial clashes last year

The threat comes amid other developments which throw doubt on the genuineness of the government's reform plans with regard to land restitution They include

●The virtual collapse of the Advisory Commission on Land Allocation (Acla) — De Klerk's initiative to defuse the controversy over restitution — as it becomes apparent that it was designed in such a way as to be almost totally ineffective

●Indications that the authorities are selling off state land in order to move title to the properties beyond the reach of the dispossessed

In the face of growing disillusionment with De Klerk's promises to deal "fairly" with the land issue, the African National Congress is investigating proposals for the creation of a "land claims court" with powers of expropriation

A confidential discussion document circulating within the organisation suggests that such a court be given powers to investigate claims going back to 1948 — or 1913, when the notorious Land Acts were introduced, carving up the country into racially defined territories and giving the black majority 13 percent of it

But the volatility of the issue was underlined this week when Afrikaner Weerstandsbeweging leader Eugene Terre'Blanche told a rally in Durban that Nelson Mandela would be "necklaced" if the ANC tried to seize white farmland The AWB staged a horseback parade through the streets of Durban on Tuesday night and burnt the ANC flag to chants of "burn Nelson"

The 38 dispossessed rural communities have given De Klerk until the end of January 1993 to take effective action on land restitution In a statement sent to the president last week, under the aegis of the National Land Committee, they said "we have very little patience left" with Acla.

The ultimatum follows last month's government announcement that it was transferring large chunks of state land to the homelands of Lebowa and QwaQwa, with other transfers expected to follow This step has the effect of making it more difficult to recover land lost to black communities under apartheid's laws

Acla, set up by De Klerk last year to defuse bitter controversy surrounding efforts by victims of forced removals to re-occupy their land, is believed to have completed some 15 investigations into specific claims But neither the commission nor the state president — to whom it is meant to report — has produced any conclusions

Apart from the delays, the credibility of the commission has been shattered by an extraordinary case in Kimberley in which the supreme court refused to halt the government's sale to white farmers of land from which the Majeng community had been forcibly evicted in the 1970s

Evidence led in the case described a bizarre series of events leading up to the court action After the repeal of the Land Acts last year, the Majeng community, with 13 others, asked the state president to restore their land Minister of Regional and Land Affairs Dr Jacob de Villiers appealed to them at the meeting — and subsequently on television — to take their cases to Acla, which would deal "fairly" with them

The Majeng people lodged a claim with Acla, but before it could be heard the state sold the disputed land to six white farmers. Government officials persuaded the registrar of deeds in Kimberley to rush through the transaction on the grounds that there was a danger "squatters" would occupy the land

The Majeng community discovered the transaction by chance and applied to the supreme court for an order to halt completion of the sale until Acla had had a chance to hear their application for restoration

Incredibly, the government — which had persuaded the Majeng people to go to Acla in the first place — then appointed lawyers to oppose the court action, on the grounds that the matter could not be heard by Acla anyway because it fell outside its jurisdiction

The terms of reference given to Acla by De Klerk restrict it to hearing applications relating to land owned by the state, which has been acquired by the state under the race laws and "which has not yet been developed or allocated for a specific purpose"

There is legal opinion that these restrictions are so tight that the only cases the commission is in fact empowered to hear are applications by white farmers whose land has been expropriated for incorporation into the homelands.

Other evidence that the government may be actively working to undermine any future restitution programme has been uncovered by the Surplus People's Project in Cape Town

Its researchers have established that the Community Development Board was registered late last year as the owner of over 5 000 urban properties, a large proportion of which were expropriated under the Group Areas Act. By July this year, the figure had fallen to 3 241 — suggesting that large-scale selling is taking place A search on April 14 this year showed that in the Zeekoevlei area, 34 properties were registered with the board; by July 9, only three were left.

The researchers investigated two individual cases where families had been forced off their land in the 1970s, receiving less than R6 000 each in compensation Last year, the families made inquiries at the development board about whether they could get the land back, but were told the properties had been sold Records showed they were in fact sold to a private property developer in January this year, for R100 000 each The families appealed to Acla to investigate, but were told the cases fell outside its terms of reference



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(See PAGE 6)

Tenant labourers 'entitled to land'

STAR 28/11/92.

LAWYERS say a drastic revision of South Africa's property and land laws is necessary to stave off a social disaster on an unprecedented scale. BRENDAN TEMPLETON reports.

271

PHILEMON Maseko's battle against eviction from the land on which his family had lived and worked for generations cost him his life.

The tenant labourer successfully challenged the notice delivered to him by Johannes Moolman-Meyer, who owned the farm Rietvlei near Piet Retief in Natal.

But days after Maseko's victory he was gunned down, when a "posse" of white farmers confronted him on the smallholding he occupied.

Although several people witnessed the January shooting, police have still not arrested anyone.

Lawyers representing Maseko's family believe this illustrates the tensions which are growing in the battle between black and white over access to land. They say a drastic revision of South Africa's property and land laws is necessary to stave off disaster.

The number of tenant labourers evicted during the past year by farmers who fear their workers might make a claim to their smallholdings under a new government has multiplied.

Under the tenant labour system, workers are employed by a farmer — without wages — in return for being allowed to work a piece of land for themselves on his property.

Calls to give these smallholdings to the families that have worked them for generations have given farmers the jitters.

Stacked

Now evictions have been coming fast and furious and tensions are building up, especially in the Piet Retief area, where peasant farmers have rigorously resisted evictions for years.

But the present legal system is stacked against them.

Although human rights lawyers initially overturned eviction notices with a measure of success, the tide has turned.

Farmers have cottoned on to the notion that if three months' notice is given, tenant workers can be evicted without difficulty

The Maseko family's lawyer, Murray Hawthorne of the Legal Resources Centre, believes a year's notice should be given.

However, he says lawyers have argued this case with little success in the courts.

Their argument is based on the fact that tenant farmers are paid only once a year — when they harvest the crop on their smallholdings.

The courts' failure to recognise this means they are in an extremely vulnerable position. Losing their land means tenant workers also lose almost all the wealth their families have built up over generations.

Sources at Wits University's Centre for Applied Legal Studies (CALS) say they believe these plots should be given to tenant workers because they have been prevented from buying land under apartheid laws.

The fact that they have worked these plots for many years means they should be entitled to ownership, they say.

Aninka Claasens of CALS believes the tensions of the Maseko case will increase a hundredfold if a climate conducive to resolving conflict over land is not created soon.

The tenant-labour struggle is part of a far larger battle over land. It is being waged just as fiercely in urban areas where the homeless, many of them driven in from rural areas, are simply occupying vacant land

Disputes

"At the moment, the Government cannot contain land disputes. People are simply squatting on land that is standing empty.

"Even though the Government has the police, all the repressive land laws in its arsenal and even the army behind it, it cannot stabilise these situations or protect white farmers," Claasens says.

The situation is not indicative of a rebellion but rather of a massive group of people who have been driven to desperate measures by the need to find a place to live, she says.

Golden Arrow Advertorial

Personnelly speaking, we're a happy bunch

"A COMPANY'S most valuable asset is its personnel", says Golden Arrow personnel manager, Mr Deon Velthuysen

"For this reason, Golden Arrow's personnel policy aims to provide staff with rewards for their efforts, while encouraging their development at all times"

Of the approximately 2 000 people employed by the company, nearly 40 percent have been with the organisation for 10 or more years and many generations of the same families have worked for the company Employees who reach the 25-year milestone receive a gold watch in recognition of their loyalty, while those who reach the 35 year milestone receive a TV set or the equivalent value in cash In 1991, 23 employees received watches and 41 received TV sets — a clear indication of the fact that, on the whole, Golden Arrow personnel are a happy bunch

"It has always been company policy to appoint the person best qualified for a particular position, regardless of race, creed or gender," says Velthuysen

"Staff receive equal pay for equal work plus the normal benefits associated with big companies, such as medical aid benefits, pension funds, life and disability insurance, leave benefits and assistance with study

"In-house training covers a vast field, including driver training, training for other operations, engineering training and management and supervisory training"

Staff members are free to join any or none of the six unions or representative organisations

Union agreements are negotiated on a regular basis and discipline is imposed in accordance with such agreements

Apart from the positive impact the employment of such a large segment of the Western Cape's population obviously has on the economy of the region in terms of stability, taxes paid and the like, a wage bill of R60 million obviously makes a substantial contribution," says Velthuysen

"A large part of that figure is ploughed back into the economy as payment for domestic rent, rates and consumables The company's operations also add to the region's economic stability in its effect on other companies who supply Golden Arrow with consumables and services, and, in their turn, employ members of the local community

Many staff members contribute in other ways They send their children to universities or technikons, thus adding qualified people to the region's labour pool

'Members of the company's staff have a proud record of service in their own communities Many of them belong to service organisations in their communities while others teach Sunday school, work with children in their communities or arrange outings for the elderly or disadvantaged

"We are also extremely proud of the large corps of our drivers who give their free time to our Grassroots programme, which serves disadvantaged children"



Drivers give their own time to drive disadvantaged children to the Simonstown Scratch Patch on Grassroots trips



Golden Arrow's 2000 staff have a wide spectrum of skills

Young and old share in our bus adventures

GOLDEN ARROW Bus Services believes in sharing its success with the communities it serves and therefore operates a number of social responsibility programmes

These programmes are aimed at the elderly and the young since these two sectors of the community are sometimes neglected

The best known of these is the Adventure Bus Programme, which provides excursions for children who do not normally have the opportunity to venture outside their neighbourhood

There are two Adventure Bus projects — Grassroots Adventure Buses and Adventures in Education

The Grassroots programme is run jointly by Golden Arrow, Grassroots Educare Trust and the two unions representing the company's drivers

The company provides buses free of charge and the drivers donate their time Pre-school children are taken on adventure trips to interesting venues three times a week In 1991, 17 200 children participated

The Adventures in Education trips are run in conjunction with the Department of Education and Culture and provide opportunities for school children to visit the South African National Museum and the Planetarium Six buses a week transport these children on outings during each school term In 1991, a total of 23 000 children benefited from the programme

Another project, Nico for All, is run in conjunction with Capab

Introduced in 1988, the project is aimed at bringing theatre to the community so that people who do not normally have the opportunity, can enjoy and explore the theatre

Golden Arrow provides five buses a month at a nominal fee and any additional buses needed at a reduced rate of R150 a bus The cost of this sponsorship amounts to about R39 000 a year



The company subsidisers seniors over the age of 65

The company offers scholars' concessions in the form of under-17 scholars' clipcards at a discount price and term concessions to scholars through schools In 1991, Golden Arrow subsidised scholars by about R800 000

Concessions for pensioners take the form of a seniors' photopass for those over the age of 65 This, in conjunction with the pensioners' clipcard, enables them to travel on any company bus in off-peak periods at a discount fare of R5,40 for 10 rides

Since the inception of this concession, more than 15 000 photopasses have been issued The cost of this concession amounts to about R743 000 a year

Other programmes include the provision of buses at discounted rates to schools, organisations providing cultural opportunities for the underprivileged and bona fide charities Numerous requests for donations and assistance are received and assessed on merit

Because it is impossible to donate to every organisation which puts in a request, the company is a donor to the Community Chest, an organisation serving a vast number of community concerns

No mercy as SAA fires dagga users

ST Times 13/12/92 270



ANDY KATZ

By ROGER MAKINGS

SAA has fired three cabin attendants who tested positive after smoking dagga.

And there will be no second chance, as in the past, for staff found guilty of similar offences.

Sources within the airline say the three cabin attendants who tested positive during routine medical examinations were dismissed after disciplinary hearings.

Previously, attendants were grounded for a period, retested, and if found to be negative, underwent rehabilitation before being returned to flying duties.

Senior officials say when random testing — over and above the annual medical examinations — is introduced next year, any flight staff found positive will face immediate dismissal.

Dagga can be traced in the urine samples of users up to six weeks after being taken.

"We are taking a firm line and will not tolerate any form of drug-abuse among our staff. We cannot condone bad habits that may compromise safety — dagga and our required high levels of efficiency are incompatible," said the source.

The Sunday Times reported three weeks ago that two SAA cabin attendants, who had tested positive for dagga after urine samples were taken, were grounded awaiting disciplinary hearings.

As first-time offenders it was widely believed the two men would be returned to flight duties after being retested and undergoing a rehabilitation programme.

But senior SAA officials, who called at the time for tougher measures, seem to have had their way.

Instead the men, and another attendant facing a hearing for a second offence, were fired.

SAA said at the time that 37 attendants — eight women and 29 men — had been punished in the past two years for smoking dagga.

DEPARTMENT OF MANPOWER

No. R. 3394 **24 December 1992**

LABOUR RELATIONS ACT, 1956

NON-EUROPEAN PASSENGER TRANSPORTATION TRADE, DURBAN: RE-ENACTMENT OF AGREEMENT

I, Leon Wessels, Minister of Manpower, hereby—

(a) in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 October 1993, upon the employers' organisation and the trade union which entered into the Agreement and upon the employers and employees who are members of the said organisation or union; and

(b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Agreement, excluding those contained in clauses 1 (1) (b), 2 and 3 shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 October 1993, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the Agreement.

L. WESSELS,
Minister of Manpower.

SCHEDULE

INDUSTRIAL COUNCIL FOR THE NON-EUROPEAN PASSENGERS TRANSPORTATION TRADE, DURBAN

AGREEMENT

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between the

Bus Owners' Association

(hereinafter referred to as the "employers" or the "employers' organisation"), of the one part, and the

Professional Transport Workers Union of South Africa

(hereinafter referred to as the "employees" or the "trade union"), of the other part,

being the parties to the Industrial Council for the Non-European Passenger Transportation Trade, Durban,

to amend the Agreement published under Government Notice No. R. 1672 of 17 September 1976, as amended, and extended by Government Notices Nos. R. 809 of 13 May 1977, R 2138 of 21 September 1979, R. 510 and R. 511 of 14 March 1980, R. 499 of 18 March 1988, R 1559 of 5 August 1988, R. 247 of 17 February 1989 and R. 1217 of 9 June 1989, R. 1743 of 11 August 1989, R. 2722 of 23 November 1990, R. 3046 of 13 December 1991 and R. 3227 of 27 November 1992.

DEPARTEMENT VAN MANNEKRAG

No. R. 3394 **24 Desember 1992**

WET OP ARBEIDSVERHOUDINGE, 1956

VERVOERBEDRYF: NIE-BLANKE PASSASIERS, DURBAN: HERBEKRAGTIGING VAN OOREENKOMS

Ek, Leon Wessels, Minister van Mannekrag, verklaar hierby—

(a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Oktober 1993 eindig, bindend is vir die werkgewersorganisasie en die vakvereniging wat die Ooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of vereniging is; en

(b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Ooreenkoms, uitgesonder dié vervat in klousules 1 (1) (b), 2 en 3 met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Oktober 1993 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 1 van die Ooreenkoms gespesifiseer.

L. WESSELS,
Minister van Mannekrag.

BYLAE

NYWERHEIDSRAAD VIR DIE VERVOERBEDRYF—NIE-BLANKE PASSASIERS, DURBAN

OOREENKOMS

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die

Bus Owners' Association

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en die

Professional Transport Workers Union of South Africa

(hierna die "werknemers" of die "vakvereniging" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Vervoerbedryf—Nie-Blanke Passasiers, Durban,

tot wysiging van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 1672 van 17 September 1976, soos gewysig en verleng deur Goewermentskennisgewing Nos. R. 809 van 13 Mei 1977, R. 2138 van 21 September 1979, R. 510 en R. 511 van 14 Maart 1980, R. 499 van 18 Maart 1988, R. 1559 van 5 Augustus 1988, R. 247 van 17 Februarie 1989 en R. 1217 van 9 Junie 1989, R. 1743 van 11 Augustus 1989, R. 2722 van 23 November 1990, R. 3046 van 13 Desember 1991 en R. 3227 van 27 November 1992.

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed—

(a) in the Magisterial District of Durban, in that portion of the Magisterial District of Chatsworth which, prior to the publication of Government Notice No. 501 of 8 March 1985, fell within the Magisterial District of Durban, excluding those portions which, prior to the publication of Government Notices Nos. 1939 of 10 September 1982 and 2067 of 1 October 1982, fell within the Magisterial District of Inanda (excluding that portion which, prior to the publication of Government Notice No. 1401 of 16 August 1968, fell within the Magisterial District of Umlazi),

(b) by all employers who are members of the employers' organisation and who are engaged in the Road Passenger Transportation Trade, and by all employees of such employers who are members of the trade union and are employed in the said Trade.

(2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall only apply in respect of employees for whom wages are prescribed in this Agreement.

2. CLAUSE 4: WAGES

Substitute the following for subclause (1) (a):

"(1) The minimum wage which an employer shall pay to each member of the undermentioned classes of his employees shall be as set out hereunder:

(a) Employees other than casual employees:

Artisan:	*Per week* R
A new employee for the first three months of employment	214,82
4th month to the 36th month of employment	236,44
37th month to the 60th month of employment	260,36
61st month to the 84th month of employment	286,12
Bus driver conductor:	
A new employee for the first three months of employment	167,44
4th month to the 36th month of employment	183,54
37th month to the 60th month of employment	201,94
61st month to the 84th month of employment	222,18
Checker:	
A new employee for the first three months of employment	111,78
4th month to the 36th month of employment	123,28
37th month to the 60th month of employment	135,24
61st month to the 84th month of employment	148,58
Clerk:	
A new employee for the first three months of employment	163,76
4th month to the 36th month of employment	179,86
37th month to the 60th month of employment	197,80
61st month to the 84th month of employment	217,58
Despatcher:	
A new employee for the first three months of employment	160,08
4th month to the 36th month of employment	176,64
37th month to the 60th month of employment	193,20
61st month to the 84th month of employment	213,44
Handyman:	
A new employee for the first three months of employment	155,02
4th month to the 36th month of employment	170,20
37th month to the 60th month of employment	187,22
61st month to the 84th month of employment	206,08

1. TOEPASSINSBESTEK VAN OOREENKOMS

(1) Hierdie Ooreenkoms moet nagekom word—

(a) in die landdrosdistrik Durban, in die gedeelte van die landdrosdistrik Chatsworth wat voor die publikasie van Goewermentskennisgewing No. 501 van 8 Maart 1985 in die landdrosdistrik Durban geval het, uitgesonderd die gedeeltes wat voor die publikasie van Goewermentskennisgewings Nos. 1939 van 10 September 1982 en 2067 van 1 Oktober 1982 in die landdrosdistrik Inanda geval het (uitgesonderd die gedeelte wat voor die publikasie van Goewermentskennisgewing No. 1401 van 16 Augustus 1968 in die landdrosdistrik Umlazi geval het);

(b) deur alle werkgewers wat lede is van die werkgewersorganisasie en by die Padpassasiersvervoerbedryf betrokke is, en deur alle werknemers van sodanige werkgewers wat lede is van die vakvereniging en in dié Bedryf werksaam is.

(2) Ondanks subklousule (1) is hierdie Ooreenkoms van toepassing slegs op dié werknemers vir wie lone in hierdie Ooreenkoms voorgeskryf word.

2. KLOUSULE 4: LONE

Vervang subklousule (1) (a) deur die volgende:

"(1) Die minimum loon wat 'n werkgewer aan elke lid van ondervermelde klasse van sy werknemers moet betaal, is soos hieronder uiteengesit:

(a) Werknemers uitgesonderd los werknemers:

Ambagsman:	*Per week* R
'n Nuwe werknemer vir die eerste drie maande diens	214,82
Vanaf die 4de maand tot die 36ste maand diens	236,44
Vanaf die 37ste maand tot die 60ste maand diens	260,36
Vanaf die 61ste maand tot die 84ste maand diens	286,12
Busdrywer/Kondukteur:	
'n Nuwe werknemer vir die eerste drie maande diens	167,44
Vanaf die 4de maand tot die 36ste maand diens	183,54
Vanaf die 37ste maand tot die 60ste maand diens	201,94
Vanaf die 61ste maand tot die 84ste maand diens	222,18
Nasiener:	
'n Nuwe werknemer vir die eerste drie maande diens	111,78
Vanaf die 4de maand tot die 36ste maand diens	123,28
Vanaf die 37ste maand tot die 60ste maand diens	135,24
Vanaf die 61ste maand tot die 84ste maand diens	148,58
Klerk:	
'n Nuwe werknemer vir die eerste drie maande diens	163,76
Vanaf die 4de maand tot die 36ste maand diens	179,86
Vanaf die 37ste maand tot die 60ste maand diens	197,80
Vanaf die 61ste maand tot die 84ste maand diens	217,58
Afsender:	
'n Nuwe werknemer vir die eerste drie maande diens	160,08
Vanaf die 4de maand tot die 36ste maand diens	176,64
Vanaf die 37ste maand tot die 60ste maand diens	193,20
Vanaf die 61ste maand tot die 84ste maand diens	213,44
Faktotum:	
'n Nuwe werknemer vir die eerste drie maande diens	155,02
Vanaf die 4de maand tot die 36ste maand diens	170,20
Vanaf die 37ste maand tot die 60ste maand diens	187,22
Vanaf die 61ste maand tot die 84ste maand diens	206,08

Artisan:	*Per week R*
Inspector:	
A new employee for the first three months of employment	155,02
4th month to the 36th month of employment	170,20
37th month to the 60th month of employment	187,22
61st month to the 84th month of employment	206,08
Watchman/General worker:	
A new employee for the first three months of employment	94,76
4th month to the 36th month of employment	104,42
37th month to the 60th month of employment	114,54
61st month to the 84th month of employment	126,04
Queue marshall:	
A new employee for the first three months of employment	103,50
4th month to the 36th month of employment	113,62
37th month to the 60th month of employment	125,58
61st month to the 84th month of employment	137,54 "

G. G. PILLAI,
Chairman.

D. D. ALEXANDER,
Vice-Chairman.

P. NAIDOO,
Secretary.

Signed at Durban, on behalf of the parties, this 20th day of October 1992.

Ambagsman:	*Per week R*
Inspekteur:	
'n Nuwe werknemer vir die eerste drie maande diens	155,02
Vanaf die 4de maand tot die 36ste maand diens	170,20
Vanaf die 37ste maand tot die 60ste maand diens	187,22
Vanaf die 61ste maand tot die 84ste maand diens	206,08
Wag/Algemene werker:	
'n Nuwe werknemer vir die eerste drie maande diens	94,76
Vanaf die 4de maand tot die 36ste maand diens	104,42
Vanaf die 37ste maand tot die 60ste maand diens	114,54
Vanaf die 61ste maand tot die 84ste maand diens	126,04
Tou-opsigter:	
'n Nuwe werknemer vir die eerste drie maande diens	103,50
Vanaf die 4de maand tot die 36ste maand diens	113,62
Vanaf die 37ste maand tot die 60ste maand diens	125,58
Vanaf die 61ste maand tot die 84ste maand diens	137,54 "

G. G. PILLAI,
Voorsitter.

D. D. ALEXANDER,
Ondervoorsitter.

P. NAIDOO,
Sekretaris.

Namens die partye op hede die 20ste dag van Oktober 1992 te Durban onderteken.

THE ONDERSTEPOORT JOURNAL OF VETERINARY RESEARCH

The Onderstepoort Journal of Veterinary Research is printed by the Government Printer, Pretoria, and is obtainable from the Director, Division of Agricultural information, Private Bag X144, Pretoria, 0001, to whom all communications should be addressed.

This publication is a continuation of the Reports of the Government Veterinary Bacteriologist of the Transvaal which date back to 1903 and of which 18 have appeared up to 1932. These were followed by 52 volumes of the Onderstepoort Journal. At present each volume comprises four numbers which are obtainable from the above address at R10 per copy or R40 per annum plus GST local or other countries R12,50 per copy or R50 per annum (air mail: R15 per copy or R60 per annum).

Directors of laboratories etc. desiring to exchange publications are invited to communicate with the Director, Veterinary Research Institute, P.O. Onderstepoort, 0110, Republic of South Africa.

THE ONDERSTEPOORT JOURNAL OF VETERINARY RESEARCH

Die "Onderstepoort Journal of Veterinary Research" word deur die Staatsdrukker, Pretoria, gedruk en is verkrygbaar van die Direkteur, Afdeling Landbou-inligting, Privaatsak X144, Pretoria, 0001, aan wie ook alle navrae in verband met die tydskrif gerig moet word.

Hierdie publikasie is 'n voortsetting van die "Reports of the Government Veterinary Bacteriologist of the Transvaal" wat terugdateer tot 1903 en waarvan 18 verskyn het tot 1932. Dit is gevolg deur 52 volumes van die "Onderstepoort Journal". Tans bestaan elke volume uit vier nommers wat teen R10 per kopie of R40 per jaar plus AVB binnelands en R12,50 per kopie of R50 per jaar buitelands van bogenoemde adres posvry verkrygbaar is (lugpos-bestellings: R15 per kopie of R60 per jaar).

Direkteure van laboratoriums ens. wat begerig is om publikasies om te ruil moet in verbinding tree met die Direkteur, Navorsingsinstituut vir Veeartsenykunde, Pk. Onderstepoort, 0110, Republiek van Suid-Afrika.

DEPARTMENT OF MANPOWER

No. R. 3394 **24 December 1992**

LABOUR RELATIONS ACT, 1956

NON-EUROPEAN PASSENGER TRANSPORTATION TRADE, DURBAN: RE-ENACTMENT OF AGREEMENT

I, Leon Wessels, Minister of Manpower, hereby—

(a) in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 October 1993, upon the employers' organisation and the trade union which entered into the Agreement and upon the employers and employees who are members of the said organisation or union; and

(b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Agreement, excluding those contained in clauses 1 (1) (b), 2 and 3 shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 October 1993, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the Agreement.

L. WESSELS,
Minister of Manpower.

SCHEDULE

INDUSTRIAL COUNCIL FOR THE NON-EUROPEAN PASSENGERS TRANSPORTATION TRADE, DURBAN

AGREEMENT

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between the

Bus Owners' Association

(hereinafter referred to as the "employers" or the "employers' organisation"), of the one part, and the

Professional Transport Workers Union of South Africa

(hereinafter referred to as the "employees" or the "trade union"), of the other part,

being the parties to the Industrial Council for the Non-European Passenger Transportation Trade, Durban,

to amend the Agreement published under Government Notice No. R. 1672 of 17 September 1976, as amended, and extended by Government Notices Nos. R. 809 of 13 May 1977, R. 2138 of 21 September 1979, R. 510 and R. 511 of 14 March 1980, R. 499 of 18 March 1988, R. 1559 of 5 August 1988, R. 247 of 17 February 1989 and R 1217 of 9 June 1989, R. 1743 of 11 August 1989, R. 2722 of 23 November 1990, R. 3046 of 13 December 1991 and R. 3227 of 27 November 1992.

DEPARTEMENT VAN MANNEKRAG

No. R. 3394 **24 Desember 1992**

WET OP ARBEIDSVERHOUDINGE, 1956

VERVOERBEDRYF: NIE-BLANKE PASSASIERS, DURBAN: HERBEKRAGTIGING VAN OOREENKOMS

Ek, Leon Wessels, Minister van Mannekrag, verklaar hierby—

(a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Oktober 1993 eindig, bindend is vir die werkgewersorganisasie en die vakvereniging wat die Ooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of vereniging is; en

(b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Ooreenkoms, uitgesonder dié vervat in klousules 1 (1) (b), 2 en 3 met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Oktober 1993 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 1 van die Ooreenkoms gespesifiseer.

L. WESSELS,
Minister van Mannekrag.

BYLAE

NYWERHEIDSRAAD VIR DIE VERVOERBEDRYF—NIE-BLANKE PASSASIERS, DURBAN

OOREENKOMS

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die

Bus Owners' Association

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en die

Professional Transport Workers Union of South Africa

(hierna die "werknemers" of die "vakvereniging" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Vervoerbedryf—Nie-Blanke Passasiers, Durban,

tot wysiging van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 1672 van 17 September 1976, soos gewysig en verleng deur Goewermentskennisgewing Nos. R 809 van 13 Mei 1977, R. 2138 van 21 September 1979, R. 510 en R. 511 van 14 Maart 1980, R. 499 van 18 Maart 1988, R. 1559 van 5 Augustus 1988, R. 247 van 17 Februarie 1989 en R. 1217 van 9 Junie 1989, R. 1743 van 11 Augustus 1989, R. 2722 van 23 November 1990, R. 3046 van 13 Desember 1991 en R. 3227 van 27 November 1992.

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed—

(a) in the Magisterial District of Durban, in that portion of the Magisterial District of Chatsworth which, prior to the publication of Government Notice No. 501 of 8 March 1985, fell within the Magisterial District of Durban, excluding those portions which, prior to the publication of Government Notices Nos. 1939 of 10 September 1982 and 2067 of 1 October 1982, fell within the Magisterial District of Inanda (excluding that portion which, prior to the publication of Government Notice No 1401 of 16 August 1968, fell within the Magisterial District of Umlazi);

(b) by all employers who are members of the employers' organisation and who are engaged in the Road Passenger Transportation Trade, and by all employees of such employers who are members of the trade union and are employed in the said Trade.

(2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall only apply in respect of employees for whom wages are prescribed in this Agreement.

2. CLAUSE 4: WAGES

Substitute the following for subclause (1) (a):

"(1) The minimum wage which an employer shall pay to each member of the undermentioned classes of his employees shall be as set out hereunder:

(a) Employees other than casual employees:

	Per week R
Artisan:	
A new employee for the first three months of employment	214,82
4th month to the 36th month of employment	236,44
37th month to the 60th month of employment	260,36
61st month to the 84th month of employment	286,12
Bus driver conductor:	
A new employee for the first three months of employment	167,44
4th month to the 36th month of employment	183,54
37th month to the 60th month of employment	201,94
61st month to the 84th month of employment	222,18
Checker:	
A new employee for the first three months of employment	111,78
4th month to the 36th month of employment	123,28
37th month to the 60th month of employment	135,24
61st month to the 84th month of employment	148,58
Clerk:	
A new employee for the first three months of employment	163,76
4th month to the 36th month of employment	179,86
37th month to the 60th month of employment	197,80
61st month to the 84th month of employment	217,58
Despatcher:	
A new employee for the first three months of employment	160,08
4th month to the 36th month of employment	176,64
37th month to the 60th month of employment	193,20
61st month to the 84th month of employment	213,44
Handyman:	
A new employee for the first three months of employment	155,02
4th month to the 36th month of employment	170,20
37th month to the 60th month of employment	187,22
61st month to the 84th month of employment	206,08

1. TOEPASSINSBESTEK VAN OOREENKOMS

(1) Hierdie Ooreenkoms moet nagekom word—

(a) in die landdrosdistrik Durban, in die gedeelte van die landdrosdistrik Chatsworth wat voor die publikasie van Goewermentskennisgewing No. 501 van 8 Maart 1985 in die landdrosdistrik Durban geval het, uitgesonderd die gedeeltes wat voor die publikasie van Goewermentskennisgewings Nos. 1939 van 10 September 1982 en 2067 van 1 Oktober 1982 in die landdrosdistrik Inanda geval het (uitgesonderd die gedeelte wat voor die publikasie van Goewermentskennisgewing No. 1401 van 16 Augustus 1968 in die landdrosdistrik Umlazi geval het);

(b) deur alle werkgewers wat lede is van die werkgewersorganisasie en by die Padpassasiersvervoerbedryf betrokke is, en deur alle werknemers van sodanige werkgewers wat lede is van die vakvereniging en in dié Bedryf werksaam is.

(2) Ondanks subklousule (1) is hierdie Ooreenkoms van toepassing slegs op dié werknemers vir wie lone in hierdie Ooreenkoms voorgeskryf word.

2. KLOUSULE 4: LONE

Vervang subklousule (1) (a) deur die volgende:

"(1) Die minimum loon wat 'n werkgewer aan elke lid van ondervermelde klasse van sy werknemers moet betaal, is soos hieronder uiteengesit:

(a) Werknemers uitgesonderd los werknemers:

	Per week R
Ambagsman:	
'n Nuwe werknemer vir die eerste drie maande diens	214,82
Vanaf die 4de maand tot die 36ste maand diens	236,44
Vanaf die 37ste maand tot die 60ste maand diens	260,36
Vanaf die 61ste maand tot die 84ste maand diens	286,12
Busdrywer/Kondukteur:	
'n Nuwe werknemer vir die eerste drie maande diens	167,44
Vanaf die 4de maand tot die 36ste maand diens	183,54
Vanaf die 37ste maand tot die 60ste maand diens	201,94
Vanaf die 61ste maand tot die 84ste maand diens	222,18
Nasiener:	
'n Nuwe werknemer vir die eerste drie maande diens	111,78
Vanaf die 4de maand tot die 36ste maand diens	123,28
Vanaf die 37ste maand tot die 60ste maand diens	135,24
Vanaf die 61ste maand tot die 84ste maand diens	148,58
Klerk:	
'n Nuwe werknemer vir die eerste drie maande diens	163,76
Vanaf die 4de maand tot die 36ste maand diens	179,86
Vanaf die 37ste maand tot die 60ste maand diens	197,80
Vanaf die 61ste maand tot die 84ste maand diens	217,58
Afsender:	
'n Nuwe werknemer vir die eerste drie maande diens	160,08
Vanaf die 4de maand tot die 36ste maand diens	176,64
Vanaf die 37ste maand tot die 60ste maand diens	193,20
Vanaf die 61ste maand tot die 84ste maand diens	213,44
Faktotum:	
'n Nuwe werknemer vir die eerste drie maande diens	155,02
Vanaf die 4de maand tot die 36ste maand diens	170,20
Vanaf die 37ste maand tot die 60ste maand diens	187,22
Vanaf die 61ste maand tot die 84ste maand diens	206,08

Artisan:	*Per week R*
Inspector:	
A new employee for the first three months of employment	155,02
4th month to the 36th month of employment	170,20
37th month to the 60th month of employment	187,22
61st month to the 84th month of employment	206,08
Watchman/General worker:	
A new employee for the first three months of employment	94,76
4th month to the 36th month of employment	104,42
37th month to the 60th month of employment	114,54
61st month to the 84th month of employment	126,04
Queue marshall:	
A new employee for the first three months of employment	103,50
4th month to the 36th month of employment	113,62
37th month to the 60th month of employment	125,58
61st month to the 84th month of employment	137,54.".

G. G. PILLAI,
Chairman.

D. D. ALEXANDER,
Vice-Chairman.

P. NAIDOO,
Secretary.

Signed at Durban, on behalf of the parties, this 20th day of October 1992.

Ambagsman:	*Per week R*
Inspekteur:	
'n Nuwe werknemer vir die eerste drie maande diens	155,02
Vanaf die 4de maand tot die 36ste maand diens	170,20
Vanaf die 37ste maand tot die 60ste maand diens	187,22
Vanaf die 61ste maand tot die 84ste maand diens	206,08
Wag/Algemene werker:	
'n Nuwe werknemer vir die eerste drie maande diens	94,76
Vanaf die 4de maand tot die 36ste maand diens	104,42
Vanaf die 37ste maand tot die 60ste maand diens	114,54
Vanaf die 61ste maand tot die 84ste maand diens	126,04
Tou-opsigter:	
'n Nuwe werknemer vir die eerste drie maande diens	103,50
Vanaf die 4de maand tot die 36ste maand diens	113,62
Vanaf die 37ste maand tot die 60ste maand diens	125,58
Vanaf die 61ste maand tot die 84ste maand diens	137,54 "

G. G. PILLAI,
Voorsitter.

D. D. ALEXANDER,
Ondervoorsitter.

P. NAIDOO,
Sekretaris.

Namens die partye op hede die 20ste dag van Oktober 1992 te Durban onderteken.

THE ONDERSTEPOORT JOURNAL OF VETERINARY RESEARCH

The Onderstepoort Journal of Veterinary Research is printed by the Government Printer, Pretoria, and is obtainable from the Director, Division of Agricultural information, Private Bag X144, Pretoria, 0001, to whom all communications should be addressed.

This publication is a continuation of the Reports of the Government Veterinary Bacteriologist of the Transvaal which date back to 1903 and of which 18 have appeared up to 1932. These were followed by 52 volumes of the Onderstepoort Journal. At present each volume comprises four numbers which are obtainable from the above address at R10 per copy or R40 per annum plus GST local or other countries R12,50 per copy or R50 per annum (air mail: R15 per copy or R60 per annum).

Directors of laboratories etc. desiring to exchange publications are invited to communicate with the Director, Veterinary Research Institute, P.O. Onderstepoort, 0110, Republic of South Africa.

THE ONDERSTEPOORT JOURNAL OF VETERINARY RESEARCH

Die "Onderstepoort Journal of Veterinary Research" word deur die Staatsdrukker, Pretoria, gedruk en is verkrygbaar van die Direkteur, Afdeling Landbou-inligting, Privaatsak X144, Pretoria, 0001, aan wie ook alle navrae in verband met die tydskrif gerig moet word.

Hierdie publikasie is 'n voortsetting van die "Reports of the Government Veterinary Bacteriologist of the Transvaal" wat terugdateer tot 1903 en waarvan 18 verskyn het tot 1932. Dit is gevolg deur 52 volumes van die "Onderstepoort Journal". Tans bestaan elke volume uit vier nommers wat teen R10 per kopie of R40 per jaar plus AVB binnelands en R12,50 per kopie of R50 per jaar buitelands van bogenoemde adres posvry verkrygbaar is (lugpos-bestellings: R15 per kopie of R60 per jaar).

Direkteure van laboratoriums ens. wat begerig is om publikasies om te ruil moet in verbinding tree met die Direkteur, Navorsingsinstituut vir Veeartsenykunde, Pk. Onderstepoort, 0110, Republiek van Suid-Afrika.

FW requested to stop land deals

THE National Land Committee this week urged State President FW de Klerk to declare a moratorium on the further sale of public land, including land allocated to the self-governing territories, as a first step to creating the basis for an equitable and just land dispensation.

The NLC said the land question and land hunger in SA was a potentially explosive issue.

Appealing to De Klerk on behalf of 38 communities attempting to have their land restored to them, the NLC said in the past year and in spite of the creation of the Advisory Commission on Land Allocation, there was no victory in sight for the dispossessed. Pers - 6/12/92

W Tvl land claims to be evaluated

STAR 7/12/92 (271

By Jo-Anne Collinge

Two crucial western Transvaal land claims are to be heard by the Advisory Commission on Land Allocation (Acla) in Pretoria this week.

They have been lodged by the Goedgevonden community, who were attacked by right-wing farmers in May 1991 after a section of the community reoccupied the Ventersdorp farm where they used to live; and by the Bakubung, who were removed from a fertile area near Magaliesburg in the 1960s.

Both communities are demanding that the land they had occupied be restored to them as it is still owned by the Government.

Acla was created in June last year to advise the State President on how State land should be allocated, with a special view to compensating those who had suffered losses under apartheid land policies.

Greeted with scepticism by victims of forced removal, Acla is now regarded with outright disillusion. In a letter to the State President two weeks ago, 38 communities who were subjected to forced removal threatened to take alternative action if Acla failed to show rapid results.

"Twenty-five communities known to us have written to Acla informing them that they have land claims that need to be addressed. Ten communities have submitted detailed submissions to Acla.

"Only three of these communities have had hearings — and none has received their land back. Instead, the Government is transferring land to the corrupt bantustans," the letter said.

Although the Bakubung — who were removed in 1969 and now live in harsh circumstances at Ledig near Sun City — signed the letter, they will go ahead with representations to Acla this week.

The 80-odd families who reoccupied Goedgevonden in 1991 — 13 years after they were removed to Bophuthatswana — are still on the farm. The authorities have prevented the settlement from expanding but hundreds more families hope to return.

Tribe wants its original land back

STAR 9/12/92

The Bakubung tribe — who were uprooted under the policy of forced removal and later lost half of their compensatory land in Bophuthatswana when the Pilanesberg Game Reserve was established — yesterday lodged a claim for the return of their orginal farm near Koster in the western Transvaal.

They argued their case in Pretoria before the State President's Advisory Commission on Land Allocation, chaired by Professor Nic Olivier.

"A fraud was committed against this tribe. The tribe was never compensated for the expropriation of their (Koster) land," the community's attorney James Sutherland argued.

He outlined how, between 1967 and 1969, 650 self-sufficient families on the Koster farm were removed to a mountainous area known as Ledig, west of Sun City in Bophuthatswana.

They were compensated for their homes and boreholes, but never effectively occupied the entire area, which was held in trust for them. Instead, a large area of the land was incorporated into the Pilanesburg Game Reserve in 1978.

Sutherland said that while the tribe had a case for a "massive" claim against both the SA and Bophuthatswana governments. it would prefer to be given back its original land.

A total of 123 families wanted to resume farming this fertile land, he said.

The land is still in the hands of the SA Government.

The Koster District Agricultural Union is opposing the claim. — Own Correspondent and Political Staff.

BUSINESS Policy on agriculture will have to be pragmatic and realistic

ANC's land reform guidelines

Soweten 10/12/92 271

By Mzimkulu Malunga

CATEGORIES IDENTIFIED Giving people land without adequate support services will be of no use:

THE STATE HAS to create a policy framework to ensure the viability of the agricultural sector, says the head of the ANC's agricultural desk, Derek Hanekom.

Though the movement has yet to emerge with a comprehensive land and agricultural policy, the approach to the issue would have to be pragmatic and realistic, he said.

"It requires breaking down the whole sector into component parts and studying all the various aspects such as the entire marketing system, research and technology, as well as credit and financing.

"All these are issues which affect the white dominated commercial farmers and would also put constraints on the landless African people," argued Hanekom.

Giving people land without adequate support services was of no use, he said.

The ANC had identified a number of categories which needed to be addressed when the whole question of land was resolved.

"There won't be one single model of land provision," said Hanekom adding that the simplistic approach of seizing land from whites and giving it to blacks or wholesale nationalisation would not work.

Hence, the ANC was proposing the establishment of a land claims court which would look into judicial mechanism to restore land to those who were able to present a "legitimate" claim according to set criteria.

A detailed criteria is yet to be mapped out but among others strong considerations would have to be given to people who were forcibly removed under apartheid laws and consequently suffered losses.

Secondly, there are people who were rendered landless due to the homelands policy, inheriting a series of losses in the process.

Though most of the land is still State owned - which could make land reallocation easier for a future government - there were still instances where white people bought land in areas which certain black groups had a historical claim.

In some cases, there could arise a situation in which more than one group laid claim to one piece of land. The role of the LCC would be crucial to the resolution of such disputes.

In another category were the black farmers. They could also be broken down into various interest groups.

First are a handful of medium to large scale commercial farmers who would not have problems with buying the land at market value rates, but only needed the agricultural sector to be restructured, so that they could have access to facilities such as bank loans.

This group is comprised of people like the president of the African Farmers Association, Matome Maponya, who owns a 1 050 ha farm near Pietersburg.

Then are the small-scale farmers who would require strong support services to be viable.

In the majority are the subsistence farmers who traditionally depended on the remittances from their relatives working in the urban areas to plough a handful of crops only enough to last until the next harvest.

"The majority of rural people and agricultural producers are at the moment unable to produce a surplus or make a living from their agricultural activities.

"They would need additional land as a pre-requisite to become viable farmers," he said.

Farm workers, who, despite the fact that they worked and lived on white-owned farms for generations, did not qualify to live there, would have to be granted security of tenure.

"It is possible that when that happens, owners of those farms will be compensated," said Hanekom.

While an ANC government would ensure satisfactory redistribution of land, it won't neglect productivity.

Certain options to effect land redistribution are being explored.

"While an ANC government would ensure satisfactory redistribution of land, it would not neglect productivity"

Black farmers want stake in AWB country

271

Sl Times 13/12/92

By CATHY STAGG

MARIA SEGOPOLO remembers Goedgevonden in the western Transvaal as a little patch of paradise.

The soil was rich and fertile, crops and livestock flourished, and the community lived in harmony.

Farmer Roelf Maree remembers the same land as a wasteland, and in his recollection the black farmers who lived on it were petty thieves.

Both of them want that land in the heart of AWB country, and this week they told the Advisory Committee on Land Allocation why.

In sweltering heat on Wednesday four farmers looked decidedly uncomfortable in their collars and ties as they sat in the front row at the public hearing in Pretoria.

The rest of the hall was taken up by members of the black community who are seeking the return of the land they occupied for more than 30 years.

They ranged from wrinkled elders to schoolchildren dressed in traditional blankets, church "best" and brightly coloured scarves.

In 1947, after diamond diggings in the area had been exhausted, the government bought farmland from Oom Tienie Brand and settled the community there. They were promised that the land would eventually belong to them.

But 31 years later, in 1978, the area was designated a "black spot" and they were forcibly removed to Bophuthatswana.

Mrs Segopolo and other members of the community remember their removal with bitterness.

They did not want to go, but they knew what had happened to others who had resisted removal.

Eager

Rather than risk injury or the loss of their possessions, they left their homes, a school and their church, and moved to what they describe as "a dustbowl".

Mr Maree remembers the removal quite differently.

"Those people trekked willingly. And when it was known that they were going, many others arrived, only too eager to be moved at state expense," he told the commission.

In the past few years many of them have moved back again at their own expense, and at present an estimated 827 people are living on a portion of the land.

Their elementary shacks are behind barbed wire; in May last year Goedgevonden was the scene of an ugly clash between members of the AWB and the squatters.

The land is leased to farmers by the state at 17c a hectare and, in terms of a Supreme Court ruling which followed the May violence, the squatters were occupying it unlawfully.

An appeal against the court's ruling has been suspended pending Acla's recommendation on the land.

Picture: AP

Govt agrees to return land to communities

15/DRM 14/12/92

AT LEAST two communities have made successful applications for the return of land which was taken away from them under apartheid.

An Advisory Commission on Land Allocation statement said on Friday that President F W de Klerk had accepted several of its recommendations for the restitution of land.

Land claimed by the communities of Roosboom in the Klipriver district and Charlestown in the Newcastle district is to be restored to their ownership.

The statement said a claim by the Ga-Mampuru tribe for the return of ownership of the farm Brakfontein in the Groblersdal district had been turned down, but that De Klerk had ordered that other state land be identified and made available.

The commission said it had identified undeveloped and unallocated state-owned land suitable for historical claims.

"The commission will now proceed in terms of its normal procedure to make details of the land public with a view, inter alia, to inviting individuals or communities who have a historical claim to the land to submit representations.

(27)

LLOYD COUTTS

"It must be pointed out that certain pieces of land offer no viable use for agricultural nor settlement purposes and the recommendation that the Department of Public Works offer these small portions of land for sale has been accepted."

The Association for Rural Advancement (Afra) welcomed Friday's announcement but said the land the commission was eligible to consider was limited to state-owned property.

"In the light of recent widespread public opposition and concern around the transfer of state land to the homelands, we are particularly disappointed by the decision to incorporate farms in the Harrismith district into QwaQwa.

"Once again Afra calls on government to abandon its current and future land transfer deals with the homeland governments and to place a moratorium on the sale and transfer of all state land to the homelands ... pending an interim government and acceptable consultation.

Four farms in the Harrismith District are to be incorporated into the QwaQwa Tourism and Nature Conservation area.

● See Page 4

All-in-one commuter tickets soon

ONE ticket could eventually be used for all modes of commuter transport in SA, Metro Services director of the SA Rail Commuter Corporation R P Snyders said at the weekend.

B/DRM 14/12/92

As a first step, the corporation would be installing new computerised ticket issuing machines, developed by Telkor, at Pretoria Station today, Snyders said.

The tickets would have magnetic strips on the back which could lead to the use of an "intermodal" ticket for trains, buses and taxis in what Snyders described as a "major development". He said Telkor had tendered to supply London Transport with a similar system.

Because the machines, using conventional computer technology, would be connected through a regional computer to a national centre, the flow of data would be immediate and far more accessible than in the past, Snyders said.

STEPHEN COPLAN

The machines, 650 of which would be installed across SA, had been tested in Johannesburg over the past six months.

Installation would continue in Pretoria on January 4, Johannesburg on January 18 and in Durban and Cape Town on February 1. The corporation hoped that installation wwould be completed by the end of March, Snyders said.

Although ticket clerks would continue to operate the machines manually, fully computerised versions were being developed by Telkor.

Automatic turnstiles utilising the magnetic stripe had been investigated and the corporation intended testing prototypes next month at Dube, Johannesburg and Cape Town stations.

Train conductors would be retrained as necessary, Snyders said.

outside the auditorium. all her 24 years. pened and a great night was had by all.

Azapo to meet

Sowetan 14/12/92

By Mokgadi Pela

THE Azanian Peoples Organisation is to meet in Johannesburg on Wednesday to increase its Central Committee from 13 to 36 in terms of a national congress mandate.

Azapo publicity secretary Dr Gomolemo Mokae said the meeting would appoint new heads of secretariats and formations which would then be absorbed into the present 13-member CC.

He said the meeting would be chaired by newly elected president Professor Itumeleng Mosala.

Mokae said other items on Azapo's agenda included, devising a programme of action to frustrate the interim government.

Govt's land promise

Sowetan 14/12/92

271

By Josias Charle

■ **Undertaking on claim by the Goedgevonden community:**

THE Government has promised not to dispute the Goedgevonden community's claim to their land should it be found that the land belonged to them.

The community's claim to the land is based on their previous occupation and historical connection until their forced removal in 1978.

During the removal they were compensated for their houses only and no payments were made for improvements.

They were forced to move to Vriesgewacht and Gannalaagte, which were later incorporated into Bophuthatswana.

They could no longer farm as a result and repeated attempts over the years to negotiate with the South African Government were refused because they were said to be in a foreign country.

The Advisory Commission on Land Allocation heard the claim of the Goedgevonden community to the farms Goedgevonden, Welgevonden and Nagel last week.

It was at this hearing that the Government, through the Department of Agriculture, promised not to contest the community's right to the land. But farmers in the Western Transvaal want the "squatters" moved from the land.

SIX MONTH GIRL FRIDAY

ARE YOU WORRIED?

Resolving the land issue remains the toughest task of all

B/Day 14/12/92.

TIM COHEN

HOWEVER difficult it might seem for political groups to agree on a new constitution, however troublesome the development of an economic forum might be, however formidable it might be to find ways of preventing South Africans from killing each other, all these problems pale into insignificance compared with the land question.

By all appearances, South Africans can now conceive of a new constitution, they can hope for economic harmony, they can dream of a country at peace, but an agreement on the land question that satisfies anyone still seems remote, despite signs last week of a reconciliatory government approach.

The reasons for this are diverse and numerous. However, at the root of the problem is a single, pivotal statistic. 70% of SA's land is held by 60 000 white farmers. The incapacity of a mere government to rectify this overwhelming imbalance is matched only by the desire of black South Africans that it should be attempted.

The powerful symbolic importance of land and its historical and cultural significance feed an almost insatiable land hunger, not to mention the political injustices that grand apartheid perpetrated.

More than 475 000 people can still remember being forcibly removed from their land between 1960 and 1983. In many parts of the country, the colonial deprivation of land is only a generation old. Ancestors' graves, now located in the midst of large white farms, are still respected and tribal people still hanker after the valleys of their birth. However tempting it may be to argue that black South Africans would now be well advised to leave their rural past behind and concentrate on getting the education necessary to participate in a modern world, it just cannot be done. Centuries of culture cannot be wished away with something as cold and simplistic as logic.

Apart from the problem of the concentration of land in white hands, there are other chasm-like differences. How should it be used? How should it be transferred? What form of land tenure system should be employed? Should the black spot removals be reversed, and how? Is nationalisation the answer?

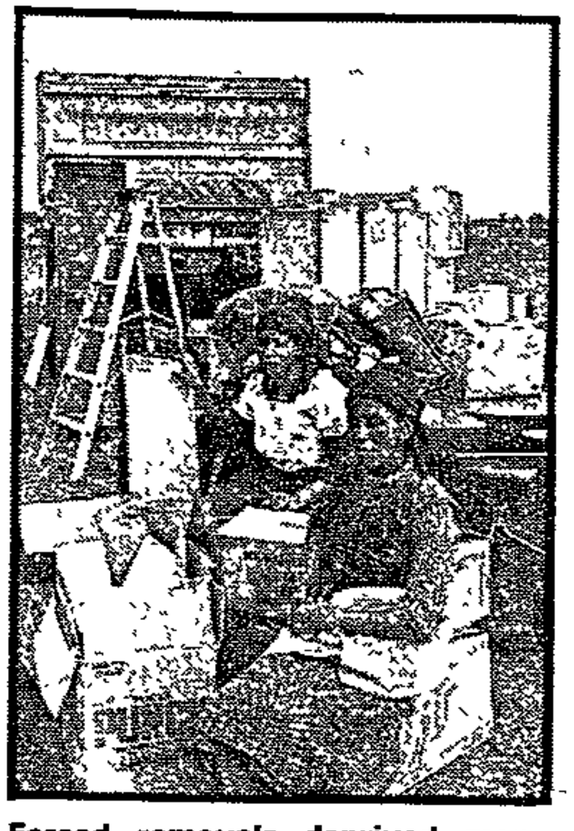
It is a measure of the difficulty of the problem that these issues are not even being jointly addressed, despite a series of useful Consultative Business Movement multiparty meetings. The groups are still floundering on the question of what kind of forum might eventually get round to grasping the nettle, and even on this preliminary issue they are miles apart.

Land Affairs Deputy Minister Johann Scheepers gave impetus to the debate recently by suggesting the establishment of a commission on land policy. The commission would be drawn from the community, it would be of a temporary nature and it would meet on an ad hoc basis, he said. The National Land Committee was quick to reject the idea, demanding that government first institute a moratorium on the sale of state-owned land.

The committee argues that a policy group such as the one suggested by Scheepers could work only if government agreed first to desist from unilateral and pre-emptive actions. Trust and a true consultative process require it.

The committee and the ANC are particularly irked by government's decision to hand over pieces of state land to homeland governments, and speak darkly of bribing potential political allies.

From here the argument bounces back and forth like a ping-pong ball.



Forced removals deprived many black families of their land

Scheepers refuses to implement a complete moratorium on the transfer of state-owned land. To do so would be ridiculous — governing the country cannot be put on ice just because the ANC thinks it would be a nice gesture. Anyway, the current land transfers were negotiated, planned, promised, agreed to by Cabinet, and legislated. Going back now would be seen as betrayal.

National Land Committee head Joanne Yawitch says all those decisions were made under a different (apartheid) policy.

But, says Scheepers, government took into account the new policy and did not transfer the land outright. It will be jointly administered by SA and the homelands.

Yawitch counters that these administrations are corrupt and incompetent. The transfers (which amount to about 1,2-million hectares) are explicable only in terms of political opportunism.

Scheepers says this does not make sense. One of the biggest transfers was to Lebowa, a supporter of the ANC at Codesa.

And so the two sides' eloquent spokesmen lock horns and get nowhere. The only solution is that the ANC and its allies must be satisfied with something less than total control of the process and government must make every attempt to listen with sympathy, understand carefully and act on their sensible suggestions. This, Scheepers claims, he will do even if it is on a bilateral rather then multilateral basis. However, government's record in doing so is not good, while the ANC and its allies must at some stage realise that demand and prerequisite politics are serving them badly.

Assuming this preliminary issue can be dealt with, what could be agreed on? Not much, says Inkatha's Errol Goetsh. The idea that there is a treasure chest of land waiting to be dispersed is just wrong. Much of the state-owned land is already occupied, and what little there is left no one would want to occupy, let alone farm.

And so the focus of the debate turns on what can be done to resolve conflicting claims to land and how it can be redistributed

On these issues, the current debate revolves around the question of a land claims court. The court is favoured by such diverse organisations at the SA Agricultural Union (SAAU), the Urban Foundation, the National Land Committee and the ANC. But government disagrees, although Scheepers says it is an issue his proposed policy body could look at. Perhaps the underlying issues could be dealt with by a reconstituted commission on land allocation, he says.

The weekend announcement that government had accepted the Advisory Commission on Land Allocation's recommendations that its powers be extended is a promising one. At present, it is restricted to considering claims to undeveloped state land.

Yawitch said earlier that government's refusal to accept the idea of a land claims court was inexplicable. But Goetsh points out that many of the parties have different expectations of the court. The ANC thinks it will redistribute land and return land to the victims of forced removals. The SAAU does not think it will do that at all, it thinks such a court will protect its members' freehold rights, many of which extend back centuries.

Where changes can be made, and where debate would be most fruitful, is on rural development and agricultural policy, and here much work has already been done.

Government's White Paper on land reform, the Urban Foundation's rural development policy document and the SA Development Bank's research work ought to be the focus of the debate. Whether the political groups will now wrench themselves away from potentially endless land justice questions remains to be seen, but they could at least spare a passing thought for rural development Here some of the lost ground can be made up.

A people's policy for parks

BIDAY 14/12/92.

KARIN FRANKEN (271)

GAME reserves are focusing sharply on eco-tourism and working for the support of local black communities, even to the extent of involving them in the management of parks.

Conservation officials say they believe the old policy stylebook has to be updated to suit the new SA, and its uncertain future.

"There will be no conservation miracle until we address the needs of the man in the veld — the rural dweller," said KwaZulu Bureau of Natural Resources director Nick Steele. "Gone are the days when we could talk about lofty strategies which are not supported by the average person.

"We face a disaster unless there is an agreed approach by both the political leaders and the scientific community on the importance of the natural, physical and biological environment."

Conservation Corporation chairman Dave Varty warned: "It is now increasingly recognised that wildlife projects which fail to recognise the socio-economic aspirations of communities around them serve to foster resentment and antagonism. This eventually leads to interference with conserved areas, and even an invasion of them."

The KwaZulu Bureau, established in 1982, has practised a policy of sharing natural resources with people living in the area, Steele said.

He suggested three principles for securing nature reserves in the present and future:

- ☐ Where conservationists are attempting to prevent degradation of nature — for example, where there is a need to protect a forest from exploitation for firewood — alternatives should be provided for the local community;
- ☐ Conservation cannot be divorced from the economy of the region in which it is practised. If changes to lifestyle and culture are to be made as a result of conservation activities, there must be tangible benefits for the communities involved; and
- ☐ Conservation will be successful only if the people of the region see that it is in their interest to take part.

National Parks Board CE Robbie Robinson said the national parks had been involved in helping rural communities by employing local people or training them to become self-sufficient. He cautioned that certain undeveloped regions on the perimeters of parks needed individual and sometimes unique solutions.

Eco-tourism consultant John Fowlkes said the National Parks Board had initiated joint management with the Richtersveld Park in the northern Cape and the West Coast Park at Langebaan Lagoon.

"About R200m was approved in September for eco-tourism projects in the KwaZulu region," Fowlkes said, adding that tourism brought spinoffs, such as improved infrastructure for surrounding communities.

The Natal Parks Board said that apart from employing people from local communities, it also offered brushwood and cut grass for fuel and culled animal meat at low prices for "undernourished residents".

Conservation Corporation recently received a grant of R650 000 from the European Trust which had heard of the group's commitment to involving local communities in its plans and to ensuring that they shared in the benefits of its nature reserves. The money has been placed in the Rural Investment Fund, founded by the corporation.

The corporation currently manages three game parks — Londolozi and Ngala in the eastern Transvaal and Phinda Resource Reserve in northern Natal.

Ngala's trust fund is jointly managed by the National Parks Board and Conservation Corporation.

Conservation Corporation management were inspired by Londolozi's community projects to initiate their own ecotourism projects. It plans to use the grant for a primary school and clinic, a skills and training centre focusing on carpentry, building techniques, permaculture, and marketing fresh produce in KwaZulu.

"The problem of poaching is also being approached differently now," said Phinda game ranger Rory du Plessis. "If we catch a poacher in the act, we refer the matter to his chief or headman, who punishes the culprit by committing him to three months' work in the reserve."

Spokesman Jane Conyngham said Phinda's projects included a brick-making business, charcoal production from felled trees, the distilling of wine from indigenous ilala palms, cutting thatch grass and firewood for the locals, and selling meat from culled animals.

"The revenue generated from these natural resources is used to purchase recreational equipment and provide facilities for staff and community members."

Future plans for the Rural Investment Fund include fund-raising efforts for rural development. The targets will be business corporations, pension funds, foundations, family trusts and government agencies.

Steele said: "In Zulu culture the land is there for the use of all the people who live on it, rather than for the individual. This is the natural starting point for a conservation strategy. Game reserves and conservation areas must produce benefits for the local communities."

BOOKS

Complete guide

On economics the Führer was right

Woes of a 'model' township

ARG 15/12/92 (271)

PORT ELIZABETH. — Residents of the small Eastern Cape town of Marselle, near Kenton-on-Sea, are still reaping the bitter fruits of their forced removal in the late eighties.

Despite claims by the Cape Provincial Administration (CPA) that it is a shining example of a township on the road to betterment, residents have many complaints. And civic structures have broken down, leaving residents voiceless, leaderless and powerless to improve their lot.

The vice-president of the Kenton-on-Sea Residents Association (Kera), Harrison Mangcangaza, says residents are being "controlled" by the CPA and a "civic leader" whom he named, who he said had security police connections.

The community's problems began while they were still living in the Emergency Camp in Kenton-on-Sea, then already 34 years old.

Conditions in the camp were bad. Residents lived in shacks, owner-built houses, and wattle-and-daub structures. There were between three and four taps serving the community and a pit toilet system that was built by the residents themselves.

Mr Mangcangaza said residents were approached about moving to Marselle as early as 1985. They rejected the notion through their civic structure, and demanded that the camp be upgraded instead.

However, all civic members were detained shortly thereafter.

A teacher, however, sanctioned the move despite residents' wishes and went around convincing people to go, and this paved the way for forced removal.

This is the man still today being regarded as the civic leader by the authorities.

Plans for the new township, Marselle, included extensive development.

A proposal for the development of Marselle by the Eastern Cape Development Board in 1986 said that four primary and one secondary school were needed. Industry, shops, churches, sportsfields and a cemetery should be developed, the document said.

Six years later Marselle is feted by the CPA as a shining example of a community on the road to improvement, but actually it is not much better than the emergency camp in Kenton, residents say.

There is only a single school: a temporary primary school housed in ten houses, converted into single classrooms.

There is no secondary school, no industry, only one soccer field which is used as a rugby field too, one shop, one creche, one clinic which will be opened next year. There is one tap for every ten families, and no electricity.

Mr Mangcangaza said 75 percent of the population is unemployed and the majority of youth do not attend school.

Those who are employed mostly work in Kenton as domestic servants and construction workers. The seaside resort is some 5km away, and residents now have to travel to the town by taxi.

Residents complain about a prototype dry toilet system that is defective, too little taps, cracks in their houses, unstable roofs and damp.

One resident, Mrs Jane "Teacher" Mvulana, said her toilet had been blocked for nearly six months. — Pen.

Land to go back to old owners

271

ARG 15/12/92

Political Staff

PRESIDENT De Klerk has accepted all the recommendations of the Advisory Commission on Land Allocation, setting in motion the process of restoring land to people dispossessed because of apartheid.

Among the first beneficiaries are the Indian traders of Pretoria's Asiatic Bazaar, who have been given the right to buy property there.

The commission was established earlier this year under the Repeal of Discriminatory Land Measures Act to identify State-owned land, which has not already been reallocated, for resditribution.

Vice-chairman Professor Nic Olivier said it came into being after the government recognised that the mere repeal of discriminatory legsilation was not enough to rectify injustices.

It was also given the task of identifying State-owned land that could be made available to black farmers to start rectifying the imbalance in land ownership outside the independent homelands and self-governing territories.

Prof Olivier said Mr De Klerk had agreed to give the commission more staff so that it could increase its work-rate.

He has also accepted that:

- The Board of Overseers of the Roosboom Hotel in the Klipvier District be given the chance to restore ownership of land expropriated from them for homeland consolidation;
- The farm Grootte Springfonteyn, near Atlantis, be restored to the heirs of the original owners; and
- Land in Charlestown near Newcaste be restored to the original owners;

The commission is still investigating claims by the Goedgevonden and Welgevonden communities, the Bakubung tribe of Mathopestad, Elandsfontein and Palmietkuil, and 13 other claims.

'Council should buy govt land'

Staff Reporter

The city council, not a private developer, should buy a piece of government-owned land in Steenberg, the ANC and community organisations said yesterday.

At a press conference on the vacant lot in Flora Road yesterday, Mr John Neels of the ANC's land department said the land was owned by the Department of Correctional Services.

Steenberg and Retreat ANC branch chairman Mr Dennis Joseph said the sale of state land was continuing without claims against it being considered, despite the formation of a committee to look into claims on state-held land.

City planner Mr Neville Riley said the council had not considered buying the land and its future use had to be determined by the current zoning policy. Even if they decided to buy it, "will the local authority have money to pay for it?" he asked.

Move on expropriated land

PRETORIA — The Advisory Commission on Land Allocation is to invite communities deprived of 100 000ha of land in terms of apartheid legislation to apply for their land back.

Among other recommendations, the commission said at the weekend that it had identified 100 000ha of state-owned land expropriated in terms of the Development Trust and Land Act of 1936 .

Details of this land, scattered around SA, would be made known to the public early next year and individuals or communities who had historical claims to the land would be invited to make representations to the commission.

The transfer of the land, which is

TIM COHEN

under the control of the Department of Public Works, has been approved by Cabinet.

Although other decisions of the commission were welcomed by the National Land Committee, an association of rural organisations, the committee has recorded its "concern" about the recommendation.

Until now, the advisory commission had advised of land under its consideration on a case by case basis. In the case of state land, a policy of full disclosure would be "constructive" and would allay fears that land that could potentially be claimed was being secretly and speedily disposed of, the committee said in a statement.

The committee therefore called on the commission to make public an inventory of all state land under its consideration, which would enable the public to have an overall understanding of the nature and extent of the land involved.

It was also announced at the weekend that two communities displaced from Roosboom and Charlestown 25 years ago will have their land restored to them. The National Land Committee welcomed this.

The commission will have its powers extended, if Cabinet agrees to the recommendations of the commission being accepted. Land Affairs Deputy Minister Johan Scheepers intends to lobby for the commission to be given a wider jurisdiction.

Bop cops 'beat, harassed' Taung chief's people

City Press 20/12/92

By MARTIN NTSOELENGOE

A GROUP of Taung residents approached the tribal authorities to request the return of their exiled chief, Samuel Mankuruane. In reply, the homelands cops gave them the beating of their lives.

A doctor who examined three of the victims said they were suffering from renal complications resulting from blows to their kidneys.

Chief Mankuruane said the police allegedly used harsh and abusive language in describing him when the residents were being interrogated. Some of the victims were pensioners.

Angry community members who heard of the beatings gathered at the Royal Kraal. But the police dispersed them.

Three days after the beatings police swooped on eight more people.

City Press was told that the small village of Tsokanyane was under siege as the police moved from door to door.

Mankuruane said he was shocked when he heard about the assaults, "but I know only too well that Bop police are notorious for taking the law into their own hands."

"We appeal to the UN and the monitoring groups in the country to help all those who suffer under Mangope's yoke of oppression," he said.



THRASHED ... A victim of Bop cop asaults.

Residents warn government

By JOHANNES NGCOBO

MORE than 3 000 Elandskraal residents this week staged a protest march against the Lebowa and SA government's proposed joint control of their land.

The angry placard-bearing men, women and children marched on the tiny police station in Elandskraal near Marble Hall where they presented a memorandum.

The protesters strongly warned the SA government that any incorporation of their land to a joint control with Lebowa would lead to a bloodbath. C/Pnem 20/12/92

Leading the march was the former general-secretary of the now disbanded SA Congress of Trade Unions, John Nkadimeng and ANC NEC member Derek Hanekom.

The marchers handed the memorandum to the local station commander.

Graham Linscott ponders a brutal policy that wrecked so many lives

Black spots that dirtied SA's name

STAR 22/12/92

NOW we pick up the pieces. The problem is you can't put together broken hearts, least of all when those who suffered have already departed this life.

Recently the Government announced that the African communities who were dispossessed of their land at the northern Natal "black spots" of Roosboom and Charlestown will be allowed to return and take title again.

This follows recommendations of the Advisory Commission on Land Allocation, one of President de Klerk's more felicitous and effective ventures in wiping the slate clean.

Roosboom and Charlestown were but two of the dozens of black spot removals which so effectively besmirched this country's reputation internationally.

You can't argue with photographs of simple people having their chattels bundled on to trucks for transportation to tents or tin shacks in alien, inhospitable surroundings. This is Siberia stuff.

Or their anguish at being removed from the locality of the graves of their ancestors, a very real and potent issue in wide sections of black society.

It always seemed mindless cruelty. Roosboom, a collection of rickety homes and patches of cultivation and grazing outside Ladysmith, got the axe at least partly because it was considered an "eyesore". It was visible from the national road and, according to Nationalist politicians of the day, it gave tourists a bad impression.

Now Roosboom and Charlestown are to be reinstated but, of the 30 000 who suffered the heartache in the 1970s, many are no longer with us. Many of their descendants have been sucked into the violence that has engulfed parts of Natal.

But the decision must bring some hope to black spot removal victims everywhere — those who hanker for the ancestral ground — and it will no doubt be a relief to freehold black communities over whom the axe had been hovering for decades.

Now, it seems, all kinds of people may get back their land — the coloured people of District Six, Cape Town, the Indians of Cato Manor and Block AK, Durban, the Indians of Pageview, Johannesburg, and other Transvaal central business districts.

Plus, according to Professor Nic Olivier, of the Advisory Commission (and a member of the DP think-tank), white farmers who were dispossessed in terms of the 1936 Land Act.

As he says, many left with great unwillingness. These are a barely recorded category of apartheid's victims. They were paid out, certainly, but whites transplanted no better than blacks. Many were ruined financially, having grown up on land which had been in their family for generations. □

New judge for land claims

271
CT 23/12/92

Political Staff

TRANSVAAL judge Mr Justice Sydney William McCreath has been appointed chairman of the Advisory Commission on Land Allocation by President F W de Klerk.

He succeeds Mr Justice T H van Reenen.

The commission is examining claims of people who lost property under apartheid laws.

RESETTLENT — 1993

Forest dwellers swear they won't be swayed

By FRED KHUMALO

C Press 17/11/93 271

WAY back in 1973, government bulldozers came rolling into Dukuduku Forest in northern Natal and flattened the houses with chilling finality. Residents of Dukuduku were hounded out of the forest.

Now, 20 years later, it seems there will be a re-enactment of that scene in the same forest..

The ousted forest residents are back – with their offspring and relatives in tow. Altogether, they number around 17 000.

"This time they won't move us," says 69-year-old Joseph Ngcobo, who claims ancestral rights to the land. "They will do it over our dead bodies."

Recent meetings between residents and the Natal Provincial Administration have confirmed that the people are not prepared to move from the area.

Many have threatened bloodshed should the government embark on a unilateral campaign to have them booted out.

The NPA, which is contesting the ownership of the land, is not taking the threats lightly. Especially not after the locals set a major part of the forest on fire in protest against the threat of removals.

The tug-of-war between the NPA and the local people started in the late '80s when the number of people who had moved back into the forest increased dramatically, to the detriment of the flora and fauna.

The Wildlife Society was one of the organisations in the forefront of a campaign to have the "squatters" kicked out of the forest.

But the residents argued that they had nowhere else to go: many of the people are unemployed and survive through subsistence farming.

When the drought ravaged the Natal region two years ago, more people flocked into the forest where they ploughed the soil and grazed their cattle.

Seeing that the government's pleas to the people had fallen on deaf ears, Natal member of the executive committee for local government, Val Volker, came up with a proposal to have the people moved to a 1 400 hectare stretch of land to the north of the Mtubatuba-St Lucia road. The forest is on the opposite side.

Zululand Council of Churches Pastor Amon Zwane noted that the land was too small for the people and not suitable for subsistance farming.

However, the NPA last month reported that the locals had agreed to move to the new area.

But locals, through the ANC and Inkatha, told the media that the decision had been forced down their throats.

While tension mounted as debates raged, much of the forest was mysteriously destroyed by a fire.

This followed warnings from the ANC that there should be proper consultations between the NPA authorities and the locals.

Officials believe the burning of the forest is a "scorched earth policy" embarked upon by the residents who are unhappy with being removed from their land.

"We are back here not because we want to disturb nature, but because this land belongs to us. We were kicked out of here in 1973 and we lived like nomads in search of suitable land on which to grow our crops and graze our cattle," said Ngcobo.

In a very rare show of unity, the ANC and Inkatha stressed the importance of consultation about the future of the Dukuduku Forest.

NPA spokesman Raj Singh said a recent meeting between the administrative body and the locals had been "inconclusive". He said more meetings have been scheduled for the future.

Meanwhile the 17 000 people of Dukuduku – which means "a place to get lost in" – are trying hard to lose themselves in the forest, but their plight has made them very visible.

Citrusdal families reprieved

271
ARG 23/11/93

■ Thirteen families representing more than 100 people have been granted a reprieve to keep on living on the Allandale Farm near Citrusdal after an out-of-court settlement with the farmer.

TYRONE SEALE, Weekend Argus Reporter

CITRUSDAL farmer Mr Daniel du Plessis has granted a four-year reprieve to 13 tenant families who settled on his property 30 years ago after allegedly having their land confiscated in a deal brokered by the Ned Geref Church.

About 400 people from all over the Cape made their way to Citrusdal Magistrate's Court this week where Mr Du Plessis was expected to renew a 1991 attempt to evict the 13 extended families, totalling about 100 people, from Allandale Farm, 10km outside the town.

The Allandale community are the members and descendants of a group of families who claimed they were forced off their Elandskloof Farm in the Cedarberg in 1961 when the NG Kerk sold the property to two brothers for R34 000 without the consent of the families who lived there.

The families claimed it was on record that Queen Victoria granted the land to freed slaves about 1899 on condition that the residents paid for the surveying cost After the land was sold to the brothers the families were forced to leave the land.

The Elandsklowers are dispersed in Citrusdal and surrounds, the Boland, Southern Cape and Cape Town. Part of the group settled on Allandale farm at the invitation of the farmer, the present Mr Du Plessis's father.

Assisted by the Surplus Peoples Project, the Legal Resources Centre and the ANC, the Allandale residents launched a legal battle which they hoped would resolve the future for all Elandsklowers.

At Thursday's hearing laywers representing the tenants were told by Mr Du Plessis's counsel that the farmer wanted to settle out of court and would give his tenants three years to leave.

The Allandale lawyers asked for a five-year reprieve and the parties ammicably settled for four, with January 21, 1997, the deadline. The parties will pay their own costs.

Mr Du Plessis said yesterday he was pleased with the settlement and was hopeful the families would find another home by 1997.

Allandale community leader Mr Saul Titus said while settlement gave residents temporary peace of mind it would not deter them from returning to Elandskloof.

This would be a long complicated battle that would be led by organisations that had assisted the community so far, he said.

■ In a statement issued by the ANC in the Western Cape, Dr Allan Boesak said the ANC welcomed the out-of-court settlement and lauded Mr Du Plessis for his acknowledgement of the needs of the community who will continue to live on his farm for the next four years.

The organisation expressed the hope that the application by the people to return to Elandskloof would succeed and that they would be re-instated on the land "to which they have a historic right".

No eviction for farm community

(271) CT 23/1/93.

Staff Reporter

THE Elandskloof community in Citrusdal has been granted a four-year reprieve from eviction from the farm they have occupied for the last 30 years.

On Thursday an application to the Citrusdal Magistrate's Court by the farm's owner, Mr Danie du Plessis, for the eviction of the 23 families turned into a day of legal negotiation

A settlement agreement was finally concluded at 7pm on Thursday The families — over 100 people — can stay on the farm, rent-free, until January 21, 1997, when Mr Du Plessis may take steps to remove them from his land.

On Wednesday night Dr Allan Boesak held a prayer meeting in the church hall at Citrusdal

The families living at Allandale are the remnants of the original Elandskloof community who were evicted when the land was sold by the Dutch Reformed Church to a farmer in the area over 30 years ago

Mr Du Plessis's father, Mr Paul du Plessis, was one of a number of farmers who offered the group a place to stay

The dispute over Elandskloof itself has been referred to the Advisory Commission on Land Allocation. The community claims ancestral title to the land on the basis that a clause in the title deeds reserving it for use as a mission station — allegedly a stipulation made by Queen Victoria in 1899 — was improperly removed before the sale in 1960, at the instance of Mr P W Botha, then Minister of Coloured Affairs

Mr Danie du Plessis said he had been trying to relocate the families for the last 10 years, with the help of the Cape Provincial Administration

Mrs Aletta Titus, a member of the Elandskloof community and spokesperson for their committee, said on Thursday that she felt "much better" knowing that they could stay

Mr J A Burger, Mr Du Plessis's attorney, said yesterday that they were satisfied with the settlement.

The community's attorney, Mr Steven Kahanovitz of the Legal Resources Centre, described the decision as "a breakthrough for the area"

The Western Cape Region of the ANC yesterday issued a statement declaring their delight at the outcome

But we are staying, vow once-prosperous Mfengu tribesmen

By DAWN BARKHUIZEN

THE return to the Tsitsikamma region for eight Mfengu families this week was bittersweet.

They came back not to the old stone houses and 8 000 hectares of pasture that 500 families once owned but to a line of seven incomplete tin houses on a small portion of land abutting the lush grasslands granted to them by Queen Victoria in 1837.

The group are the first of 51 families who, unable to survive on barren plots in drought-stricken Ciskei, obtained permission to live on neighbouring church land until they can revoke Prime Minister BJ Vorster's 1977 gunpoint banishment of the community.

Nothing

After a 450km journey with children and furniture crammed into minibuses and an unreliable truck, their cash has run out.

Dispossessed families, who each received an average of R429 as compensation for their homes 15 years ago, do not have the money to finish building new houses.

They received nothing for their land, livestock or crops.

They sleep packed together in a tent or out under the stars.

All they could do as they unloaded their baggage on to Moravian church land in Clarkson this week was lean over the fence and remember the days when they farmed the fertile soil that is now in the hands of the state and 19 white farmers.

Their flight from Ciskei this week was not only a bid to survive scorching drought but also to ensure that more of their old folk do not die heartbroken, penniless and frustrated on tiny plots in the drought lands, according to Tsitsikamma Exile Association deputy-president Isaac Tembani, 75.

Behind them they left the graves of more than 135 elderly Mfengu who died in a strange land.

The move is also a message to farmers and the government that the Mfengu are tired of waiting, but will not give up a 15-year-old battle to win back an area so productive that it has been dubbed "Little New Zealand".

"We could not stay in Ciskei one minute more. Our people were dying, there was no money for doctors. We are broke, but just coming back here makes us feel strong. We want to farm and grow vegetables again because that is what we know," said Mr Simon Hopo, 45.

His mother, Esther, 69, agreed: "I was born here and will not move again. Even if the police come with guns, I would rather die than move."

Mr Tembani said: "We became tired of waiting. I have been writing to the government for years. To Gerrit Viljoen, to Piet Koornhof, who refused to see us because, he said, we were Ciskei citizens. We got so desperate we even wrote to the Broederbond. Now we are involved in negotiations with the government, but it is all taking so long."

While they have been welcomed back by most of the coloured community living at Clarkson, others view with trepidation the arrival of more people in an area where work is scarce.

Signal

For the white farmers who bought farms at subsidised rates with 100 percent government loans, the return of the Mfengu is a signal that the government must quickly settle the matter.

"We do not have the same religious and sentimental ties with the land as the Mfengu. Long ago we resigned ourselves to accepting whatever settlement was made," said a farmer.

"But now we are all sitting waiting. Our 10-year resale prohibition clauses have expired, but we are not allowed to sell up or simply get on with the business of farming."

Another farmer, Mr Daan Landman, said: "We farmers have landed slap-bang in the middle of a fight between the state and the Mfengu. Some might feel threatened, but in principle I have nothing against the Mfengu returning because I think there is enough land for all of us who genuinely want to farm. I just feel the matter should be settled once and for all."

Home, bittersweet home

"THEY came in buses and trucks with guns and clubs. We were moved in a cruel manner, the women and children were crying. Four years after moving to the Ciskei, my wife became sick and died. It was the sorrow that killed her."

This is how elderly Temba Xayimpi remembers the day in December 1977 when the government sent in troops to remove 500 Mfengu families from the land they had owned for 130 years.

This week, 50 families returned to Tsitsikamma in the eastern Cape. But it was a bitter-sweet return: they have been allowed to settle at the Moravian mission at Clarkson, a stone's throw from the land they still claim as theirs, but which has since been sold to white farmers.

Isiah Olifant, 62, and his wife Dinah came back without much hope that the 4 ha of land he once farmed will be returned.

"I am glad to be back, but it is not our own land. I don't believe we will get our land back," he said.

The 1977 removal saw the entire community banished to Elukhanyweni ("The place of light") in the Ciskei.

Mashwabada Msizi, co-ordinator for the Tsitsikamma Exile Association, said the community decided to return "ahead of any settlement with the government".

On Tuesday, a minibus carrying the first four families snaked along the gravel road through Clarkson to the site where 51 wood and zinc houses will be constructed.

The 8 000 ha of prime farming land was granted to the Mfengu by Sir George Grey in 1841.

When in 1975 parliament approved the removal of the Mfengu the community received R200 000 compensation for their houses, churches and schools, which were then demolished.

Between 1983 and 1987 the land was portioned off and sold, at below market value, to white farmers.

In 1991, when the government published its White Paper on the land question, it was clear the Mfengu would not get their land back.

On September 8, government lawyers instructed to settle the Mfengu land claim made an offer to the community to return "some 2 000 ha of the original land and provide developmental assistance."

But the TEA remains adamant they want the rest of their land back, Msizi said.

"As surely as the sun rises in the morning, the Mfengu will return to the Tsitsikamma," he said. – Pen

PROFILE: *The judge who presides over land disputes*

Sticking to the letter of the law

w/mail 29/1-4/2/93. 271

The new chairman of the Land Commission is more lawyer than politician and his legalistic approach may disappoint those hoping for quick land reform.

By **FERIAL HAFFAJEE**

TO Mr Justice William McCreath has fallen the unwelcome task of undoing forced removals and giving effect to the catch-all phrase of "land redistribution".

But expect no sweeping changes or crusades for a meatier Advisory Commmission on Land Allocation from him: McCreath is firstly a lawyer with a deep respect for laws, no matter how tainted they may be.

His legalistic approach to the task before him may be an impediment. But it may be a bonus, promising the 70-year-old judge, recently appointed chairman of the commission, will lend the same objective ear to land cases as he has to the problems which have come before him in his 12 years on the Bench.

He is a very polite man who pours your tea and shows a genuine interest in everyone he meets, but getting to know him and what makes him tick is a little more difficult.

There is no black and white answer as he neatly side-steps controversy with carefully chosen responses:

Will he visit the communities who are reclaiming their land and whose claims he will rule on? "The secretariat does this sort of work."

Does he agree that land reform needs more than just a legal interpretation and that historical, political and social tensions all need to be taken into consideration? "Each case presents its own problems, depending on the matter under consideration."

What does the commission think about the transfers of land to the homelands? "It is not in the commission's ambit to deal with that."

But the one thing that has his unequivocal support and raises passion in his soul is the law:

"The ambit of the commission's work is defined by the Advisory Commission on Land Allocation Act and its jurisdiction is defined by the Act.

"The commission's handling of matters must obviously be done within the ambit of that which is laid down in the Act and beyond that the commission should not and cannot go; it has its defined powers."

This just about puts paid to calls by the National Land Committee (NLC) for drastic changes to the Advisory Commission on Land Affairs.



Mr Justice William McCreath Photo: GUY ADAMS

The NLC believes there should be no provision for secret judgments.

It believes the commission should be able to make findings over all land, not just state-owned land.

The organisation also believes the commission should have legislative force, not just recommendatory powers which would effectively make it a Land Claims Court.

"The commission is a creature of statute and it is for parliament to consider what the commission's powers should be," says the chairman.

But confines of the law can be too confining for the vexed question of land retribution.

In his first three weeks in office, Justice McCreath has already had to negotiate a number of storms: an outcry greeted the commission's recent findings in the Group 4 community's claim for RA60, an area bordering Ciskei in the eastern Cape.

The finding provided that the land would go to the Zulukhama people instead of the Group 4 residents. Both groups live on the same land — called RA60.

The RA60 judgment amounted to the transfer of land to Ciskei, believes the Grahamstown Rural Committee (GRC) which assists the Group 4 residents. "The land will go to people who are at least nominal residents and citizens of Ciskei," said the GRC.

"There is no way that land can be transferred to Ciskei. The White Paper on land is very clear that in no ways will land in future be incorporated into the self-governing territories or the independent states with a view to state-forming," says the director of the Commission Secretariat, Nico van Rensburg.

But the government's plans to transfer nearly a million hectares of land to the homelands have attracted the criticism of even Mr Justice Richard Goldstone, who said this could exacerbate violence.

Another problem of the RA60 decision was it was not made public, while the more acceptable decisions on the future of communities in Roosboom, Charlestown and the Asiatic Bazaar in Pretoria were.

Land transfers and the controversy around secret findings are burning issues which could rear their heads again in the 48 cases before the commission.

A narrow interpretation of the commission's terms of reference which ignores these issues is not going to win it any friends.

Perhaps Judge McCreath hesitates to take up issues like these because he is more lawyer than land man.

"I have over the years been connected with land in all its various forms," he says. But the only time he worked consistently with land affairs was before he went to the Bar in 1956 when he served on the Pretoria City Council's Lands and Estates department.

Since then, land cases have occasionally come before him, he says.

Dismissed Transport workers back at work

Sowetan 2/2/93 (270)

■ Money-changing machines unpopular with drivers:

ABOUT 320 bus drivers and mechanics who were fired last week in Empangeni, near Richards Bay, are back at work,

But Umfolozi Transport managing director Mr Andre Joubert yesterday said business was "not normal" yet. About 70 drivers had not returned.

The company and workers' unions were due to meet yesterday to resolve the dispute.

The workers were fired last Tuesday after an "illegal" strike demanding the reinstatement of a driver who was fired for failing to appear at a hearing.

The dispute is centred around new money-changing machines for drivers. Mr Joubert said the machines provided better control of the money collected and were thus not popular with the drivers.

Drivers said they needed time to learn how to operate the machines. National Industries and Commercial Workers' Union spokesman Mr Selby Nzimande said the workers were split between those who wanted reinstatement and those who agreed on new terms of re-employment.

2 000 jobs a month cut by Transnet

BDAY 2/2/93

EDWARD WEST 270

TRANSNET was cutting back the number of its employees at a rate of about 2 000 a month, media spokesman Carel Mulder said yesterday.

He said the strategy to reduce the number of employees was part of a continuing process to cut costs. It was not known how long the process would continue.

Employee numbers were being lowered by offering optional retrenchment packages or through natural attrition, he said.

Transnet MD Anton Moolman was reported to have said at the World Economic Forum in Davos, Switzerland, that the number employed by Transnet would depend on the economy and the affordability of its human resources. Forced retrenchments remained a possibility.

Transnet took the decision to reduce its staff when it took the path of commercialisation in 1990.

Mulder said employee numbers had dropped to about 150 000 from 260 000 seven years ago.

In the 1991/92 financial year Transnet reported a loss of R90m.

Jobs shock for 500 workers

Arg 3/2/93

KARIN SCHIMKE, Staff Reporter

AT least 500 Cape Town Transnet workers will be retrenched voluntarily or transferred to other jobs later this year when parts of the Transwerk workshop in Salt River are closed.

Transwerk says it is no longer economical to repair diesel locomotives and carry out heavy repairs to railway trucks at the workshop and that these services will stop on April 1.

At least 500 employees will be offered voluntary retrenchment packages. They will have to decide by June when a moratorium on retrenchments runs out.

After that Transnet will meet unions to discuss the future of staff.

This year alone Transnet is declaring 70 000 posts redundant countrywide.

General-secretary of the Federation of Transnet Trade Unions Mr André Venter said the unions were satisfied with Transnet's system of rationalisation.

"Although it is a very sad story, and retrenchment is always a traumatic experience for the worker, we feel Transnet management have met us more than halfway by trying to accommodate retrenched workers within the company."

Although unions within the federation had taken a hard line on employees' rights, the satisfactory results of negotiations should set trends for management-union relations in other companies.

Strike: Bus driver shot dead

Own Correspondent

DURBAN. — A bus driver was shot dead, at least one other driver was badly injured and three Umfolozi Transport buses were set alight in strike-related violence in the Empangeni area yesterday.

A truck driver of another strike-hit company, Amalgamated Beverages, was shot dead in an ambush. Police could not confirm that the shooting was related to the strike.

The violence in KwaZulu follows an industrial dispute between Umfolozi Transport and management over the sacking of a trade union shop steward. The dead driver, whose name has not been released, was ambushed on Monday night. Another driver was badly injured when he was shot at by unknown gunmen. CT 3/2/93

Mr André Joubert, managing director and co-owner of Umfolozi Transport, said the company had lost about R1,3 million from lost revenue and damaged buses.

Star 9/2/93

Transnet's pension fund faces R10-bn shortfall

Political Staff

CAPE TOWN — Transnet's pension fund is drifting further and further into trouble, and now has a shortfall of more than R10 billion.

This disclosure comes at a time when there is a lot of interest in the reported R850 million pension payout that would be needed to pay off the present MPs. On top of this, there is the R21 billion the Democratic Party has estimated would be needed to cover the pension payments and gratuities of civil servants who could leave the Government before an interim government was put in place.

This figure does not include the payout to people leaving local authorities.

According to the 1992 annual report of Transnet, the turnover of Transnet that year was R12 308 million.

When it was formed as a company in April 1990, Transnet inherited the assets and liabilities of the former South African Transport Services.

At that stage an actuarial valuation of the Pension Fund showed a statutory deficit of R6 786 million. This was the amount of money the pension fund would be short by if every member took out their pension at that point.

However, by March 1992 the statutory deficit had increased to R10 472 million.

The annual report said two of the reasons for this were the fact that contributions were still too low and there were more deaths than anticipated.

This shortfall would be funded by an increase in contributions, transferring single amounts from future profits of Transnet to the Fund and by using investment freedom to earn higher returns on investment.

It is expected that the shortfall would take 10 years to correct.

The Pension Fund's total assets at the end of the 1992 financial year were R16 215 million. There were then 154 954 contributing members, compared with the 1991 figure of 160 531. The number of pensioners who recieved benefits increased from 92 231 in 1991 to 94 547 in 1992.

The total benefits paid during the 1992 financial year amounted to R1 402 million — equal to R4,7 million each working day, the report said.

Transport workers strike

JOHANNESBURG. — About 800 workers at the transport company Lembecker walked off their jobs yesterday to back demands for higher pay and reinstatement of retrenched colleagues.

CT 9/2/93

African wars force Safair to retrench 30% of staff

STEPHANE BOTHMA

POLITICAL instability in Safair's core African markets — Angola, Somalia and Zaire — has forced SA's largest cargo carrier to retrench 30% of its staff.

Large-scale civil war in Angola had forced Safair to halt operations there, which resulted in a loss of R20m in annual turnover, a spokesman said.

Safair's UN food relief operations in Somalia had also come to an end.

Safair MD Braam Loots announced at the weekend that 250 of the company's 800 employees would be retrenched as part of a rationalisation process.

Three psychologists, aided by four financial advisers and personnel consultants, had been hired to help redundant staff.

Hardest hit was administration staff, although retrenchments included pilots and technical staff.

However, Safair's scheduled cargo flights between Johannesburg, Cape Town, Durban and Port Elizabeth had not been negatively affected, a spokesman said.

New markets were being developed within SA using Russian helicopters, the spokesman said.

He stressed that the agreement reached with the Russian aviation company EcoTrends late last year did not require any capital outlay by Safair.

In terms of the agreement, he said, EcoTrends would supply fixed-wing aircraft and helicopters at no charge, Safair would find work for the aircraft and crews, and profits would be split 50-50.

B/Day 2/2/93

Land claims to be probed

271

TIM COHEN

CAPE TOWN — Instances where land claimed by displaced communities had been hastily transferred to white farmers would be reviewed, Deputy Land Affairs Minister Johan Scheepers said yesterday.

He said in some cases state land had been transferred to white farmers to exclude it from the jurisdiction of the land allocation advisory committee.

A mechanism to negotiate the future of such land would have to be instituted, he said, conceding that this land had been inappropriately transferred.

Star 2/2/93

Moratorium on sale of State land ruled out

By Kaizer Nyatsumba
Political Reporter

CAPE TOWN — The Government would not put a moratorium on either the selling of Government-owned land or the transfer of trust land to "tribes" in the homelands, Deputy Land Affairs Minister Johan Scheepers said yesterday.

Addressing a press briefing, Scheepers said that although the Government was engaged in negotiations with various political parties and organisations on land matters, it would not put a moratorium on the sale of Government-owned land, some of which was not suitable for human habitation.

His Government, he said, did not believe in the redistribution of land, as some organisations demanded should be done. Instead, it wanted available land to be made accessible to all.

Scheepers said the Government was engaged in bilateral talks with a number of organisations, including the ANC, on land affairs, but was no longer involved in any multiparty negotiations as it once was.

That, he said, was because there were many differences among the various political players on this issue, with the Pan Africanist Congress insisting that land claims and restitution should go back as far as 1652.

While the Government was committed to addressing claims from people previously dispossessed of their land, it would not sell off land on which a claim was under consideration.

Hundreds protest at 10-year-old uprooting

CT 15/2/93

271

Own Correspondent

DURBAN. — Hundreds of people from the Tambanana Reserve near Empangeni marched through Richards Bay yesterday to protest against their removal from the Mandlazini area 10 years ago by the Richard's Bay Municipality.

The people were removed from the reserve to make way for industrial development, but no development had taken place, according to Mandlazini Interim Committee vice-chairman Mr Raphael Bukhosini.

Mr Bukhosini said his people wanted to return to their ancestral land.

Star 15/2/93 (271)

Huge protest over removals

Thousands of people from the Tambananana Reserve near Empangeni gathered at Richards Bay yesterday to protest against their removal from the Mandlazini area 10 years ago by the Richards Bay municipality.

Proposal for land claims court

CT 22/2/93

JOHANNESBURG. — The African National Congress has proposed a tribunal for land claims vested with powers to order the restoration of land to people dispossessed by forced removals.

This proposal is contained in the organisation's revised draft Bill of Rights made public on Saturday at the International Solidarity Conference here.

The tribunal should be able to order compensation for dispossession by forced removal as well as compensation for any redistribution of land "required to redress past imbalances".

The Bill of Rights would guarantee that men and women enjoy equal rights in all areas of public and private life.

Also, disabled people would not be discriminated against.

The bill says children should be protected from economic exploitation and should not be permitted to perfom work that threatens their education, health or moral well-being. — Sapa

Row over 'ancestral land'

By Eric Naki: East London

A FARMER'S plan to auction off his land has run into stormy opposition from a community which claims it is their ancestral land.

The community of Goshen, near Cathcart, claims the land was given to them by the Moravian Church in the 1850s and that farmers took it from them. Now they want time to raise the money to buy it back.

The 1 000ha farm, Shaffhausen, is to be auctioned on February 28.

The community also claims a 1400ha farm belonging to Anthony Bartlett, allegedly given to them by the German missionaries.

A Cathcart advice office member, Victor Mahlati, said the community had requested him to ask estate agent Tony Chubb to stop the auction so that they could raise enough money.

He said the community had held discussions with the Cape Provincial Administration regarding the return of the land to them.

Bartlett said if the community offered to buy the farm, he would consider it — "I paid a lot of money for it".

He said when bought the land about four years ago from another farmer, the community began to harass him.

He said the Goshen community's claim of ownership to the land was false, and that the Moravian Church had only allowed them to graze their stock on it in the 1800s.

Chubb said Schaffhausen was originally sold to the Kuhn family by the Moravian Church. — Elnews

Five Group Areas victims begin their land claims

(271)

ARG 26/2/93

MICHAEL MORRIS, Political Correspondent

THE first claims for restoration of land ownership by Cape Town families forced to move under the Group Areas Act are being investigated by the Advisory Commission on Land Allocation.

The five claims have been submitted by people now living in Retreat and Grassy Park.

The Commission's 1992 report tabled in parliament yesterday says the investigation of the claims for restoration of ownership are "currently in progress".

Claims have been received by Mr J and Mrs K M Hendriks of Retreat, Mrs K Petrus of Grassy Park, Mrs J Prince of Grassy Park, Mr A Sias of Grassy Park and Mrs R Marinus of Grassy Park.

The report gives no details of the properties home ownership they want restored.

Evidence will be heard before the Commission formulates its advice to the government.

The seven-member Commission was formed in 1991 in terms of the Abolition of Racially Based Land Measures Act to advise the government on claims for restoration and on the use and re-allocation of land.

Land applications under review

Bfn Exp 26/2/93

ADRIAN HADLAND

PRETORIA — More than 50 individuals or communities had applied to have land they had previously owned or lived on returned to them, the Advisory Commission on Land Allocation reported yesterday.

Set up following the passage of the Abolition of Racially-based Land Measures Act in 1991, the commission has identified more than 900 000ha of government-owned land which may be parcelled out for farming, settlement or development purposes.

One of the commission's objectives was to allocate land to those disadvantaged by the racially based laws repealed by the Act, said the commission's annual report, which was tabled in Parliament yesterday.

Commission chairman Judge S W McCreath said seven claims for the reinstatement of ownership rights had been investigated.

McCreath said the commission was involved in four investigations into the reinstatement of ownership rights with 40 further applications waiting to be considered. New applications were arriving daily.

The commission had submitted advice to President F W de Klerk on a number of claims including claims on state land, former SA Development Trust land and the reinstatement of ownership rights, he said.

The commission's annual report stated that the SA Agricultural Union and the Development Bank of SA had been approached for advice on a number of issues.

"The commission took note of the viewpoint of the SAAU that the utilisation of agricultural land is of prime importance," McCreath said.

Lost land may be given back

Political Staff

THE restoration of five erven to their former owners in Grassy Park and Retreat in Cape Town was being investigated, the Advisory Commission on Land Allocation said yesterday.

The former owners lost their land after it was expropriated under the Group Areas Act.

The commission said in its annual report, tabled in Parliament yesterday, that it had submitted three reports to President F W de Klerk about more than 900 000 hectares of state land which had not yet been allocated for specific purposes or for development.

Further investigations were under way of claims for the reinstatement of ownership rights, including applications for the reinstatement of five erven in Grassy Park and Retreat.

'Fight for land will continue'

By Justin Pearce

NAMAQUALANDERS are still fighting to reclaim land that was taken from them in the sixties — even though a 1988 Supreme Court ruling on the land went in their favour.

The members of the Namaqualand Citizens' Association (NCA) have vowed that they will do anything to regain communal control of their land. They have even written to Queen Elizabeth to ask her to intervene in the matter.

Their claim to communal land ownership is based on the fact that they are descendents of families who have lived in the region since before the beginning of recorded history.

Since the beginning of the colonial period the Namaqualanders have faced dispossession as sections of their land were claimed by white farmers or diamond magnates.

Only a small area, the Kagamma Reserve, remained in communal ownership. But in the sixties the state fenced off the land into "economic units", which were sold to selected buyers. The majority of people were forced to relinquish control over their ancestors' land, and seek employment with the new owners.

In 1988 the Supreme Court ruled that the state had acted illegally in dividing up the land.

● The NCA claims Namaqualand residents were not consulted about Eskom's decision to buy land on the West Coast to build nuclear power plants.

See page 13.

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Hope of land reparations

271

Political Staff

The Advisory Commission on Land Affairs (Acla) may have its terms of reference extended to urban areas and could even deal with reparations for people whose land was confiscated under apartheid legislation. CT 4/3/93

Land and Regional Affairs Minister Mr Jacob de Villiers told the House of Delegates yesterday that there might be amendments to the act governing Acla's activities.

Families take fight to court

Star 4/8/93
271

By Jo-Anne Collinge

The case of the tiny community of Khosis, who claim the right to live undisturbed on ancestral land in the middle of the army's vast P W Botha Battle School near Lohatla, comes before the Supreme Court, Kimberley, today.

Joseph Free, head of one of the 40-odd families who refuse to quit their land, will ask the court for an order ensuring peaceful and undisturbed occupation, free of SADF interference.

The applicants want to be allowed free access to their homes, over the most convenient routes.

They argue that hardship has been caused by the closing of certain gates to the camp since September last year, when an unsuccessful attempt was made to get the entire Khosis community to move to Jennhaven.

Khosis lock-out

AN application by the embattled Khosis community to stop SADF interference with the peaceful occupancy of their ancestral land was dismissed with costs this week in the Kimberley Supreme Court.

The 40 families from the settlement situated in the middle of the SADF's sprawling PW Botha Battle School at Lohatla in the northern Cape have been fighting for the right to stay on their land and to have free access to it.

Now two of the main gates have been locked and residents have to produce identification when entering or leaving the area. Visitors need permits from the SADF.

THE PROMISED LAND

C/Press 7/8/93

Redistribution of land issue heads for the top of all election agendas

By SEKOLA SELLO
City Press 7/8/93

IN the last two days some of the country's best minds were busy trying to clear the decks of all problems which impeded progress towards the reconvening of a multiparty conference.

Once the MPC – or whatever name will be given to it – reconvenes, its work will be clearly cut out. Its brief will be to set dates for elections for the constituent assembly; the terms of reference of this body; a bill guaranteeing this and that freedom and issues such as regionalism.

But whatever agreements are reached on these issues, the real problem confronting SA will remain untouched – the question of land.

To some political analysts the question of who owns what piece of land in SA is the real question facing this country. It is the proverbial Sword of Damocles hanging threateningly over the heads of all political parties.

A bill of rights which guarantees all the freedoms in the world is meaningless, they say, to someone who is landless and may be condemned to living in Mshenguville squatter camp all his life.

Barometer, a journal which looks at socio-economic and politica' issues, asked several key political parties and organisations their views on the land question. Their replies were revealing.

They were vastly different and, at times, conflicting – showing that the issue is bound to be the most intractable one facing our politicians. It is an issue which, come the election, could make or break political organisations and, to be sure, many will place it at the top of their agenda.

Organisations whose views were canvassed ranged from the ANC, the PAC, the National Party, Inkatha Freedom Party, the Conservative Party and the Afrikaner Volksunie.

Arguably the most radical position taken on the question of land redistribution comes from the PAC. The organisation argues that the land "must revert to becoming the property of the African people as a whole" – a position which obtained in most of pre-colonial Africa.

White farmers

The organisation says it has targeted a substantial amount of land controlled by white farmers for redistribution and that the first step towards achieving this will be the expropriation of white-controlled land.

According to the PAC, the organisation is, in principle, opposed to the idea of compensating those whose land will be expropriated. However, it concedes that compensation will be rendered for "developments" on the land. This means the owners will be paid out only for structures built on the land.

Should the organisation take part in the forthcoming elections – as seems likely – the issue of land for blacks is likely to be one of their major electoral manifestos.

The question of land ownership is fundamental to the entire political grounding of the PAC. In fact, to a large extent the PAC broke away from the ANC because it rejected the ANC's view that SA belonged to all who live in it.

The PAC countered this, saying the land belonged to Africans, not necessarily in the racial sense. In terms of the PAC's definition of an African, this is a person (in theory a white person) whose loyalty is first and foremost to Africa and not Europe.

Whether a PAC-led government would be in a position to achieve these objectives is hard to predict. When the Zimbabwe African National Union, a close ally of the PAC, embarked on its war of liberation, the issue of returning land to the indigenous inhabitants was one of its primary goals.

It is now 13 years since Zanu took the reins of government and up to now Robert Mugabe has not yet been able to realise this goal. The PAC cannot be unaware of the problems faced by their friends across the Limpopo.

As can be expected, the NP is strongly opposed to the idea of land redistribution. However, the NP acknowledges the need to address the question of landlessness.

However, unlike the PAC, the ruling party opposes state intervention in the land market. Instead, the party places faith in market forces, what it calls "a market driven land reform process" accompanied by appropriate support measures for growth and development.

The NP admits that the majority of blacks do not have the financial muscle to enter the land market. They also concede that market forces alone are not sufficient to "obviate historic backlogs and the effects of policy directions of the past".

Is this not compelling reason enough for future government intervention?

The position of the ANC is a mix of the NP and the PAC. The ANC's head of agricultural planning in its Department of Economic Planning, Derek Hanekom, says "the state has a responsibility for redistribution and, in certain instances, will acquire land for redistribution, especially in the case of the urban landless and homeless".

The ANC has targeted specific land for redistribution. This includes state owned land, land which is held purely for speculation, unused or under-utilised land and land which has been degraded environmentally.

Hanekom emphasises that, although their policy document does not refer to white owned farms being targeted for redistribution, any policy of redistribution would include white owned land.

Unlike the NP which is opposed to a limit on the amount of land which an individual or company can own, the ANC says the question of multiple ownership will have to be reviewed and that consideration will have to be given to a land ceiling.

Inkatha too is opposed to limiting the amount of land an individual or group can own. Its minister of finance, Simon Gumede, says the principle of private ownership of property cannot be qualified by limits. Market economies just don't work that way.

However, Inkatha also supports the idea of land redistribution. Gumede says one of the reasons for this is to ensure that land is productively utilised. He says the party would "take a very close look at under-utilised land owned by absentee landlords".

However, he says Inkatha will not expropriate land by decree and that the organisation rejects the principle of expropriation without compensation.

Inkatha, which is committed to a federal SA, says the issue of redistribution will be the province of states within the federation to handle and not the central government – a position which the ANC and PAC are likely to reject.

The recently formed Afrikaner Volksunie, which broke away from the CP, is also opposed to redistribution being written into the constitution – a position which finds favour with the Afrikaner Freedom Foundation headed by Professor Carel Boshoff, son-in-law of the architect of apartheid, Dr Hendrick Verwoerd.

Both the AFF and AVU believe in a separate homeland for the Afrikaner.

Once a date for elections has been announced, get ready for the land fight.

Johnson left with no gold

■ Former Crossroads strongman Johnson Ngxobongwana is out of the limelight and living quietly in the bush at Driftsands where Weekend Argus reporter **VUYO BAVUMA** spoke to him this week.



UNLIKE many battle-hardened politicians, Johnson Ngxobongwana did not get a golden handshake when he left politics.

Neither did he move into a posh mansion to enjoy his "retirement".

The former Crossroads strongman, who now lives in the bush at Driftsands, quit politics because he got tired of "too many squabbles".

Unlike the old days when it was easier to catch a shoal of fish with your bare hands than get an interview with Mr Ngxobongwana, he is now much more approachable.

Gone are the armed police who guarded his brick house in the sprawling squatter camp when Mr Ngxobongwana ruled the roost in the famous Crossroads.

This week, I found him sitting in a half-completed marquee behind his shack in the bushes.

After being in the limelight for almost two decades, Mr Ngxobongwana says he is no longer interested in politics, but is concerned about the "bread and butter" issues of the Driftsands residents.

Last month he resigned as mayor of Crossroads, a position he held for three years though he was no longer a resident, to lead a life in a "quiet and peaceful" area.

Mr Ngxobongwana and his supporters left the camp in 1990 after bloody clashes with the new ANC leader of Crossroads, Mr Jeffrey Nongwe.

The Ngxobongwane group set up their new "home" in the middle of a forest.

Mr Ngxobongwana described plans to improve the area by installing enough taps for 500 families there, creches, schools, and streets.

He heads a 14-member committee which is negotiating with the Cape Provincial Administration for a R3,5 million development set to start in Driftsands in May.

The former dock worker was associated with Crossroads for more than 10 years.

He was a darling of anti-apartheid organisations, his clout underlined when he shared platforms with former United Democratic Front stalwarts such as Oscar Mpetha and Christmas Tinto.

In the early 1980s, at the height of the protests against the Orderly Movement of Black Persons Bill, which sought to further halt the influx of blacks into the so-called white cities, Mr Ngxobongwana, a gifted speaker, produced endless arguments about the evils of the apartheid system.

He was arrested countless times for pass law offence and openly defied the government about the bulldozing of Crossroads. Many were convinced that Mr Ngxobongwna had impeccable qualifications to be a "dedicated comrade".

Because like many residents he refused to move to Khayelitsha, Mr Ngxobongwane was elected as one of the chairmen of the now-defunct Western Cape Civic Association.

Rumours of alleged misuse of funds by Mr Ngxobongwana and his henchmen in the camp were swept under the carpet by the progressives for fear such talk would be "exploited by the enemy to sow confusion".

But the cautious alliance with the progressives soon hit the rocks — and Mr Ngxobongwana began forging closer ties with the authorities, his former arch-enemies.

Soon Crossroads became a no-go zone for the comrades, who were seen to hold subversive ideas. And visitors included former President P W Botha and former deputy minister Mr Roelf Meyer.

The Witdoek wars in 1985 and 1986, which destroyed huge tracts of Crossroads, led to the expulsion of remaining progressive and African National Congress guerrillas then hiding in the area.

The gap between Mr Ngxobongwana and his former progressive partners widened when he opted for a local municipal system in 1987. Though there were no elections, Mr Ngxobongwana became a mayor.

ANC guerrillas attacked his house but he survived.

For a while, all appeared to be well at the camp, but after the departure of President Botha cracks opened in the Ngxobongwana empire and his opponents drove him away from the area he loved.

He is optimistic about the future. "I am no longer concerned about politics. My concern is to upgrade the people's lives by improving clinics, sports grounds and schools," he said.

Silvermine military land for sale soon

ARG 15/3/93

271

CLIVE SAWYER, Municipal Reporter

A DEAL to sell off Silvermine military land is close to finality.

But Department of Public Works director-general Mr Theo van Robbroeck has declined to disclose details at this stage.

Private developers has shown considerable interest in State land, but the department is reluctant to flood the market.

Mr Van Robbroeck confirmed State land, including large parcels held by the Defence Force, was being investigated to see whether it was surplus to State needs.

The Defence Force and city council planning department were co-operating in the exercise, he said.

"We have made good progress at Silvermine and that will be one of the first of the large portions of land to be disposed of.

"But while there has been considerable interest in our land from private developers, we do not want to be hasty and to flood the market."

The future of Youngsfield was being investigated in conjunction with the city council, while deciding what to do with Wingfield was complicated by title deed conditions imposed by the Graaff Trust.

The legal position of land given to the military by the Crown was also being investigated.

Inhabitants want army to return land

A TRACT of land the SADF donated for incorporation into the Augrabies Nature Reserve is now being claimed back by its original inhabitants.

Almost 1 000 dwellers were forcibly ejected from the arid Riemvasmaak area in January 1974. CT 16/3/93

The land was for the expansion of the nature reserve area to preserve the black rhino.

The Surplus People Project said it had been told by the government that it could apply for the land's return.

Mr Wynand Breytenbach, Deputy Minister of Defence and Environment Affairs, said that the SADF had never given an undertaking to consult the group on how to use the land. (271)

Apartheid new conservation area overshadowed by land claim

JOHN YELD, Environment Reporter

CAPE

THE former residents of Riemvasmaak in the Northern Cape, forcibly removed in 1973-74 from what is now a Defence Force training ground and conservation area, are formally claiming their land back.

Last week the National Parks Board and Mr Wynand Breytenbach, Deputy Minister of Defence and of Environment Affairs, hosted a media visit to the area and outlined conservation plans for the future.

The 75 000 ha property has been divided into two: 60 000 ha managed contractually by the National Parks Board — mainly to re-establish the endangered Cape black rhino — and a 15 000 ha training area for mechanised infantry battalions. Fencing is almost complete.

The Air Force still uses a small piece of land within the parks board's management area to practise precision bombing and missile firing.

But the Surplus People Project has pointed out that the Riemvasmaak community is in the process of applying for the return of their property.

The community, who lived there from 1923 until they were removed, was split into groups and sent to Khorigas in Namibia, Welcomewood in Ciskei and Marchand in the Northern Cape, the project said in a statement.

The government's Advisory Commission on Land Allocations (Acla) was informed by the community's legal adviser last year that they intended applying for the return of the land.

"While appreciating the need for nature conservation, we fear that announcements such as the parks board's, which are made without consultation with people who feel they are the rightful owners of the land, will not be in the interests of a long-term peaceful settlement or nature conservation and could in addition undermine the credibility of Acla," the project said.

Asked to respond, Mr Breytenbach said the contractual agreement between the SADF and the parks board had been signed six years ago.

Also, the Riemvasmaak community had been moved in terms of the apartheid policy of the day, before the property had been offered to the Defence Force.

"I don't want the perception it was the SADF who moved the people," he said.

"Rife" poaching and smuggling across the then South West Africa border was one reason why the community had been moved, he said.

The community's present demand was for land along the Orange River where farming was possible, rather than in the main military training and conservation areas which were an extremely harsh environment, he said.

"You can't make a living there — it's impossible."

The Argus 22/3/93

Star 22/3/93

E Tvl land row due for settlement

(271)

A land dispute between the Phola Town Committee and the Ogies Civic Association in the eastern Transvaal may end today in a mutual agreement.

The National Peace Secretariat said on Saturday that it had been negotiating an agreement with the disputing organisations, the Transvaal Provincial Administration, the Regional Services Council, the SA National Civics Organisation and the SA Police.

The dispute was caused by double allocations of sites by the PTC and OCA, alleged maladministration, damage to property and financial mismanagement. — Sapa.

Sixty communities want land returned

By CATHY STAGG

MEMBERS of 60 dispossessed communities are planning a national campaign — including protest marches — to press their claims to land expropriated under the Group Areas Act.

At a meeting in Bethlehem last weekend, the National Land Committee agreed to broaden land claims to include communities with an "historical connection" to land.

Strategies approved by representatives of the communities include marches, pickets and demonstrations, sit-ins at government buildings and offices, a signature campaign and lobbying of international observers, peace monitors, political organisations, unions, civics, foreign embassies, the Organisation for African Unity and the United Nations.

The campaign will also seek to popularise the ANC's proposed Land Claims Court as a more effective alternative to the Advisory Commission on Land Allocation.

The NLC is an umbrella body which co-ordinates the activities of nine regional organisations dealing with land and development issues.

Among the claims under consideration by Acla is that of the Amahlubi people, who occupied 90 000ha of land in Natal — now divided into 20 farms — from 1949.

Another Natal claim is that of the Adcockspruit community, forcibly removed in 1968 and 1969 from land bought by a syndicate in 1894.

Transvaal claims include those of the Mampuru community for land given to them by Paul Kruger's government after the war of 1880-81, from which they were forcibly removed in the early 70s.

In the Free State, the Herschel district — ceded to Transkei in 1975 — is the subject of a claim still to be submitted to Acla.

In the Eastern Cape, the Zwelidinga community is preparing a claim for land from which they were moved after incorporation of the Glen Grey district into Transkei, and the Hankey community is claiming a number of farms owned by their ancestors.

In the southern Cape, the Badplaas community is planning to submit a claim asking for their title to the land to be restored.

Nine northern Cape communities also intend submitting claims to Acla.



HISTORICAL RIGHT· This is our land, contends the Rev Emsley Jackals

Bushman Brigade again in the firing line — over land

By SHARON CHETTY ST Times 4/4/93

AN EMBATTLED Bushman community has been caught up in a tangle over the rights to a 33 000ha SADF training area in the Northern Cape.

At issue is Schmidtsdrift, a dry, dusty stretch of scrubland about 70km west of Kimberley, where 31 Battalion, the SADF's "Bushman Brigade" has been based since the end of the Namibian war

The SADF has budgeted R16-million to build a village for the Bushmen on land that former residents of Schmidtsdrift claim is theirs.

The former residents — members of a Tswana clan, the Batlhaping — were forcibly removed in 1968 to make way for the SADF

They have now formed the Society for the Resettlement of Tswanas and are preparing legal battles for their stake of the ground.

While 600 Bushmen soldiers have been absorbed into other units in the Northern Cape, the planned village near the banks of the Vaal may be the only chance of survival for the rest of the 4 000-strong group (271)

So far, army tents have been their homes, and in the flat, featureless veld dotted only by low thorn trees, they remain isolated with only the mopani worms and the SADF as nearest neighbours.

The land, however, is ideal for pastoral farming and, along the banks of the Vaal, fertile for crops, says the Rev Emsley Jackals, secretary of the group reclaiming the territory

Sixty-eight years ago, Mr Jackals was born at Schmidtsdrift and lived with his grandfather, Andries Jackals, who was headman of a reserve.

Mr Jackals recalls going away on church work and returning to find that his community had been removed from its 141-year-old settlement to the Wards near Kuruman in the Kalahari.

"That was trust land for the tribe. My people lived there believing that was to be our home," he explained.

"We have to get back Schmidtsdrift if not for us but our children and their children," said the grandfather of two, who lives in Kimberley's Galeshewe township

One resident who moved from Schmidtsdrift to Kuruman is Mr George Mokgoro, 45, who says that many who were moved to Kuruman were forced to give up farming and sought jobs on the mines.

"The Kalahari ground is hard, dry and sandy. It's not good for crops and there's no grazing land," Mr Mokgoro said.

Farmer Koning Scholtz, whose family has lived in the region for more than 100 years, said the Tswanas were among the first to live in the area and therefore had a historical right to Schmidtsdrift.

He claims that there were Tswana people living there from as far back as 1912, when there were no boundaries to the area

"The boundaries were made only after the discovery of diamonds in the late 1800s," Mr Scholtz said.

The Bushmen — originally from southern Angola — see themselves as a people without a home since their alliances first with the security police of the Portuguese colonists in Angola in the 60s and later with the SADF

Vanguard

They worked against resistance movements such as the MPLA, Unita and the FNLA, and after the MPLA came to power there was an exodus of Bushmen south to Namibia, where, in collaboration with the SADF, they formed the vanguard against Swapo infiltration into Namibia.

Returning to Angola or Namibia is out of the question, as they fear retribution for siding with the enemy during the bush war, says the settlement's "mayor", Mr Augustino Victorino

After 19 years with the battalion, staying in South Africa, where he has a job and shelter, is preferred to returning home, where he would be ostracised for being part of the SADF

"Yes, there is little land here for us and we have no animals, but when our houses are built we will feel better," he said

He is more concerned that his tribe survives "My people cannot survive in South Africa," Mr Victorino said "We do not speak the language and we do not understand the culture

"We are too few to live anywhere else. Here in the Cape we can hope to live without interference."

Among the Bushmen at Schmidtsdrift there are two clans, the Barakwenas and the Vasakelas and, though they attend the same school and church, they live apart.



BUSHMAN mayor Augustino Victorino .. only chance of survival Pictures: COBUS BODENSTEIN

FORMER RESIDENTS WILL GO TO COURT OVER CLAIM

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While 600 Bushmen soldiers have been absorbed into other units in the Northern Cape, the planned village near the banks of the Vaal may be the only chance of survival for the rest of the 4 000-strong group. (270)

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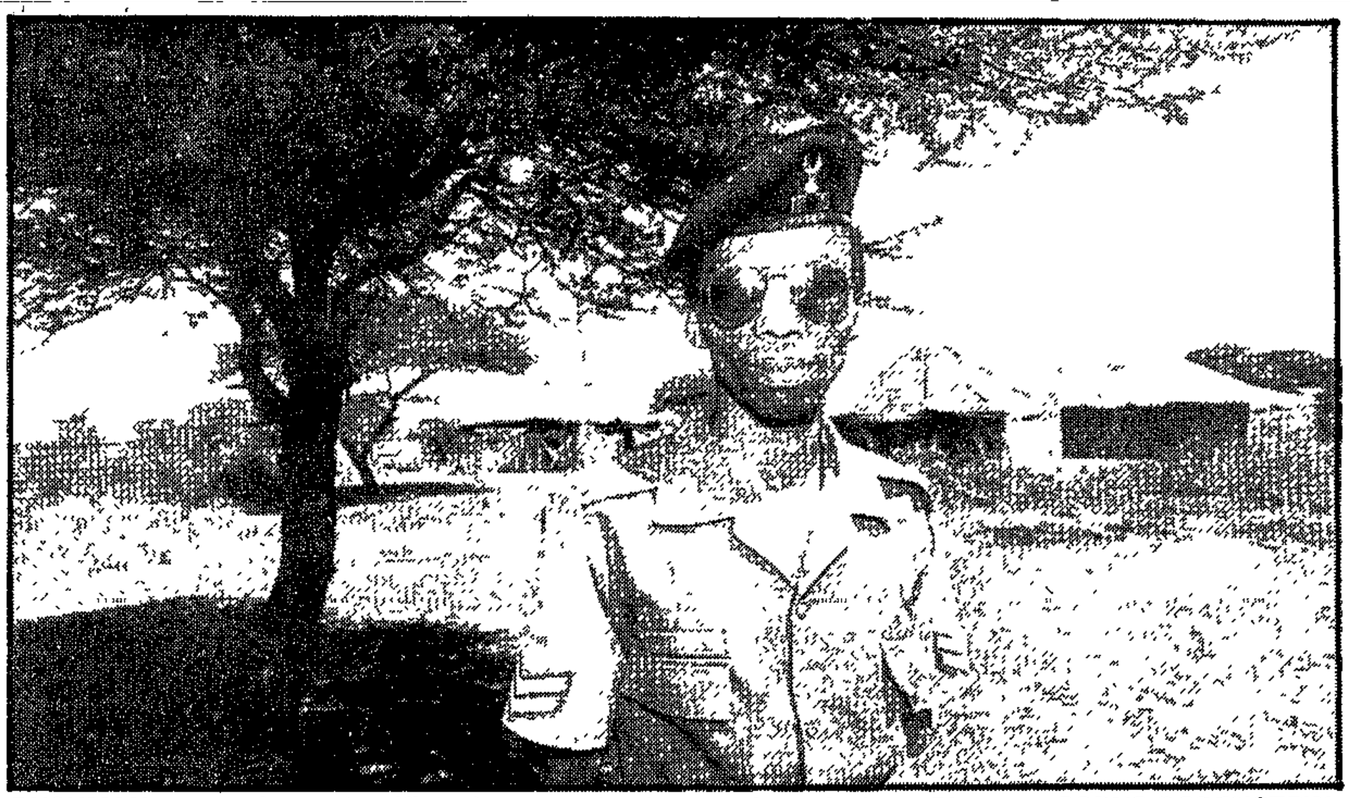
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BUSHMAN mayor Augustino Victorino .. only chance of survival Pictures: COBUS BODENSTEIN

FORMER RESIDENTS WILL GO TO COURT OVER CLAIM



HISTORICAL RIGHT: This is our land, contends the Rev Emsley Jackals

Land return to be speeded up

CT 8/4/93
(271)

Cabinet could be bypassed

Political Staff

STEPS that could sharply facilitate the return or replacement of land to people who lost it under apartheid's resettlement policies were announced yesterday.

Amendments to the mandate of the Advisory Commission on Land Allocation would give the commission powers to decide on land claims for redistribution independently of government departments and the cabinet.

The amendments — due to be tabled during the current parliamentary session — would also speed up the land claim procedures and enable the commission to deal more efficiently with urban property claims falling under the 1966 Community Development Act.

Deputy Land Affairs Minister Mr Johan Scheepers said the legislation would provide for a judge to chair the commission.

He also announced that the legislation would remove deficiencies in the Abolition of Racially Based Land Measures Act, which was scrapped in 1991.

The Advisory Commission on Land Allocation was appointed under this Act, and subseqently itself called for wider powers.

More than three million people were resettled in South Africa.

Mr Scheepers stressed that the the government's policy remained that the security of title must be protected and that private land would not be subjected to an investigation by the commission to make it available to applicants.

The new law would:

- Prevent the sale of state land that could be investigated by the commission.
- Give the commission the power to make awards on any government-owned land without referring the decision to the State President.
- Enable people to take the commission to court if it does not follow the rules of natural justice.
- Investigate cases where the land is no longer owned by the state but where its original owners had been prejudiced by the application of racially-based laws.
- Recommend the allocation of other state land in consultation with the minister controlling the land.
- Advise the State President about the identification and allocation of land to people who had been prejudiced by racial laws where the land was still vacant.
- Empower the president or a responsible minister or deputy minister to refer land-related matters to the commission for investigation.

The old man and the sea

w/Mail 8/4-15/4/93.

Richards Bay Minerals and the Natal Parks Board both have claims to the St Lucia area, but Phillip Mfeka and the many other people who were evicted from their ancestral land also want it back. By **EDDIE KOCH** *and* **ENOCH MTHEMBU**



Homecoming ... A joyful Phillip Mfeka happy to be back at the St Lucia estuary, even if it's just for a visit **Photo: GUY ADAMS**

THE last time Phillip Mfeka visited the shores of Lake St Lucia he was clutching the branch of an *umhlabankosi* tree in his hand and whispering to its leaves as he waded, along with a solemn procession of women, children and grandchildren, across the narrow straights that separate two bays in the estuary.

That was six years ago after a *sangoma* told his family they were afflicted by poverty and disease because their ancestor was angry at being left behind when people were forcibly evicted from their homes around the St Lucia estuary to make way for pine plantations.

"The *sangoma* told us to take a branch of the tree (whose name means the land of God) that grows in our yard to our ancestor's grave. We went there and spoke to him, saying he should not be angry because it was not our choice to leave without him," says Mfeka.

"Then I planted the branch in the grave and took it with me. While we crossed the lake everyone remained silent and they were forbidden to look back. I spoke to the spirit of our ancestor in the leaves of the branch and told him 'We are crossing the river that now separates us from you. We are taking you back to our new home'."

The Mfeka clan was among hundreds of Zulu families removed from the land around the St Lucia estuary between 1950 and the early 1970s. The evictions, carried out by the Forestry Department which operates large plantations in the area, made it possible for St Lucia and its environs to be declared a game reserve.

The area is now perhaps the most hotly contested piece of land in the country, subject to competing claims by Richards Bay Minerals, which wants to stripmine R5-billion worth of titanium in the sand dunes that line the eastern shores of the estuary, and the Natal Parks Board which, bolstered by an environmental alliance, wants to retain the area as conservation land. Caught between them are the discarded people, those whose removal has made it possible for these two protagonists to duel over the fate of St Lucia without considering the fate of its original owners.

Two large communities were removed between 1950 and the early 1970s from the very dunes that will be mined. Another 3 400 people were evicted in the late 1970s from an area to the north of the dunes so that the South African Defence Force could build a missile testing site which has now been turned into a nature reserve.

"I remember the day," says Mfeka, 72. "It was in 1973. I was working in Durban and got messages *Amahlahti* (the Department of Forestry) was telling us to move. When I got home my family was already gone. They just loaded them in lorries with their belongings and tossed them away."

According to Mfeka, the trucks simply dropped people off at various locations along the main coastal road that runs inland from St Lucia from the town of Mtubatuba northwards to Mkuze. The dislocated families were left to negotiate the building of new homes with local chiefs in the area.

These people who lived on the eastern shores, between St Lucia in the south and beyond Cape Vidal in the north, belonged to many clans the Mfekas, the Mthiyanes, the Ngubanes, the Mbuyazis and many others. They fell under the collective rule of a chief from the Mbuyazi clan.

Mfeka says clan members experienced severe problems as a result of their dislocation "We are now scattered all over. Some of us are staying in Nongoma, Mtubatuba, Mfekayo and kwaMsane. Since we were tossed out we have little land to farm, our cattle died because there was not enough water for them (in the resettlement areas), some were living from fishing in the lake and are no longer allowed to do so. *Uma ukhipa inhlanzi emanzini ayifi na?* — When you take a fish out of water does it not die?"

For many years people have coped with their collective stress by making regular visits to the graves of their ancestors where the *umhlabankosi* ceremony is a regular practice. Chief Mbuyazi's people are said to practice another ritual They often sneak on to the dunes, collect sand from the traditional graves and take the dust back to their homesteads, where it is scattered to the winds.

These remedies have had limited effect.

"Things are even worse now. There is a shortage of land here and the chief says he can no longer afford to give Mbuyazi's people more land. We are being forced to move yet again."

Increased pressure on the subsistence levels of the dislocated people prompted them to form the committee which is now negotiating with the kwaZulu government. On March 17 this year, a committee travelled to Ulundi where they began negotiating the restoration of their title to the land.

"Our position is that we want to go back to our ancestral land. Once we are there then we will negotiate with RBM and anybody else who wants to use the land. We are not against mining but we must get some benefit from it."

According to Barry Clements of RBM. "The people from the eastern shores will negotiate with the government of the day. We will abide by whatever decision that government takes."

Star 8/4/93 271

Relief for victims of land laws

By Peter Fabricius
Political Correspondent

CAPE TOWN — All victims dispossessed of their land under apartheid laws are to qualify for compensation under far-reaching legislation to be tabled in Parliament this session.

At present, they may be compensated only if the land is still in the State's possession.

Under the new legislation, victims of apartheid land laws may be allocated other State land if their original land is now privately owned.

The new legislation will also prevent authorities selling State land which could be awarded to the dispossessed.

Several such sales are alleged to have occurred recently since the Advisory Commission on Land Allocation began hearing cases for land compensation.

Deputy Land Affairs Minister Johan Scheepers announced the new legislation in a statement yesterday.

The aim was to overcome deficiencies in the Abolition of Racially Based Land Matters Act of 1991.

The other effects of the legislation would be:

● To give the Advisory Commission on Land Allocation powers to compensate victir with land which belongs to the State, a Minister, an Administrator or any State institution.

This measure seems to have been aimed at increasing the amount of land available for compensation. This is restricted to land held by the former SA Development Trust.

● To enable persons who believe the commission has not ruled correctly to take its decisions on review.

● To allow land obtained under the Community Development Act to be given as compensation.

The legislation will also stipulate that the chairman of the commission should be a judge.

Scheepers stressed that the Government's policy was still that security of title must be protected, and that private land would not be taken to compensate the dispossessed.

New teeth for land claims commission

BIDAY 8/4/93

MARIANNE MERTEN

AMENDMENTS to the Advisory Commission on Land Allocation to be tabled in parliament will give the commission powers to decide on land claims for redistribution, independent of government departments and Cabinet.

Our political staff reports that a moratorium has been placed on the sale of state-owned land being investigated by the commission, according to Deputy Land Affairs Minister Johan Scheepers, who announced the proposed changes yesterday.

The amendments will also speed up the land claim procedures and enable the commission to deal more efficiently with urban property claims falling under the 1966 Community Development Act.

Although the commission representations will still be restricted to government-owned land, any land belonging to a Minister, administrator or government institution can be considered without recommendations from the President.

The commission was appointed in terms of the 1991 Abolition of Racially Based Land Act to investigate the land claims of the approximately 3-million resettled people of SA.

At present the commission can inquire into claims, make a finding and then forward the recommendations to different government departments for comment.

The President has the final say on whether an application is approved.

In terms of the proposed amendments there will be no need for the commission to submit its findings to the government. The commission will gain the power to redistribute state-owned land.

Cases which fall under the Group Areas Act are excluded from the present commission but the amendment will allow property claims under the act, provided the land is state-owned.

Claimants from Sophiatown, now Triomf, and Cape Town's District Six would still be excluded after the amendments were passed because these areas were now privately owned.

Other changes to the law will:

- Allow decisions of the commission which did not follow the laws of natural justice to be challenged in court;
- Allow investigations into land no longer owned by the state, but in which previous owners had been prejudiced by the application of racially based laws; and
- Advise the State President on giving vacant land to people who had been prejudiced by racial laws.

ANC land and agriculture policy co-ordinator Derek Hanekom cautiously welcomed the move as "some progress".

Foresters fight RBM removals

(271) WMail 8/4 - 15/4/93

By EDDIE KOCH and ENOCH MTHEMBU

TWO Richards Bay Minerals officials were shot dead this year by members of a community living in a forest where the company wants to build a dam.

RBM public relations manager Barry Clements this week confirmed that two contractors were killed earlier this year while surveying land in the Sokhulu Forest for a dam and pipeline to service its mine in Richards Bay.

The company is negotiating with an elected committee from the forest settlement and is said to have offered generous terms, including proper compensation and effective social upliftment programmes in the region.

"When the contractors were shot, the people from the forest tore down the markers and destroyed equipment that they had left in the forest. They are making it impossible for the company to move into that area," said one informant.

RBM's plan to build a dam in the forest has evoked fierce resistance because it requires the removal of some 20 families and will endanger banana plantations that have been established in Sokhulu. But talks have been held up because severe internecine battles have made it difficult to achieve a settlement that satisfies rival factions in the forest.

The area is caught up in the civil war that rages between supporters of the African National Congress and Inkatha in northern Natal. A self-defence unit (SDU) led by members of the ANC's Umkhonto weSizwe has been involved in clashes with the South African Police as well as armed bands loyal to the Inkatha chief in the area.

Nobody knows which of the rival factions killed the RBM officials but it appears the attacks were linked to the forest dwellers' determination not to move out of the area. The forest provides people with fertile land where they grow banana crops and graze cattle. They are also involved in an informal foresty industry.

Until recently the Sokhulu Forest was also valued as a place to live because it is relatively inaccessible and provided refuge to families fleeing the civil war in northern Natal. However, the protection it offered appears to have ended with clashes between the SDU and the SAP's Internal Stability Unit (ISU).

In February the forest community hit the news when the ISU's Warrant Officer Hendrik Steyn was convicted of murdering SDU commander Michael Mthetwa and attempting to murder SDU member Simon Msweli. Mthetwa was executed in the back of a police van after being arrested in the wake of a shootout between the police and the SDU on August 14 last year. Since then there has been a series of battles between the ANC-aligned unit and an Inkatha group.

It appears the clash between the ANC and Inkatha supporters has its origins in a conflict within the forest community over the dam. The Inkatha supporters are said to favour the building of the dam while the residents who have ties with the ANC do not.

There is a severe land shortage in the Richards Bay area which underlies the conflict in the Sokhulu Forest.

Squatters in another woodland, the Dukuduku Forest, are also resisting removal. The Richards Bay municipality this week hired a security firm to prevent other squatters from moving into another area near the town.

All sides involved in the Sokhulu clash — including Inkatha, the ANC and RBM — are involved in negotiations aimed at defusing tensions around the proposed dam.

Clements stressed the dam is not related to RBM's controversial plans to mine the dunes in the St Lucia area some 60km to the north of Richards Bay. However, the developments at Sokhulu indicate that land claims by people who were dislocated under apartheid from land that the company now wants to use are likely to become a major issue in the debate around whether mining at St Lucia should be allowed.

Apartheid victims will get back land

(271) ARG 10/4/93

Political Staff

ALL those dispossessed of their land under apartheid laws are to qualify for compensation under far-reaching legislation to be tabled in Parliament this session.

At present, they may be compensated only if the land is still in the possession of the state.

Under the new legislation, victims of apartheid land laws may be allocated other state land if their original land is now privately owned.

The new legislation also will prevent authorities selling off state land which could be awarded to the dispossessed.

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- **To give the Advisory Commission on Land Allocation powers to compensate victims with land which belonged to the state, a minister, an administrator or any state institution;**
- **To enable commission decisions to be taken on review; and**
- **To allow land obtained under the Community Development Act to be given as compensation.**

Democratic Party rural affairs spokesman Mr Peter Soal said Mr Scheepers's announcement was very much in line with DP proposals.

He welcomed the fact that there now would be a degree of reparation of land, even for those whose orginal land was now privately owned.

NEWS

Alternate land offer meets resistance

Star 13/4/93

By Jo-Anne Collinge

The Government has failed to appease land rights groups with its plans to offer State land to compensate victims of forced removal whose original property has been sold by the Government to private owners

This form of compensation is one aspect of legislation which the Government plans to pass this parliamentary session in order to increase the powers of the Advisory Commission on Land Allocation (Acla)

"African communities have deep ancestral links to particular pieces of land and will not accept alternative land," commented the National Land Committee (NLC).

"If the Government removed a community and subsequently sold or leased the land to white farmers, it cannot use this fact as an excuse not to restore the land to its rightful owners"

In similar vein, the Association for Rural Advancement (Afra) noted that Deputy Minister of Land Affairs Johan Scheepers had made it clear that Acla would not get the power to interfere with existing private title.

"This means that a large number of rural communities with whom Afra works will not have the opportunity to get back the land from which they were forcibly removed," an Afra statement read

It cited the case of the Crimen people who were removed from their farm near Ladysmith 16 years ago

"The expropriated land was left to lie unused for 11 years after the forced removal. It was then sold to a private individual," Afra related

Both the NLC and Afra welcomed some aspects of the proposed legislation, especially the fact that it would act to check the sale of further State land They insisted, however, that a total moratorium on the sale of State land was what was really needed

The NLC responded positively to the institution of a system of reviewing Acla's decisions.

"The African view of the land has been suppressed in South Africa for too long," it said

Reoccupations to increase following land legislation

BDAM 13/4/93

MARIANNE MERTEN

THE ANC expects land reoccupations to increase following the tabling this month of new land redistribution legislation.

ANC co-ordinator of land and agricultural policy Derek Hanekom said forcibly removed communities intended returning to their original land in anticipation of new land rights. However, documentation on the issue was still lacking.

Government last week announced that the Advisory Commission on Land Allocation was to get an expanded mandate although at this stage the move would affect only government-owned land.

Last week about 15 of 35 families who were removed from the Nazareth mission in Natal's Dundee district in 1968 attempted to reoccupy their land, the Association for Rural Advancement said.

Police halted the process, but a date for negotiations with the three current landowners had been set for next week.

Two other land claim disputes, in Khosis in the northern Cape and Welverdiend in the western Transvaal, have also raised questions about land claims of established communities under a transitional government.

In Welverdiend, the community had lived in the area since 1926 and most members were employed as diamond diggers. Their claim is based on long-term occupation, but the TPA has disputed this and accused them of trespassing. The case is to go to court on April 26.

Observers have said the court ruling would set a precedent for other claims by communities with a long-standing link to the land on which they had settled.

The ANC said it was finalising proposals for a land claims court which would deal with land redistribution claims and have the ability to make restitutive awards for losses incurred because of apartheid.

ANC national co-ordinator of regional land affairs Leslie Dikeni said the ANC in February began a seven-month programme of action to raise awareness of land policy issues among rural communities.

The court would follow specific rules of evidence and have a historic cut-off date — most probably 1913 when the Black Land Act was introduced — for any claims.

The ANC has proposed that the court be headed by a Supreme Court judge to hear claims from forcibly removed people, labour tenants, communities with a historical land claim and those who occupy land without a legal title.

In assessing land claims and restitution, the court would consider factors such as duration of occupation, birthright and investment in the land. It would act to level the playing field "between present possessors who often hold title and claimants who were either deprived of their title or were prevented by apartheid legislation from obtaining title", ANC guidelines said.

Any restitution would have to be made in the context of constitutional property rights, making the transfer of disputed land unlikely especially if there had been a substantial investment in the form of either capital or labour by the current owner.

The land claims court was also endorsed by a World Bank report last year which said "judicial approaches should be used to settle the claims to specific plots of land of groups evicted from their land during the apartheid regime"

On and off land

It was their home, now they squat in poverty

ARG 17/4/93 (271)

LIBBY PEACOCK
Weekend Argus Reporter

THE Hendricks family of Rondevlei owned a 4 164 sq m property — until apartheid forced them to sell to the Community Development Board for R39 000.

Now they are squatters on the land, living under threat of eviction and sharing one tap and one toilet.

The family, who bought the land in 1949, this week started fighting the second round of a legal battle to get it back.

The first round was won last October when Mr Acting Justice Prest granted an order prohibiting the sale of the land pending the results of applications to the Administrator of the Cape and the Advisory Commission on Land Allocation to declare its sale invalid.

The family sold the land in 1984 after the area had been declared "white". But in 1989 the area was reproclaimed "coloured".

Early in 1991 a speculator, Mr P Basson, bought the property from the board for R23 000 at a sale by auction A month later he resold it to a church for R160 000

The sale to Mr Basson was later cancelled as he was an unrehabilitated insolvent, but after his rehabilitation he applied to have the sale resurrected.

The board agreed, but the evening before the transfer to Mr Basson the Hendricks family obtained an urgent interdict stopping the sale.

Mr L Bozalek of the Legal Resources Centre, who represented the Hendricks family at an open hearing of the Advisory Commission on Land Allocation yesterday, told the commission that Mr Basson informed the Hendrickses in August last year that he was the new owner of the land and they had to get off.

When the area was declared "white", said Mr Bozalek, Mr John Hendricks had no choice but to sell to the board at the best price he could get. The money was divided among the family as it was not enough to buy another property.

The family was gravely disadvantaged and the sale proved to be "a completely unnecessary exercise" as the area was re-proclaimed coloured three years later, Mr Bozalek said.

"Were it not for the Group Areas Act the whole family would still be on the land and they would be in a good position to have it developed.

"Now most of the family live on the land as squatters in shocking conditions."

The family claim they did not know about the sale by auction at the time that Mr Basson bought the land. Had they known, they would have tried to buy it back.

The board and Mr Basson claim that information boards were put up to advertise the sale by auction.

The Legal Resources Centre submitted that the Hendrickses should be beneficiaries of a development process

"They are not looking for a free handout or fast buck. Their priority is to secure access to the land," Mr Bozalek said.

Mr Dirk Uijs, for the board, told the commission his client had obligations towards taxpayers.

The scheme that was being proposed by the Legal Resources Centre had not been properly investigated, he said.

The Legal Resources Centre wanted the board to give the property back to the Hendricks family and spend large amounts on its development.

Developing the land could cost more than R100 000 excluding professional and other fees This money could be used on better planned projects, he said.

The board could not simply act out of sympathy for wrongs done to the family in the past.

The commission will make a recommendation regarding the allocation of the land to the State President, who will make a final decision. It is not known when it will be announced.



Picture: WILLIE DE KLERK, Weekend Argus.

□ WE WANT OUR LAND BACK: Members of the Hendricks family of Rondevlei on the property they had to sell for R39 000 when the area became a white group area. Now they are squatting on the land and live under constant threat of eviction.

Land claims plan 'inadequate'

By EVE VOSLOO

THE mechanisms presently used to try to settle claims for the redistribution of land dispossessed by apartheid legislation are inadequate.

This was said this week by the Surplus People Project, commenting on two decisions on claims to land by the Advisory Commission on Land Allocation (ACLA).

In one of these claims the [illegible] family reached a compromise with the Housing and Development Board of the House of Representatives to buy back their former land in Grassy Park "at an agreeable price".

"In the Hendricks' case the Housing and Development Board in the House of Assembly, which presently owns the land in question (in Rondevlei) have argued that the land does not fall within ACLA's terms of reference and therefore it cannot be discussed — and a legal technical argument is being used to obstruct the possiblity of addressing the injustice of apartheid," the statement said.

"The different positions put forward by various institutions of the state reflect the reality that contradictory approaches exist within the government on how to resolve community land claims.

"This is particularly disturbing because different state departments hold a substantial amount of land, a large proportion of which they obtained through dispossession."

The SPP said that until the government changed ACLA's terms of reference to enable it to assess the diversity of land claims in South Africa, state institutions could continue to use technical arguments to avoid redressing legitimate community land claims.

"We ask the government to instruct its institutions to the allocation and development of land claimed through ACLA to those who have suffered loss in terms of racial legislation and that ACLA recommend such to the State President."

Community to put in claim for 38 lost farms

B 6 Bcol 271 BDTM 21/4/93

MARIANNE MERTEN

THE Amahlubi community is due to present the Advisory Commission on Land Allocation (Acla) with its land claim for 38 farms in the Estcourt district at a public hearing in the Estcourt town hall today.

The community was also to submit a compensation request for land which was now occupied by other communities, an Association for Rural Advancement statement said yesterday.

Viable

But, it said, land sold to white farmers after the 1873 Langalibalele rebellion was not part of the claim.

The disputed 38 farms were originally settled between 1849 and 1873 when — following the rebellion — the Amahlubi chiefdom was broken up.

The community, which now lived in Draycott (Bhekuzulu), was partly dependent on agriculture for its livelihood and needed more land to become viable small farmers, the statement said.

The claim was one of the biggest yet in Natal, after the 19 000ha application by the Impendle community near Maritzburg which was decided last year.

Acla deputy director Sarel Malan said yesterday that apart from the De Hoek area, which was a House of Assembly experimental farm, the land was now owned by the SA Development Trust.

An association spokesman said yesterday it would be difficult to judge the success of the application, because it was the first claim to be heard in Natal which dealt with dispossessions dating back to the last century.

Malan said he could not comment on the outcome of the hearing.

Although previous land claims were not successful, the community stopped two government attempts to sell off some of the disputed farms in 1991 and 1992.

Star 21/4/93

Land claim to be presented

The AmaHlubi community in the Natal Midlands will present their land claim to the Advisory Commission on Land Allocation today at a public hearing in Estcourt. The AmaHlubi claim is probably the largest single Natal land claim, and dates from the community's alleged dispossession 120 years ago. The AmaHlubi have claimed 38 farms in the Estcourt district and have asked the Government for compensation for other land in the area which they originally occupied.

271

Home losers told to appeal

Political Correspondent and Sapa ~~112~~ 271

MINISTER of National Housing Mr Sam de Beer has urged Group Areas Act victims who feel they have not been compensated adequately for losing their homes and land to put their cases to the Advisory Commission on Land Allocation.

During debate on the housing budget in parliament, Mr De Beer said he understood the feelings of bitterness among people who had lost their homes through apartheid policies. ARG 28/4/93

"If it had happened to me I would have felt the same. I, too, would have rebelled against it."

NP leader wants to hand back his 'apartheid' land

271 ARG 1/5/93

■ Moved almost to tears by the gratitude of the Calvinia community when he handed back a piece of land last year, a Wellington property man has set out to return to its original owners all the "group areas" land he has bought.

DI CAELERS Weekend Argus Reporter



Picture: HANNES THIART, Weekend Argus

□ **RIGHTING WRONGS:** Wellington property developer, Mr Pierre-Jeanne Gerber, 30, who is on a mission to return 13 Cape properties, bought after they were expropriated under the Group Areas Act, to their former owners. Behind him is his partially-built home, being erected on an old railway platform.

AS State President F W de Klerk apologises to the nation for the evils of apartheid, a small-town property developer is quietly getting on with the job of righting wrongs at grassroots level.

Wellington's Mr Pierre-Jeanne Gerber, 30, is busy tracking down the original owners of 13 pieces of Cape land he bought for a pittance when they were expropriated under the Group Areas Act, with a view to seeing them returned.

"I didn't do anything wrong. I bought them all above board but I believe it was morally wrong that the coloured owners were forced to sell their properties — and I want to do the right thing by them."

The properties are in Prince Albert, Heidelberg, Victoria West and Calvinia and Mr Gerber, Cape chairman of the NP Youth, bought the first in 1977 when he was just 15 years old The rest were accumulated over the next 12 years

That first property, bought from the government for just R50, was returned to the Anglican Church last year — and proved to be a turning point for Mr Gerber.

"The first time I saw that Calvinia land was in 1990 when I decided to examine what I had been paying taxes on for all those years. There was a foundation on the land which obviously wasn't from a house so I made some inquiries."

It was than that he discovered it had been a chapel in memory of Mr Ebrahim Esau, killed as a British spy by the Boers during the 1899/1902 war.

Mr Esau, committed to protecting the limited rights his community had against Afrikaner domination, led the call in 1900 for British weapons to be distributed to Calvinia's coloured population so they could defend the town against advancing Republican commandos.

The British denied their black sympathisers weapons, but Mr Esau organised his troops into taking up every other form of arms, including sharp stones and wooden clubs.

His war ended in January 1901 when he was captured in a surprise attack by Free State commandos. They singled him out for torture that would last several days, and ultimately sjambokked him to death in public.

"After my decision to hand it back to the church so the chapel could be rebuilt, a thanksgiving service was held at St George's Cathedral in Cape Town"

It was at that service that Mr Gerber decided all the land should be returned "I was asked to say a few words. The church was packed. I got up to speak and when I turned to face the congregation they all began to clap Some were even crying.

"I got cold shivers. I couldn't speak. That was when it really hit me what was done under this act."

Mr Gerber told Weekend Argus he was tracing the original owners though the deeds office and that he believed the people concerned, or their children, would still be living in the areas.

The properties would be sold back to the original owners at prices below the present market value. Individual prices would be negotiated with the people concerned

"I've always been interested in property. I bought my first (not expropriated under the Group Areas Act), by selling vegetables and collecting deposits on cooldrink bottles, when I was in Std 3. I just wasn't one of those kids that saved up for a bicycle.

"Some of the land I bought for almost nothing. I haven't done anything with it except pay taxes each year so I see no reason not to let it go back to the people to whom it really means something."

Anyone wanting more information can write to Mr Gerber at Box 837, Wellington, 7 655.

'Apartheid stole clan's land'

Clipress 21/5/93

By FRED KHUMALO

THE desperate shortage of land was the cause of many murderous clan fights in Natal, Chief MS Shabalala of the AmaSwazi clan in Estcourt told the Advisory Commission on Land Allocation.

He said the AmaSwazi clan had been shunted from pillar to post and had their ancestral land "given" to whites as a result of apartheid legislation. (271)

Chief Shabalala traced the history of his clan from 1856 to the 1980s, when the clan got caught up in violent faction fights over land.

The AmaSwazi, who were an offshoot of the mighty Zulu kingdom, came to the Okhahlamba area during the reign of Hlubi Chief Langalibalele Radebe.

Radebe gave them land where they lived peacefully until 1932 when Chief Shabalala's father, who had ruled over the AmaSwazi clan, passed away.

"After that we were subjected to harassment by whites who claimed the land did not belong to us and started making living on the land impossible, so that some of us fled in fear of being harassed," said Shabalala.

In 1962, while Chief Shabalala was ruler of the AmaSwazi, the clan was forcefully removed from its land, called Goldfetch.

Clan members, who are mostly subsistence farmers, were not given alternative land on which to settle and farm.

KwaZulu interior minister Stephen Sithebe, who testified on behalf of the AmaSwazi, said: "The AmaSwazi were turned into nomads in the land of their birth."

The clan finally took refuge at Constone, on land belonging to the AmaNgwane clan. Although the patch of land they occupied was small, they managed to plough fields and build up a herd.

"But the increasing number of people in our clan and our livestock started resulting in overcrowding and overgrazing which angered our hosts," said Chief Shabalala.

It all came to a head in a bloody battle in 1989.People were killed and homes razed.

The AmaSwazi fled to escape the violence. In 1990 they trekked back to the ancestral land, in defiance of the government.

But police dogs were set upon the clan and 300 AmaSwazi were arrested and their cattle impounded.

A case of trespass is to be heard in Estcourt in June.

The AmaSwazi then trekked from Constone to Drogspruit – land bordering territory belonging to the AmaHlubi.

Here the AmaSwazi live in appalling conditions, according to lawyer ME Gafoor, who presented their case to the commission.

He said the AmaSwazi wanted to return to their ancestral land in Goldfetch (EmaSwazini) where they first settled in 1856.

Critics reject land-swap proposal

MARIANNE MERTEN

CLAIMS that land redistribution problems would be solved by reducing SA's food production have been rejected by government, the ANC and the Development Bank of Southern African.

An article in this month's Southern African Exclusive — based on statements by an economist in the development agency community — said SA's agricultural sector, which accounted for only 6% of GDP, produced nearly three times the local food requirements, including wine and fruit juices.

The report recommended reducing food production levels to 110% of domestic needs, which would make land available for redistribution

Agriculture Department chief director for economics Deon Joubert said yesterday he disagreed with the article.

Referring to the department's most recent self-sufficiency index, which compared production and consumption levels from 1985 to 1989, he said it was only in the fruit-producing sectors that SA had achieved surplus production — 152,3% for decidious and subtropical fruit and 254% for citrus fruit.

Joubert said the index was currently being updated and he did not expect any substantial changes.

SA had a shortfall in mutton, beef, poultry and oil from oilseeds, and other agricultural production levels were below or just above the 110% recommended in the article.

Land would not be made available for redistribution by decreasing agricultural productivity, but some land could become available if it was used optimally, Joubert said

ANC co-ordinator. land and agricultural policy Derek Hanekom said he doubted the figures, as SA was a net importer of red meat and, until last year, maize.

DBSA centre for policy analysis associate director Nick Vink said the organisation dissociated itself from the article's claim that DBSA "actively supported" the proposal to cut food production.

An overall index of production levels showed that SA produced about 30% to 35% above its consumption levels. If this were to be applied to the three broad agricultural sectors, production levels compared with local consumption requirements were about 95% for livestock, 125% for fieldcrops and 150% for horticultural products.

The agricultural sector's GDP contribution stood at about 5% and was lower this year because of the drought, Vink said.

Govt land dispute plan rejected

MARIANNE MERTEN

GOVERNMENT's plan to set up an independent land rights advisory forum to assist with land claim settlements has been greeted with caution and criticism.

Land Affairs Deputy Minister Johan Scheepers said in Parliament on Friday government did not support the idea of a land claims court proposed by the ANC because government lacked the financial means to implement such structures.

A land claims court would also "create and contribute to conflict" as determining a historic cut-off date was discriminatory.

Scheepers said the court would produce negative socioeconomic impacts because it gave a low priority to "the proper utilisation of land" and the basis of compensation threatened legal titles by not considering land titles.

The Advisory Commission on Land Allocation (ACLA) did "offer solutions for numerous claims". In cases where the original land was state-owned, the relevant community should be given back its land.

If disputed land was privately owned, alternative state land should be made available, he said.

Negotiations between concerned parties would resolve disputes in other cases, Scheepers said.

An Association for Rural Advancement spokesman said the organisation was "extremely cautious" about the establishment of the land rights advisory forum, as dispossessed communities had not been canvassed.

It was remarkable that government had rejected the land claims court and a moratorium on the sale of state-owned land — the only two effective short-term measures to resolve land claims, he said.

A National Land Commission spokesman said on Friday the announcement was "another example of unilateral decision-making on behalf of government".

This amounted to signing "a blank cheque for the restructuring of land and rural development policy".

Commission director Joanne Yawitch had rejected consideration for appointment to the forum because its terms of reference had been set by government alone and its decisions could be ignored, she said.

The commission also questioned the effectiveness of ACLA which, contrary to Scheepers' claims, had only settled two land disputes on behalf of the Roosboom and Charlestown communities in Natal.

● See Page 4

Advocates call for interim Bill of Rights

SUSAN RUSSELL

THE general council of the Bar of SA has called for the introduction of an interim Bill of Rights enforceable by the courts, including the Appellate Division.

Chairman Brian Southwood said the council reaffirmed its support for introduction of a Bill of Rights and urged negotiating parties to agree on a new constitution at the earliest oppurtunity.

"Experience in countries such as Namibia has shown that the early introduction of an interim Bill of Rights greatly facilitates and enhances the process of creating such a rights culture," he said.

"An interim Bill of Rights must be accompanied by adequate state provided resources to give all citizens inexpensive and expeditious access to the courts to enforce their rights."

The council was opposed to the entrenchment of the death penalty in the Bill of Rights, Southwood said.

"The question of whether the death penalty should be abolished because it is unconstitutional and/or in conflict with the Bill of Rights should be decided by the courts."

The widely divergent views of the members of the council's constituent Bars rendered it impossible for it to adopt an unequivocal view. The council was unconditionally opposed to detention without trial even in a state of emergency.

"The general council of the Bar believes the experience of the past decades has demonstrated beyond doubt that the executive cannot be entrusted or trusted with power to detain without trial."

He said it also believed Supreme Court judges should be chosen by a fully independent body in a way which ensured that judicial appointments fell outside the political arena.

It had reaffirmed its view that membership by a judge of any secret organisation was incompatible with judicial office. "This is of particular importance when the secret organisation has political objectives."

The council also supported the appointment of a permanent Human Rights Commission.

e commends
iance, police

HARTLEY

:e and the national peace secre-
ır the relatively peaceful nature
he death of SACP leader Chris
ldstone said at the weekend.
commission unequivocally con-
/hich accompanied many of the
re held. Such conduct resulted in
property and looting," he said.
preliminary inquiry into the

Rival oil firms launch product war

DUMA GQUBULE

TWO of SA's largest oil companies are engaged in an advertising war over the cleansing ability of their brands of petrol.

Caltex yesterday opened a nationwide advertising campaign defending the track record of its 20-year-old additive, CX3.

The new Caltex campaign came just days after BP said it had come up with a "new generation" petrol capable of reducing dirty engine deposits.

Since its launch in 1973, CX3 has been sold on its ability to keep car engine parts clean.

The new BP newspaper ad features a photo of a filthy, muddy rally car with the blurb: "BP's new generation petrol. Proved to keep it clean on the inside."

Caltex GM Mike Rademeyer yesterday declined to comment on BP's claims

BP spokesmen were unavailable for comment yesterday.



TAKEOVER . . . Women of the Thornhill resettlement camp pose in front of a typical settler homestead on the farm Merino Walk which the community forcefully occupied. The land was promised to them 17 years ago.

Cape Press 9/5/93

'This land is our promised land'

By LENNOX DIVER

THERE's something striking about the group of black peasant women posing against the background of their "new" home – a homestead typical of white settler farmers.

Significant too, is the fact that the people pictured have, in fact, defied white authority in "occupying" the house and its surrounding farmland.

They are no ordinary black farmer folk – the former residents of Thornhill in the Eastern Cape – they are the living legacy of the government's disastrous land segregation policies

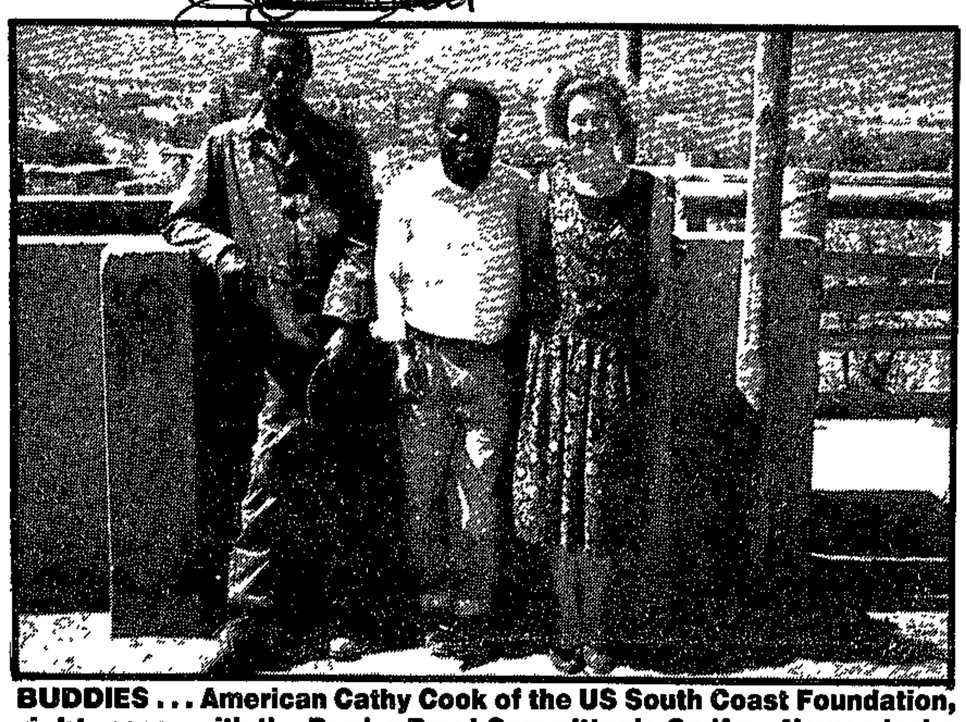
In the early 70s – the heyday of the segregation policy – Thornhill squatter camp was created when the state forcefully removed thousands of farmers from their ancestral land in Herschel – where the community coped adequately – to Thornhill – a desolate wasteland in the arid semi-Karoo scrublands, hidden from view behind the dolerite crags of the northern tip of the Amatola mountains 40 km outside of Queenstown.

There the people suffered in a waterless hell with almost no social infrastructure. Officials said the "relocation site" was an interim measure until "equal land of equal quality" could be found. That was 17 years ago.

Today that has changed drastically. Thornhill heads up the campaign by almost 60 communities – all victims of forced removals – who are forcefully claiming back their land, or compensatory land.

In July 1990 a small pilot group of Thornhill residents were "sent to occupy" precisely the land which officials had shown to them 17 years ago, but which has yet to be granted to them.

The land, known as RA60 ("Released Area 60" in officialese) consists of 14 farms bounded by the Swart Kei River. Since then – and despite a battery of official hostility – heavy-handed SAP and Ciskei cops, dogs, guns, "trespass" charges and beatings – the occupiers' numbers have grown to over 5 000.



BUDDIES . . . American Cathy Cook of the US South Coast Foundation, right, poses with the Border Rural Committee's Godfrey Nqwendesha and a Thornhill farmer on the new farm. Pressure from the US farming town of Wichita had an impact in the issue.

A third of Thornhill's 15 000 residents now live on the farm Merino Walk and are moving on to five more farms.

Now residents have turned the old white farmhouse into a primary school for 600 kids. Sturdy brick homes have gone up, fields have been tilled, crops sown and cattle put out to graze.

How could this have happened in this remote backwater in the highly conservative Eastern Cape?

Probably two reasons: Thornhill is an ANC stronghold with "99 percent" of its adults said to be members or supporters, and, secondly, the residents have had the staunch backing of an US city, Wichita.

As part of the Sister Community Project set up by progressive Americans and the anti-apartheid movement in the mid-80s, Thornhill was "twinned" with Wichita, a city which squats bang in the middle of America on the vast semi-arid plains of Kansas.

When Thornhill people moved or were acted upon, a flood of representations – by fax or telephone – were sure to follow. Faxes were sent to President FW De Klerk, and on one occasion to a local black DET official in Queenstown who arrived in a flurry of haste – "quaking in his boots" according to popular myth. He proceeded to implement the community's demands, so the myth goes.

Not that Wichita is a hot-bed of radicalism. Sister Community field representative Chris Benner said the city (population 500 000) represents "typical Mr and Mrs America" – a midwest farming town, deeply religious, conservative, and highly "US-centric".

He says the city, which regularly holds talks on "Thornhill" and uses the issue as an educational link with SA and beyond, was inspired by the notion of "poor people taking matters into their own hands".

A Wichita citizen has yet to visit the settlement, but, on request, consignments of thousands of textbooks – "only in the pure sciences", maps and school aids, 17 manual typewriters and suggestions on small agricultural which have been useful to Kansas farmers – have been sent to Thornhill.

He said: "When the first group of Thornhill people were kicked off at gunpoint and there was violence and beatings, Wichita was not ready to respond.

"But in January 1991 when a second group again decided to occupy Merino Walk, the people of Wichita were ready to raise a stink – which they did. For a few months it was touch and go but eventually the government relented."

In line with this the DET agreed to operate a school in the white farmhouse on Merino Walk.

Then came the shock recommendation earlier this year from the State President's Advisory Commission on Land Allocation (Acla) which turned down the community's representation for their continued occupation of the RA60 land.

In a twist straight out of the apartheid textbook, the commission granted the land to the Hewu community – in Ciskei. The commission recommended that Thornhill residents be given an entirely different portion of land some 60km further away

At the Acla hearing Ciskei's legal team claimed "the Hewu tribe" should granted the entire 14 farms making up RA60

Thornhill residents slammed the recommendation as a "land grab". and "old-style apartheid incorporation".

The Thornhill community is ignoring the commission's finding and are, in fact, looking to occupy more farms in RA60.

They have demanded that the Hewu in Ciskei be given the new offering of South African land – or alternatively the Hewu's should go ahead and occupy it.

This week the Hewu did exactly that.

Govt to make land amends

Political Staff

271

THE government intends amending legislation to provide land for people who had been displaced or dispossessed in terms of the Group Areas Act, the Minister of Regional and Land Affairs, Mr Andre Fourie, said yesterday.

CT 13/5/93

He said the government intends to amend the Abolition of Racially Based Land Measures Act of 1991, to enable the Advisory Commission on Land Allocation to identify such land at present held by municipalities.

Race to table legislation on return of land

Star 13/5/93

271

By Chris Whitfield
Political Correspondent

CAPE TOWN — The Department of Land Affairs is facing a race against time to get through Parliament critical legislation on the replacement or return of land lost under apartheid's resettlement policies.

The legislation is designed to remove deficiencies in the Abolition of Racially Based Land Measures Act — passed in 1991 — by extensively widening the powers of the Advisory Commission on Land Allocation.

Deputy Land Affairs Minister Johan Scheepers revealed in an interview this week that the legislation was at present with the State's legal advisers.

It is understood that the legislation will have to be tabled by the end of this month to allow it to go through the parliamentary process. Scheepers said he was hopeful the legislation could be tabled this month.

The new law includes provision to:

- Prevent the sale of State land that could be investigated by the commission.
- Give the commission the power to make awards on any Government-owned land without referring the decision to the State President.
- Enable people to take the commission to court if it did not "follow rules of natural justice".
- Investigate cases of people whose land is no longer owned by the State but who had been prejudiced by the application of racially based laws.
- Recommend the allocation of other State land in consultation with the Minister controlling the land.
- Advise the State President about the identification and allocation of land to people who had been prejudiced by racial laws where the land was still vacant.

Community vows to go back

Star 13/6/93

By Jo-Anne Collinge

Former neighbours, cast as far apart as Namibia and Ciskei by the policy of forced removals, have regrouped to fight for the return of their land at Riemvasmaak in the northern Cape.

About 40 representatives of the old community of Riemvasmaak met last weekend at Upington for the first time since their "black spot" settlement of about 1 000 people was destroyed in 1973/4.

At the time, residents were dispatched to different destinations according to their apartheid ethnic classification.

Freddie Bosman, elected chairman of the Riemvasmaak committee during the weekend consultation, said the people of Riemvasmaak were determined to return to their land before the year was out.

They intended to enlist the support of ANC president Nelson Mandela.

Bosman said community representatives had resolved to request an urgent meeting with the State President to discuss the return of Riemvasmaak.

If such efforts failed, they would reoccupy the land without consent.

Claiming divine authority, the King of Zwak 'overrules' a judge, demands R3-million from the government for mental anguish and declares:

ST Times 11/9/93.

THIS LAND IS MY LAND

(EXCLUDING TRANSKEI AND CISKEI)

271

Picture and report by DAWN BARKHUIZEN

THE King of Zwak, Sovereign King Patrick Cuntu, otherwise known as Jesus Christ II Messiah Hephzi-Bah, has declared holy war on the government to win the territory he claims was bestowed on him by God — the Eastern Cape.

The "monarch's" first round in a battle to establish himself legally as King of the Eastern Cape, otherwise known as the Zionist World Autocratic Kingdom (Zwak), was dismissed with costs by the Port Elizabeth Supreme Court 10 days ago.

But the one-time Zionist, who claims he had a visitation from God while praying in the bush at Moria in 1982, says he has "overruled" Mr Justice Jennet's finding and served notice of his intention to challenge the matter. He has also written to Parliament.

"Should they fail to accede to my wishes I will take the matter to the multi-party talks at the World Trade Centre on June 4. If that fails, I will go to the International Court of Justice," the softly spoken Mr Cuntu, 29, said yesterday.

He has astonished the Eastern Cape legal fraternity by dragging Constitutional Affairs Minister Roelf Meyer into his solitary war for the entire region, excluding Transkei and Ciskei.

In lengthy court documents, which included a discussion on "Who is the lunatic, fanatic or lion?", Mr Cuntu demanded the declaration of the independent state of Zwak, his recognition as monarch and all the accoutrements of office — a car, a palace and firearm licences — to "protect the kingdom of God".

Taxes

He also wants exemption from taxes and immunity from arrest, as well as R3-million from the government in compensation for the mental anguish incurred by the non-recognition of the state of Zwak and pain he suffered while in a mental asylum in 1982.

He listed seven Uitenhage women as prospective royal wives and said any objections to his forthcoming betrothal should be forwarded to him by June He further asked for surveys and a map of his realm to be drawn up.

Leaning on knowledge gleaned from studying law books in the University of Port Elizabeth library, the "King of Zwak" accused Mr Meyer of trying to "overthrow me and cease the existence of the Zion World Autocratic Kingdom".

Mr Meyer's response was that the court did not have the jurisdiction to "entertain the application compelling them to proclaim Zwak an independent state". Nor could he "fathom the relevance" of some quotations apparently from the Bible.

"I was praying in the bush at midnight when the skies opened. An ox came walking down a golden ramp from the clouds. Halfway down it turned into an old man with silver hair who was God. He said my name would be Jesus Christ II Messiah Hephzi-Bah, the delighted regent of God," Mr Cuntu has said.

"He took me by whirlwind to the highest mountain in the world and showed me the earth. He gave me authority over my friends and enemies. He took me to the other side of the mountain, showed me the ends of the earth and said my realm ended here.

Unemployed and living in a Uitenhage township, Mr Cuntu receives a disability pension of R290 a month. He has a criminal record for fraudulently raising funds for a church.



LONG SHOT . . . the self-styled King of Zwak, Patrick Cuntu, who wants guns, a car, a palace and R3-million from the government

Cattle prod acquittal

A NEWCASTLE businessman acquitted on charges of assault after workers claimed he used a cattle prod on them has now offered to help trade unions.

Mr Charlie Huang, chairman of the Local Overseas Chinese Investment Association, said he would help unions as he did not want a backlash against Chinese industrialists.

Workers claimed Mr Huang had used a cattle prod on them after he allegedly caught them stealing from his clothing factory.

Threat to sink Rooi Els council

CT 19/5/93 (271)

By RONALD MORRIS

THE Administrator of the Cape has threatened to dissolve the Rooi Els Local Council (RELC), or replace councillors, if the court case to review the legality of Somchem's lease of land in the Hangklip area was not postponed, the Supreme Court was told yesterday.

This was said in papers by Professor Dr Denis Cowen, chairman of the RELC, which brought an application before two judges to review the legality of a lease granted by the Overberg Regional Services Council to Somchem — an Armscor affiliate. The Administrator of the Cape is also cited as a respondent.

The Administrator sought a postponement of the review proceedings on the grounds that he wished to investigate the financial affairs of the RELC and to test Rooi Els ratepayers' support for the continuation of the court action.

However, in a dramatic turn yesterday afternoon, the RELC, which oppposed the postponement application, said it would like to see a referendum of Rooi Els ratepayers to "remove any doubt" about support for the court case.

Mr D P de Villiers, QC, counsel for the RELC, said the council would like to see the referendum coupled with the "best offer" Somchem was prepared to make, which should be put to ratepayers during the referendum.

Pending the referendum, the RELC is seeking an undertaking from the administrator that "no steps" would be taken to dissolve the council, displace councillors or appoint others, Mr De Villiers said.

In papers supporting the postponement, Mr C J van Tonder, the CPA's chief director of local government, said it had become clear that the RELC had limited funds and that should it lose the court case its liability for costs would exceed its assets. It would be impossible for it to function as a local authority if its assets and annual rates income were seized to cover legal costs.

Mr Van Tonder said it was not clear if the majority of ratepayers supported the court action and a full investigation of the RELC's financial affairs would be in the ratepayers' interest.

The adminstrator's response to the RELC offer of a referendum is expected today.

Mr Justice H L Berman and Mr Justice F D J Brand presided. Mr De Villiers, with Mr Mike Donen, instructed by Mr Hilton Gischen of Mallincick Ress Richman and Closenberg Inc, appeared for RELC. Mr G D van Schalkwyk, SC, assisted by Mr Francois van Zyl, instructed by the state attorney, appeared for the Administrator.

Rooi Els: Ratepayers to vote

271 CT 20/5/93

By RONALD MORRIS
Supreme Court Reporter

ROOI ELS ratepayers will vote by mid-August whether to carry on with a long-running legal battle to get Armscor subsidiary Somchem off land in the Hangklip area. CT 20/5/93

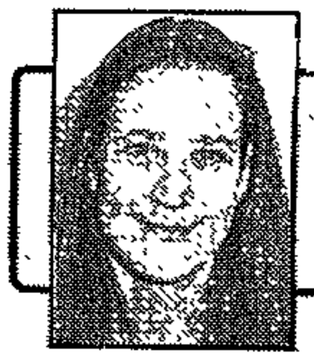
This follows an agreement yesterday at the Supreme Court between the Rooi Els Local Council, the Overberg Regional Services Council, the Administrator of the Cape and Somchem which was made an order of court.

The main action would have started on Tuesday but the administrator asked for a postponement to investigate the council's financial affairs and to test ratepayers' support for the court battle.

After lenghty argument, the council said it wanted a referendum to "remove any doubt" about support for the court case and the parties asked for a postponement to September 6.

PAC land policy 'will eliminate unemployment'

172 271 CT 24/5/93



Property Perspectives

by MAGGIE ROWLEY

THE land question and the distribution thereof or more exactly the redistribution is one of the vexing problems which will face a new government

Throwing the cat among the pigeons in the debate is well-known commercial property broker and consultant, Peter Meakin, MD of Meakin and Co.

In "an occasional paper on issues which face South Africans but which South Africans prefer not to face" Meakin comes out in support of the PAC's land policy arguing that the redistribution of land provides the best plan to eradicate unemployment

"The PAC argues that whites stole black land and they now want it back. The land was not stolen It is not in a display cabinet next to Egyptian pots in the British Musuem. It is still here and the PAC intend that it is used to give the unemployed a place to become self employed."

"What the PAC means when it says that the land was stolen from blacks is that the Land Act of the early part of the century prevented blacks from working the land for themselves (Communal tenure in the homelands restricted individual initiative and is not comparable).

"This meant that blacks were forced to work for others in factories, farms, mines or offices and the PAC want that coercion to stop."

He said the repeal of the Land Act last year would not in itself provide blacks with land as the unemployed were unable to write cheques for land.

"There are some 86 million hectares of farmland in SA, excluding the homelands. It is 'owned' by some 45 000 farmers who employ nearly half a million labourers.

"If we imagine that the 12 million hectares of arable lands are divided between say four million unemployed or underemployed families then each each would occupy three hectares This is more than is required for subsistence.

"No one other than the farmers will object to such a re-distribution as it will eradicate the unemployment problem and much of the attendant hideous crime wave in one stroke.

"South Africans will stretch their pockets for a gain such as this but they will not have to write any cheques

"The farmers collectively owe about R18bn to the country and most of the farms will revert to the state when these loans are called up and no better deal will be struck with the destitute than to grant them this land

Meakin further argues that while expropriation will be a great hardship to many, it "is ghoulish in the extreme for the state to nurture a sector that grows food for the nation when there are millions who would be better off growing it for themselves

"There is no need to dwell on the fate of the dispossessed capitalist farmer except to note that he is the owner of the improvements and tools of the trade

"Some sort of partnership with the unemployed will developed Share cropping, for instance flourished in the countryside before the Land Act and co-operatives, particularly the Kibbutz-type in Israel, have proven to be highly successful"

If the very worst happens and the countryside was transformed from a capital intensive to a peasant, largely subsistence economy, the soil's yield would fall and wholesalers would have to import food

"But there is no reason why this should be permanent if men work the land for their own account African farmers were once indispensable to the food supply of the Cape Colony Even today, banana farmers on the Buffelspruit farm in Kangwane grow twice the tonnage per hectare as their white competitors in Natal"

It is one thing to redistribute the land but quite another to decide who gets what, says Meakin.

"The PAC has a free market answer to this question. The state intention is to let the market decide, to let prices determine who secures titles.

"The PAC's plan is to lease out those farms that become available. This is a fine strategy because not only will it enable the poor to get to the land without capital or loans; it ensures a low entry cost to the very source of all wealth and material well-being but it will also raise revenue for the state.

The peasant lessee is to have complete security of tenure and to have the right to pass the lease to his children

"The importance of leasehold tenure is that there is already a leasehold culture in both traditional African and Caucasian tenure systems

"The occupier of land has a critical advantage over landless people in that he is not reliant on a job for his food, clothing and shelter A landless person is entirely dependent on employment unless he can beg, borrow or steal"

These arguments, no matter how controversial, definitely provide some food for thought

Mogopa peoples' claim

THE Mogopa community will submit its claim for the Hartebeeslaagte farm near Ventersdorp — the second of two farms from which it was forcibly removed in 1984 — to an Advisory Commission on Land Allocation hearing in Pretoria on Thursday. The land was still state-owned and leased to farmers. The other farm, Swartrand, was returned to the community after a Supreme Court ruling in 1991

B/DAY 25/5/93

(27)

Community likens Govt to a thief

Star 28/5/93

By Jo-Anne Collinge

Members of the Mogopa community yesterday compared the Government to a thief who had returned only half of the loot, as they lodged their claim for restoration of the second of two western Transvaal farms from which they were forcibly removed in 1984.

"It is amazing that when the land was taken away from us we were never consulted, there were no negotiations," community leader Lucas Kgatitsoe said in his presentation to the Advisory Commission on Land Allocation hearing in Pretoria.

"Now that the land is supposed to be given back to us, there are a lot of talks and commissions. The Government is having the power to steal people's property and thereafter set up commissions. Is that how a government should be?"

The farm Swartrand was restored to the people of Mogopa about a year ago, years after they reoccupied the land.

The Appeal Court, which had earlier declared the removal unlawful, avoided hearing a trespass case by advising the Government to negotiate.

But the community of some 300 families still desires the farm Hartebeeslaagte, comprising 4 000 ha of arable land. The 3 800 ha at Swartrand, they say, is suitable only for settlement and grazing.

Aninka Claassens of the Wits Centre for Applied Legal Studies said that unless Hartebeeslaagte was returned there was no hope of restoring Mogopa as a self-sufficient community.

While about one-third of white farmers in the Ventersdorp area were so indebted that they would lose their land if their debts were called in, before their removal "Mogopa never received any Government subsidy and did not generate any debt", she said.

It was precisely the viability of Mogopa which had caused its owners to limit the population to maintain its self-sufficiency. If they did not secure the return of Hartebeeslaagte, she predicted, terrible overcrowding would develop on Swartrand as people would take in tenants and sell their land rights to survive.

Although the surrounding community was very conservative, there had never been any right-wing attacks, Claassens said, because Mogopa was self-sufficient.

She urged the commission to take seriously Kgatitsoe's words: "We are still going to struggle to get our land back — up to the end of time."

Abram Mabidikama, a Mogopa farmer ruined by removal, said that watching white farmers graze their cattle on Hartebeeslaagte was as painful as watching an abducted child labour for someone else's profit "while I have nothing".

Private hospitals scrutinised

Buss. Day 11/6/93

PRETORIA — A committee of inquiry had been appointed to investigate the workings of the private hospital industry, the National Health Department announced at the weekend. The committee will examine all matters relatingto the control of private hospitals and will make recommendations to Health Minister Rina Venter.

It will also consider the enforcement of quality standards at private hospitals and the desirability of further deregulation and investment in the industry.

Health authorities and developers had experienced such problems implementing the industry's current regulations that an in-depth investigation could no longer be postponed, the department said.

It had been approved by Cabinet in April.

The committee would include Unisa professor Sas Strauss as chairman and

ADRIAN HADLAND

UCT professor Brian Kantor, Public Enterprises and Privatisation Office CE Evert van Eeden and Health Department representative Hans van Heerden, the department said.

One committee member said problems which had given rise to immense dissatisfaction in the industry included the need for government approval before private hospitals could be established and restrictive regulations on the technical structure of hospital buildings and wards.

Individuals or organisations interested in submitting evidence or inputs to the committee were required to do so before July 9, the Health Department said.

It was hoped a final report with recommendations would be passed on to the health minister by the end of August.

Special offer for Welverdiend people

Buss. Day 11/6/93

THE Transvaal Provincial Administration (TPA) is prepared to pay about R1m for the resettlement of the Welverdiend community near Lichtenburg in the western Transvaal, although the disputed land is on sale for about R78 000.

Transvaal Rural Action Committee western Transvaal fieldworker Andries Buffel said last week the land owner, Willem Mouton, was willing to sell the farm to the Welverdiend community.

A TPA spokesman said on Friday it had not been aware of this offer, but would "investigate the matter".

Action committee co-ordinator Theresa Plewman said the TPA had promised to give R8 500 to each of the 110 families in

MARIANNE MERTEN

Welverdiend. It would also pay for transportation to the nearby Boikhutso township and the new site. This would cost more than R1m.

In what could become a test case, 10 Welverdiend residents appeared last week in the Lichtenburg Special Regional Court on trespassing charges, but the hearing was adjourned until June 22.

The Welverdiend claim fell outside the Commission on Land Allocation's mandate because the land had been privately owned since 1989. The commission could hear only claims regarding former Development Trust land, Buffel said.

Lawyers denied access to land data

Buss. Day 11/6/93

PRETORIA — Vital land ownership information collected by the now defunct departments of Development Aid and Co-operation and Development was not available for public scrutiny, the Legal Resource Centre was told recently.

The centre appealed to the Advisory Commission on Land Allocation yesterday to subpoena the department of Regional and Land Affairs for the files.

Representing a 90-family community from Doornkop, near Ventersdorp, which was forcefully removed in 1978, centre lawyers said the files contained land ownership deeds and papers vital to the full restoration of the community's properties.

The application by the Doornkop community for the return of its land is one of many being heard by the advisory commission as a result of the Abolition of Racially-based Land Measures Act of 1991.

Seven communities, including the Ga-Mapuru, the Masha Tribal Authority, the Batloung tribe and the Schmidtsdrift Tswana community, have successfully

ADRIAN HADLAND

gained restitution through the commission.

The advisory commission has agreed to look into the matter of the files.

Doornkop community council head Hendrik Motaung told the commission yesterday how 200 families were moved into Bophuthatswana without warning in 1978.

Stripped of arable land, livestock and farming equipment, the community was consigned to an existence of terrible poverty and hardship, Motaung said.

Motaung said the whole community was desperate to return to their homes.

Offers of financial assistance had been received from the private sector, dependent on the outcome of the application.

Also heard yesterday was a request for additional land to be returned to the Magopa community, which was forcefully removed in 1984. Having been the first community to have some of its land restored to them last year, the Magopa applied yesterday for ownership of the rest.

FW's headache: The job no-one wants

Deputy-Minister Scheepers' resignation said to be because of problems with officials

Political Staff

PRESIDENT De Klerk has the problem of filling a top job that nobody in the National Party wants — the post of Deputy Minister of Land Affairs.

The reluctance to be appointed to the post is because of the unresolved apartheid land battles that lie ahead, particularly in Natal and KwaZulu, and because the officials with whom the Deputy Minister has to work have now put paid to two political careers.

Mr Johan Scheepers announced at the weekend his resignation as Deputy Minister of Land Affairs and as MP for Vryburg. He plans to build a law practice in Cape Town.

One of the tasks he was handling was trying to settle the future of land promised to the six self-governing states in terms of the 1913 and 1936 Land Acts, but still not handed over to them.

The six governments want the land they were promised. But in some significant instances the people on the land do not want homeland rule. Some major political problems lie ahead.

This issue is particularly acute in Natal where 93 pieces of land (some 500 000 hectares) was promised to KwaZulu in terms of the now discarded homelands consolidation plans, but is still under central government control. The Kwazulu government says that as it was promised the land, the National Party should now honour that promise.

The NP offered "joint administration" of the land, but has in many instances not cleared this with the people living on the land.

Mr Scheepers was helping to pass more land to the self-governing states, but was also attempting to curb their powers.

Former Cabinet Minister Dr Stoffel van der Merwe said when he was in office that one his most difficult problems was dealing with officials in the then Department of Development Aid.

He said they were Verwoerdian in their thinking. This was one of the reasons that led him to leave politics.

Although officials from Development Aid were divided among 18 different government departments, the bulk ended up in Land Affairs. Mr Scheepers was known to have problems with the officials. He thought them slow and not always helpful.

NP sources said today that nobody was keen to take on these complex, slow-moving bureaucratic problems.

Mr Scheepers became the second government official after Manpower Minister Mr Leon Wessels to apologise unconditionally for apartheid.

Announcing his resignation, which takes effect from July 1, Mr Scheepers said: "Apartheid was a mistake and I join the ranks of those within the National Party who regret this policy and who have expressed their regret for this policy."

Mr Scheepers would not comment on the belief in political circles that he was resigning because of the intransigence of officials in the Department of Regional and Land Affairs.

Minister of Regional and Land Affairs Mr Andre Fourie said he was aware Mr Scheepers had had problems with officials, but that these had been responsibly addressed and resolved through the head of the department.

He said changes in the functioning of the Advisory Commission on Land Allocation were being finalised and he hoped legislation would be passed in parliament this session to give the commission more powers.

According to Mr Fourie, there was a positive attitude throughout the Department of Regional and Land Affairs.

Democratic Party Land Affairs spokesman Mr Peter Soal said Mr Scheepers's resignation was a blow to reform.

Land was and always has been an emotional issue in South Africa, and his clear head would be missed in the transition, Mr Soal said.

Call to halt land transfers

271 CT 8/6/93

Political Staff

MUFFLED disputes on land issues boiled over yesterday with a government-appointed forum calling for a freeze on homeland land transfers and interest groups calling for the scrapping of the Land Affairs department.

The discord follows the resignation of Land Affairs Deputy Minister Mr Johan Scheepers

Land Rights Advisory Forum chairman Professor Louise Tager called for an immediate freeze on all land transactions involving the former Development Trust and other state land

Regional and Land Affairs Minister Mr Andre Fourie said the proposal to freeze the transfer of trust land had "merit" and undertook to discuss this with the relevant organisations

Prof Tager said the transfer of state land now would be a serious mistake, removing an important resource which would be needed to address the "problem of landlessness".

The National Land Committee, which advises the ANC, repeated its call for a moratorium on the sale of state land and suggested the Land Affairs department be scrapped.

Growing discord over land issues

Buss. Day 8/16/93

BILLY PADDOCK and TIM COHEN

SIMMERING disputes on land issues boiled over in public yesterday, with a government-appointed forum calling for a hold on homeland land transfers and land interest groups calling for the scrapping of the Land Affairs Department.

The discord is a sequel to the resignation of Deputy Land Affairs Minister Johan Scheepers, whose intention to leave his post reportedly stems from frustration with the bureaucracy.

Department officials said legislation proposed by Scheepers almost a year ago to rectify forced removals was likely to be published this week, although sources said it differed significantly from what was originally proposed.

Land Rights Advisory Forum chairman Prof Louise Tager yesterday called on government immediately to freeze all land transactions involving former SA Development Trust and other state land to avoid potential conflict.

Scheepers, in response to Tager's comments, said the call had merit and would be given "the necessary attention", SABC-TV news reports.

The forum, appointed by Regional and Land Affairs Minister Andre Fourie, is responsible for implementing land transfers and placing trust land under the joint administration of homeland and state authorities.

In a statement Tager said transferring state land to homeland governments at this stage would be a serious mistake, removing a critical land resource which would be needed to address the "serious problem of landlessness" in SA.

She said she had called this issue to the urgent attention of the multiparty negotiating council, the SA business community and the national peace accord structures — in particular the peace committee responsible for implementing a programme of socioeconomic reconstruction and development.

"The transfer of land is a serious and sensitive matter with many potential implications; in particular for future equitable land distribution," she said.

"Whatever form the proposed transfer might take — whether it be alienation or administration — we call for an immediate moratorium, until the future of this land can be resolved by a properly constituted democratic authority or a representative negotiating body."

Tager said it had come to the forum's attention that government intended plac-

☐ To Page 2

Land disputes

Buss. Day 8/16/93

☐ From Page 1

ing 1-million hectares of trust land under the joint administrations and also possibly under various homeland development corporations.

The transfer would be implemented through proposed legislation and various agreements.

The National Land Committee, which advises the ANC, repeated its call for a moratorium on the sale of state land, saying it was familiar with the "intransigence and incompetence of bureaucrats" in the department.

Committee head Joanne Yawitch said most of the officials in the department had been taken over from the Development Aid Department, which was responsible for forced removals. "They have caused so much pain to so many people. The whole department should be scrapped," she said.

Scheepers said he still hoped that legislation restructuring the Advisory Committee on Land Allocation, which he initiated, would be passed during the current session. The legislation was intended to allow the Minister to refer disputed land to the commission so that all past forced removals could be considered.

The legislation would also allow the commission to provide alternative land to forcibly removed communities whose land had since been developed.

The aim was to meet parties that called for a land claims court halfway, correcting past wrongs without disturbing the right to private property, he said.

High noon in the west

Star 9/6/93

271

AMY WALDMAN reports on a devastated community in what was once a diamond-digging area.

NO ONE in Welverdiend ever thought that deproclaiming the area as a diamond-digging spot meant deproclaiming it as a home. But that is what happened to this community, which put down roots near Lichtenburg, in the western Transvaal, during the 1926 diamond rush.

Ten residents now face a precedent-setting trial under the Trespass Act. And the struggle by the community to secure rights of tenure, and by the farmer who now owns the land to evict them, is at an impasse.

The Welverdiend question is a national one: Do people without title deeds but with historical ties to land have the right to remain, or does the State or a landowner have the right to forcibly remove them?

The lure of diamonds originally brought white diggers, and black labour, to Welverdiend. The labourers earned a pittance, but built homes.

But the people outlasted the diamonds. In 1989, at the insistence of the Transvaal Provincial Administration, the land was deproclaimed as a digging area and sold to a farmer.

Willem Mouton says he bought the land with a promise from the TPA that the 119 families would be removed.

Who came first?

When the TPA failed to fulfil its promise, a regional squatting committee, comprising farmers and TPA representatives, decreed the Welverdiend residents to be squatters under the Prevention of Illegal Squatting Act. The TPA prescribed that they be moved to Boikhutso, Lichtenburg's township.

Welverdiend's residents concede that the land now officially belongs to Mouton, but Lizzy Mashaba, an outspoken community leader, asks: "Who is the squatter — us or Mouton? Who came first? Whose parents are buried here?"

So they ignored the notices telling them to move. The next time they saw Mouton, he had the police with him.

A total of 33 community

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So they ignored the notices telling them to move. The next time they saw Mouton, he had the police with him.

A total of 33 community members were charged under the Prevention of Illegal Squatting Act — a case which still has no final dispensation. Later, others were criminally charged with trespassing.

The latter case went to trial last week. After irregularities emerged in the police gathering of evidence, it was postponed until June 22.

The case has ramifications throughout the western Transvaal, which has at least seven villages based around diamond diggings. Those communities also have only historical connections to the land. If Welverdiend is deemed a trespass, they could face the same fate.

For the farmer, the heart of the struggle lies in the law, but for the people, it is in the land.

There is a spirit of community, as well as tranquillity and history, in the little settlement. "This is our title deed," Mashaba says, pointing at the graves of parents and grandparents at the edge of the community.

Looseboy Mokgoero, the community's oldest resident, will most likely be buried here too. Born in 1901, he arrived during the diamond rush of 1926. "The only one who will move us is the one who will move us to heaven," he warns, between songs from a prayer book.

Lizzy Mashaba says: "The only place better than here is heaven ... we will only be moved as corpses."

Some negotiators say Mouton seems reasonable, until he comes under pressure from other farmers.

Mouton says that by law, staying somewhere — "even for 300 years" — doesn't give ownership; a piece of paper does. But Iqbal Motala of Lawyers for Human Rights says the law may not be the answer. □

Waiting in for land jus

Star 9/6/93

271

The land issue is back in the news with the decision of Deputy Land Affairs Minister Johan Scheepers to quit politics. JO-ANNE COLLINGE reports on the need for land reform and what has been happening.

THE World Bank has been called many things, but seldom alarmist. So when it warns that South Africa had better implement massive land redistribution or face decades of peasant insurrection — or even civil war — there is reason to sit up and take action.

The National Party Government, in its dying days, has shown no inclination to do so. Although Deputy Minister of Land Affairs Johan Scheepers might have the public believe that recalcitrant officials are the problem, the evidence points to opposition to land reform at a much higher level.

The Government's sins have not just been of omission, they have been sins of commission, its opponents charge. They point to actions such as the rapid disposal of State-owned land, the unilateral framing of contentious legislation and a refusal to negotiate with relevant stakeholders.

The scenario sketched by World Bank experts Hans Binswanger and Klaus Deininger is based on international experience and it spells out the likely consequences of a failure to substantially redress the huge imbalance in land ownership.

They note that at present rural resistance is still unorganised and confined to interracial conflict and sporadic land invasions. But, they warn. "If the hope raised by repeal of most of the racially motivated land laws and restrictions on mobility are not confirmed by rapid restitution of land in the former black spots, land invasions are likely to increase.

"Over time, some political group will organise a well-disciplined peasant movement capable of co-ordinated insurrection and terrorism."

When the apartheid land laws were repealed two years ago, the Government's only concession to interests lobbying for land redistribution was the Advisory Commission on Land Allocation (Acla), which was empowered to advise on the use of State-owned land for development and to address the position of those prejudiced under the old laws.

Since April 1992, Acla has considered 58 claims for particular pieces of land, lodged in many cases by victims of forced removal. But in only four of these cases has land been restored to the communities concerned. Final decisions have been taken by the State President in a further eight cases — and this land has not been returned.

Uprooted communities and leading land rights group, the National Land Committee (NLC), regarded Acla with suspicion, especially after the State President rejected their suggestions on membership of the commission. But they decided to give Acla a chance and brought claims before it.

It is a measure of the NLC's disillusionment that, when it was approached to take part in the Government's Land Rights Advisory Forum earlier this year, the NCL would have nothing to do with it.

NLC director Joanne Yawitch points out that, in contrast with institutions such as

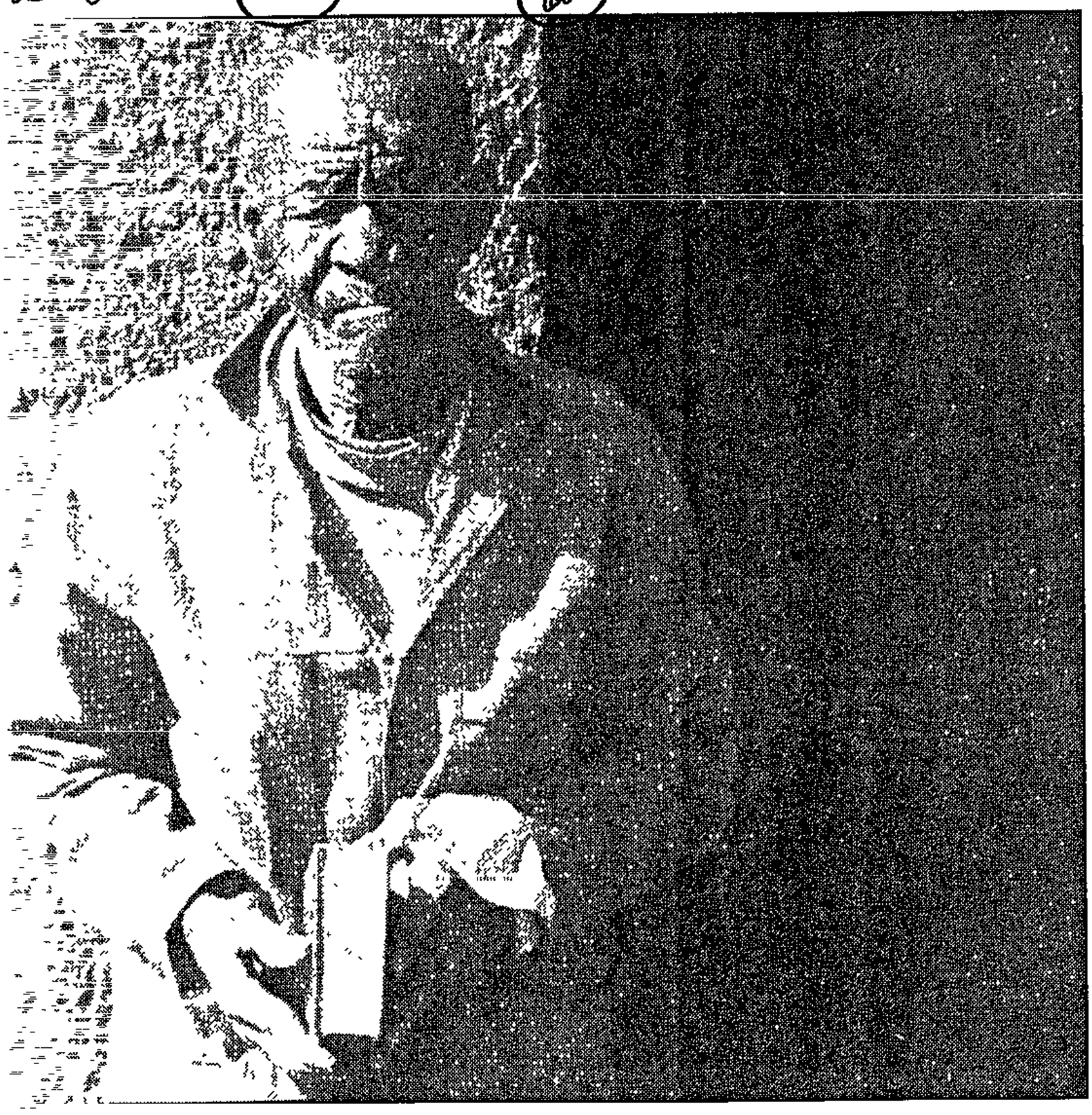


The power of prayer . . . Looseboy Mokgoero is determined to stay in Welverdiend. (See 'High noon in the west' report on this page.) Mokgoero, the community's oldest resident, came to Welverdiend during the diamond rush of 1926. "The only one who will move us is the one who will move us to heaven," he warns.

g in vain

Star 9/6/93

i justice



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It is a measure of the NLC's disillusionment that, when it was approached to take part in the Government's Land Rights Advisory Forum earlier this year, the NCL would have nothing to do with it.

NLC director Joanne Yawitch points out that, in contrast with institutions such as the Local Government Negotiating Forum and the National Economic Forum, which were created by negotiation, the Land Forum was Scheepers's "hand-picked" creation.

"It is merely a body set up to advise the Deputy Minister and not intended to set in motion a broad consultation on land policy. So we refused to sit on it," says Yawitch.

"It is our view that there needs to be a consensus position on land before any programme is implemented, and the history of the Department of Regional and Land Affairs is not one which attempts to develop such consensus. They still want to do it all their own way — they are, after all, the people who manned the Department of Development Aid and carried out the forced removals."

There is little doubt that agricultural interests would argue for negotiated rather than imposed solutions.

Aninka Claassens of the Centre for Applied Legal Studies at Wits said experience had led the land-redistribution lobby to believe that it was futile to join Scheepers's forum as "major unilateral restructuring would go on under our feet".

It is no secret that such groups felt betrayed when the Government decided to transfer some 430 000 ha of State-owned land to the tribes and parastatal organisations in Lebowa and QwaQwa last year. They believed that they had successfully argued against any such move — until Scheepers announced his agreements with the homelands in question.

"All the Department of Land Affairs has achieved is a terribly accelerated process in getting rid of land which would otherwise have been available for redistribution," argues Claassens

"This disposal of uncontested State-owned land is going to have a major long-term impact, because it focuses attention back on land presently owned by whites. Scheepers pre-empted an option clearly put by people across the spectrum as a starting point — albeit an insufficient one — for land reform."

Only recently the Government and the ANC held initial talks on the question of land. And once more, Scheepers's subsequent action of drafting legislation which would facilitate the homelands land-gift caused ANC participants to question the spirit of the talks.

Scheepers's public relations machinery, however, focused on that part of his legislative programme which lent him a reformist image. It stressed the Bill intended to extend the powers of Acla to compensate victims of forced removal.

It is this disparity between image and reality which has seen Scheepers unfavourably compared to Dr Piet "Promises" Koornhof, who headed the Department of Co-operation and Development in its days of deepest infamy and whose deed was seldom as good as his word. Said one source: "Scheepers makes Koornhof look like Miss Muffet."

The remark reflects a deep sense that, in this protracted political transition, there has been no progress toward justice on the land. □

Land body restores property in 4 cases

Star 9/6/93

271

By Jo-Anne Collinge

The Government's Advisory Commission on Land Allocation (Acla) has considered a total of 58 land claims since April last year, but property has been restored to the claimants in only four cases, said Acla secretary Jan Barnard.

Barnard said that 35 of the 58 claims lodged had fallen "outside the ambit of Acla's mandate".

Legislation due to be tabled in Parliament this session will grant Acla broader functions than it has at present.

In relation to the 23 cases which fell within Acla's existing terms of reference, Barnard gave the following details:

● The President had made final decisions in relation to 12. He had upheld the return of land in Roosboom, Grootte Springfontein, Charlestown and Pretoria's Asiatic Bazaar. In the other eight instances the claims did not succeed.

● A final decision from the President was awaited in 11 cases.

Barnard declined to disclose whether any of the commission's recommendations had been reversed by President de Klerk.

"Acla regards it as the President's prerogative to release information pertaining to his decisions."

The proposed legislation will give Acla the power to decide cases without reference to the President.

It will also enable the commission to compensate victims of forced removal with alternative State-owned land in cases where the original property has been sold by the State.

● Waiting in vain for justice — Page 17

Department of Land Affairs defends role

CAPE TOWN — The Regional and Land Affairs Department replied yesterday to calls for the department to be scrapped, hotly denying suggestions that its officials were reluctant to carry out land reform.

In an open letter to the national land committee, which has called for the department to be abolished, department director-general Coennie de Villiers said every official was aware of the importance of land reform to stability and peace.

The national land committee's call was made in the wake of the resignation of Land and Regional Affairs Deputy Minister Johan Scheepers. According to news reports, one of the reasons for his resignation was bureaucratic delays in land reform legislation.

The committee based its call on a claim that many of the department's officials were delaying land reform because they came from the Development Aid Department, responsible for forced removals.

De Villiers rejected this "unfounded" suggestion, saying the department had been established in 1991 from components of four other departments and offices.

Officials from the Development Aid Department were seconded to 18 departments after its abolition in 1992.

TIM COHEN

De Villiers said in an interview that about 500 officials, or about 20% of the existing department's staff, came from Development Aid, denying that these officials were against land reform.

During the past year, the department had dealt with about 1 200 inquiries, half of which dealt with land matters.

Asked why legislation first mooted in August last year to rectify forced removals had still not been tabled in Parliament, De Villiers said this legislation required careful consultation. The legislation was the top priority of the department and was due to be tabled in Parliament today.

The department had generated 10 pieces of legislation this year, one of which was an extremely important Bill providing for joint administration of trust land.

In his open letter to the national land committee, De Villiers extended an invitation to committee members to meet "so we can further enlighten you on this department's dedication to land reform".

● Comment: Page 10

Bill eases probing of crimes by police

CAPE TOWN — A Bill compelling the SAP or military police to withdraw from investigations into alleged serious offences by security force members was tabled in Parliament yesterday.

The Security Forces Board of Inquiry Bill provides for a Supreme Court judge, assisted by an attorney-general or experienced lawyer, to inquire into alleged serious offences by security force members.

The Bill follows the Law and Order Minister's announcement in August 1992 that far-reaching steps would be taken to restore the SAP's credibility.

Serious offences which the Board will investigate include murder, kidnapping, serious assault on people in custody, and corruption.

The board's chairman and CEO can, however, define and have investigated any offence they deem to be serious.

The country would be divided into areas, with the President designating area directors to head investigations. — Sapa.

DRAWING ROOM 1387

Police 'did nothing to stop looting

W|Mail 11|6 - 17|6|93

By JACQUIE GOLDING

POLICE in Casspirs stood by as kwa-Madala hostel dwellers walked past with goods plundered from the nearby township of Boipatong on the night of the massacre last year, according to testimony in the Delmas Circuit Court this week.

The state witness, a resident of kwa-Madala who may not be named, said his testimony was based on what happened in his group of attackers on the night of the massacre — but that it was possible police had assisted other groups.

He was giving evidence in the trial of 32 kwaMadala hostel dwellers accused of murder, attempted murder, malicious damage to property and public violence in relation to the massacre on June 17 last year.

According to defence counsel Victor Botha, the field separating Frikkie Meyer Boulevard and kwaMadala hostel was "thoroughly searched" by police, but there were no signs of the hostel dwellers on the night of the massacre. "If this was the route taken back to the hostel by inmates, they would have been seen," said Botha.

The witness was adamant that his group crossed the field and entered the front gates of the hostel after the attack, disputing claims made by previous Goldstone Commission witnesses that hostel dwellers entered the back of the hostel as a precaution.

This week the witness delivered further evidence on the involvement of leading Inkatha Freedom Party officials in the aftermath of the massacre.

He said Themba Khoza and Humphrey Ndlovu, the *"groot koppe"* (senior people), "actively participated in the burning of looted goods and bloody clothes" after instructing them to "destroy all evidence" and warning them of an imminent police raid on the hostel.

The witness told the court that both Khoza and Ndlovu had said *"'n Haas wat deur honde gevang is, so 'n haas is dwaas* (A rabbit caught by dogs is a stupid rabbit)."

Law to bolster property claims

B/Day 11/6/93

TIM COHEN

CAPE TOWN — Far-reaching legislation was introduced yesterday to provide almost all victims of forced removals with the right to apply for restitution, providing hope for former Page View and District Six residents.

The long-awaited Abolition of Racially Based Land Measures Amendment Bill substantially broadens the scope of existing legislation, which deals only with undeveloped, rural land.

Victims of forced removals who held land in urban areas will now also be permitted to apply to the Advisory Commission on Land Allocation for restitution.

However, restitution will take place only with the concurrence of the local authority.

The commission, formerly an advisory body, will be empowered to issue orders regarding certain land.

This will significantly speed up the process of restitution, a Regional and Land Affairs official says.

The legislation also allows the commission to make recommendations about alternative land in cases where the original land of a prejudiced party has been developed.

DP land affairs spokesman Peter Soal said the fact that the commission would no longer be merely an advisory body was a "great extension to the powers and functions".

Its authority to determine whether anyone was prejudiced was also to be welcomed.

Granting the commission control over its staff was also significant.

However, the requirement that local authorities would have to approve applications for restitution would cause unnecessary delays. The DP would seek to have this clause removed, Soal said.

The Bill also provides for the occupier of a property to apply to a court for transfer of ownership from a nominee owner within 30 months after the commencement of the Abolition of Racially Based Land Measures Act of 1991, reports Sapa.

The Bill extends the application period from the six months stipulated in the 1991 Act.

That Act had amended the Group Areas Act which had made such transfer of ownership from the nominee owner to the occupier illegal.

The new 30-month period is to apply with retrospective effect and is reckoned from the implementation date of the 1991 section.

Provision is also made for the period to commence after the finalisation of an estate if the nominee owner had died since the closing of the transaction.



MASS ACTION . . . In spite of miserable wintry weather, a large crowd of about 2 000 turned out in Milnerton on Saturday morning to protest against the decision to move Marconi Beam squatters to Du Noon. Picture: BENNY GOOL

271 CT 14/6/93

Govt 'not insensitive' over Du Noon

Staff Reporter

REPORTS that the government was insensitive over the Du Noon squatter issue were dismissed yesterday by Regional and Land Affairs Minister Mr Andre Fourie.

Reacting after Table View residents on Saturday protested against the planned settling of squatters at the nearby Du Noon, the minister said the issue had been widely discussed four times in the past week — including at a cabinet meeting and in Parliament.

He further gave the assurance that the government would fully monitor the final planning to allay the fears of the Concerned Ratepayers and Voters of Table View (Cravot).

Meanwhile Cravot secretary Mr Chris Potgieter conceded yesterday that a few participants in Saturday's protest march had shouted racist statements,

But he added that they had soon been told to "shut up", because their sentiments were unacceptable.

Nearly 2 000 angry marchers, many bearing placards, marched to hand over a petition to the mayor protesting against the council's decision to go ahead with the settlement of squatters at Du Noon.

Mr Potgieter said: "We are trying to stop the racist apartheid thinking that has gone on for so long. There are funds available for housing the Marconi Beam community. The authorities are ignoring the rights of human beings. It is important to us that the people of Marconi Beam are not once more downtrodden."

He had read of a simple house that could be erected for R13 900, which was "streets ahead of a squatter shack".

Mr Potgieter said he had been enormously pleased by the good turnout at the protest march. "Evil flourishes when good men do nothing," he said.

Star 7/16/93

Occupation bid fails

About 2 000 residents of a Lenasia squatter community, whose lives are threatened by the possible formation of a sinkhole, failed yesterday in their bid to invade vacant serviced land. Instead, they handed a memorandum to the House of Delegates.

Thembalihle Homeless Residents' Committee chairman Daniel Bovu told residents early yesterday that police had warned they would not allow any occupation of the land in Extension 13.

270 271

Land restitution essential, says Keys

BRUCE CAMERON
Business Staff

RESTITUTION, which could cost billions, would have to be made as part of the process of reconciliation to people who were deprived of land by apartheid, Finance Minister Mr Derek Keys said today.

At a Press conference in Cape Town Mr Keys said

- Delays in reaching a new debt standstill arrangement with the current deal due to expire at the end of the year.
- South Africa was likely to be recognised as a "country in transition" by the General Agreement on Tariffs and Trade, thus relieving pressure on the manufacturing industry.
- Very little money was available for further pay increases for teachers and civil servants

He repeated his predictions that the economy would show a positive growth this year.

Mr Keys agreed with the ANC view that restitution would be have to be made to people deprived of land during the apartheid years.

He suggested the money would come from government borrowings.

"I think restitution is part of reconciliation"

He said certain needs were so pressing and justified the country would have to bear the pain of the cost. He gave no estimate of the cost.

Mr Keys warned high expectations could not be successfully managed without more being done for the underprivileged.

Mr Keys said the fourth arrangement covering the remaining US $5 billion still in the debt standstill was being delayed by the need to get political endorsement over a fairly wide spectrum on the draft arrangement negotiated with international banks last month.

Mr Keys said he did not want to talk too much about the negotiations with other political groupings.

He confirmed the government was hopeful that the full benefits of membership of the International Monetary Fund and the World Bank could be achieved this year.

Move on land question

Sowetan 18/6/93.

■ Finance Minister says restitution will cost billions of rands:

RESTITUTION, which could cost billions of rands, would have to be made as part of the process of reconciliation, Finance Minister Derek Keys said yesterday

The move was immediately welcomed by the African National Congress, but the organisation felt Keys had not gone far enough.

It called for a "land claims court" to probe the issue dating back to the adoption of the 1913 Land Act, resulting in many blacks being dispossessed of their land

At a Press conference yesterday, Keys was also upbeat about meeting the Budget target of a deficit of around 6,8 percent of gross domestic product — in spite of predictions by market analysts that it would be closer to nine percent.

Responding to a question on the land issue, he said: "Restitution is part of reconciliation."

High expectation could not be successfully managed without more being done for the underprivileged, he said.

However, the country would probably have to borrow for this purpose. "This Goverment is already spending more than our tax revenue ... I imagine it would have to make use of national debt to an extent," said Keys

"One doesn't like to build up the national debt if one can avoid it, but certain needs are so pressing and so justified that you have to take the painful medicine."

ANC information director Dr Pallo Jordan said last night that it would go further and call for the issue to be "addressed through a mechanism that is seen to be fair".

He said the ANC had proposed a land claims court "through which these various claims can be processed".

This should "try to accommodate both the aggrieved and those who presently hold that land".

Jordan also said the probe should go back long before the National Party's reign - to 1913 when the Land Act was passed and "when the greatest damage was inflicted through dispossession of African people".

Matter

'Land the tool for future wealth redistribution'

ARU[18|6|93 271

☐ Most whites not ready for changes, says Keegan

CLIVE SAWYER
Municipal Reporter

DEPUTY-MAYOR Clive Keegan says land could be used in future as the main tool of redistibution of wealth — as is being done in Zimbabwe.

He was speaking at a conference on the metropolitan development process, hosted by the SA Institute of Town and Regional Planners

He said most white people in Cape Town were not ready for the profound changes which were coming, as evidenced by the war of words about the Du Noon informal settlement proposals.

The land question was the most politically volatile issue of the moment.

The Group Areas Act had worked perfectly in Cape Town, complicating the challenge of "rolling back" inequities in the city

Reuniting the city would need the co-operation of the private and public sectors, but at present nothing was being done

It was extremely dangerous that while the city was going through its most intense period of urbanisation, little was being done to develop low-cost housing



Mr Clive Keegan

Continued urban sprawl could not be permitted because of the threat to rural and agricultural areas, and especially because of the tourist potential of the area. The city had to be "densified"

Ways to do this included building infill housing, subdividing plots and using vacant inner-city land.

But this was made difficult by the high cost of inner-city land, which was more than the poor could afford. State low-interest loans and land transfers at no cost could help.

Mr Keegan called for "banking" of strategic publicly-owned land, rather than disposing of it now.

He warned against "gentrification" of areas built for low income dwellers, and said laws should be made to stop it.

Land would be one of the principal instruments of redistribution.

Noting fears by existing property owners that redevelopment of District Six and the Du Noon site could affect property values, Mr Keegan said this could happen unless urban solutions were well designed.

He called on planners to include serving the public interest in their code of ethics

A return to Utopian visions in planning was necessary, Mr Keegan said.

A community takes control of its future

By MORAY HATHORN

BY conventional standards a victory involving 6 500 remote villagers in the rural eastern Transvaal may not amount to much. But for the community it means everything. Residents have learnt they can make their voices heard, and that by acting together they can stop their village from becoming a slum.

The story of the people of kwaThandeka also illustrates the kind of development work in which some lawyers are becoming increasingly involved.

kwaThandeka is a village near Amsterdam in the eastern Transvaal, close to the Swazi border. About 6 500 people live there. They keep their own cattle; more than 90 percent grow crops and vegetables on their stands and many in the community depend on home-grown food.

Initially designated for removal to kaNgwane, the village was reprieved in 1987. There is limited economic growth potential in the area and equally limited employment possibilities in the formal sector.

During the 1980s the authorities and residents clashed over the level and quality of sanitation, water provision and refuse removal services in kwaThandeka. A professional survey carried out by the kwaThandeka Home Committee (a representative residents' committee with very able and energetic leadership) showed these services were very poor.

Negotiations with the authorities over the issue of services followed lengthy litigation about arrear service charges which was eventually settled in favour of the community, represented by the Legal Resources Centre. After this issue was settled, a new residents' committee — the kwaThandeka Planning Committee — was elected democratically to negotiate with the authorities on the services dispute.

Then, without consulting the new planning committee, the kwaThandeka local authority, a body which was not popularly elected and which lacked legitimacy in the community, applied to the administrator of the Transvaal for permission to develop kwaThandeka. Their proposal included the multiple sub-division of existing stands.

Members of the community strongly rejected this idea because they believed it threatened the viability of the village for urban agriculture and would result in a slum. They asked the LRC to help them lodge objections to the plan.

An important basis for the objection was that the plan unlawfully infringed the rights of residents as site permit holders. Until the reforms of the 1980s, site permits issued to black people were the strongest form of title available to them. Under the Conversion of Certain Rights to Leasehold Act of 1989 the holders of site permits have the right to continue occupying their sites, and after an inquiry by the provincial secretary, to be granted full 99-year leasehold rights. The proposed development would have seriously infringed these rights.

While the authorities considered the community objections, the planning committee commissioned several reports from independent agencies about the future development of the area. Eventually the kwaThandeka local authority decided not to go ahead with the planned sub-division. It accepted that urban agriculture ought to be encouraged in kwaThandeka and a few months ago suggested that more land should be acquired for this purpose.

Through its own determination and the willing help of experts, kwaThandeka residents have overcome many grave difficulties. From being a community under threat of removal, they are now setting the agenda for their own future development.

●Moray Hathorn is an attorney with the Legal Resources Centre, Johannesburg.

Govt reconciliation bid

Star 18/6/93

Keys wants restitution for victims of apartheid land laws

By Chris Whitfield
Political Correspondent

CAPE TOWN — Restitution, which could cost billions, would have to be made as part of the process of reconciliation of people who were deprived of their land by apartheid, Finance Minister Derek Keys said yesterday.

The move was immediately welcomed by the ANC, but the organisation felt Keys had not gone far enough and called for a "land claims court" to probe the issue dating back to the adoption of the 1913 Land Act.

At a press conference yesterday Keys was also upbeat about meeting the Budget target of a deficit of about 6,8 percent of gross domestic product — in spite of predictions by analysts that it would be closer to 9 percent.

"I don't have any reason ... to think that our figures are anything like as astray as projections which have been made," he said.

"This figure (from analysts) of R30 billion deficit, extrapolating from the April and May figures (for revenue), has no credibility."

Responding to a question on the land issue, Keys said: "Restitution is part of reconciliation."

High expectation could not be successfully managed without more being done for the underprivileged. However, the country would probably have to borrow for this purpose. "This Government is already spending more than our tax revenue ... I imagine it would have to make use of national debt to an extent," said Keys.

Foreign banks seek political consensus — Page 13

"One doesn't like to build up the national debt if one can avoid it, but certain needs are so pressing and so justified that you have to take the painful medicine."

ANC information director Dr Pallo Jordan said last night that the organisation would go further and call for the issue to be "addressed through a mechanism that is seen to be fair".

He said the ANC had proposed a land claims court. This should "try to accommodate both the aggrieved and those who presently hold that land".

He said the probe should go back before the National Party's reign — to 1913 when the Land Act was passed and "when the greatest damage was inflicted through dispossession of African people".

During the press conference Keys also said delays in reaching a new debt standstill arrangement — covering about $5 billion — were being experienced due to the need to get wide political endorsement; South Africa was likely to be recognised as a "country in transition" by the General Agreement on Tariffs and Trade, thus relieving pressure on the manufacturing sector; and "very little money" was available for further pay increases for teachers and civil servants.

Violence erupts as squatters told to go

By Jo-Anne Collinge

Zevenfontein's 1 000 families are now trapped by pincer-style court action. They face a renewed application for an order to evict them from their present site and an Appeal Court hearing which effectively prohibits them moving to the resettlement area of Diepsloot.

Violence flared briefly in the settlement north of Johannesburg yesterday after the sheriff of the court arrived to serve papers on the community regarding the eviction order sought by the Chartwell North Action Group.

Residents refused to accept the papers in the absence of their committee and eventually burnt the "pamphlets" when the sheriff insisted they take them.

Police accompanied the sheriff into Zevenfontein and, according to youth leader Jan Mahlangu, refused to allow residents to go to Four Ways to hold a meeting with drivers.

Mahlángu said police used teargas and that some residents in turn set fire to the nearby veld to dispel teargas fumes. He denied that residents had thrown stones at the SAP.

Witwatersrand police spokesman Major Eugene Opperman said police were forced to use teargas and rubber bullets after the residents stoned taxis and set fire to the nearby veld.

At least one Zevenfontein resident faced The Star with a bloodied shirt and swollen face. He said he had been struck by a policeman.

Opperman said it was possible that police had to use physical force to disperse the crowd.

ANC PWV vice-chairman Mathole Motshekga, who is also Zevenfontein's legal adviser, arrived in the settlement at about 4 pm. As residents clustered around to have the mystery "pamphlet" explained, Motshekga said: "We will defend this action, both in court and politically. I have no doubt that this application has no basis in law and in morality."

Chartwell residents are asking for a Supreme Court ruling compelling the TPA to evict the people from the Zevenfontein site and empowering the sheriff to do so should the TPA fail.

Diepsloot residents, on the other hand, have appealed against a Supreme Court judgment which failed to uphold their contention that the TPA's expropriation of land at Diepsloot was illegal.

This land is intended for the resettlement of Zevenfontein. Until the appeal is heard, the TPA has dropped all plans to develop the site.

Motshekga said Zevenfontein illustrated "the problems we are going to face if the 'local option' put forward by (Minister of Local Government) Tertius Delport is implemented".

If each little ward were empowered to protect its interests at the expense of solving broader problems, "people like the Zevenfontein community will be pushed from pillar to post and no government will have the right to redress the legacy of apartheid".

Land law bans racism

CT 19/6/93

271

Political Staff

ALL racial restrictions on the ownership of land are to be banned.

The new bill, which was tabled in Parliament yesterday, will make it illegal to transfer or lease property on the basis of a person's racial or ethnic group.

The General Law Second Amendment Bill, as amended by the Joint Committee of Parliament on Foreign, Regional and Land Affairs and Tourism, also cancels any existing racial restrictions in title deeds or leases

In the past, the government has refused to consider any measure which would outlaw racially motivated behaviour between individuals or companies and individuals.

These laws are found in Britain in the form of the Race Relations Act. And the US has its own version in civil liberties legislation.

Both of these pieces of legislation enable parties found guilty of racism to be prosecuted.

The new South African legislation, at least in terms of property rights, in fact goes further than US law where racially restricted property enclaves and clubs, such as golf clubs, are still allowed to exist.

The amended bill, which is likely to be passed by Parliament next week, makes it illegal for property to be sold or leased to "any person of particular population or ethnic group or who is not of particular population or ethnic group"

The bill also provides that any existing lease or title deed which contains these restrictions should be cancelled

Land minister warns of reform problems

B1Day 22/6/93

MARIANNE MERTEN

LAND reform did not simply mean land redistribution, and any reforms should consider both commercial and subsistence farming, Agriculture Minister Kraai van Niekerk said yesterday.

Addressing the National African Farmers' Union (Nafu) annual congress near Groblersdal, he said: "Simply redistributing land or land ownership will not necessarily solve the problem of the landless."

Agricultural organisations needed to take cognizance of the emotionally charged land debate. (271)

Land redistribution did not guarantee successful agriculture. Training at all levels was needed to instil the knowledge which would make agriculture successful in SA.

He invited Nafu to formal discussions with government.

Reacting to Van Niekerk's address, Nafu executive committee member Joe Kotsokoane said he wanted to see remedial action and "results on the ground".

He said it was unfortunate they were still talking about "black farmers and white farmers".

"It is impossible to wait for the undoing of injustices of apartheid, while we starve," he said.

Agricultural Credit Board chairman Hendrik van Zyl said the board would create a special financing category to support subsistence farmers and would act as a facilitator for all farmers in co-operation with the Land Bank and the Development Bank of SA.

However, the 1966 Agricultural Credit Act — which changed from an Own Affairs Act to a General Affairs statute on April 1 1993 — still did not apply to the TBVC states or the homelands, he said.

SA Agricultural Union (SAAU) president Boet Fourie said agriculture was the backbone of SA's economy and would "be able to provide the engine for economic growth".

He said the SAAU and Nafu cooperated on a high level and this could lead to a single farmers' union in the future. At present, the two organisations were independent because they represented different needs.

Nafu president Matome Maponya said the union would seek representation on all statutory agricultural bodies. He said access to cheaper agricultural machinery would facilitate the involvement of poor farmers in commercial production.

However, the organisation had noted some co-operatives were introducing "hidden discriminatory rules" such as bank balance size.

Nafu called for a more open environment, he said.

Farmers desperate for additional help

GERALD REILLY

PRETORIA — Pressure for additional financial assistance for thousands of farmers impoverished by years of below average production and high input costs has never been greater, the Agriculture Department's directorate of financial assistance says.

This year, R500m in aid was budgeted for farmers in several different aid schemes, including drought aid and subsidised interest on loans. B1Day 22/6/93

The directorate is now evaluating applications from the SA Agricultural Union for further substantial assistance and will make recommendations to Agriculture Minister Kraai van Niekerk.

However, department sources said there was little likelihood the demands could be met "in any substantial way".

The directorate initially expected the Agricultural Credit Board's revolving credit scheme would result in R200m in loan repayments and in payments of interest.

Because of the plight of a large number of farmers and their inability to meet loan obligations, this had been scaled down to less than R100m.

An SAAU spokesman confirmed that urgent representations had been made to government for additional aid.

Those most needing support were the red meat, sub-tropical deciduous fruit and timber industries, and farmers in certain sugar and summer crop growing areas, he said.

The spokesman said government aid had helped to stabilise farmers' debt at the end of last year to an estimated R17bn.

Nampo claims the financial position of many maize producers will be improved only marginally, in spite of a crop of more than 8-million tons. The producer price at R410 a ton barely covers production costs, it says.

SA navy visits Indian Ocean islands

PRETORIA — The SA navy's recently commissioned logistical support vessel, SAS Outeniqua, embarked yesterday on its maiden voyage, a three-week goodwill visit to the Indian Ocean islands of Madagascar, the Seychelles and the Comores.

This was announced in a joint statement by the Foreign Affairs Department and the Defence Department.

The statement said the voyage heralded a new era of regional co-operation.

The visit to Madagascar is to coincide with the island's national day on June 26, while the call at the Comoran capital of Moroni will afford SA's newly appointed non-resident ambassador the chance to introduce himself to the Comoran people.

It has also been announced that the Portuguese navy training barquentine, Sagres, is to pay a five-day visit to Cape Town at the end of this week.

Meanwhile, several US navy vessels have docked in Durban harbour since the beginning of this year.

An SA navy spokesman said the ships were from the US navy sealift command and were crewed by civilians.

The US administration allowed SA ports to be placed on the US navy's official ports' list last year. — Sapa.

Health budget

375. Mr M J ELLIS asked the Minister for National Health and Welfare:

(a) What total amount has been budgeted for health in South Africa in respect of the latest specified 12-month period for which figures are available and (b) how much of this amount has been earmarked for (i) primary health care, (ii) secondary health care, (iii) tertiary health care and (iv) any other specified division? B871E

The MINISTER FOR NATIONAL HEALTH AND WELFARE:

(a) R12 117 130 927,00 and

(b) (i) R3 184 173 349,00,

(ii) R5 615 738 915,00,

(iii) R3 317 218 663,00 and

(iv) totals as per standard items

Personnel expenditure .	R6 733 776 932,00
Administration expenditure . .	R246 981 198,00
Stores and livestock ..	R1 935 903 108,00
Equipment ..	R420 235 398,00
Land and buildings .	R1 762 220,00
Professional and special services ...	R768 364 118,00
Transfer payments	R2 245 524 965,00
Miscellaneous expenditure	R94 873 633,00
Recoverable expenses ..	(R330 290 643,00)
Total.	R12 117 130 927,00

Information contained in this reply have been furnished by the Department of National Health and Population Development, the provincial administrations as well as the self-governing territories.

Housing shortage for Blacks

388. Mr P G SOAL asked the Minister for National Housing:

(1) What is it estimated was the shortage of housing for Blacks in the Republic, excluding the self-governing territories, at the end of 1992;

(2) how many houses were provided in each province in 1992 for such Blacks by (a) the State, (b) local authorities and (c) the private sector;

(3) when is it estimated that this shortage will be eliminated? B890E

The MINISTER FOR NATIONAL HOUSING:

(1) The extent of the housing backlog for Blacks in the Republic of South Africa, is not readily available. However, the South African Housing Advisory Council stated in its report titled "Housing in South Africa: Proposals on a Policy and Strategy" which was released during May 1992, that the total backlog for all population groups including the TBVC States, amounted to 1,3 million housing units However, it is estimated that the current total backlog is approximately 1,4 million housing units.

(2) Since 1983, the main form of housing assistance provided by the Government has been to provide sites with rudimentary services to households in the lower income group on a subsidised basis.

The backlog in housing in respect of the black community is, therefore, expressed as a backlog in serviced sites, which according to calculations amounted to 1 097 678 sites on 31 March 1993 The management information system of the Department of Local Government and National Housing is linked to the financial year. Therefore the rest of the information in this reply reflects the positions at the end of the 1992–93 financial year The backlog in serviced sites in respect of the various provinces is as follows:

Province	*Sites*
Cape	211 079
Orange Fee State.	144 307
Natal	180 000
Transvaal	562 292
	1 097 678

Transvaal

(a) 29 523 sites by the provincial administration

(b) 21 862 sites

(c) 38 976 houses

Cape Province

(a) 3 270 sites by the provincial administration

(b) 11 249 sites

(c) 2 313 houses

Natal

(a) 1 040 sites by the provincial administration

(b) 5 110 sites

(c) Information is not readily available.

Orange Free State

(a) 198 sites by the provincial administration

(b) 9 527 sites

(c) None

(3) The elimination of the backlog is dependent on the reaching of an agreement between the Government, the private sector and the community at large on a new comprehensive national housing policy and strategy. In such policy the affordability for the fiscus, maximum participation by the private sector and a firm commitment to responsible participation and meeting their obligations by the broad community will be of crucial importance. For purposes of such a policy, extensive negotiations are at present taking place with a broad spectrum of interest groups, including the National Housing Forum.

Resettlement of persons/communities

389. Mr P G SOAL asked the Minister for National Housing:

Whether any persons or communities have been resettled under section 5 (1) (b) of the Prevention of Illegal Squatting Act, 1951 (Act No 52 of 1951), since 1 January 1991; if so, (a) how many persons or communities, (b) (i) from and (ii) to which areas and (c) who applied for the resettlement in each case? B891E

The MINISTER FOR NATIONAL HOUSING:

Transvaal, Natal and Orange Free State

No persons or communities have been resettled under section 5 (1) (b) of the Prevention of Illegal Squatting Act, 1951 (Act No 52 of 1951), since 1 January 1991.

Cape Province

Yes, on a voluntary basis in consultation with the communities.

Northern Cape

(a) Three families.

(b) (i) From unserviced land.

(ii) To serviced sites within Mathlomola Town Council's area (Griekwastad).

(c) The Chief Executive Officer of the Mathlomola Town Council (Griekwastad).

Eastern Cape

(a) (i) 214 families

(ii) 3 000 people

(b) (i) (a) From the buffer zone in Sinakho.

(b) From Vale Farm, Gonubie.

(ii) (a) To serviced sites within Sinakho Town Council's area (Dordrecht).

(b) To serviced sites within Mzamomhle, Gonubie.

(c) (i) The Chief Executive Officer of Sinakho Town Council.

(ii) Gonubie Municipality.

Hostels: upgrading/conversion

392. Mr P G SOAL asked the Minister for National Housing:

(1) With reference to the reply to Question No 255 on 25 May 1992, (a) how many hostels (i) had been (aa) upgraded or (bb) converted, and (ii) remained to be (aa) upgraded or (bb) converted, as at the latest specified date for which infor-

challenge being ducked... for temporar...

Australian land ruling may affect SA litigation

BI Day 28/6/93

LOUIS BECKERLING in Perth

ALTHOUGH Australian Prime Minister Paul Keating has dismissed warnings that Australia's agricultural and mining industries could be threatened by the "Mabo case", shock waves from the high court ruling last year could reach SA.

The recognition by the court that Eddie Mabo and fellow plaintiffs enjoyed exclusive "native title" to their traditional land solely by virtue of maintaining their unbroken connection with the land, has rocked Australian property law.

There are SA lawyers — both among the considerable group of emigrés now living in Perth, and among recent visitors here — who believe it could do the same for the course of litigation on land redistribution in SA. Such litigation put before a reconstituted post-apartheid judiciary, they say, could show some sympathy with the reasoning employed by the Australian High Court.

The high court decision in Mabo v the State of Queensland, was handed down on June 3 1992. But the fallout from that decision is beginning to penetrate only now to grassroots levels in rural communities around Australia, where paralysing uncertainties have been created about the rash of court applications likely to follow in Mabo's wake.

In broad terms, the Mabo decision recognises that aboriginal groups that have substantially maintained their connection with their traditional lands may have "native title" to that land, and that such title amounts to a right of exclusive possession.

There is a nightmare vision of a mass of applications likely to come from aboriginal communities who have been alerted to their newfound rights by the publicity.

Already there has been a claim mounted by one aboriginal group for the entire central business district of Brisbane, capital city of Queensland.

Queensland Liberal Party leader Paul Everingham has said A$30bn worth of development projects are at risk because of the uncertainty of native land title.

He called for state and federal laws to nullify claims.

Earlier, the first shots in the new territorial contest unlocked by Mabo had been fired in mineral-rich Western Australia — and De Beers' Australian exploration arm, Stockdale Prospecting, was at the receiving end.

In January, Stockdale ran into difficulties trying to renew and expand an annual exploration permit which entitled it to prospect in the Forrest River area of the state's far north.

Stockdale wanted to vary the terms of the permit to allow a bulk sampling programme to pave the way for a diamond mine, and under the law the variation had to go before the aboriginal Kimberley Lands Trust.

It was strongly opposed on the grounds that claims for native title over the area likely to be lodged in the wake of Mabo could be compromised by varying the permit. The company eventually had its permit renewed without any variation.

The reason for the anxiety shown by the Kimberley Lands Trust is that in coming to its decision the High Court found that native title could be extinguished by abandonment — either voluntary or forced expulsion; death of all title holders; surrender to the crown; or legislative and executive action which clearly intends to extinguish native title — for example a grant of land, or a lease, though lesser interest in land such as lower-order mining tenements may or may not extinguish native title.

In view of the uncertainty, the interests of prospective claimants of native title might now be protected by freezing exploration and development of unallocated Crown land where native title is most likely to be sought, warn the state's miners.

Since 38% of Western Australia is unallocated Crown Land, that represents a big slice of territory and could paralyse the state's main engine of economic development.

From the perspective of the white settlers and their successors who have raised a First World infrastructure with all its complex inter-relationships on the foundations of property law pre-dating Mabo, the case is seen to threaten the legal foundation of the Australian rural and mineral economy.

From the perspective of the aboriginal people, the case has overturned a fiction at the heart of the Australian constitution which has denied the legitimate claims of the original black settlers and their successors on large tracts of land.

From these two differing perspectives, each now argues that state or federal government should legislate to remove uncertainty and overcome the need for each prospective claim to be tried individually on evidence before the court.

A Perth solicitor practising in resource law says what is required immediately is a "Band Aid" solution which preserves the rights of all parties and permits life to go on. "Presently, if people want to, they can create considerable delays in any sort of project that involves an application for interest in land," he says. "Merely by saying 'We claim native title', they can prevent decision-makers from determining applications from miners."

Since the economy cannot afford this disruption and the time taken to reach a decision (the Mabo decision took 10 years), what is required is law to allow development to proceed without compromising prospective claims, say miners.

In the longer term, Mabo has highlighted for Australians the whole issue of aboriginal land rights. "We have yet to deal with this question, together with the associated issues of aboriginal heritage and sacred sites," says the solicitor.

The Aboriginal Legal Service has welcomed the Mabo decision, which it says amounts to recognising, not creating, a right which has for too long been ignored by white Australians. That decision will not undermine mineral prospecting or development, it says, and parallel developments in Canada would bear testimony to this. But going to court to prove entitlement is also not welcomed by the service, which would prefer to see those aboriginal legal rights to land recognised by Mabo enshrined in law.

Focus on need for

Bid to find land for squatters

Star 1/7/93

By Susan Smuts

While thousands of Ivory Park squatters faced yet another bitterly cold night in the veld after moving on to open land almost two weeks ago, the Transvaal Provincial Administration has undertaken to meet local authorities in a bid to find alternative land.

A Rand Supreme Court interdict brought by 10 of the squatters against the TPA was postponed yesterday for two weeks. Affidavits filed by the squatters and the TPA contained too many disputes of fact for the matter to be resolved on paper and Mr Justice P Blieden ordered that oral evidence be led.

One of the disputes concerns an undertaking the squatters claim the TPA gave them that shacks would not be demolished until the TPA and the squatters had met to discuss the situation.

Another issue is whether the squatters had been entitled to build shacks on the land, and whether they had occupied them by the time the TPA demolished them.

Counsel for the TPA, Peet Coetsee, SC, told the court the TPA was prepared to facilitate meetings with local authorities to find alternative land. 271

A meeting had been arranged with the town councils of Midrand and Kempton Park for Tuesday.

The land the squatters occupied had been allocated for light industrial use.

PAC 'deal' on white farmers

DURBAN. — The Azanian Peoples' Liberation Army (Apla) would not have to resort to force to gain land for black people if unproductive elderly white farmers occupying vast tracts of land vacated them, according to the Transkei's central region Pan-Africanist Congress vice-chairman, Mr Gilbert Sineke, at a weekend homeland rally.

Mr Sineke said PAC president Mr Clarence Makwetu would be requested to advise elderly farmers to "move to old-age homes so that this land is made available to the African people without the use of force by Apla".

He said Apla members had found lonely, unproductive white farmers occupying vast tracts of land.

"The PAC is fighting for the return of the land and we are happy to learn that white farmers are leaving their farms because of Apla, a move which will facilitate land distribution in our country," he added. — Sapa

Pensioner bids for land payout

ST Times [CC Metro] 11/7/93

By AYESHA ISMAIL

A PENSIONER is waging a battle for compensation for land which her father was forced to sell in terms of the Group Areas Act, which today forms part of one of Cape Town's more valuable shopping complexes.

In 1954 Mrs Stella Nelson's father was forced by law to sell his property measuring about 615 square metres, including two houses, for £1 600.

Today this land is part of the upmarket Cavendish Square in Claremont.

Her father, Mr John Henry Bessick — who originally bought the land in 1946 — used the money from the sale to pay off his bond and to put down a deposit on a house in Heathfield.

But he struggled to keep up the bond repayments and eventually lost the property

Mr Bessick died a penniless pensioner in 1985.

Now, Mrs Nelson is attempting to claim compensation or restitution for the land, which she says her father had intended to be a legacy for his family.

At present the law makes no provision for people in Mrs Nelson's position, according to Legal Resources Centre attorney Henk Smith.

But, if proposals by the ANC to deal with people who were forced to sell their land are accepted, Mrs Nelson's case would "definitely be considered".

At present, people whose land was confiscated under the Group Areas Act, and which is still in the hands of the state, will be given restitution.

According to the Abolition of Racially Based Land Measures Ammendment Bill recently passed by Parliament, "no provision is made for compensation as such for prejudice suffered as a result of forced removals and in respect of disputed land that has since been alienated or developed".

However, a memorandum attached to the Bill proposes those victims of forced removals, "may claim other state land which has not been developed or utilised by the state for public purposes".

Speaking from her one-bedroomed flat in Southfield earlier this week, Mrs Nelson told of the "humiliation and prejudice" her family suffered because of the Group Areas Act.

Mrs Nelson and her husband, Douglas, who is also a pensioner, say they can "barely survive" on their old age pension.

"I am still bitter about us being forced to move from Claremont."

She said her parents were heartbroken when they had to move.

"I feel that although my father was paid for his property, he was not adequately compensated and would not have sold his property if he was not forced to do so by the law".

Minister of Housing in the House of Representatives Mr Gerald Morkel said the Land Commission was unable to assist Mrs Nelson as her father had been compensated financially.



GROUP AREAS VICTIM . . . Mrs Stella Nelson and her husband Douglas Picture: AMBROSE PETERS

Redistribution — private land is also eyed

Star 17/7/93

271

LAND redistribution is a priority in SA and if State land does not meet the needs of disadvantaged people, then private land should be expropriated, a conference of traditional leaders was told.

THE Congress of Traditional Leaders of SA (Contralesa) says that, if redistribution of State land does not meet the needs of disadvantaged people, then private land should be expropriated.

Contralesa president S P Holomisa said land redistribution had to be addressed as a priority "if the imminent change of government is to be viewed as the advent of genuine liberation".

Opening a conference on customary law and the future role of traditional leaders in Broederstroom, north of Johannesburg yesterday, Holomisa said the current land debate was "clouded by the question of ... compensation. In our view this is a misdirection."

Vast tracts of land had been acquired by force or by fraud, he said. "If there must be talk of compensation, the people entitled to compensation are those who have been illegally deprived of the right to occupy and to use the land."

Holomisa, who is the brother of Transkei military leader Major-General Bantu Holomisa, said it "would ... perhaps" be better to concentrate first on State land. However: "If after this land has been redistributed there are still people in need of land for purposes of housing, grazing and cultivation, then the land in private ownership should be the next."

● It is reported from Harare that the Zimbabwean government appears set to seize large tracts of commercial farmland after official sources said it had rejected the majority of appeals against "designation for resettlement" of 70 farms, most of them owned by whites.

Officials in the Ministry of Agriculture said 49 farmers had lodged objections in May after 70 farms covering 190 000 ha were targeted for "designation".

Of these, 22 had been told the designation notices on their farms had been revoked.

Barred

This indicates the government intends to confiscate at least 27 farms against their owners' will. For the next two years, the owners of these farms and of the other 21 properties whose owners did not object to designation, are barred in terms of controversial land laws from selling their property, improving it or removing any of the fixtures.

The sources said most of the 27 farms whose applications were rejected were fully utilised, productive farms.

The disclosure is the latest indication of what observers see as the government's determination to effect its policy to seize 5 million ha of farmland. — Sapa.

NEWS IN BRIEF

Flying school order

A PROVISIONAL liquidation order was granted in the Pretoria Supreme Court against the Wonderboom Flying School yesterday, one of the few in the country to train commercial pilots.

In his application for liquidation, school head Johannes Olivier said his company had been rendered hopelessly insolvent

AWB general in court

AWB general Johann "Hägar" Thompson was among five AWB members who appeared in the Johannesburg Magistrate's Court yesterday on charges of public violence related to the right-wing occupation of the World Trade Centre on June 25.

Thompson, 41, Chris Welgemoed, 50, Abraham Fourie, 42, Christiaan Potgieter, 33, and Frans Gericke, 38, were not asked to plead and the case was postponed until August 18.

Thompson, Welgemoed, Fourie and Potgieter were released on bail and Gericke on warning

Reporter faces charges

BEELD reporter Andries Cornelissen appeared in the Johannesburg Magistrate's Court yesterday in connection with his refusal to give the police a statement concerning ANC Youth League president Peter Mokaba's slogan, "kill the boer, kill the farmer".

Cornelissen, who could face up to five years in jail, told the court he wanted to protect Beeld, his career as political reporter and journalists generally.

REPORTS Business Day Reporters, Sapa

Call to ANC to take firmer stand on land

SIMON BARBER

WASHINGTON — The ANC appeared too ready to compromise with government over the question of entrenching property rights in a new constitution, Legal Resources Centre director-designate Geoff Budlender said in Washington yesterday.

Speaking at the Carnegie Endowment for International Peace, he suggested the movement take a firmer stand on the need for a reparations "levy" to help resettle black South Africans driven from their land under apartheid.

Such a levy would be an "equitable" quid pro quo for constitutional guarantees against expropriation without fair compensation, he said.

Without it, he suggested that property either not be mentioned in the constitution at all or that provision be made for the courts to determine compensation taking factors beyond market value into account.

Government's draft Bill of Rights, which would bar a future government from taking private land without paying market value for it and block expropriation through taxation, was a recipe for undermining the constitution and could end up threatening all property rights.

Budlender, who has been involved closely in the Ivory Park squatter case and restoring the Bathlehong tribe to its ancestral land, worried that the ANC was not pressing the land reform issue hard enough.

He attributed this to the movement's urban bias and to the deals it has felt obliged to cut with certain homeland leaders.

Citing a recent World Bank report, he said a massive land reform programme would have to be completed within two years if there were not to be violent seizures of land and civil unrest.

Although much land could be made available quickly if government refused to extend further credit to heavily indebted white farmers, government had already begun to thwart that option by forgiving Land Bank debts "under the guise of drought relief", Budlender said.

Talks on Soweto tariffs deadlocked

GAVIN DU VENAGE

THE Soweto crisis committee deadlocked yesterday over tariffs and the replacement of local authorities by appointed interim structures.

Metropolitan Chamber CEO Vic Milne said the committee would meet again early next month.

Soweto has been subject to a large-scale rent and services boycott for the past decade.

To break the deadlock, a basic service tariff of between R55 and R23 per household is being proposed.

Chamber chairman Van Zyl Slabbert said yesterday that R55 was the minimum tariff level needed if Soweto was to receive an 82% subsidy, as included in the latest proposals.

The committee also failed to agree on appointed interim structures.

Negotiations 'must involve' the community

GAVIN DU VENAGE

LOCAL government negotiations will be left to national politicians "at our peril", Central Witwatersrand Metropolitan Chamber chairman Frederick van Zyl Slabbert said in Randburg yesterday.

Slabbert said that local negotiations had to be conducted by community organisations. The pace would be set by the multi-party talks, but could not be an exclusively national process.

It was not possible to arrive at a national political settlement without reaching accord in local politics.

Slabbert said that without local solutions, "all national plans will come to nought".

The metropolitan chamber served as a forum for diverse interests and allowed problems to be thrashed out so that a common solution could be found.

The chamber faced "enormous problems", particularly over the question of rent boycotts, but was still far ahead of any other such bodies elsewhere in the country.

However, it was also necessary for local government leaders to communicate with their constituents People had to be kept informed about changes taking place if their co-operation was to be guaranteed, he said.

Without community acceptance, the proposed interim appointed structures could face a legitimacy crisis.

At the same time, it was important that people recognised the inevitability of change. He said questions about a mandate for change should not dissuade politicians from moving forward.

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Star 23-1-95

Joy for 800 Ivory Park squatters

By Jacqueline Myburgh

Ivory Park squatters claimed victory yesterday after the Transvaal Provincial Administration (TPA) — which on four occasions demolished their shacks — granted them land in the township to live on until they can be permanently settled.

Community leaders yesterday said the TPA had finally recognised the squatters. It had denied during the demolitions of the shacks that they were inhabited.

Yesterday 800 people were allowed to start moving their reconstructed homes to the areas which had been earmarked for their temporary occupation.

"The TPA now recognises the fact that there are 800 people here that need land," Sonnyboy Mmatli of the Ivory Park legal advice office said.

Smiling residents told The Star they were very happy that they could stay in Ivory Park for the time being.

According to an agreement between the Ivory Park Residents' Committee and the TPA, all legal action by residents against the TPA had been withdrawn, Mmatli said. TPA deputy director Louis Venter said the TPA had agreed to provide land, water, sanitary services and refuse removal services for the squatters.

Mmatli said there were still about 12 000 illegal "backyard" squatters in Ivory Park in need of land of their own.

His chief concern was that today's provision of land for the 800 squatters may attract thousands more homeless people to Ivory Park.

He said the township was also attractive because of its political stability, where community leaders "deal with bread and butter issues and there is no politics involved".

Justice Mbeka and Jeff Makwakwa of the Ivory Park Homeless Association said residents were very happy with the arrangement.

The two men, who had been involved in pressuring the TPA to provide land for the 800 people, yesterday called on all contractors who had left Ivory Park to return and continue development of the township.

Venter said the TPA was aware of the 12 000 squatters in Ivory Park alone, and there was "quite a lot of pressure" on local authorities to provide land for housing in the whole region.

Eight town councils north and east of Johannesburg meet this weekend to finalise plans to set aside land for urgently needed low-cost housing.



Staying on . . . Adelaide Lizo is one of 800 Ivory Park squatters to move to a temporary settlement within the township. There are still 12 000 squatters in need of land in the area. Picture: Alf Kumalo

Land act proposed

Own Correspondent

KOKSTAD. — The ANC last night suggested that the most viable method of redistributing land would be to create a land reform act agreed to by all political parties.

Addressing a public meeting on land reform at the Kokstad town hall, Mr Ezra Sigwela of the ANC's land desk said the basic aim of this new act would be to set up a land claims court.

He said this court would function outside of the judiciary and would be more of a constitutional court.

Mr Sigwela said the ANC felt that all communities forcibly removed from their land should be able to lay their claim. (E) (271) CT418/93

About 70 people attended the subdued meeting — with only about 15 white farmers attending.

Grandfather wants his land back

By MEGAN POWER

AN 82-year-old former railway worker may get his land back because the state was sloppy in its expropriation procedure more than 15 years ago.

And, if the Ezakheni, Ladysmith, resident succeeds in his bid for the return of 15,4ha of farmland when it goes before the Maritzburg Supreme Court on Thursday, about 100 claimants could follow suit.

Mr Andries Radebe is one of 99 people who owned land in Cremin, 30km north of Ladysmith, before it was expropriated by the state between 1977 and 1978. More than 3 000 people, many of them tenants, were removed.

"The government said we were 'black spots' in white areas and they wanted us out. They paid me peanuts for my land — R2 338," said Mr Radebe from his Ladysmith home, which he shares with his five children.

Mr Radebe inherited the land from his father, who bought it in 1912.

"When residents in other areas started claiming their land back recently, I decided to try. I want my land back," he said



Seeking justice . . . Johannes Kraalsoek, Peter Bahumi and Philemon Tsese want to return to the land their forefathers farmed. PICTURE: JO-ANNE COLLINGE

Farming in his bones

Star 17/8/93

BY JO-ANNE COLLINGE

OWNERSHIP dispute as dispossessed families seek land claims court.

Johannes Kraalsoek, life and wit brimming in his lined face, is a flesh-and-blood argument for a land claims court.

Still working at the age of 60 as a builder in Bloemfontein, he plans to retire within months to farm at the Bethany Mission near Edenburg.

His family have lived there for five generations and he itches to get back among his sheep: "I must become a farmer again. It is in my bones."

The problem with Kraalsoek's retirement dream is that he has no title to land at Bethany.

Although his Griqua ancestors settled there in the early 19th century, apartheid and its racial forerunners have since played havoc with land tenure.

The Berlin Mission Society, which was originally granted a corner of land for its church by Griqua chief Adam Kok, has become the registered owner of the entire property.

Kraalsoek says this somersault of ownership took place in two traumatic steps.

In 1934 a regulation was passed requiring the traditional owners to submit to the supervision of the mission.

"Those who refused — and only few stayed behind — were driven out with about 8 000 sheep. And, I'm told, thousands of animals died on the road."

Then, about three decades later, the farm was declared "white" under the Group Areas Act.

"And an amazing thing occurred — the title of the land was vested temporarily in the name of the Berlin Mission," says Kraalsoek.

While the Griqua people remained, about 1 000 Tswanas were forced to move to Thaba Nchu, now in Bophuthatswana.

"Look at the tragedy of the place. Today only two Griqua families remain at Bethany as farmers. And it is the church that really farms on the land."

Now that apartheid's laws are a thing of the past, the people from Bethany want their land back. They have no faith that the Government's Advisory Commission on Land Allocation (Acla) can do anything about it.

In the first place, it doesn't seem that Bethany would fall within Acla's terms of reference. And, like other communities attempting to reclaim their land, they have come to regard Acla as "slow, unrepresentative and toothless".

When Bethany's Peter Bahumi recently registered the demand for a land claims court, he spoke on behalf of 60 dispossessed communities. "We need a court which can take decisions. We need a speedy process," he said.

Philemon Tsese of the Orange Free State Land Committee says the new constitution must provide a mechanism to deal justly with land rights. If the present property dispensation is inflexibly protected by a Bill of Rights, "it will mean that what was done to black landowners in the name of apartheid is justice".

Star 19/8/93



Back to the land

A Call for More Discussion on a Property Clause in the Bill of Rights

We, the rural and landless communities participating in the Back to the Land Campaign, have borne the brunt of discriminatory land policies. Together with the service organisations we work with and other supporters, we bring the following message to the negotiators at the World Trade Centre.

We say that:

- We strongly object to the inclusion of a property clause in the transitional bill of rights.
  Property rights are too important to be rushed through the inaccessible processes at the World Trade Centre. Instead, they should be dealt with by all South Africans after an election.
  It is not clear how long transitional property rights will last but they will prevent any restoration or redistribution of land from taking place during that time. We believe that land restoration needs to be tackled urgently, and we demand that it is completed within the next five years.
- Because of the discriminating laws and policies in South Africa, our country is now owned by white people. The Land and Group Areas Acts prohibited us, as blacks, from owning land up until 1991, and our property rights were flagrantly disregarded through the policy of forced removals.
  The proposed clause sets out that black rights to land that was stolen from them are "dependent on feasibility".
  A property clause in this context will protect white power and privilege.

We note with deep concern that:

- If property rights for existing owners are guaranteed in the constitution, without sufficient provision for land restoration and redistribution, then a land claims court or a land reform policy will be vulnerable to challenge or review. It will enable whites to challenge any laws and policies aimed at restitution on the basis that they conflict with their constitutional rights.
- As effected communities, we have not been thoroughly consulted, and especially not by parties such as the National Party and the Democratic Party.
- Extra-parliamentary organisations and certain parliamentary organisations like the Progressive Federal Party (now the Democratic Party) have a proud history of resisting forced removals. Attempts to "de-consitutionalise" the restoration issue fly in the face of this history and could prevent the restoration of our land.

We hereby demand that:

- the proposed property clause, be either scrapped, or be drastically changed in order to ensure that those who have been unjustly deprived of their land have a right to restitution;
- all affected parties, particularly the landless and rural people, be given the time and opportunity to make submissions on the matter;
- thereafter, the issue be openly and thoroughly debated in the multi-party negotiating forum; and
- this debate should be broadcast in full on radio and television, for all South Africans to hear.

To each delegate at the forum, we say:

There can be no freedom without land, and there can be no peace until the emotional issue of land is settled. The multi-party forum needs to commit itself to restoration and land reform before a new constitution is drawn up.

We are concerned that the property clause, which is due to be finalised at the World Trade Centre, underplays the rights of people who were forcibly removed from their land and who have been denied access to land.

We fully support the protection of security of tenure. However, the clause which the negotiators are proposing legitimises rights that were obtained through statutory discrimination of the past. It prejudices those who have already lost their security of tenure and works in favour of those who now own land.

The Bill of Rights is an important document with far reaching implications for all South Africans. We expect it to guarantee the return of our land, or the granting of access to the land. If it does not do that, it will have no legitimacy in the eyes of landless and rural communities. We will then have no option but to return to our land by force, whatever the consequences.

Submitted on behalf of the Back to the Land Campaign. A campaign of over 70 rural and landless communities, supported by the National Land Committee and affiliates.

Star 19/8/93



Back to the land

A Call for More Discussion on a Property Clause in the Bill of Rights

We, the rural and landless communities participating in the Back to the Land Campaign, have borne the brunt of discriminatory land policies. Together with the service organisations we work with and other supporters, we bring the following message to the negotiators at the World Trade Centre.

271

We say that:

- We strongly object to the inclusion of a property clause in the transitional bill of rights.
  Property rights are too important to be rushed through the inaccessible processes at the World Trade Centre. Instead, they should be dealt with by all South Africans after an election.
  It is not clear how long transitional property rights will last but they will prevent any restoration or redistribution of land from taking place during that time. We believe that land restoration needs to be tackled urgently, and we demand that it is completed within the next five years.
- Because of the discriminating laws and policies in South Africa, our country is now owned by white people. The Land and Group Areas Acts prohibited us, as blacks, from owning land up until 1991, and our property rights were flagrantly disregarded through the policy of forced removals.
  The proposed clause sets out that black rights to land that was stolen from them are "dependent on feasibility".
  A property clause in this context will protect white power and privilege.

We note with deep concern that:

- If property rights for existing owners are guaranteed in the constitution, without sufficient provision for land restoration and redistribution, then a land claims court or a land reform policy will be vulnerable to challenge or review. It will enable whites to challenge any laws and policies aimed at restitution on the basis that they conflict with their constitutional rights.
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Submitted on behalf of the Back to the Land Campaign. A campaign of over 70 rural and landless communities, supported by the National Land Committee and affiliates.

Landless to stage demo at talks

Star 2/18/93

LANDLESS people from around the country are to stage a protest outside the World Trade Centre in Kempton Park on Monday against the property rights clause which the constitutional negotiators are proposing for the Bill of Rights. (271)

The National Land Committee said in a statement yesterday that the protest had been initiated by the "Back to the Land Campaign", which involved more than 70 rural and landless communities.

The committee said these people were concerned that the property clause ignored the rights of people who had been removed from their land.

It said people would be travelling from Natal, the eastern Cape, western Cape, northern Cape, Border, Orange Free State, Transkei and Tranvaal to take part in the demonstration.

The committee also said rural communities from the northern Cape would be staging a demonstration outside the SADF's Witwatersrand Command headquarters in Johannesburg on Monday to protest against a Supreme Court application by the SADF to evict them from the Gatlose-Maramane nature reserve near Kimberley. — Sapa.

New tactics in fight to get land back for community

ST Times 22/8/93

By CARMEL RICKARD

LIKE a silent jury, 12 members of the Cremin community listened intently this week to argument about whether they were lawfully "robbed" of their land by the government 15 years ago.

The 12 were chosen by the community to represent them at the Maritzburg Supreme Court hearings on which they pin their hopes of returning to their land, near Ladysmith in northern Natal.

Across the country, many communities which similarly lost their land to apartheid planners, are anxious to go home, but most depend on moral suasion and political pressure to achieve this goal.

Now the Legal Resources Centre in Durban is using a different tactic, and has taken the Cremin case to court. The man in the judicial hot seat is Mr Justice Willem Booysen, who must decide two crucial issues which could have far-reaching impact.

Delay

He must decide whether the expropriation of the land was carried out "correctly". This means considering whether the officials who took the land away observed all the technical niceties laid down in the law.

Then he must decide whether to condone the community's long delay in bringing the action. Fifteen years have elapsed since they were forced out, far longer than is normally allowed to bring such a challenge.

Among the 12 former Cremin landowners watching the advocates argue about the future of the community sat the applicant in the case, Mr Andries Radebe, 83. In court papers, he explained why it took so long to get to court. He never accepted that his removal was valid, but when he consulted a lawyer soon after they were moved, he was advised the expropriation was legal.

Poverty-stricken after losing his land, he did not have money for a second opinion. Then came successive states of emergency, and he feared for his safety if he continued organising community resistance to their removal.

Arguing for Mr Radebe, Mr Ian Chadwick, SC, said that in addition to the alleged defects in the expropriation procedure, Mr Radebe had "justice underlying his case" as he was a victim of the now universally condemned apartheid policy.

Counsel for the government, Mr Chris Marnewick, SC, said: "Unpalatable as it now seems, such removals had been part of government policy and could not now be set aside on the grounds that they had not been carried out for public purposes."

Judgment has been reserved.

Report looks at reform of land

JOHANNESBURG. — Land reform programmes should promote the integration of black farmers into the South African agricultural economy, the Development Bank of Southern Africa says in a discussion document on agricultural land reform.

In addition, a market-based approach to land reform should be considered. — Sapa

CT 23/8/93

Victims of forced removal speak out

CT 24/8/93

By BARRY STREEK
Political Staff

THE victims of one of the worst forced removals cases, the Riemvasmakers, yesterday submitted a memorandum to the SADF demanding the return of their ancestral land.

The community near the Orange River was broken up and forcibly taken to Namibia, the Ciskei and Kakamas more than 20 years ago after government ethnographers classified them racially.

Although inter-married and settled, they were classified as Damara, Xhosa or coloured and forcibly taken to their alleged ethnic homelands.

The "Damaras" were resettled in Namibia, the "Xhosas" in wooden huts at Mount Coke on the outskirts of King William's Town and the "coloureds" at Kakamas.

Their suffering was documented in the Cape Times in a number of dramatic reports by Tony Robinson, then a reporter on the newspaper.

Their land was transferred to the SADF. (271)

Yesterday, members of the original Riemvasmaak community picketed the World Trade Centre and then travelled to Pretoria to hand a memorandum to the SADF. In it they demanded the return of their land and called for an urgent meeting between representatives of the SADF and the Riemvasmaak Co-ordinating Committee.

The ANC yesterday supported the call.

"We deplore F W de Klerk's failure to respond seriously to the approaches made to him and demand he take immediate steps... to return the people of Riemvasmaak to their land."

THE WEEKLY MAIL & GUARDIAN
August 27 to September 2 1993

Outrage over Natal land deal

IWM 27/8-2/9/93

271

Farouk Chothia

THE government's decision to hand over large chunks of state land in Natal to kwaZulu has sparked fears that the land claims of communities could be affected, and that it may lead to an upsurge in violence.

The government's agreement with the homeland was seen in opposition circles this week as a ploy to regain Inkatha's support for the multi-party negotiation process and to help the organisation consolidate its territorial control in Natal/kwaZulu.

It also reflects National Party thinking in Natal that the boundaries of the kwaZulu homeland be respected under a new regional constitution, and that a "tribal government" should rule at third-tier level. In effect, the deal strengthens the muscle of any future "tribal government" in Natal/kwaZulu.

What angers critics most is the fact that the deal comes at a time when constitutional negotiations are in progress and when communities have applied to the Advisory Commission on Land Allocation (Acla) for ownership rights to state-owned land.

African National Congress Natal Midlands chairman Harry Gwala warned: "People will resist this move. We have a powerful weapon called mass action."

Richard Clacey of the Association for Rural Advancement said such deals had been "the source of bitter conflict" in the past and had the potential to trigger off further violence.

Clacey pointed out that Judge Richard Goldstone had recommended last year that there be a moratorium on land transfers.

Two communities in northern Natal had already made submissions to Acla asking for ownership of state-owned land, Clacey said. "The current land deal pre-empts the findings of Acla and undermines the communities which have attempted to get their land problems resolved through due process."

A statement issued by the office of Deputy Minister of Land Affairs Tobie Meyer said the agreement would be "subject to the investigations and recommendations" of Acla and that it was reached after "proper consultation" with affected communities.

Clacey pointed out that the 500 000ha affected by the deal constitutes the only state-owned land available for Natal's 1,4-million landless people and black farmers.

Apparently aware that the issue is a political hot potato, Meyer said none of the 93 pieces of land concerned would be incorporated into kwaZulu. The land would be jointly administered by kwaZulu and South Africa, subject to South African laws, the statement said.

In terms of the agreement, politically sensitive areas — like Clermont and Edendale townships, where the ANC has a strong presence — would remain under the administration of the Natal Provincial Administration. Other sensitive issues — like policing and education — would also remain under South Africa's control.

ANC seeks balance on land

DIRK VAN EEDEN

PRETORIA — Unlike the situation in Zimbabwe, land reform in SA would strike a balance between correcting social injustices and the responsible use of land, ANC agriculture spokesman Derek Hanekom said yesterday.

Addressing the Agricultural Writers' Guild, he said the ANC had no blueprint on land reform but realised a mere transfer of land to disadvantaged people would not necessarily be in the national interest.

The ANC was not in favour of any form of forced removal. Expropriation would take place only in exceptional cases. BIDay 3118193

A special court would handle historical claims to land.

"The court will not be racist, but it must be biased in favour of people who lost their land through racial discrimination."

The 13-million hectares of state-owned land could be distributed among people who previously had no access to land. (27) 5

Credit had to be more readily available to people who in the past could not provide the necessary collateral to buy land.

Freeze all city development publicly-owned land — AN

ARG 1/9/9

□ Part of strategy to redress land ownership pro

BRUCE CAMERON
Business Staff

THE ANC wants a freeze on development in Cape Town.

The call forms part of a proposed general hold on the development of all public-owned land which was due to be endorsed by the Western Cape Economic Development Forum at a plenary session today.

The hold call was initiated as part of an ANC strategy to re-integrate Cape Town while redressing the land ownership problems caused by apartheid and the Group Areas Act.

In terms of the move only development approved by the Forum, which represents labour, business, local and regional government, community organisations and political parties, will be allowed to go ahead until new representative local government is in place.

John Neels, ANC Cape spokesman for land affairs and co-chairman of the Forum, gave the assurance the ANC was not out to confiscate property or to punish people who had benefitted from apartheid.

The intention in the Western Cape area was to identify all publicly owned land and transfer its ownership to a Public Land Trust, which would assess development needs, with high density housing receiving the priority.

Speaking at a media lunch hosted by Pam Golding Estates, Mr Neels also rejected claims that the ANC was collecting funds by promising domestic employees the white-owned homes in which they worked, or that the ANC intended to force whites to house black families.

These were "stories spread by whites".

Mr Neels listed a number of examples of developments that needed to be halted because they would undermine the ANC strategy. These included:

- The Waterfront which, he said, was not designed to be part of Cape Town, but only an international tourist attraction. And in being a tourist attraction it did not reflect Cape Town itself because of the manner in which traders were chosen;
- Robben Island, which was not viewed as "Mandela's Island" by the ANC but as a national asset. He suggested it would be best developed as a congress centre;
- The proposal for a separate Pinelands/Nyanga municipality. He said Cape Town had to be seen as a single unit which could be planned to overcome the problems of apartheid. Racially exclusive mini-municipalities could not be accepted.

● See page 8

Guidelines may curb developers

271

24/9/93

By ARI JACOBSON

FUTURE buyers or developers of publicly-owned land could be compelled to refer their plans to the Western Cape Economic Development Forum, if guidelines adopted at a meeting of the forum yesterday become law

The guidelines are intended to "facilitate sustainable and appropriate development in a timeous manner" as well as to fulfil "broadly agreed development and environment needs", according to papers discussed at the plenary session of the forum in the Cape Town Civic Centre yesterday

The guidelines on public land will be read in conjunction with a document on "strategic" land in the Cape Metropolitan Area

Discussing the guidelines, ANC spokesman Mr Basil Davidson said the ANC did not want to place a "freeze" on land development in the Cape

but wanted to find "a vehicle to facilitate the sale and development of public land".

Keynote speaker Mr Jayendra Naidoo, Cosatu national negotiations co-ordinator, said economic decision-making would need to be conducted at a central, rather than regional level.

Demo at Wild Coast Sun

Own Correspondent

DURBAN. — Demonstrators marched on the Wild Coast Sun resort yesterday to demand R65 000 compensation each for 70 families removed from the land when the resort was built.

(271) CT 11/9/93

A delegation of the SA National Civics Organisation and the Transkei Land Service Organisation protesters had hoped to meet resort managing director Mr Alberto Chiaranda to discuss their demands.

However, he told them they would have to make an appointment and gave them dates when a meeting would be possible.

The delegation's other demands included the hotel's committing itself to social development in the area.

Report suggests land claims court

27/CT/15/9/93

JOHANNESBURG. — A land claims court has been mooted by the Urban Foundation as a possible mechanism to redress historic land injustices in South Africa.

The UF hopes a research document released yesterday will spark the national debate it feels is essential to find a fair settlement to land claims by black South Africans in context with a sound rural and urban development policy.

UF executive director Ms Anne Bernstein suggested that discussions on a land claims court take place in tandem with the introduction of a bill of rights to prevent new injustices.

New legislation would have to define the criteria whereby claims could be made.

Legislation needed to guide court in land disputes caused by apartheid

ARG 15/9/93 (27)

☐ Procedures should be formulated through a legitimate political process — Urban Foundation

MICHAEL MORRIS
Political Correspondent

THE Urban Foundation has warned that if a land claims court is established to adjudicate land disputes caused by apartheid, new, legitimate legislation will be necessary to provide procedures and guidelines.

The foundation's research wing, UF Research, released a special report today intended to spur debate on how land disputes could be resolved in the years to come.

The report notes that there is no common law to guide a court in formulating equitable rules relating to land claims.

"For justice to be done, it is vital that such rules are created and applied even-handedly to all cases by a land claims court."

It would be unrealistic to expect even the wisest judges to formulate the rules of the game from a clean-slate position.

A court which was expected to formulate the substantive rules on land claims from scratch is likely to find itself politically compromised and it may become a highly controversial institution — under pressure to represent a range of incompatible points of departure."

For this reason, the report suggests, the procedures and guidelines for adjudicating land claims should be formulated through a legitimate political process involving all major interests.

Furthermore, these guidelines would have to be compatible with property and land provisions in the Bill of Rights.

Particularly, care would have to be taken to ensure new injustices were not created in the attempt to correct past wrongs.

The foundation also believes that the process of dealing with land claims should be seen as part of the broader development process.

Caught between the landlords and the landless

WM 17-23/9/93

272 (271)

Political horse-trading has placed a property clause within the draft Bill of Rights. But the negotiating parties are vague on how the dispossessed will be compensated, write **WILLIAM MIDGLEY and JUSTINE WHITE**

THE property rights clause has generated more heat than almost any other in the draft Bill of Rights. Some commentators, among them prominent liberals, fear home owners will be left at the mercy of a government not obliged to pay compensation for expropriated property. On the other hand, representatives of communities dispossessed by apartheid believe the clause does not provide an adequate mechanism for redress, leaving the affected communities "no alternative but to re-occupy their land forcibly".

Some parties at the World Trade Centre insist on including property rights in the draft Bill and the clause is clearly the result of political horse-trading However the provision raises so many difficulties that it might be wise to reconsider whether it belongs in the Bill of Rights.

The draft provisions give every person the right to own property, but allow the state the right to expropriate. In themselves, these clauses are not contentious; all Western-style democracies do the same. At issue, however, is the question of compensation for property expropriated by the state.

Under the draft clause the compensation to be paid must be agreed between the parties involved or if they cannot agree, the courts must decide on compensation, based on what is just and equitable. In making this decision, the courts must take into account all "relevant factors" including the market value, the current use and the history of the property's acquisition. Given the inherent conservatism of our courts, and the bias in the legal system towards market value, "fair and equitable" compensation for current land owners is likely to boil down to simple market value.

It would be best to pay full market value for appropriated land: expropriation without compensation is accompanied by capital flight and a loss of investment. However, many bodies including the World Bank argue that substantial land reform is essential in this country for economic and political reasons. Racial laws have given whites control of about 85 percent of the land, some of it taken through forced removals.

How would the draft property clause redress the situation? According to the wording of the draft, compensation will be paid to those forcibly removed, and land restored to those dispossessed by apartheid, only where this is "feasible".

This wording has been widely criticised because no guidance is given about when compensation or restoration will be regarded as feasible. If the courts require market-value compensation, "feasible" will probably mean the government's ability to pay. For those dispossessed under apartheid laws; this could well mean limited or no redress. The property protection clause therefore provides no guarantees for those whose land was taken away under apartheid.

The landless and poverty-stricken majority may well blame the proposed property clause for allowing the injustice caused by apartheid land laws to continue. Disillusioned, these people could come to view the Bill of Rights as a barrier to state powers of redress. Both the Bill of Rights and the courts would then lose credibility. Where this has happened in other countries such as post-independence India, the government, backed by the majority, has tried to restrict the Bill of Rights and the court's role in upholding it. This path could lead to land redistribution through violence and bloodshed.

What should be done? The parties must rethink whether the Bill of Rights should include a property clause at all. Canada, Hong Kong and New Zealand, for example, do not have constitutionally protected property rights.

However, its supporters are unlikely to agree to drop the property clause. A possible compromise might be to provide that everyone has a right to property and that the state may only expropriate through due process of law. This formulation would allow the issue to be dealt with by parliament and would give the government greater flexibility in addressing past injustices and the question of compensation.

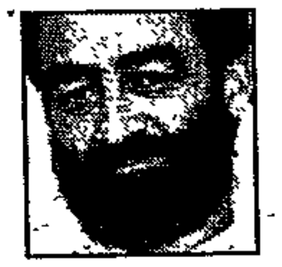
William Midgley is a partner in the property division of Edward Nathan & Friedland, where Justine White is a candidate attorney.

FOCUS ON THE MOST CONTROVERSIAL CLAUSES IN THE BILL OF RIGHTS ...

Recognise those whose land was taken

(271) WM 17-23/9/93

If property rights are to be guaranteed in a future Bill of Rights, the rights of people dispossessed of their land under apartheid must also be recognised, argues Legal Resources Centre national director GEOFF BUDLENDER



IT now seems almost inevitable that the Bill of Rights will contain a clause protecting existing property rights. If this is the case, the Bill should also guarantee the right to the restoration of property taken by apartheid forced removals.

There are reasons of principle and practical reasons why the constitution should recognise the right to restoration.

The reason of principle is that it would be bizarre to use a Bill of Rights to entrench the results of generations of abuse of human rights. If property rights are to be constitutionally entrenched, there is a need of balance. To recognise only existing rights amounts, in practice, to recognising only white property rights. The balancing rights — the claims of black people whose property was taken from them by apartheid — must also be recognised.

The practical reason is that if property rights are guaranteed, there is a real risk that any programme of restoration of land could be challenged on constitutional grounds — unless the restoration programme has some constitutional protection.

For example, a property clause in a Bill of Rights usually states that land may only be expropriated " in the public interest". An expropriation in order to restore land could be constitutionally challenged on the grounds that it is not "in the public interest", even if full compensation is paid.

It is therefore essential that the property clause in the Bill of Rights should do two things:

- It should give constitutional authority for a programme of land restoration
- It should create a fair balance between existing rights and rights removed by apartheid.

One might think that neither of these is a controversial proposition. One might think that the present government, which perpetrated the massive theft of property rights, would accept the need for restoration of those rights as the price for the entrenchment of existing rights. And one might think that those who opposed forced removals would jump at the chance of putting right one of the most serious past abuses of human rights.

Yet surprisingly, the issue of restoration of rights taken by forced removal has become a controversial issue in the present negotiations. Under pressure, most parties now profess to agree with the need of restoration. But at the same time, in their zeal to entrench existing rights, some parties which should know better seem anxious to make the right to restoration so weak that it is meaningless.

The issue of restoration is not simple. In some cases, it may not be possible to restore what was taken — for example, where the land has been so extensively developed that what was taken no longer exists. There are many practical problems which need to be resolved by thorough debate and careful legislation. But if the debate and the legislation are preempted by the Bill of Rights, the result will be fundamental criticism of the Bill of Rights itself.

If the Bill of Rights prevents the effective restoration of rights taken by apartheid, this will inevitably and rightly lead to criticism of the Bill on the grounds that it is a cynical exercise. Using the language of human rights, it will have entrenched the results of abuse of human rights.

People who are landless will regard this as a trick. Their ony remedy will be to attack the Bill of Rights and, in particular, the property clause. All property will then become vulnerable. The ironic result will be that those who resisted or obstructed the right to restoration will be the people who undermined the right to property in a democratic South Africa.

The hardships of going home

271 WM 24-30

The people of Roosboom, one of only two evicted communities who have had their land returned, are discovering the problems of going home, writes **Amy Waldman**



ABOVE: Starting over ... Residents had to start from scratch as everything, down to the water taps, had been destroyed at Roosboom

RIGHT: 'Nathi' Radebe ... Three days' notice

PHOTO HENNER FRANKENFELD



IT'S Friday, when business at the little Roosboom shop picks up. The sun sets on the Drakensberg, a backdrop to golden fields sparsely dotted with shacks. A few men drink Ijuba beer outside the store, as a granny haggles for credit for mealie meal. In the glow of the late afternoon, Roosboom radiates the serenity that only rural South Africa seems to possess these days.

Before the peace, however, came brutality and nearly 20 years of dislocation. In 1976, this rural community near Ladysmith was forcibly removed to Ezakheni, a kwaZulu township 25km away. Now, the residents of Roosboom are coming home and starting over.

Community members began reoccupying the land in 1991. Despite government opposition, last December the Advisory Commission on Land Allocation (Acla) returned the land to the people of Roosboom, one of only two communities to receive their land back from Acla.

Walton Nkosinathi Radebe was among the first to come back. He was only 12 when he and his family were removed in 1976, but the memory is perfectly clear. They were given three days to remove all their possessions from their homes — "imagine, only three days' notice" — and then loaded on to trucks.

He paints a vivid image of a small boy and his family huddled on the back of a truck, surrounded by the tin from their corrugated iron roofs, knowing only as much about their future as the road in front of them revealed.

They were dropped at Ezakheni, and given tents and shacks. "We had never been in a location before," Radebe says. Tessa Cousins, a fieldworker with the Association for Rural Advancement, comments: "They lost more than their homes; they lost a way of life, their community fabric. It was total dislocation." The land at Roosboom was let out to white farmers for grazing.

Today, "Nathi" Radebe runs the small shop at Roosboom. For him, it is "this silent place", where he has room for a garden and something of his own, and freedom from the violence and crowding of Ezakheni.

The returnees have the will of settlers struggling to put down roots. There aren't many of them yet, but they've already built a school and eked some roads out of the dust and stones. Mavis Radebe saves a little, adds a little to her home, saves a litle. "We're going to plant and make it look nice," she insists.

But as the residents of Roosboom are finding, getting the land back is only the first step. As if to wipe out all trace of human existence, the buildings, roads and infrastructure of Roosboom were destroyed, right down to the water taps. The community cannot just pick up where it left off.

A tree grows in the middle of what was a church; residents must now fetch water from the river. Meanwhile, the government is insisting that they pay back any "compensation" they received for being removed.

Roosboom was a freehold community, with 500 landholders and several thousand tenants at the time of removal.

Title deeds were passed on informally, making it difficult to determine who owns the land. There are divisions between landowners and tenants over how to utilise the land, and whether, initially at least, tenants should be allowed back at all.

The landowners are trying to formalise a constitution for the community. Among other things this will regulate burial rights: because Inkatha controls the Ezakheni cemetery, non-IFP Ezakheni residents are trying to get their dead buried at Roosboom.

It is not only the dead who are trying to gain entry to Roosboom. People who never lived there have come to escape the violence of Ezakheni, and labour tenants evicted from their farms have come looking for a home. The old Roosboom residents call them "inferior, lower class", and say they allow their animals on neighbouring farms and create tensions.

For Cousins, such tensions highlight the fundamental problem of a land shortage. "Even as you give one community back, there are so many more people without land — inevitably it will generate conflict."

For Roosboom, it has meant a strange twist: the evicted are now the evictors, at one point threatening to evoke squatting laws against the illegal occupants. Cousins believes that instead of communities taking it upon themselves to evict people, they should put pressure on the government to address the land question.

But in the immediate future, Roosboom must establish the consensus it takes to form a community. Residents undertook a pilot process of land-use planning to determine how the community would be laid out and basic infrastructure developed. There are differences — tenants want access to grazing land, women want more community gardens. The challenge now is to reconcile those visions, and finance them.

For the removed, life at Roosboom was romanticised from the vantage-point of dusty, urban Ezakheni. But now, some former residents have rejected a return to farming. Accustomed to the development level of the township, they will stay at Ezakheni.

The cruel allure of barren Ezakheni is its proximity to factories — augmenting the work force was a side benefit of the relocation. "If I move back to Roosboom, I need two transports to work. From Ezakheni, I only need one," one woman said, explaining her decision to stay at Ezakheni.

But for some, such as Radebe, there is no place like home. He recalls his "Zulu childhood" at Roosboom, where boys swam in the river, checked on their cattle and checked out girls. "It was a wonderful time," he says wistfully, then smiles on the space, and peace, of Roosboom.

ANC 'will return land to dispossessed'

271
13/10/93

JOHANNESBURG. — The African National Congress said yesterday it would move rapidly to restore land rights to black victims of forced removals and dispossession under apartheid if it came to power in next year's election.

"Unless we settle the land question, we do not have a country . . . we cannot solve the human question, we cannot de-racialise the economy . . .," Mr Cyril Ramaphosa, the ANC general secretary, said.

"It is the ANC's view that the legacy of forced removals and dispossession must be addressed as a fundamental point of departure to any future land policy," he said in his opening address to the Land Redistribution Options conference.

Some five million black people were forcibly driven off their ancestral land during decades of apartheid.

Mr Ramaphosa pointed out that the five million whites in a population of about 38 million owned 83% of the land.

He said redressing apartheid injustice, including removals and dispossession, was the essence of the first non-racial elections scheduled for April 27.

"The elections will not be held simply for the sake of proving to the world that we are democratic. Nor is their main function merely to change the colour of skin of those in office.

"Our objective is not and can never be just to de-racialise oppression and make injustice more acceptable," Mr Ramaphosa said. — Sapa

Mandela suggests a land bank

CT 13/10/93

Own Corrspondents

LONDON — ANC President Mr Nelson Mandela last night suggested the setting up of a bank to ensure land was made available to the majority of South Africans — without state interference in current ownership.

"We're not talking about nationalisation here — we're merely saying that 85% of the population currently owns just one fifth of the land and that this needs addressing," he said on emerging from an hour-long meeting with British premier Mr John Major.

Mr Mandela was responding to confusion caused yesterday by reports that quoted him as saying that South Africa still needed to turn to nationalisation, in spite of pressure from industrialists not to do so.

What he had said in Birmingham was that every country that had gone through a traumatic experience had resorted to "some sort of state intervention".

"Britain did after World War II — so did France, Germany, Italy. I was saying that apartheid was like a war. It destroyed an economy. This (land bank loans) is one way of redressing the imbalance in ownership of the resources of the country," he said.

The ANC leader spent 50 minutes with Mr Major, outlining his position on the "fruitlessness" of a national referendum and emphasising that talks with the Freedom Alliance were continuing.

● Mr Mandela came under attack yesterday for blowing hot and cold on nationalisation during his tour.

His reported remarks to business leaders in Britain and Portugal placed the international business community's faith in South Africa's future in jeopardy, political leaders said yesterday.

Mr Mandela assured a group of businessmen in Portugal last week that the ANC had moved away from nationalisation and then this week reportedly told Birmingham businessmen it was an option.

Bank's stance welcomed

ARG 23/10/93

PRETORIA. — The South African Agricultural Union said it welcomed the World Bank's view that no land should be expropriated or nationalised with a view to establishing small farmers. Land already controlled by homeland authorities and excess government land should initially be used. — Sapa (B271)

Property rights plans opposed

CT 26/10/93

JOHANNESBURG. — The National Land Committee (NLC) and the Rural Women's Movement have objected to the property clause and parts of the clause on customary law in the latest draft of the interim Bill of Rights, due to be discussed at the World Trade Centre in Kempton Park next week.

Explaining their concerns at a press conference here yesterday, the NLC said it believed there should be no property clause in the interim Bill of Rights, but a land claims court should be set up to deal with competing claims.

The NLC — an independent group of nine organisations dealing with rural and landless people — said the proposed clause would entrench unequal ownership and prevent significant land reform.

Communities would meet next month to consider land occupation if their concerns were ignored, said NLC chairman Mr Nicholas Matabese.

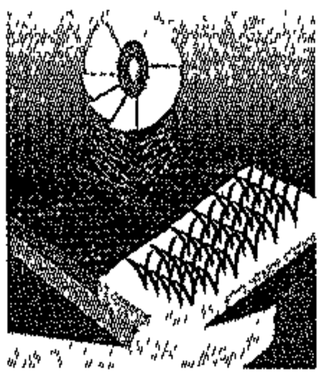
On the proposed clause on customary law, Rural Woman's Movement spokeswoman Ms Thelma Makoro said women objected to discriminatory aspects of the law, in which women are not allocated land except through men, and cannot inherit land. — Sapa

AGRICULTURAL LAND

Fm 5/11/93

Getting in touch with reality

Radicals are romantic about the number of blacks who want to be farmers



There was only one conclusion to be drawn from last month's conference in Johannesburg on land redistribution options It is that the Left has, once again, lost touch with the realities of agricultural land usage in this country.

The explanation is that the word agricultural is conveniently ignored in such discussions. The issue is seen as land *per se*, with all the emotional connotations that has in SA Analysis flies out the window, to be replaced by flirtation with notions that are economically and politically dangerous, while promising no relief to the needy.

There are three separate matters that have to be addressed: land that was taken from blacks by the Nationalist government in the name of resettlement; the participation of blacks on a significant scale in commercial farming; and the alleviation of widespread rural poverty. The first is essentially political, the second is about levelling the commercial playing field, while the last will be achieved only through broad regional development of a social as well as economic kind.

Answers offered in any of those areas must be affordable, politically acceptable and promote economic development.

It will be difficult to meet all those criteria. For one thing, though the land issue produces a great deal of emotion, there are few hard facts available.

Take, for example, the matter of land dispossession According to one estimate, about 3,5m people were affected by forced removals Outside of the PAC, though, and notwithstanding the observation by one foreign speaker at the conference that the sanctity of property rights is a myth, no-one is suggesting that anyone who acquired legal title to any of that land should have it confiscated. If it is to be taken from them, the general view runs, they must be fairly compensated.

But that would mean spending State resources. How much would be required, and what of economic value would be achieved? Nobody knows who "owned" the dispossessed land, how many would want to return to it, or what the cost of buying it back (or compensating those who did not want restoration) would be.

Legal Resources Centre director Geoff Budlender told the conference that it cost R33m merely to establish who the long-term residents of 162 000 houses in Soweto were, with a view to transferring ownership to them And that, he added, despite the fact that all the people lived in the same limited area; the claims were all for identifiable pieces of land; official records existed indicating who at least had a *prima facie* entitlement; and the beneficiaries were "urban people with a relatively high degree of literacy." Take note of those factors, he observed, "and the scale of the difficulties facing a national programme for selecting individual rural beneficiaries becomes apparent."

The establishment of a land claims court would almost certainly raise hopes of compensation that could never be met. Yet without such a court, the scope of the problem and the desire of the dispossessed for restitution cannot be ascertained Nor is it morally or politically possible to close the book on the past and, as government has suggested, forget that dispossession ever took place

As with land repossession, so with land redistribution. There seemed to be wide agreement among the experts addressing the conference that the latter should be demand-driven. Given the general assumption there that demand would exceed the State's financial ability to meet it, the experts set about discussing criteria, processes and methods for selecting beneficiaries.

"But how many black people would like to farm on a commercial scale?" asked someone from the floor The sole answer provided was like a bucket of cold water, and should have brought the conference to a rapid end.

Few would, said Wits University economics professor John Sender, citing field research by himself and others. What almost everyone in rural areas wants, he continued, is steady jobs paying good wages — not the risk and heavy physical demands of farming for his own account.

His explanation was quite simple and remained uncontested. Most rural adults are women, struggling — with virtually no material resources other than old-age pensions or remitted wages from urban relatives — to raise children. When it comes to land occupation, all they want is a half acre or so to grow food for their families and perhaps a little extra to sell.

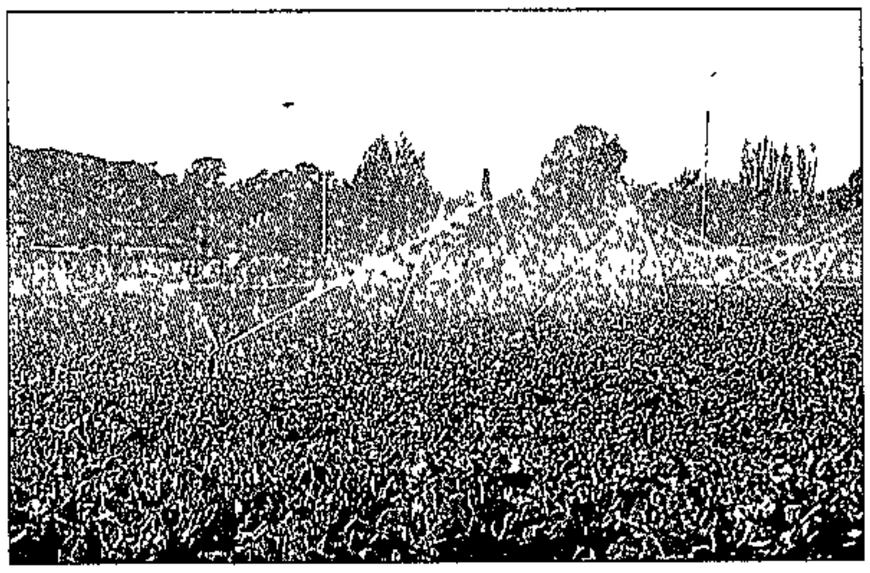
So how much land would that amount to?

Sender says the number of rural poor has been estimated at about 11m but about half of those are on white farms, where they may well already have use of a little land or could negotiate it Assume that the rest comprise about 1m families and that they would all like to obtain use of a half acre. That adds up to no more than 200 000 ha

The World Bank reckons the State holds 320 000 ha of arable land that is not already occupied How productive it is (up to 10 ha of the Karoo are needed to support one sheep), and how much of it is in areas that families could move to, needs to be worked out It could turn out that not a single hectare needs to be obtained at public expense.

The danger is that government planners might assume that providing this modest amount of land absolves them of any further responsibility towards the rural poor. It does not As a World Bank report observes: "Agricultural settlement schemes, except in special circumstances, do not make good welfare programmes."

The rural poor are caught in a poverty trap because a lack of water, health care and education has rendered them incapable of functioning in a modern economy And "almost all able-bodied people have left to work outside the homelands," observes the Development Bank of Southern Africa's agricultural development expert Nick Vink. "That creates a labour problem for homeland agriculture"



Productive land ... *a matter of business, not politics*

The solution to rural poverty does not therefore lie in land redistribution. It requires social upliftment and further measures that will encourage industrial investment in rural areas. Indeed, the Urban Foundation casts its net even more widely. "The most important component," it says, "must be the growth of secure urban employment and residence opportunities for all. Urban and rural development are two sides of the same coin."

Talk of State encouragement of rural industry immediately, of course, rings warning bells, given the disastrous results of past industrial decentralisation incentives. Certainly, a radically different approach must be adopted to promoting rural development. For a start, a new government should concentrate far more closely than earlier planners did on what Sender calls agro-industry — manufacturing that depends on local agri-

Continued on page 28

FM 5/11/93

Continued from page 24

culture for its raw materials, such as food processing and beverage production (such industries were regarded as naturals by decentralisation's earlier planners, who therefore offered them hardly any incentives)

It must also take account of government policies and actions that affect agriculture itself. If they reduce farming's profitability, investment and output will be too low to support a growing industrial sector

Sender maintains that is precisely what has happened. Millions of hectares of medium-to-high potential land are not being used to produce high-value arable crops, he says, because of incoherent government policies concerning marketing, pricing, subsidisation, interest and exchange rates.

There are also, he adds, the cost-increasing effects of protecting agricultural input supply industries such as ADE (producing diesel engines) and Sasol These, he concludes, have "adversely affected the agricultural terms of trade and, therefore, farmers' incentives to invest." World Bank research shows, he says, that investments in fixed improvements on farms fell, in real terms, from R693m in 1973 to R344m in 1990

In short, before looking at how blacks can be helped to become a far larger proportion of the farming sector, the basic issue of farming's profitability has to be addressed. Massive deregulation would be a good starting point.

Productive values

Should the State take steps to reduce land prices? The answer must be a resounding yes Though farm prices have, in real terms, fallen steadily since the mid-Seventies, they remain noticeably above productive values. Major historical reasons were negative-interest loans and, therefore, the popularity of land as a hedge against inflation.

Assuming that agriculture's profitability could be improved, should financial help be given by the State to blacks wanting to acquire land? What is so special about farming that people must be given land by the State in order to pursue it?

The answer, of course, is that land is regarded as having special political significance Opening the conference, ANC secretary-general Cyril Ramaphosa declared: "Whoever owns the land, by law owns the buildings on the land and is in effect the master or mistress of the people on the land " The implication is that black masters would be preferable to white. But would they?

DP agricultural spokesman Errol Moorcroft speaks from direct experience when he says: "People who call for land redistribution have a romanticised notion of what farming is all about. They tend to see rows of happy peasants hoeing the soil and bringing home the harvest while singing the Red Flag In reality, agri-business is a highly complex subject, hungry for resources yet offering narrow profit margins.

"When you're in a position, as many farmers are today, where you have declining commodity prices and rapidly rising input costs, it takes a pretty smart operator to stay in business (271)

"The people whom land redistributors want to provide with land are those least likely to make a success of farming. To be a marvellous shepherd is one thing; to run a sheep farm profitably, with wool at its present price level, is altogether another — and sheep farming is simple compared with dairy or deciduous farming.

"If you want to bring about a significant redistribution of land, prepare yourself for a Somalia or Ethiopia."

Management and business skills aside, the public cost of giving land to blacks and underwriting their operating costs looks pretty daunting. The World Bank representative told the conference that transferring 30% of white-owned land to blacks — with the latter providing 20% of the cost from their own resources and borrowing a further 30% — would cost the State R13bn at 1993 prices. About 600 000 families would be settled on that land.

The World Bank reckons these are very affordable costs Others reckon its estimates are far too low — and appear to ignore the lack of capital among blacks.

A number of participants at the conference, especially those from rural areas, thought that very little land redistribution would take place if the beneficiaries had to pay any significant sums for it.

Such global figures as are available support that view.

According to the SA Agricultural Union, there are about 60 000 commercial farmers in "white" SA, most of whom are white There are, within the same area, a further 30 000 nonwhite small sugar farmers Sender reckons the commercial farms employ about 1,2m workers, of whom 1m are Africans and the rest coloureds and Indians. That means, he reckons, that 5m-6m people depend on wages earned on white farms.



Moorcroft

The only figures available about the homelands come from a study conducted in the mid-1980s by Prof Tim Bembridge of Fort Hare University's Department of Agricultural Extension.

He found there were about 1m black subsistence farmers and a further 2 000 black commercial farmers

None of this is encouraging for would-be land redistributors. On the one hand are people with no material resources, even though some might be quite skilled in agriculture. On the other are well-established commercial farmers on whom millions depend for a livelihood, and who provide the entire nation with food and other products.

Ramaphosa observed that "if we handle (the land issue) badly, we tear SA to pieces." To avoid doing so, it is vital that land and agriculture be depoliticised.

Some argue that this aim is grossly unrealistic. Look at Zimbabwe, they say; a dozen or more years after independence and the land issue is causing more trouble than ever

But Zimbabwe's history is substantially different from SA's when it comes to land acquisition and settlement. Moreover, SA is far more urbanised than Zimbabwe, while agriculture there benefits from more productive soils and, generally, a kinder climate. Large-scale land redistribution may well be desired in Zimbabwe; it is not in SA.

Not that land reform in Zimbabwe, or Kenya for that matter, has been a towering success Policymakers in both countries, says the Urban Foundation, were "confused, inconsistent and unclear about the nature of their interventions and ultimate goals " As a result, both countries have failed to improve the lot of most rural dwellers

In Kenya, black farmers found it difficult to achieve target incomes through lack of coordinated government support and their own inexperience In Zimbabwe, "post-independence experience shows that the costs of settlement are inescapably high," the Urban Foundation observes. The same problem would face any SA government that set itself ambitious rural resettlement goals but balked at the legal, political and economic consequences of taking land from white farmers.

There is, however, one way in which the State could help blacks obtain the use of land at no cost to the fiscus and without scuttling basic property rights.

It is by repealing the Subdivision of Agricultural Land Act, which prohibits sale or lease of only part of a registered land title and thereby prevents an owner from using his land as he thinks best The Act is presumably based on the belief that large-scale farming is inherently more efficient than small-scale. There is no evidence to support that except, perhaps, in monoculture grain farming.

The other legitimate form of State aid would be a restructuring of government agricultural extension and research activities. They are at present heavily biased towards large-scale, capital-intensive methods The balance needs correcting.

Any government intervention beyond such measures would be ill advised. Every rand spent on establishing rural communities or small farms of doubtful viability is a rand that could have been spent on badly needed health, education, housing and other services.

The ANC, we suspect, is coming round to that view — though by Monday afternoon it had failed to respond to *FM* questions on the issue.

When it looks at the list of priorities that will torment a new government, we trust the ANC will place any ideas of land redistribution on the backburner ■

NEWS Wife charged with murde:

300 blacks back on lost land

Sowetan 9/11/93

Sowetan Correspondent

A LITTLE piece of apartheid was reversed at the weekend when about 300 blacks returned to land in Charlestown, Northern Natal, that they lost under racist laws 15 years ago.

In terms of the 1913 and 1936 Lands Act, black landowners in Charlestown and their tenants were forcibly removed by the Government between 1975 and 1978. The Government resettled them in townships at Newcastle. (271) (282)

Charlestown was a semirural settlement.

The community never gave up its desire to return to their land, and formed the Bambisanani Bothengi Charlestown Committee.

As part of repealing the 1913 and 1936 Acts, the Government in 1991 set up the Commission on Land Allocation to help people get back land they had lost under apartheid

The community applied to the commission a year ago to get back their land. The commission advised President de Klerk to allow Charlestown people to return home. De Klerk gave the go-ahead in December last year. The first 48 families moved back to Charlestown at the weekend.

ANC: Leave squatters to politicians

271 257 FE

CT 10/11/93

JOHANNESBURG. — Squatters were beyond the law and their plight should be dealt with by politicians rather than the courts, ANC PWV deputy regional chairman Mr Mathole Motshekga said yesterday.

He argued that the squatter issue should be negotiated along with local government.

Addressing the Future Perfect conference organised by a local law firm, he said courts were not dealing effectively with squatters.

Citing land problems north-west of the city, Mr Motshekga said the courts had ruled that squatters had to buy land, even though they were not financially able.

Municipal Areas

For squatting to be illegal implied squatters had a legal option but they did not, said Mr Motshekga, concluding the squatter problem should be dealt with by politicians.

Emphasising the importance of addressing the issues of land and local government together, Mr Motshekga said giving municipal areas too much power could allow racist local governments to keep squatters out.

He stressed the need for government intervention on land issues, especially where landlords allowed plots and buildings to remain vacant.

ANC land and agricultural desk co-ordinator Mr Derek Hanekom outlined mechanisms required for a rural land reform programme, including land claims courts, targeting state-owned land, financing purchases and giving agricultural help to buyers. — Sapa

Threats over property clause in interim charter

(271)

JOHANNESBURG — A group demanding the restoration of land to victims of forced removals has threatened to use force to protest against a property clause in the interim constitution which it says does not give equal treatment to present owners and dispossessed people.

The clause is due to be finalised by negotiators at the World Trade Centre this week.

The Back to the Land Campaign, an affiliate of the independent National Land Committee, said: "We are saying if the rights of land owners are protected at this stage, then inequitable land ownership will be entrenched . . We say that a property clause that does not allow for restoration is unacceptable. CT 10/11/93

"If we do not get our land back, then we will have to return to our land by force. We will do this whatever the consequences. There can be no freedom without land."

More than 80 communities are backing the Back to the Land Campaign.

"We believe that the constitution for a new South Africa must also reflect the needs of the dispossessed and landless and that the new constitution should mark the end of the old South Africa," the group said.

At least 3,5 million blacks were forcibly removed from their ancestral land under apartheid. — Sapa

Fingos, farmers make progress

PORT ELIZABETH. — Farmers and the members of the Fingo community contesting ownership of land in the Tsitsikamma area in the Eastern Cape took steps to resolve the issue yesterday. (271)

Representatives of the farmers and the Tsitsikamma Exile Association agreed that full restitution of the land to the Fingos was the only permanent solution.

More than 400 Fingo families are waiting to return to the almost 800 hectares of land they claim is theirs.

In 1977 they were forcibly removed by the government and taken to Keiskammahoek in Ciskei. CT 10/11/93

Farmers bought the land from the government in 1983. — Sapa

Group faces the land claims tangle

(271)
CT12/11/93

By LOUISE FLANAGAN

QUEENSTOWN — A seven-member commission faces one of the biggest challenges in the new South Africa — untangling conflicting land claims created when apartheid governments moved people by force.

The story of Simon Mbongo and Soni Nompuko is typical of the hundreds of cases under investigation by the commission, set up in 1991 under the chairmanship of a judge.

Arable

Seventeen years ago the government told them the land they were living on near Herschel in the eastern Cape was to become part of the black homeland of Transkei.

They were told that if they did not want to live in Transkei they could move 200 km to an area in the homeland of Ciskei, near Queenstown. The government even put them on a bus to show them the land — fertile and arable.

"We felt that land was good for us. We even took a spadeful of soil home to show the others," Mbongo told Reuters. The deal was made and the community agreed to move.

Reneged

But the South African government reneged. The same piece of land was promised to more than one community but none received it. Instead they all had to resettle in a remote corner of Ciskei, which itself was granted "independence" five years later.

The population of the northern Ciskei region, about 100 000 ha, swelled to about 150 000.

Overuse destroyed the agricultural potential of the land and those living there now subsist on meagre pensions and remittances from migrant workers

Recommendation

This month the land commission met in Queenstown in an attempt to resolve the problem.

The community represented by Mbongo and Nompuko still wants the land it was promised, but so does another community which was promised the same land

The commission has powers to allocate undeveloped state land and make recommendations on other land.

Forced

But land itself is in short supply.

"There will never be enough land for everyone," Mike Kenyon, one of the people helping dispossessed communities, told the commission hearing.

Kenyon is co-ordinator for the Border rural committee, set up about 10 years ago to help black communities fighting forced removals.

During 40 years of apartheid, the authorities moved an estimated three million blacks from their homes in "white" areas to black homelands supposed to become their new countries.

The State President, Mr De Klerk, acknowledged the policy could never work when he began dismantling apartheid in February 1990.

'No peace'

"There will not be peace in the countryside until the issue of land redistribution on a large scale is addressed. This commission has the ability to make a significant start to that process," Kenyon said.

The BRC has suggested the disputed Queenstown land be awarded to communities rather than individuals and be held in trust. This would give each family access to a small patch where it could grow food for self-sufficiency.

Group Areas

White farmers in the area are joining in.

At least one whose land was expropriated under the old laws for inclusion in a homeland is now claiming his farm back through the commission.

Commission chairman Justice S W McCreath said several hundred claims had been submitted, many of them tied to removals from urban properties under the now defunct Group Areas Act. — Sapa-Reuter

difficulties as there are many small settlements which have rural characteristics. This situation is discussed in the report but, for the sake of overall consistency with the Urban Foundation model, the figures are carried into the summaries on the basis of all the region being metropolitan.

Population figures

The 1991 urban population census (adjusted) information was unavailable at the time of conducting these regional profiles. Settlement population data (obtained from primary sources: local authorities etc.) was therefore aggregated and checked against the macro population data from the Urban Foundation Population Projection Model (1991), using 1990 population figures as a basis. (This model is based on the 1985 Census.)

It became evident in analysing the results of the survey that there is a great tendency for local authorities to over estimate the population within their area of jurisdiction. This is shown when the local authority estimates are aggregated and related to the estimates of population for the region which are nationally consistent. The approach taken here is to compare the local authority estimate with other estimates which are generally based on the 1985 census and then to adjust the population to give a regional total which equals that given in the Urban Foundation model.

Coming home

ST Times 14/11/93

By JAMES BRITTAIN

20 years later Dhlomos return to village

CLUMPS of grass growing on the Charlestown hillside have covered the ruins of Mr Amon Dhlomo's home.

Lines of turf covering bricks and piles of stones are the only sign that the house ever existed.

The retired factory worker and his wife sat on the grassy knoll in the empty valley near Volksrust last Saturday, for the first time in 20 years.

They stared with glazed eyes at Majuba mountain, where, more than a century ago, Boer and Brit clashed in battle, the Boers picking off the Redcoats as they scaled the slopes.

The first words Mr Dhlomo spoke as he returned to the land of his fathers were: "We are very glad to be home."

Early on Saturday morning, he and his wife were among 200 jubilant people bussed in from Newcastle, where they had lived since 1973.

The Dhlomos and about 8 000 others were forcibly removed from Charlestown in terms of the Group Areas Act. Now, having won the right to return, they were coming home.

"It was a six-room house. We are surprised to see the place like this. When we left, it was still standing," said Mr Dhlomo.

On that day 20 years ago, army trucks drove him and his wife Gasta from Charlestown's Clayvis location to Newcastle. There they squeezed into a one-bedroom house in Ozisweni township.

All the houses and a school in Clayvis were levelled, leaving central Charlestown to a collection of whites, a few Indian families and other informal residents.

Charlestown is one of four communities in South Africa that have regained the rights to their land, thanks to a campaign launched six years ago.

Former Clayvis shop-owner Mr Lazarus Mbonane began writing to government departments in 1987. "This is the land of our forefathers. We have buried our grandfathers here. It is not just our land, but our home." he said.

Additional pressure from the Association for Rural Advancement in Maritzburg eventually saw the government's Advisory Commission on Land Allocation approve the homecoming last December.

Then a committee of former Charlestown residents started screening families to prove they used to live there. Finally, the Development and Services Board marked out the land to identify their plots.

After traditional dances, speeches, prayers and kissing the land, the families dispersed into the valley. In every direction small groups dotted the hillside searching for signs of their homes hidden under the earth.

But the return to Charlestown has not been without problems. The Development and Services Board — which acted as agents for the land after the removals — wants the homeowners to return the compensation money paid when they were evicted. The sum averages about R250 and title deeds will not be handed over until the account is settled.

And the present inhabitants of the area have mixed feelings about the return of 8 000 blacks to the area.

In the 70s, employment was provided by two thriving clothing factories, but when the people went, the industry died. Now Charlestown has three shops, a few houses and a church.

Mr Petrus Schoeman, a tall farmer, owns a butchery. On Saturday afternoon, watching trucks offloading poles, door-frames and metal sheets for shacks he leant on his stick and said: "We are looking forward to a better future. When something strange like this is in the offing you never know the outcome."

Other residents are concerned that Clayvis could become a squatter settlement.

Mr Ian Munro and his wife Joan used to live in Zimbabwe. "We don't fear change because we've been through it before. But we worry because there's no work here. What are these people going to do?"

The hillside where Clayvis used to be is now barren and empty. Charlestown has no industry and, exposed to the wind, the land is unsuitable for crop farming. Development and Services Board spokesman Cedric Harding said there was no fixed plan for development, but a joint committee was considering the options.

"We have already spent R4-million on renovating roads. There's no water and electricity. We are looking at the possibility of renting the clothing factory for a school but there are still many things to work out."

But in the joy of their homecoming, finding work was a secondary consideration for most of the families.

"This is where I first read poetry and the Bible," said a beaming Rev Alfred Dlamini, jumping on a square of turf halfway down the valley.

Another man was already erecting a shack. He said he would sleep there if he got the roof on before sunset.

For the Dhlomos, the future was less clear.

Their hearts were happy but in their eyes was uncertainty, even fear.

"We like it here and we intend to stay, but we are pensioners. Our grandchildren do not look after us. We are happy to be home, but where will we get money to rebuild our house?"

For an estimated 3,5-million people countrywide, the battle to go home is still in progress. And they, too, will have to seek answers to the questions confronting people like the Dhlomos.

PEOPLE'S LIVES *Cops destroy home, kill owner ● Forest inhabitants refuse to move*

Plight of the forest dwellers

Sowetan 16/11/93

271

■ MUSICAL CHAIRS *Community being forcibly moved for the second time:*



A protester carrying a poster denouncing forced removal of people from Dukuduku forest.

By Musa Zondi
Environmental Reporter

THE SINGING STARTS with the intensity of a religious sect in the throes of spiritual fervour The beat goes uptempo and the group of over 300 claps harder

This is the community of Dukuduku forest dwellers, 10km outside the sleepy coastal town of St Lucia, who are facing the threat of forced removal — for the second time

The meeting was called by the committee which is heading the campaign to resist removal to report back on the meeting between the chiefs, the community and the businessmen.

Samuel Ntuli, chairman of the committee, speaks with resolve.

"I don't know about you but I will only be taken out of here as a corpse, not while I am still alive. There are those who have accepted the move and are selling out. Are you leaving?" he asks the expectant crowd. There is a resounding "No-o-o-o".

"They can keep their R1 000," someone says.

At that moment Mngomezulu brings in a huge cabbage and puts it in the circle in front of the speaker.

"You see," he says looking in my direction, "this is our food. This is what we produce. Where can you find such a huge cabbage or the amount of food we have in this place?" he asks.

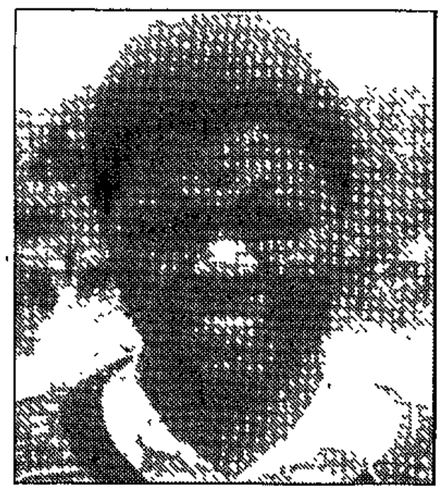
Indeed, where else.

Herein lies the root of the community's resistance For them this is more than just about houses and homesteads. It is about their very survival. It is about food. In an economically repressed region like Northern Natal, for many this is the source of their livelihoods.

"A lot of us are unemployed and we sell food to passing motorists for income," he says.

Since the beginning of demolitions two weeks ago, venturing into the forest is a risky business — unless you are known. Roads have been blocked with trees to screen visitors and to make sure that the "enemy" is kept at bay.

> **'Until God instructs me otherwise, I will stay here. He did not tell me to stay on the other side'**
>
> **– Hlalephi Magwanyana**



Mr Samuel Ntuli, chairman of the committee against removals.

On some roads trenches have been dug Deeper into the forest, amid the lush green that resembles a tropical forest, mealies are growing in abundance and are ready for harvesting.

No, it is not the Garden of Eden — but close.

There is no large concentration of homesteads — they are scattered all over.

The Natal Provincial Administration is offering these people R1 000 to move to the other side of the main road. Those who have moved use army tents for temporary shelter.

A woman running a spaza shop in the new settlement said it was not a problem moving to the other side.

"We knew that by being there, we were just temporary. The time has come to move," she says.

Other women disagree. Hlalephi Magwanyana has one thatched roof hut left after the demolitions. In that little hearth is her biggest weapon — the Bible.

She says she left Mvutsheni after God instructed her to come to this area and start spreading the Word

"Until God instructs me otherwise, I will stay here He did not tell me to stay on the other side," she says.

She explain how children were running all over the show, with machine-guns pointed at them Her face is overcome by sadness and she pauses.

"Before white people came here, we lived with nature. We understood what nature was. We knew then, we know now, that we depend on this very forest for survival and no one destroys that which benefits him," she says.

She says in the 1950s, the Government moved people out of the forest. There was no alternative settlement for them but they were 'dumped' all over the region. She says some of the people who are staying in this place now were moved from the other side of Lake St Lucia — the area now a subject of bitter battles between a mining house and conservationists on the other side.

This was confirmed by Jochonia and his son Zephania Msweli, the elders of this community.

During the week of skirmishes last week, Johannes Zulu was shot dead by police. Witnesses say he came home to find his house demolished. He went into a rage. In the struggle that ensued, he was shot dead by the police who allegedly sustained minor injuries.

But it is this death that has brought this issue into the public eye.



APPEAL . . . ANC president Mr Nelson Mandela calls for calm outside Greytown town hall yesterday where a bomb threat disrupted a question-and-answer forum the ANC chief was conducting inside the building. No bomb was found by police investigators. Picture AP

Jail helped ANC chief 'to prepare'

HOWICK — His imprisonment had been very helpful' in preparing him for "new challenges ANC president Mr Nelson Mandela said yesterday

He was speaking at the site of his August 5, 1962 arrest near Howick

While his 27-year imprisonment was a tragic experience, Mr Mandela said, it was also "very helpful it was a time to stand away from myself and look at our work and come out better prepared to face new challenges"

Mr Mandela's entourage sped past about 12 AWB supporters on the way to the site of his arrest

Mr Mandela said he and playwright Cecil Williams had been flagged down by a Sergeant Foster, who had arrested him in a courteous manner. — Sapa

Mandela: We won't seize land

Own Correspondent

DURBAN. — The ANC was not planning to seize white-owned land — even if blacks had been forcibly evicted from the same land, ANC president Mr Nelson Mandela assured Greytown farmers yesterday

His address at the local town hall was delayed by a bomb scare for 30 minutes

He said the ANC wanted a land commission to oversee land equity. The defence force owned vast tracts which would be given to the landless, he added.

Mr Mandela said the ANC had information the government "recently gave land to members of the Broederbond"

He said there was not yet a free market in South Africa

"More than 86% of shares at the Stock Exchange are owned by five companies controlled by whites The free market will come when we have a democratic government, when there has been black economic empowerment"

At a packed Maritzburg city hall later, Mr Mandela urged whites to stop backing "black surrogate" political groups, as these were "now training armies . to spill more blood".

Speaking to businessmen earlier, Mr Mandela said the ANC would not stop short of majority rule

● A stand-off between a dozen AWB members — some armed — developed after Mr Mandela's speech last night as police separated ANC supporters leaving the meeting from AWB militants. — Own Correspondent, Sapa

Land reform paper issued

JOHANNESBURG — A land reform document released by the World Bank last month is being distributed among South Africans for comment.

The document, Options for Land Reform and Rural Restructuring in South Africa, was released at a land redistribution conference.

The report calls for a rapid land reform to give "victims of apartheid" access to land to alleviate poverty.

The World Bank will finance land purchases over five years. — Sapa

Lost land:

(271)

State to pay

CT 16/11/93

JOHANNESBURG. — In a historic decision the Negotiating Council unanimously decided that every person or community dispossessed of land rights under racially discriminatory law should be entitled to claim restitution from the state.

Any person who was dispossessed of land after June 1913 will be entitled to claim restitution from the state, multiparty negotiators agreed last night.

The agreement was "a crowning achievement of this process", Labour Party negotiator Mr Luwellyn Landers said.

Government negotiator Ms Sheila Camerer expressed the government's "satisfaction" with the clause.

"The government is committed to redressing past wrongs," she told the 21-party Negotiating Council at the World Trade Centre.

The right to restitution is stipulated in two clauses: One being a fundamental right, and the second — which spells out the process for claims — to be contained elsewhere in the new constitution.

The restitution proposal adopted last night was the result of "several months" of intense bilateral discussions between the government and the African National Congress

No claims will be permitted before the passing of the relevant Act of Parliament. — Sapa

● Mandela: We won't grab land — Page 5

Legal wrangles loom over 'lost' land

271

ARG 16/11/93

Political Staff

JOHANNESBURG. — People living on land that other people lost under the 1913 and 1936 Lands acts and the Group Areas Act could be compelled to sell the land to the state.

Negotiators at the multi-party talks last night gave the government to be voted in on April 27 power to forcibly buy back private land from which people were removed.

Provision for this was made in an addition to the Bill of Fundamental Rights agreed to by the negotiating council, and a new chapter in the transitional constitution.

This was the price that had to be paid by parties wanting to have the right to own private property written into the constitution.

But the provision could lead to many lengthy legal wrangles after the election over who owns what land.

Negotiators agreed that every person or community dispossessed of land rights under apartheid from 1913 would be entitled to claim restitution of their land from the State. This date had been agreed to at a bilateral between the Government and the African National Congress.

The Pan Africanist Congress, Cape Traditional Leaders and the Labour Party were unsuccessful in having the date set at April 6, 1652.

... is expected to ask UN military commanders to "suspend ... all actions against those individuals implicated".

If passed, the resolution will not apply to Somalis already detained by UN peacekeepers. A total of 740 have been arrested and 698 released, Mr Boutros-Ghali said in a report to the Security Council.

A decision is expected soon in the ...

... by his own faction, said he would not step down.

GHANA: Twenty people died in a road accident in eastern Ghana when a truck collided with a passenger bus, police said.

ETHIOPIA: Ethiopia, struggling to shake off more than a decade of hardline Marxism, said its free market reforms had attracted almost $1 billion (R3,3 billion) in foreign investment.

SOUTH AFRICA: A row has broken out over a report that black South Africans might be turned away as blood donors because they appeared to be more at risk to Aids than whites.

SAO TOME: This African is-

'Change clause on property'

CT 18/11/93

Political Staff

THE property clause in the draft bill of rights and the proposed composition of the Constitutional Court should be changed, the South African Agricultural Union urged yesterday.

The appeal was made by SAAU president Mr Boet Fourie in a letter to President F W de Klerk.

He said the government would be abandoning farmers and property owners if the proposed property clause was passed by Parliament.

The property clause, supposed to protect property rights, "was in fact intended to open the door to large-scale expropriation of land without fair compensation", Mr Fourie said.

LAND

Restitution will cost billions

Law to compensate the dispossessed likely to lead to complex wrangles

271 AEG 19/11/93

TOS WENTZEL
Political Staff

SOUTH AFRICA has had to pay a heavy price for apartheid in the form of political ferment, upheaval and international isolation, on its way towards true democracy. Now a huge restitution bill, which could run into billions of rands, may be on the way — along with some complex legal wrangles.

This week the multiparty negotiations decided that any person who was dispossessed of land after June 1913 would be entitled to claim restitution from the state. The measure would empower the state in certain circumstances to expropriate privately-owned property which was previously expropriated from people of colour under the Group Areas Act and many similar apartheid measures

One of the key parts of the agreement refers to hardship caused. This broadens the concept of restitution because in many cases, such as District Six, from where people of colour were moved in terms of the Group Areas Act, most of the properties belonged to whites. It was estimated that 60 percent of the properties in District Six were white-owned.

However, the people who were moved were disadvantaged because they were forced to live much further away from their places of work Government transport subsidies did not fully compensate for this.

The Land Acts of 1913 restricted the ownership of land by blacks to certain areas where blacks could only sell to blacks but left some black-owned land outside these areas.

The Development Trust and Land Act of 1936 tightened up this system, although it also provided for the purchase of more land for blacks in areas "scheduled" for them. This was part of a deal at the time when blacks were removed from the common voters' roll in the Cape Province.

This Act prepared the way for the removal of blacks from some areas but these moves started only in the 1950s. It also prepared the way for the later consolidation of black land to provide for the formation of the Bantustans.

The Nationalist government, after coming to power in 1948, made additions to the Act and also passed a number of Acts which legalised the large-scale removal of people, overwhelmingly blacks but also large numbers of coloured people and Indians.

The Group Aeas Act was one of the main acts, but there were a number of others providing for the forced removal of urban and rural black communities, in some cases for the purposes of clearing up "black spots" in white areas.

In the end this led to the apartheid nightmare of 189 related laws and 15 000 regulations.

People who were removed were supposed to be given land comparable in value to the land they had been removed from without their consent, but many of these deals were in dispute. In the case of groups who occupied small tracts of land they were were paid out, but were then unable to buy comparable properties

In terms of the Group Areas Act properties were sometimes expropriated for a pittance although it was maintained that this was the market value.

At least 3,5-million people were forced to move. If all the rural forced removals and group areas removals are taken into account Department of Regional and Land Affairs sources estimate that up to seven million people — owners of properties and occupiers of houses with their families — were affected.

An Advisory Commission on Land Allocation has been considering rural land restitution claims for some time, but it can only allocate state-owned land in compensation.

There are between 500 000 and 750 000 ha which were expropriated and had not been allocated when the apartheid policy started collapsing

The intention is to allocate some of it to black small farmers.

The Advisory Commission on Land Allocation flowed from a government undertaking given in 1991 to consider claims by victims of forced removals.

In terms of legislation passed earlier this year the commission can now also deal with forced removals in urban areas. However, restitution can only take place with the concurrence of the local authority.

In terms of the agreement reached at Kempton Park any person who has been dispossessed of a right in land under any racially discriminatory law since 1913 is able to claim restitution.

State land can be restored to claimants and the state can be ordered to expropriate or purchase private land.

Some of the other provisions of the agreement that could lead to legal wrangles include provisions that "all relevant factors", including the history of the dispossession, the hardship caused, the history of the acquisition by the owner, the interest of the owner and others affected by the appropriation, and the interests of the dispossessed, can be taken into consideration.

An Act of parliament will have to be passed to make these claims possible.



BULLDOZED: Once District Six was a bustling residential area — then the bulldozers arrived and flattened the houses. Now the multiparty negotiators have agreed that families removed under the Group Areas Act and other racist laws will be able to claim compensation for dispossession or hardship.

'SADF land for landless'

(271)
CT 24/11/93

JOHANNESBURG. — An ANC government would give the vast tracts of land owned by the SA Defence Force to the landless masses, ANC president Mr Nelson Mandela said yesterday.

This would mean the new government would not have to "touch anyone's property" he said at a German Chamber of Commerce lunch at Zoo Lake.

He said the ANC would form a land bank, and its economic model was based on World Bank proposals.

Mr Mandela described the SADF as "the richest landowner". The SADF said it was using about 600 000 hectares, or 0,5% of South Africa's land mass.

Mr Mandela said individuals' rights to property would be protected in a Bill of Rights.

According to a snap survey, SADF land in Cape Town which could be developed for housing includes Youngsfield, Wingfield and the Van Der Stel shooting range on the airport road.

Mr Willem Steenkamp, a former President's

To page 2

From page 1

Councillor and defence correspondent, said Mr Mandela's call for use of SADF land was a "vote catcher". Most SADF land was unsuitable for housing or living as it was in desolate areas.

He saw Youngsfield as useful for housing development but said that the Defence Force could not function without bases.

Last night an SADF spokesman said they did not have a full list of SADF land immediately available, but were using about 600 000ha of government-owned land.

About 500 000ha was undeveloped. (271)

On the economic front, Mr Mandela said, the government of national unity that took office next April would not follow any radical economic policies.

He assured foreign investors that an ANC government would not nationalise their business interests, and they would be free to repatriate their profits and dividends.

However, he said, there could not be a true market-driven economy in South Africa until the discrepancy between blacks and whites in income, education and employment had been corrected.

Mr Mandela also moved to allay fears that a new government would trample on the rights of minority groups.

He said that while his organisation believed in a non-racial society, any group that wanted to retain its culture, language or religion would be free to do so.

Trust may decide on SADF land use

Municipal Reporter

A LAND TRUST which has been established in Cape Town is likely to take decisions on which surplus SADF land in the Peninsula should be developed for low-cost housing, and which should be sold off to generate funds.

Exco chairman Mr Clive Keegan said yesterday the trust had already been formed and just awaited final legal registration. It would soon be able to acquire and hold land.

District Six is already part of the trust.

Mr Keegan said there had been informal talks about some land at Youngsfield (just over 100ha), Silvermine (about 10ha) and the Tamboerskloof Magazine (8ha) possibly going into the trust, along with a larger tract of railway-owned land at Culemborg.

SADF media liaison officer Ms Margaret Neethling said the SADF had already "given back" some 70 000ha of land in the past couple of years, mostly to nature reserves. Further discussions with the Commission for Land Allocation would take place next week. (271)

The SADF's land in fact belonged to the Department of Public Works and Land Affairs. CT 26/11/93

• Mrs Belinda Walker, chairman of the Ward Four ratepayers' association, said establishing a pocket of low-cost housing in Tamboerskloof would simply be an open invitation for speculators to move in.

Star 27/11/93

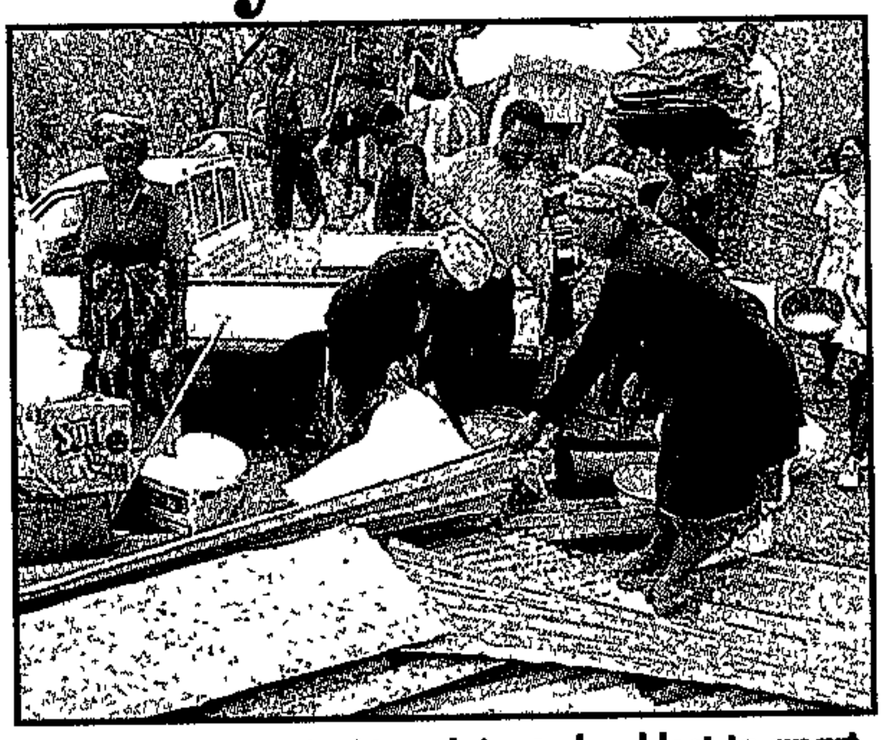
A community comes back home

JO-ANNE COLLINGE

ABOUT 100 members of the Mampuru community set up camp near their former chief's kraal on the Groblersdal district farm, Brakfontein, yesterday after reoccupying the land from which they were removed in 1973.

The sound of ululating rose from among the bushes as women claimed bundles of bedding and clothes and made their way, perspiring but beaming, to the hilltop where the stone kraal still stands.

The land claimants form a small fraction of the Mampuru community, most of whom were resettled about 150 km from Brakfontein, along a steep and stony hillside, at Steelpoort in Lebowa. They came home to Brakfontein in a large bus and several bakkies this week.



20 YEARS ON: Staking claim to land lost to apartheid in 1973. ● Photograph: GARY BERNARD

"I was born in this country in 1917. It is mine," said Jeremiah Moganedi. He was fearful, nevertheless, that there might be "trouble".

The police arrived at Brakfontein yesterday soon after the occupation started. While the women, children and youths made their way rapidly through the lands to the kraal, most of the men were halted at the entrance to the farm (271)

Although community members claimed that the police had threatened to arrest them, members of the force — in a single van — left the scene about lunchtime without taking action.

Neels Bezuidenhout, one of several farmers who bought portions of Brakfontein from the Government years after the removal, eyed the waiting Mampuru men and said: "They're not coming in here — finish and klaar."

But Bezuidenhout and his companion left shortly after the police. And the men of Mampuru lost no time in transferring the baggage from their stranded bus into bakkies and heading on to the land they so treasure.

Women descended from the hillside to meet them.

Looking up at the heavy skies and laughing into the rain, Anna Skelwane (76) spoke for them all: "We are saying God has blessed us today."

Mampuru reclaim ancestral land

271

CT 29/11/93

BRAKFONTEIN. — Braving the wrath of right-wing farmers, police and summer storms, about 100 members of the Mampuru community on Friday reoccupied the land they were forced off 20 years ago.

"We're home at last," said Mrs Anna Skelwang, 79, as she danced barefoot between the thorn trees in the north-eastern Transvaal bushveld, 40km from Groblersdal.

She said Steelpoort, about 200km to the north, where the community was dumped in 1973, had "no grazing, no jobs, no food, no rain".

"Police said we would all be arrested," said community leader Mr Stephen Malapane.

Farmer Mr Corneels Bezuidenhout said police could not act unless a black farmer who owned the land laid a complaint — Sapa-AFP

RESTORATION: Getting the land back is just the beginning, communities find

Building a new Jerusalem from the ruins

WM 12-18/11/93 (271)

Last weekend the Charlestown community was given back the land apartheid took away in the mid-1970s. But the future for them — and the whites who live nearby — is uncertain and confusing, reports **Brenda Goldblatt**





ABOVE: Today is our birthday ... Jeremiah Mdluli (with hammer) celebrates his family's return to Charlestown

LEFT: Rev Alfred Dlamini surveys the open fields where his church once stood

PHOTOGRAPHS BRENDA GOLDBLATT

REV Alfred Dlamini judged the occasion to be of biblical significance. The black residents of Charlestown, reclaiming the land from which they had been forcibly removed, were returning to their Jerusalem

"I prayed for adoration, for thanksgiving and intercession," said Dlamini, a Methodist minister evicted from the area in 1974 "Today I was just moved. I knew I must be with the people today because they were truly hurt, not only because I am a child of this place "

Standing in front of the site of his old church on Saturday, the minister surveyed the chickens darting through the swaying grass with amusement The pews, the lectern and every last brick were razed after the removals in the mid-1970s Yet even today he will not cast the first stone. the church was burnt by those who wanted the community destroyed, he says, but that does not matter What matters now is that justice has been done

The minister was reflecting at dusk after a day when the rural tranquillity of Charlestown, a hamlet on the Natal-Transvaal border, had been disturbed by riotous celebration At noon, to the dismay of the handful of white families which remain, a hooting convoy of cars, buses and trucks loaded high with rusted corrugated iron snaked its way from the main road to the site of the old community school, a flattened ruin in lush green grass

> "This is not the first time the community has tried to return. A planned reoccupation in 1991 was met with a massive police presence and arrests"

Forty-eight families, embracing and dancing, spilled from the vehicles. A white-haired old man in blue overalls waved a branch in the air and danced exuberantly through the singing crowd "We're very happy," he said, "We are so happy. Today is our birthday "

Different emotions ran through the mind of Jeremiah Mdluli on the cold, windy day in October 1975 when he came home from work at the local clothing factory to discover that his house was surrounded by government trucks and armed police Confused and unprepared, he and his family loaded their goods and left for Osizweni, the township in kwaZulu chosen as the new home of the people of Charlestown

On Saturday Cedric Harding, community liaison officer of the Development Services Board, presented Mdluli with a certificate of ownership One of the few white men present at the ceremony, it was left to the dark-suited Harding to give back what apartheid had taken away.

"This is a day for which we have been waiting for decades," he declared in perfect Zulu While jubilant residents shook Harding's hand, a thoughtful Mdluli dug out clods of earth to stake out the four corners of a two-and-a-half square metre shack. He will now spend his weekends trying to build a brick house to replace the six-roomed house that was burnt to the ground, an expensive and difficult undertaking· he supports a large family on R1 000 a month.

Resigned, he pointed to the invisible boundaries of his property, his finger outlining the stretch of hedge that separated him from his neighbours he remembers the height and place of every tree Today the site is inaccessible by road, people carrying reddened corrugated iron and creaking bedsteads stumble over the uneven ground. Mdluli has no doubts· "I have returned to the land of my forefathers Here we will have a great and bright future "

This is not the first time the community has tried to return A planned reoccupation of the land in 1991 was met with a massive police presence and arrests After presenting its case to government's Commission on Land Allocation, the community was granted the right to return in November last year

Of the 58 cases heard by the commission in the two years since its inception, five have been successful and eight have been refused. Brendan Pearce of the National Land Commission, a body supporting some communities making claims, says "These communities are the exceptions, the fortunate ones The vast number have experienced problems and delays This is causing frustration and could lead to violence "

For the returned families of Charlestown, the future is imbued with the rosy hue of a battle won; in fact, their return will lead to other, harder struggles Attached to the fantasies of a mythical past rather than the realities of a harsh present, most of the returning landowners have few prospects in the area and have little hope of establishing prosperous farming concerns for a long while

"People move back with a memory," said Richard Lacey, a community worker. "They remember having jobs in the area Now the economy of the region has collapsed "

Once a bustling rural centre, today Charlestown is a ghost town The railway yard has closed Trumps Clothing factory, one of two manufacturers in the area, retrenched more than 150 women last month Barred from keeping livestock in Osizweni, few of the families have managed to retain their animals Along with their memories of the past and their dreams, the residents of Charlestown have bought home the cruellest feature of their resettlement· the poverty of dispossession

Across town the Lourens family, braaing under their recently built boma, heard the commotion of the residents returning "They are going to bring trouble," says Ria Lourens.

Six months ago 40 white families lived in the picturesque hamlet Today there are six, two the households of policemen who have no choice but to live in the community they serve Both, according to their neighbours, have asked for transfers

Ria Lourens, who lives with her husband and two grown sons in a large house with a huge garden is devastated that her family feels forced to move to Volksrust, where houses and properties are smaller

Standing under a print of the Battle of Blood River, she and her insurance broker son, George, bemoan the changes in their small community

It is not that blacks are a problem a teacher from Mdadeni lives on the left, a taxi driving family on the right "They are quiet," says Ria "Listen Saturday afternoon It's just nice "

"They greet us," says George "We have no problems with them "

The problems come from the thieving young strangers who take to the streets after dark Ria Lourens has been threatened by a man with a knife. And the return of the original families is the last straw, the end of the possibility of a peaceful life "They are squatters," says Ria Lourens

For her, the future is confused and confusing "There 's not much we can do, except go with the flow "

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Farmers return land to labour tenants

WMS 11/11/93 271

Some farmers are pre-empting the World Trade Centre talks by returning land to their local tenants, reports **Paul Stober**

WHILE delegates at multiparty talks haggle about property rights and compensation, some South African farmers are going ahead and restoring land to their labour tenants.

Negotiations about the transfer of land between landowners and tenants in Natal and the Eastern Transvaal are nearing completion. In Natal, some farmers are also looking at the possibility of cutting off sections of their property and putting them together to provide land for farm villages.

In most cases under discussion, farmers are looking at returning land which tenants would now own if they had not lost it under apartheid land laws.

Those involved in the negotiations refused to divulge details, describing the talks as "sensitive"

Commented Aninka Claasens of the Centre for Applied Legal Studies: "White farmers are saying that in recognition of the unfairness of the past, we can give you land. Farmers dislike the uncertainty around land so they are recognising people's right to it and are acknowledging that (they and the tenants) have a mutual interest in a settlement keeping outsiders out."

Whether guarantees on property rights will effectively stop a future South African government from redistributing predominantly white-owned farmland is one of the most heated debates among South African political and development activists.

The land rights advocacy officer of the National Land Committee (NLC), Tebogo Makgobola, described labour tenants as families who worked for a farmer in exchange for the right to grow food and raise cattle on a piece of his land.

"The entitlement is little more than an agreement and the farmer could do whatever he wanted, even evicting the family. Tenants live on and off the land and if they had security of tenure, it would mean the world of difference to them," he said.

The NLC is an independent group of organisations which lobbies government on land reform.

Legal Resources Centre attorney Jeff Budlender represents a community which is negotiating for part of a farm in the Eastern Transvaal, without paying for it. If the deal goes through, he does not believe there will be major changes in the way the farm is run. "They have always dealt with the land as if they were the owners," explained Budlender.

In some instances, the farmers are asking for payment, but others have said the right of the tenants to the land must be recognised and are considering handing it over at little or no cost.

Claasens insisted the land would have to be granted to black farmers, rather than sold at market prices, for their farming operations to be viable.

She pointed out: "The property rights and compensation scenario being discussed at the World Trade Centre (does not recognise) that labour tenants do not have money. Studies also show that because the market value of farms in South Africa is infinitely higher than the productive value, it is actually impossible to survive on returns from farming. Any settlement based on payment is on rocky ground."

Both the South African government and the World Bank, which recently released a report — *Options for Land Reform and Rural Restructuring* — seem to have accepted, in principle, that grant finance will be a vital aspect of any land redistribution programme in South Africa.

The World Bank has suggested that black farmers be given loans and grants, which they could use along with their own money to buy farms.

The South African government has made available a token amount, reportedly R3-million, for distribution as grants for land purchases to black farmers.

Farmers involved in negotiations with tenants have been described as pragmatic and willing to give up land they were not using to keep what they needed.

For Claasens, crucial lessons about how South Africa can deal with land hunger in its rural communities can be found in the processes leading to these kinds of settlements between farmers and local tenants.

"The critical thing is to look at some practical scenarios where parties acknowledge the history ... and come up with eminently workable settlements."

27 held in occupation of farm land

Star 11/12/93

■ BY JO-ANNE COLLINGE

Within a week of their reoccupation of ancestral land near Groblersdal, 27 members of the Mampuru community have been arrested and charged with trespassing.

Maserumule Matlala, one of those charged, said police arrived at the farm Brakfontein yesterday and arrested men only. Women and children were not taken into custody.

Matlala said bail had been set at R100 each.

About 100 members of the community moved on to Brakfontein last Friday in a bid to reclaim the land from which they were forcibly removed in 1973. The land was expropriated and subsequently sold by the State to a number of farmers. (271)

The Mampuru community did not remain intact after the removal, partly because the resettlement area near Steelpoort was particularly barren. Only a fraction of the community took part in last week's reoccupation.

But Matlala said that he expected their numbers to expand further during the next few days. "Whatever the authorities do, we are not leaving Brakfontein again."

Labour tenants refuse to budge from occupied land

B1&9

LABOUR tenants in the southeastern Transvaal and northwestern Natal Midlands say they will refuse to move from the land they are occupying and will stake their ownership claims despite the threat of forced removal. (271)

Farmworker Research and Resource Project co-ordinator Abie Ditlhake

MARIANNE MERTEN

said tenants would claim ownership rights to the lands they had occupied for at least three generations.

The decision was taken at a meeting of labour tenants from 23 farms who met in Piet Retief on Sunday to discuss the evictions.

Individual farmers and forestry companies such as HL & H, Mondi and Sappi had evicted more than 200 families over the past 18 months in the Piet Retief and Midlands areas, Ditlhake said. 2/12/98

However, HL & H group human resource director Pieter Page denied the company was evicting people. At the moment, HL & H was negotiating land tenure rights with communities in the Amsterdam area of the southeastern Transvaal, he said. [illegible]

A Mondi spokesman said there had been no recent evictions. Labour tenants in Lowburg, northern Natal, were allowed to stay on company-owned land they had occupied for several generations after an agreement had been reached between Mondi and the Association for Rural Advancement last week.

Labour tenants said at the meeting that evictions were meant to intimidate tenants.

Parks Board willing to quit Riemvasmaak land

271 CT 2/12/93

JOHANNESBURG. — The National Parks Board is prepared to give up thousands of hectares of land in the northern Cape for development as a community settlement for its previous inhabitants.

This follows evidence heard by the Commission of Land Allocation in Upington yesterday during its investigation of claims for the 74 000ha Riemvasmaak area.

The government moved about 900 people from the territory, on the Namibian border, to Namibia and Ciskei about 20 years ago. — Sapa

Call for quick return of land

271 **Political Staff**

A PROMPT order restoring land to people who were forcibly removed from the Riemvasmaak area north of the Orange River was needed, the Surplus People's Project said yesterday.

The National Parks Board had unconditionally supported the claims of the Riemvasmaak communities to their land at a sitting of the Commission for Land Allocation in Upington this week, said the SPP. D 3/12/93

However, three local farmers' organisations and the SA Defence Force had opposed the call.

Tribe wins 25-year-long battle for home

Farm returned but occupation delayed

Star 3/12/93

■ BY JO-ANNE COLLINGE

The Bakubung-ba-Ratheo tribe heard on Wednesday that the Government had decided to give them back their Western Transvaal farm, 25 years after their forced removal.

But an alleged threat from farmers in the Boons area kept the land claimants from setting foot on the undulating 4 500 ha farm.

About 150 men and women of the tribe received the long-long-awaited news that their land had been restored to them while gathered at the locked entrance to the farm.

The community's lawyer, James Sutherland, explained that the farmer who rented the land from the Government had received threats from others in the area that "there's going to be a whole lot of trouble if we go on to the land today".

271

He said the farmer, who had allowed them to visit their ancestors' graves in the past, had requested that Bakubung wait until the Government had held talks with the agricultural union later this week before making their celebratory visit.

Nico van Rensburg of the Department of Regional and Land Affairs confirmed that "on a recommendation of the Commission on Land Affairs it has been decided that the land will be returned".

The crowd pressed close to hear his words and cries of "Pula! (rain)" went up, meaning that the gods had heard the people's prayers.

At the centre of the circle, beside the officials, stood community leader Arthur Monnakgotle who suffered torture and imprisonment for resisting removal.

The permanent reoccupation of the farm will probably take place early next year. The Government has proposed that a committee be set up to deal with the practicalities of the move.

The Bakubung presently live at Ledig, near Sun City. The land they were given in compensation for their farm at Boons has been encroached on by the Pilanesberg game reserve and the golf course at the Lost City.





WE WANT OUR LAND BACK . . . David Noko and his wife, Naomi, hope they will be able to return to Schmidtsdrift Picture: COBUS BODENSTEIN

Three groups battling for dry stretch of land

STimes 5/12/93

By JAMES BRITTAIN

DAVID NOKO leant quietly on his stick throughout a land hearing in Kimberley this week, occasionally rising from his seat to unfold his legs.

The six-member commission on land allocation had gathered at the town's municipal offices to settle a struggle for a dry stretch of Northern Cape savannah called Schmidtsdrift.

Mr Noko, a 63-year-old Motswana, used to live on the land with his family. In 1968 they were among an estimated 1 000 families moved by the army to a barren patch of land near Kuruman.

He longs to go back to Schmidtsdrift, the "lovely place" he still calls home.

The 36 000ha of land 70km west of Kimberley is now owned by the SA Defence Force, which told the hearing it needed the land and that it would cost taxpayers about R120-million if it had to relocate elsewhere.

This argument is rejected by the Batswana and a group of Griquas who say they want the land back.

Counsel for the Batswana, Kate Owen, said her clients' forefathers were known to have settled at Schmidtsdrift in around the 1880s.

In 1968, her clients had been unceremoniously moved in military vehicles to an inhospitable place unsuited to either crop or livestock farming.

The removal was unlawful, and her clients had suffered physically, materially and psychologically.

"The community submits that the only adequate redress is the restoration of their ancestral land," said Mrs Owen.

The Griquas claim they were already on the land when the Batswana arrived. Griqua National Conference spokesman Calvin Andrews said Griquas had settled in the area as early as 1804.

While admitting that there were neither title deeds nor records to prove the tenure of the Griquas, Mr Andrews submitted that they had been forced off the land by successive white settlers and would fight to get it back.

"We'll squat on the land if it comes to it," he said after the hearing.

In the battle for Schmidtsdrift, no one knows what will happen to more than 4 000 former 31 Battalion San soldiers and their families, settled there in a tent town by the SADF when Namibia became independent in 1990. (271)

Brigadier Thero Durr said the SADF was considering resettling some of the San in Namibia and that a trust had been set up to look after their interests.

George Mokgoro, a Motswana who grew up at Schmidtsdrift and later spent 10 years on Robben Island with ANC president Nelson Mandela, said he would not share the land with the San.

"I am not talking about apartheid. I am just trying to reflect the feeling of my community. We are the Tswanas. We cannot have two different peoples on the same piece of land," he said.

Deciding who is the rightful owner of Schmidtsdrift is just the beginning of the commission's task. Various proposals for the use of the land were heard, including those of the National Parks Board, the Cape Provincial Administration and De Beers — who have a game ranch nearby.

All three organisations suggest that the land, used by the SADF for training and weapons testing, be utilised for community-managed eco-tourism and hunting. Local farmers support this option.

As they left the hearing, Mr Noko and other members of the Batswana community were optimistic.

They were returning to Kimberley's township of Galeshewe, but are confident that soon they will be going "home".

Community to get land back

NEWCASTLE. — About 200 former Alcockspruit residents, forcibly removed from the area in the apartheid years, are to get their land back, but a dispute exists over the repayment of compensation money.

The Association for Rural Advancement said the government demanded that money received for the land should be repaid — a matter hotly disputed by the Alcockspruit community. — Sapa

Land may be given back — after 20 years

South 10/12 - 14/12/93

By Quentin Wilson

HOPE flickered for the people of Riemvasmaak in the northern Cape last week.

Land taken from them 20 years ago seems set to be returned.

The land, estimated at around 700 000 hectares, was taken away from the community in 1973 in terms of the government's "Black Spot Removals" programme — which aimed to keep black South Africans in bantustans.

Now the 142 families who want to return to Riemvasmaak have had their hopes raised after the National Parks Board, current owners of the land, came out in their support.

In their submission to the government's commission of land allocation in Upington last week, the Parks Board said they were "eager" to negotiate a transfer of land ownership to the community.

Their submission, greeted by thunderous applause at the commission sitting, clears the way for the return to Riemvasmaak.

"Before we left to Upington, we were apprehensive as to whether we would get anything out of it," said Mr Freddy Bosman, who was 7 years old when his family was forcibly removed from the area.

"But now we have great hope of getting our land back. The Parks Board came out completely in support of the community and they have also cancelled any future contracts with the SADF, who have used the land up to now," said Bosman, who is also president of the "Back to the Land Campaign".

The SADF, in its submission, said it needed the land to continue its missile firing practice — but said it would abide by the decision of the commission.

The commission is expected to make a final decision in the next few weeks.

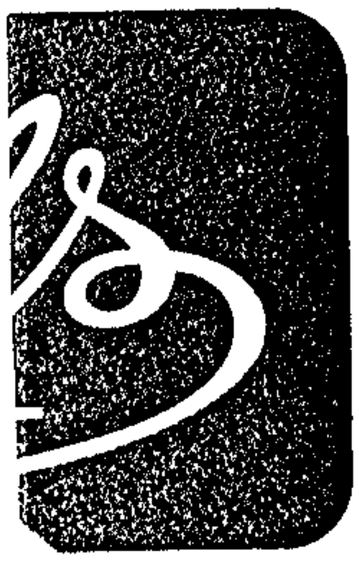


HOPEFUL IN PRAYER: The people of Riemvasmaak pray for reparation: the return of the land forcibly taken from them through apartheid's "Black Spot Removals"

(271)

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Home for victim of removals

By AYESHA ISMAIL

THE state has undertaken to provide a house for a pensioner whose father had to sell his property nearly 40 years ago when he was ordered to move under the Group Areas Act.

Stella Nelson's father, John Henry Bissiker, was told in 1954 to sell his property — of about 615 square metres and on which there were two houses. It fetched £1 600.

Today this land is part of the upmarket Cavendish Square in Claremont, a prime piece of real estate in the southern suburbs.

Mrs Nelson and her husband, Douglas, who is also a pensioner, live in a small rented flat in Southfield.

In July, Mrs Nelson approached the Minister of the Budget and Housing in the House of Representatives, Mr G N Morkel, for assistance as she believed she was entitled to compensation or restitution.

Mr Morkel has investigated Mrs Nelson's case and is satisfied she qualifies for compensation.

Steps

"With the relaxation of the bounds imposed by the Group Areas Act, a number of possible areas could be investigated," Mr Morkel said.

He said Diep River and similar areas were being looked at. However, the state first wanted to accommodate families who were removed from Diep River.

"I am pleased to say that the major steps have been taken to set things in motion and we hope Mrs Nelson will receive her good news with a minimum of delay," Mr Morkel said.

Mrs Nelson said she was happy progress was being made.

"Flat rentals are going up next year and we are already paying R600 in rent, excluding electricity."

RESETTLEMENT – 1994

Despite general agreement on the need for re: movals, land restoration remains a nettle. ***Jo-An*** *claimant communities to ret:*

271 Star 12/1/94

New bitterness over

Only a few communities subjected to "blackspot" removals have had their land restored to them — and in even fewer cases the restoration has taken place to the unqualified satisfaction of the claimants.

A now series of bitter rows related to development and the conditions of restoration has erupted.

Rural service organisations level the accusation that the interests and wishes of claimant communities are being ignored. They charge that some officials continue in the authoritarian mode of the apartheid era.

Senior Government representatives deny this. They insist that community participation is their point of departure in development matters, and that conditions attaching to the return of land are necessary to make the programme of restoration viable.

In December, the people of Alcockspruit in Natal heard that they were to get back the land from which they were removed in 1969 — but that they would have to repay to the Government the amounts they had received in compensation at the time of removal

Ironically, this conditional form of restitution might see the land slip finally beyond the grasp of its former owners, warns the Association for Rural Advancement (Afra).

"The Government's demand that compen sation money be repaid is likely to cause further unnecessary delays in full restoration of the community's land. If there are such delays, there is a real danger that Alcockspruit could be occupied in an uncontrolled way by landless people from the area."

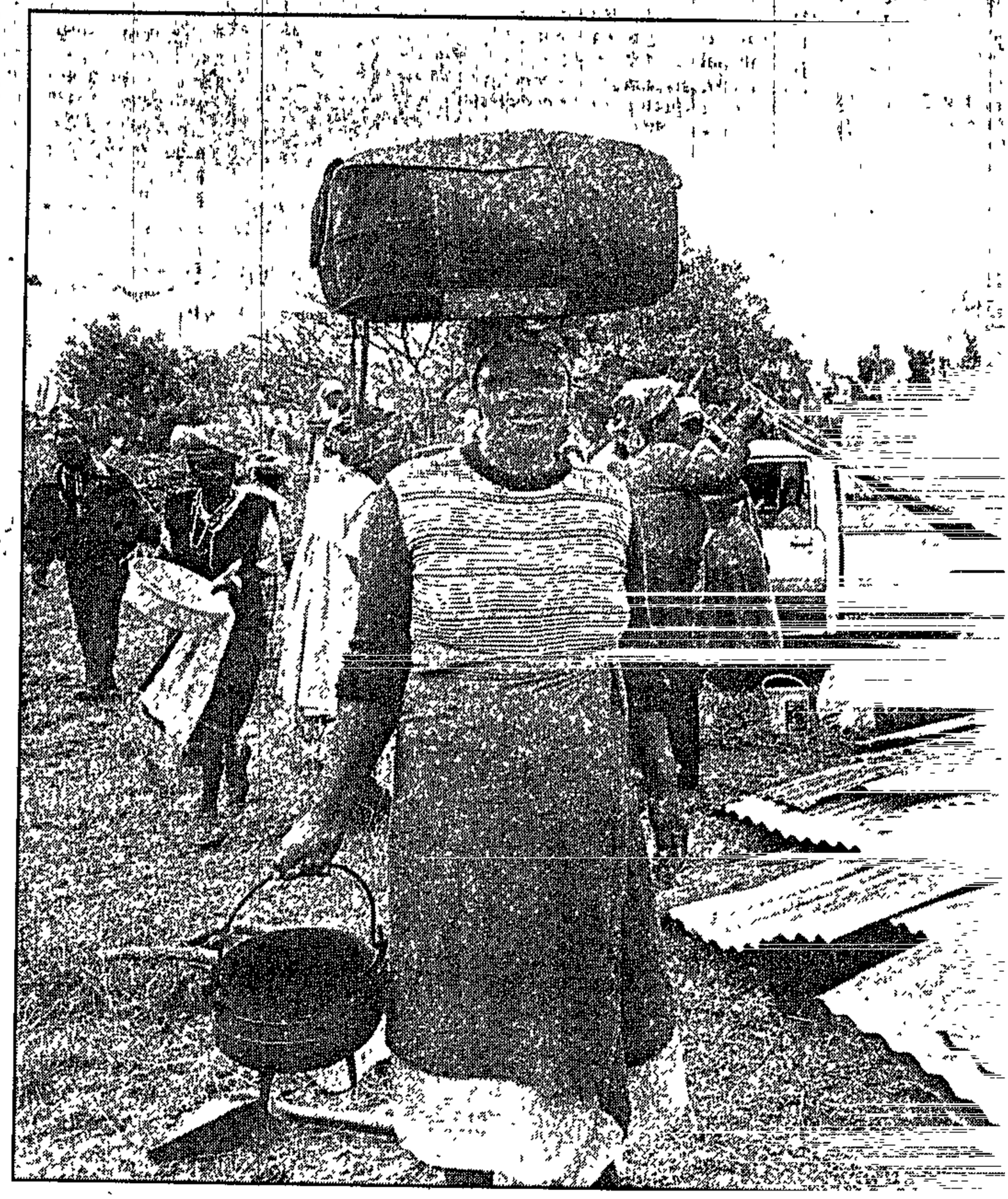
Alcockspruit Committee chairman Horatius Mabaso described the condition as "horrifying" and argued that compensation, over and above restitution, should flow from the Government to the community in the form of development aid.

"The compensation that was given to landowners can never be compared to the suffering endured by them." Communities lost more than land at the time of removal. Their homes, schools and churches were demolished. Their livestock was often lost or sold at a loss.

Chief director of land reform in the Department of Regional and Land Affairs Eric Buiten argues that the refunding of compensation is, quite literally, what restoration means: people get back their land and return to the State what they were paid for the land.

He believes a similar approach is implied in the Interim Constitution.

"Now I know some people would argue they were disadvantaged in other ways. Well, then you would have to make the calculation and claim compensation for this. It should be borne in mind that public funds would also be involved in the development of the land."



Staking their claim . . . members of the Mampuru community recently reclaimed land

Buiten says that a further reason for asking successful land claimants to refund compensation is that "we have to find an approach to restitution which is sustainable and affordable".

On the western Transvaal farm of Goedgevonden, which was reoccupied nearly three years ago by a section of the black community that had been removed in 1978, disputes have arisen around questions of equity in restoring the land.

At the weekend violence broke out between those who stood to gain from the scheme proposed by the Government and those who feared they would be excluded. People were shot and hacked and some required hospital

The Gover on Land Allocat the farm — people before i ed into 21 por as a site-and- families. The

need for restitution to the victims of forced re-ettle. Jo-Anne Collinge reports on the struggle of ties to return to their land

12/1/94

ver forced removals

(271)



reclaimed land after nearly 10 years.

PICTURE: GARY BERNARD

quired hospital treatment.

The Government-appointed Commission on Land Allocation (CLA) recommended that the farm — which was home to some 2 500 people before the removal — should be divided into 21 portions. One should be planned as a site-and-service village, initially for 60 families. The remaining 20 should be farming portions available for purchase by individuals from the community (prior to removal the community only leased the land) with loans from the Agricultural Credit Board.

For the majority of the community the plan offers nothing. Harald Winkler of the Transvaal Rural Action Committee observes that families other than the fortunate 80 accommodated in the plan would be left in the resettlement area of Vrischgewaagd "to eke out an existence in this overcrowded and arid western Transvaal area, under the repressive Bophuthatswana regime, with little chance of finding a job".

Deputy Minister of Agriculture and Land Affairs Tobie Meyer has taken issue with Winkler's argument that "the State is using its leverage of giving back land to extract concessions from the community regarding the way the people used to live and farm".

Says Winkler, the Government is trying to turn the process of restoration into an exercise in betterment planning, the hated land use concept imposed in the homelands in the '50s and '60s.

Meyer objects. The Government, he says, was merely trying to implement the CLA's recommendations. When it became clear that community members were "not completely in agreement with the basis of restoration" officials agreed to re-open talks.

At Mogopa, where half of the land which belonged to the community prior to removal was restored by means of negotiations outside CLA, there has been a protracted tussle over development assistance and planning

According to Winkler, officials tried to get the people to rebuild their village at a site fixed by technical experts, rather than respecting their wish to recreate their homes on the ruins of the old settlement.

When the community resisted all attempts by officials to dictate the terms of development, negotiations on services just ground to a halt, says Winkler. "The message seems to be that unless a community complies with the plans decided upon in Pretoria no services will be given to them "

Buiten says that residents are free to determine the course of development on the land they have regained. But, where the costs are significantly higher than the options put by experts "obviously the Government wouldn't be able to put in all the extra costs".

While rejecting the idea of bad faith in official quarters, Buiten acknowledges that land restoration is uncharted territory for the Government and that some mistakes have been made in the learning process.

He says he now feels that perhaps the Government should simply restore the situation which existed before removal — returning to the original group of residents the land which they held, under the form of tenure they enjoyed in the past. Changes in tenure and development initiatives should be negotiated, separately, later on.

No doubt, such a development would thrill the people of Mogopa who are still awaiting CLA's finding on the return of their second farm, Hartebeeslaagte, where most of their arable land lies.

Govt set to redistribute 30% of SA

271 ET 30/6/94

Political Staff

THE government intends redistributing 30% of South Africa's land over five years starting next year, Land Affairs Minister Mr Derek Hanekom said yesterday.

Mr Hanekom would not say what land would be targeted, but indicated it would include land owned by bankrupt white farmers as well as by the state.

White farmers indebted to the point where they were unable to service their debts — "the sequestration cases — should no longer be bailed out"

Security of tenure for tenants, such as farm workers who had lived on farms for generations, would also be addressed

"Obviously they want security of tenure where they are," Mr Hanekom said. It was a delicate issue, but a White Paper would be published after a thorough investigation.

The Sub-Division Act of 1970, which restricts the purchase of portions of larger plots of land, may be revised.

Mr Hanekom said he would ask for at least 10% — R250m — of this year's R2,5bn Reconstruction and Development Programme fund, most of which would be used for compensation payments under a land restitution programme.

Mr Hanekom said his department was also busy with a "major market reform initiative to rationalise financial institutions" such as the Land Bank, the Agricultural Credit Board and the Development Bank of Southern Africa.

He estimated that the land reform programme would cost R2bn a year for the next five years.

He said his department still planned to redistribute 30% of SA's land, as stated in the RDP, starting one year after the April election However, Mr Hanekom conceded that "there is no scientific basis for the 30% redistribution figure".

He said a cabinet memo was being prepared to appoint a committee to probe rural finance needs.

Financial institutions had to ensure that rural people got access to finance "both for land purchases and the establishment of small enterprises".

Financing

The Land Bank's mission had to be redefined, as "it cannot duplicate the functions of commercial banks".

The Land Bank would have to support the government's land reform programme, providing financing to "those who are unable to go the normal commercial bank routes".

Mr Hanekom said the restitution programme should be made law during the August parliamentary session, paving the way for the appointment of Land Claims Court judges and members of the Restitution of Land Rights Commission.

Real demand may, after all, not be for farmland

BDay 21/6/94

JOHN KANE-BERMAN

LAST week's statement by ANC election adviser Stan Greenberg that land redistribution was not a priority for voters flies in the face of conventional wisdom. It also contradicts assertions that people backed the ANC because it promised to redress land inequalities. The Economist recently claimed that "nearly all" of the 3,5-million people it said had been dumped into homelands wanted their land back. Yet Simon Barber reports from Washington that Greenberg attended "lots of focus groups" before the elections but, even in rural areas, "could not find a soul who said that land was what they wanted out of the elections".

Removals generated great bitterness, for example among the Bakubung community in the western Transvaal. As Betty Mooi, one of those removed and now restored to her home, said: "Our husbands were bitterly assaulted and tortured for saying they did not want to leave the land of their forefathers. Because of that, I'm no longer with my husband today. He is not here while the Bakubung celebrate their victory."

Last year a World Bank report warned that if SA did not embark upon large-scale land reform the consequences could include a peasants' insurrection. Only last month it was reported that more than 300 landless communitites were threatening to occupy land unless the clauses about expropriation in the Bill of Rights were revised.

And earlier in the year PAC leaders were enthusiastically received when they said: "We promise you the return of the land of our forefathers which was taken from you by force. If it means we must go back to the bush to return our land, we will do so."

Part of SA's shameful history is that much black agriculture was deliberately destroyed to reduce competition for white farmers and increase the supply of labour for white employers. This makes a powerful political case for redress, as does the forced removal policy.

There are also other potent reasons why black people willing to brave the elements to go farming should be encouraged. Mining, manufacturing and the tertiary sector will not grow fast enough to provide the jobs this country needs, so black enterprise in the agricultural sector will have to play a part.

Yet although it is widely assumed that there is huge demand for land, we do not know the size of this demand or what kind of demand it is. Of massive demand for housing land in the cities there is no doubt. Assessing demand for land to farm is more difficult. Perhaps it may be less than is sometimes assumed.

In 1977 Barbara Waite painstakingly compiled a huge map to illustrate forced removals. The map shows clearly how the social engineers pursued their policy of racial cleansing, for the arrows invariably point from so-called black spots in all the white-designated areas to homeland areas. It seems inconceivable that all these people will not want their land back, yet we need to examine the claims about this more closely.

Although more than a million of the victims of forced removals were evicted from white farms or black spots — black-owned farms outside the homelands — about a million were already living and working not on farms but in towns.

These were people in black townships adjoining white towns but close enough to the homelands for the townships to be disestablished and their residents shifted to the homelands, whence they would supposedly commute to work.

At one stage officials even toyed with disestablishing Soweto. The chairman of the West Rand Bantu Administration Board once told me he had flown by helicopter from Soweto to Bophuthatswana to see where a railway could be built. The Johannesburg workforce could be shuttled back and forth on Japanese-style bullet trains. Residents of townships on the East Rand were also due for removal and the bullet train shuttle service — in their case to and from KwaNdebele.

Neither of these schemes was implemented, but numerous others were. Lichtenberg and 13 other towns in the Transvaal had their townships disestablished in the 1970s and their people were moved to Itsoseng in Bophuthatswana. People were similarly removed from small towns in the Free State to Onverwacht, from Duncan Village outside East London to Mdantsane in the Ciskei, from Glencoe and Dundee to KwaZulu, and from Nylstroom and Naboomspruit to Steilloop in the west of Lebowa, to name a few.

These removals suggest why Greenberg might be right and the conventional wisdom wrong. The communities in question were urban communities, not farming communities. Perhaps, in fact, the predominant demand for land is not for land to farm but for housing land.

The white population is now largely urbanised, and the number of whites living in rural areas is diminishing. Black people are showing the same trend. In the 1980s, for example, the rate of increase of the urban African poulation was much greater than the overall growth rate of the African population.

Between the beginning of the 1990s and 2010 the urban African population is expected to double, whereas the African population in rural areas will grow by only 20%, so that 15 years from now nearly 70% of Africans will be urbanised.

It was, after all, the determination of people to move from the white platteland and the homelands to the cities that broke the pass laws.

☐ **Kane-Berman is SA Institute of Race Relations executive director.**

Deal to return land to removal victims

S1 Times 15/5/94

By CLAIRE ROBERTSON

NORTH-WEST farmers have begun to negotiate an amicable deal to give up their farms — at a price — to the community removed from the land under apartheid laws 20 years ago.

They are the first of nine groups of farmers in the former Transvaal province who have been offered a "short-cut" deal by the previous government.

The deal involves the state buying up farms at market value and returning the land to dispossessed communities.

The approach — aimed at avoiding delays by having to go through the proposed land claims court and land restitution commission processes — was brokered by Deputy Minister of Land Affairs Tobie Meyer, and approved by the National Party cabinet during its last month in office.

Mr Meyer, who has retained his post in the new government, said this week he would try to convince the new Minister of Land Affairs, Mr Derek Hanekom, that "this is the route to go — we have the money, we can save a year of these communities' time, and it is only fair that farmers get market value".

The exercise should cost no more than R40-million, he said.

The approach to unravelling this apartheid dilemma — restitution of contested land in private hands — had been approved by the ANC at the time it was mooted.

But Mr Meyer conceded that Mr Hanekom had expressed doubts about market values being the only criteria for setting the price of the land

The National Land Committee, an independent umbrella body comprising nine organisations which service rural and landless communities, is alarmed at the deal It has accused government officials of hurriedly brokering profitable land deals for white farmers, risking serious depletion of the land reform budget.

The land involved in the North-West case is the 10 000ha Dithakwaneng Reserve, an 1889 crown grant from Queen Victoria's colonial regime.

The community which inhabited the land was removed from it by the SA government in 1973, and trucked 300km to Deerwaard. The land was divided into five farms and sold, 10 years later, to private farmers or closed corporations.

The Dithakwaneng community resisted the move, and lodged a claim for the land with the government's Commission on Land Allocation in 1992. Nothing happened for at least two years.

"Then suddenly last month the department came with a cut-and-dried deal. I was surprised and suspicious," said former NLC field worker and now ANC MP Jomo Khase.

Mr Khase said what most concerned him was the fact that "market value" was the only criterion set by the department for compensating the farmers who had bought the Dithakwaneng land.

"There should have been a proper audit of the disputed lands to determine how productive they had been, (and) what price was originally paid."

National Land Committee advocacy officer Brendan Pearce concurred: "Our problem is that this deal is happening between the farmers and the old government, without working to a formula for compensation which will be set out in the new Act."

Mr Pearce was referring to a land reform Act to be considered this year by parliament, enabling legislation needed to give life to constitutional measures for land restitution, such as the Commission on Restitution of Land Rights.

"The danger is that the government is giving lots and lots of money to white farmers — who are laughing all the way to the bank — and bankrupting the budget for land reform before it is even drawn up," said Mr Pearce (271)

Fears that farmers might profit unduly from the transaction date back to the Mfengu case two months ago, when the state paid R35,72-million in an out-of-court settlement for 19 dairy farms developed on land originally owned by the Mfengu people of Tsitsikamma (2331

At the time, the ANC criticised the settlement as "outrageously weighted in the farmers' favour" and accused Mr Meyer of trying to win votes.

Whether or not the Dithakwaneng farmers will make a huge profit is moot. The deeds for their properties do not list purchase prices, and farmers contacted could not recall what they had paid for the farms 10 years ago.

They obtained the farms under the Agricultural Credit Act, which sold undeveloped state land — often bought for a pittance from black inhabitants who were forced to move — cheaply to white farmers who could not afford to buy on the open market.

After 10 years, all profits from the sale of the farms were theirs to keep One of the Dithakwaneng farms was sold after 10 years for R1,2-million

Some of the farms are occupied and have been vastly improved, at the farmers' expense, over the years Some are no more than undeveloped veld where the owners keep their herds of cattle.

Mrs Betty Niemann, whose husband, Evert, owns one of the farms, said: "If we had known those people would ever demand their land back again, we would never have come here."

The SA Agricultural Union's deputy director of general services, Mr Kobus Kleynhans, said formulas for compensation based on factors other than market value alone were impossible to implement.

Rights bill 'limits land reform'

(B 271)

CT 10/5/94

JOHANNESBURG. — The National Land Committee has urged the new government to urgently review the property rights and restitution clauses of the interim Bill of Rights, which it claims severely limits land reform.

At a news conference here yesterday the committee said it was concerned about constitutionally entrenched market-related compensation.

If it was calculated at "market value" farmers would be enriched for the second time — first when through apartheid they bought their land cheaply, and then when the state bought it back, spokeswoman Ms Lydia Mariha said.

The market-related formula would leave no resources to continue with an effective redistribution programme.

The NLC said it welcomed the ANC's commitment to redistribute "30% of the land in the first five years", but as state land alone would be used for redistribution and restitution, the government's ability to fulfil its commitment would be severely limited. — Sapa

Land invasion — challenge for SA

CT 28/3/14 271

By ANNE BERNSTEIN

LAND invasion is often a desperate and risky strategy adopted by the poor to gain access to urban land, says a new research report released by the Urban Foundation's Development Strategy and Policy Unit.

Up to now, invasions have occurred on a relatively limited scale in South African cities.

However, the country will face a particular challenge after the elections.

Evidence from many Third World countries shows that land occupation has burgeoned during transitionary periods, especially if the new political environment is seen to be more democratic, and if land management policy and practice is in a state of uncertainty.

According to the report "Urban Land Invasion: The International Experience", millions of poor people in cities and towns throughout the developing world have resorted to invasion, and increasingly to other forms of authorised or semi-legal residential settlement as a means to secure residential land.

They have taken this route mainly because affordable legal alternatives are not available.

However, a significant new international trend is the rise of "commercial substandard subdivision", in which "developers" illegally or semi-legally subdivide vacant land in or around cities, instal minimal services, and then sell plots to poor homeseekers.

The subdivision and servicing processes often contravene township establishment regulations, but are either ignored by governments, or "brokered" by officials who make "deals" with the developers.

In South Africa, says the Urban Foundation, the threat of urban land invasion or unauthorised forms of "pirate urbanisation" will pose thorny political and policy questions for new central, regional and local government.

A fundamental issue is the tension between property rights, effective urban management and the urgent needs of poorer South Africans.

With respect to land invasion the new authorities will have both immediate and longer-term challenges:

The task in the period immediately after elections will be to diminish uncertainties about land and to channel popular energy and expectations in such a way that land invasions do not take place.

In the medium term the legitimate and substantial demand for affordable land in the urban areas will have to be met.

And this will have to be done in such a way as to promote the increased economic growth and development of the cities and towns.

This is a very tough challenge. The key lessons of the international experience show that:

● land invaders are almost without exception urban people fleeing overcrowded and physically degraded residential circumstances — the worse these conditions, the greater the invasion threat;

● if affordable urban land is not available at the scale required, land will be appropriated by individuals and communities in unauthorised ways;

● settlements that arise from land invasion pose tough practical demands on the public authorities who will in time have to provide services and resources to these communities.

The Foundation argues that delivery is thus the critical national and urban imperative for South Africa. The public sector will not be able to meet this challenge on its own.

Effective delivery of land for the urban population will require the involvement of all the country's resources, public and private.

The Urban Foundation's international research shows that other governments which have had to manage a huge demand for urban land in times of social and political transition have struggled to find a consistent and developmentally-sound approach.

For example, both Nicaragua and Zimbabwe have swung between the extremes of seeking to accommodate invasion and the mass demolition of the shacks built by invaders.

The Sandinista administration in Nicaragua, in particular, displayed alarming and disruptive policy vacillations.

At first, the new government acted sympathetically toward "progressive urbanisation" in the form of invasion settlements.

Later, however, the Nicaraguan authorities changed direction dramatically and tried to enforce a policy of removing invaders of rural settlements.

This policy resulted in a no-win double-bind: the invaders resisted being moved because they were city people, and the policy led to the neglect of urban development, and hence created the conditions for more invasion.

Land posers for a new government

271 2 18-24/2/94

Rural communities got together at the weekend to draw up land demands, reports **Estelle Randall**

RADICAL demands for land reform which emerged last weekend could set rural and other deprived communities on a collision course with land-owners and a future government.

More than 700 delegates representing about 350 communities voiced their land and development needs at a watershed conference organised by the National Land Committee in Bloemfontein last weekend, saying: "We will not sit back and watch as the wealth builds up in the cities, while on the edges of the cities, in the small towns and the countryside, we continue to suffer and starve."

The conference rejected 1913 as a cut-off date for land claims, setting it at 1652. It also called for the scrapping of property rights and restitution clauses in the interim constitution and tabled ambitious demands for farmworker and labour-tenant rights.

The National Party and the South African Agricultural Union slammed the demands as unrealistic and part of an attempt to give a future ANC-dominated government the excuse to embark on a land redistribution programme.

Derek Hanekom of the ANC's land desk dismissed this as over-reaction. "I think it's fine that people express their demands."

However, the ANC would not accede to a land court considering claims dating back to 1652. Between 1960 and 1982 alone, an estimated three million black people were dispossessed under apartheid laws.

"We believe a land claims court must be effective and for this to happen, it has to deal with very specific claims," Hanekom said. "We believe 1913 is an acceptable cut-off date."

It was also unlikely property rights and restitution clauses in the interim constitution would be set aside. "It would be possible for parliament to consider amendments if these proved to be hindrances to a land restoration programme," he said. "But we don't believe that these clauses would inhibit a future government from expropriating land for restitution."

The ANC proposed using a market and state-assisted process for redistribution rather than expropriating land. Said Hanekom: "We don't need a constitutional guarantee for this." People had to come to terms with the fact that the interim constitution was a compromise document.

National Land Committee national advocacy officer Brendan Pearce said the 1652 demand arose because some communities represented at the conference had claims pre-dating 1913. He believed the "realities of the situation" would lead communities to realise the demand was unreasonable.

"My personal view is that it would be very difficult. One problem would be providing a court with evidence ... It would also get complicated because of South Africa's history of land conquest and dispossession. Land has changed hands so many times."

But delegates were determined that the property rights and restitution clauses be scrapped. "They have threatened to occupy land, if necessary There is likely to be a lot of confict around the issue, but I think a new government will be forced to accommodate communities' demands."

Delegates will meet again towards the end of February to discuss a plan of action to further the demands made at the conference and will be approaching the Transitional Executive Council.

South 412 - 8/2/94

Evicted by the council's fruitless plans

Millions of people lost their properties under the Group Areas Act. Still more lost their homes when the City Council announced its own plans for the land. **JOSEPH ARANES** spoke to people determined to claim back what was theirs:



STOLEN LAND: Mrs Rachel Stoltenkamp sits on a newly erected fence around land that once belonged to her parents

IT WAS 1938 when Mrs Rachel Stoltenkamp, now aged 62, moved to Athlone's Welcome Estate from Aliwal North with her parents. The family moved to Cape Town because the father was very ill and needed treatment at the local hospital.

Two years later they bought four plots.

"We were very poor and I was forced to leave school and help my mother work so we could pay for the property and build a house," Stoltenkamp remembers.

"In 1954 the council passed our house plan and we were allowed to build our dream home on our land.

"But our dream was short-lived because a few years later the council informed us they needed our property to build a playing field and park for the children of the area.

"They bulldozed our homes and gardens and we were paid a meagre R800 for our four plots and were told to go to the housing office where we were allocated a council dwelling."

Mrs Stoltenkamp's family was one of the many who were evicted and in some instances forcibly removed from Welcome estate — not only because of the Group Areas Act, but because the City Council had its own plans for the land the people owned.

Mrs Stoltenkamp said some of her neighbours were black and they were evicted without being compensated because of the Group Areas Act. Others were paid R200 a plot.

"They broke up our whole community and spread us all over the Cape Flats.

"To make matters worse, the land was left vacant until about three years ago when the council finally cleared the area, planted grass and fenced it in. They are planning to convert it into a rugby field.

"We were robbed of our land. Our problem was our parents were not educated enough. It was a matter of *ja baas, nee baas.*"

Mrs Anne-Marie Bothma, who was moved to a flat in Heideveld, said her family bought property in 1958 and built their home on land in 1st Street, Welcome Estate.

"About 10 years ago we got a letter from the Cape Provincial Administration stating they were going to expropriate a portion of our land as they wanted to build a road through our property. (271) (81)

"Later we received a lawyer's letter stating that our land had been sold to a Mr Benjamin and that we had six months to find alternative accommodation.

"One day I arrived home from work and found all my furniture standing in the street. Mr Benjamin was busy building a house on the property."

Mrs Bothma said up until today she still does not know how her land was sold without her knowledge and why there is no road through the property.

The council paid her R4 800 for the land. In a letter addressed to UCT's legal aid clinic dated May 9, 1978, the then town clerk Mr R Steyn wrote: "The council required her land for the provision of open spaces.

"Of this only a portion was required for open space purposes and therefore the council is transferring the balance of the area to Mr TWP Benjamin and others in exchange for other land also required for open space.

"Mrs Bothma was not offered this land as it could only be used if consolidated with the adjoining property, owing to its smallness."

The Heideveld Civic Association, an affiliate of the South African National Civic Organisation (SANCO), got involved in the dispute when residents living near the proposed rugby field in 4th Street opposed the council's plan.

Chairperson of the association, Mr Yasir Pearce, said they are taking the matter to the Land Commission and have told council to suspend its plans for vacant land in the area.

"There is a general agreement in all areas that the council cannot start selling off land which they control without consulting the communities affected by it.

"We are trying to trace all the owners to find out from them if they are interested in getting their land back.

"The civic is prepared to negotiate with the council to buy back the land at the same price they paid the people before they were forced off their properties," Pearce said.

"We are not prepared to allow the council to sell it back at market-related prices."

A spokesperson for the city council's estates manager's office, Mr Gordon Johnson, said all vacant land held by the council and zoned for residential purposes is usually sold at market-related prices.

"In the past land was expropriated quite regularly if council needed it for other purposes, but the owners were always paid market-related prices. Today we try not to expropriate land but rather negotiate with the owners until a suitable agreement is reached."

Johnson said he could not respond to question put to him concerning the allegations because he needed more time to investigate.

PEOPLE'S LIVES *Dawn of an era in Charlestown*



Coming back home was a prayer answered for the children of Charlestown.

Home is where your ancestors lie

Sowetan 28/1/94

By Musa Zondi
Enviromental Reporter

AS THE LANDSCAPE CHANGES, so does the air. It becomes fresher. Even before you see the sign that says "Welcome to Natal", you feel you are in a different place.

The valleys start rolling — in typical KwaZulu fashion — and the greenery takes over from the Transvaal's dull grey. Now the road leads to Newcastle but unfortunately, the journey has ended for the *Sowetan* team.

This is Charlestown in Northern Natal. In November last year, this area gained prominence in the news as people forcibly removed two decades ago came back.

Now, three months after this community moved back to their land, we revisited the area to see how they are coping with the new challenges in their lives.

Mrs Christina Xaba symbolises the spirit of the community, the determination to make things work against all odds.

She was born in Charlestown in 1954. She was in her early 20s when they were forcibly removed in 1977.

She says during the removals, some people lost their lives, their property and livestock. They were then moved to Osizweni (meaning "where help is being offered") in Newcastle.

"Here we could not be happy. The place had all the conveniences like electricity and running water but it was not home. We always lived in the hope that we would come back," she says.

Hard realities

Now that the euphoria of moving has subsided, hard realities confront the community They have had to rebuild their houses, start school, find running water and have the roads fixed It is taking time and effort to satisfy all these needs but the work put into this is beginning to bear fruit

The school is up and running. An old factory is being used to house almost 206 schoolchildren. When *Sowetan* visited the school, the classes were drenched in water but enthusiastic teachers were hard at work.

Xaba is a principal at the school. There is no furniture yet and children are promised plastic chairs by the Department of Education and Training The furniture has not been provided yet because the DET says the factory they order from has gone into liquidation.

There are no lights. The classrooms look like a warehouse. But Xaba says this is just temporary. "We will be moving into another structure where the old school was between May and June."

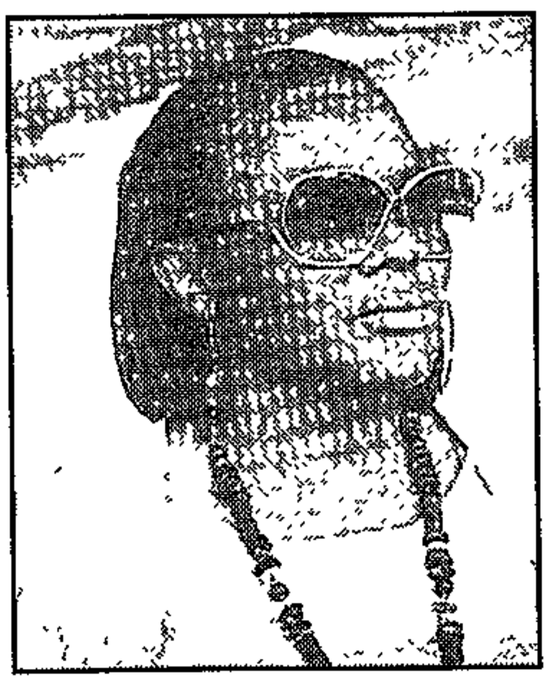
They have established a committee between the black residents of Charlestown and their white counterparts

The committee is called Allocation and Development of Charlestown and its greatest responsibility is to see to it that basic amenities are provided for the residents.

The committee is already seeing to it that there is fresh water for the community.

■ COMING BACK *Drawbacks?*

Yes, but they are there to be overcome:



Mrs Christina Xaba ... for her it boils down to one thing: this is home.

"Now that the euphoria of moving has subsided, hard realities have confronted the community"

But what makes people leave a place where they had running water and electricity and all the other conveniences of a modern life?

For Mrs Xaba, it boils down to one thing really. "This is home. Even if we had all those things at Osizweni, it was a foreign place for us. Also the fact that they brought in a lot of people from different areas like Alcockspruit and they were dumped here as well. There was never that community bond between us," she says.

Not rushing

People however are not rushing back to Charlestown. Mrs Xaba says this is because they have no money to move. "When the Government removed us, they provided transport. Now no one is helping people to go back."

But the biggest problem now is unemployment in the area. There are a few factories but others moved to Newcastle when the community was moved.

But with the cooperation of residents and the committee, Mrs Xaba thinks they will go a long way.

Her sentiments were echoed By Mr Nimrod Mthethwa (64) who said people were not coming back in droves because they do not have the building materials they need.

Livestock lease

Mthethwa has resettled exactly where his house used to be.

He has livestock which he leased to the white farmers when he was moved.

He says this year he won't plant anything because they arrived too late to plant.

But he knows this area and says the soil is rich.

But the main thing that people here wanted to highlight was the help they received from the Association for Rural Advancement based in Maritzburg. They say the organisation was instrumental in making sure they got their land back.

But as the car skids away in the mud, we think to ourselves, this community has still a long way to go.

But with the determination shown, their destination is just around the corner.

Squatters warn of legal action

GAVIN DU VENAGE

THE Nooitgedacht squatters evicted from a farm in the area at the weekend may take legal action against residents who forcibly moved them, squatter representative Mathole Motshekga said yesterday.

He alleged building material had gone missing and personal belongings had been damaged in the move to Swanieville about 40km away.

Motshekga accused residents and the Transvaal Provincial Administration (TPA) of having negotiated in bad faith on the issue by participating in discussions while knowing they intended to evict the squatters.

Residents' spokesman Bruce Finnemore said threats of legal action "were standard procedure" after legal evictions and had been expected. He added that the Nooitgedacht site was being cleaned up and would be fenced off. If any squatters returned they would be charged with trespassing, he said.

TPA spokesman Gert de Jager said accusations that the TPA had failed to act in time against the squatters were not true.

He accused local residents of failing to take action against a local land owner who had allowed the first five families to take up residence on his farm.

De Jager added that it was similar to previous situations where people had been allowed to squat on property as long as it had suited the property owner.

He said it was the responsibility of the land owner to remove illegal tenants. Failing this, it was the responsibility of the local authority to act.

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Squatters happy to find a home

Star 13/1/94

■ BY ABDUL MILAZI

Nooitgedacht squatters yesterday erected their shacks in Rietvallei on the West Rand, where they have been allocated land by the Transvaal Provincial Administration (TPA).

They had been temporarily housed at the Azaadville Community Centre after their forced removal by Muldersdrift landowners on Saturday.

Their arrival in Swanieville this week sparked tensions between local ANC and IFP supporters, leaving one squatter dead and five injured. (2-71)

The squatters were ecstatic yesterday that they had found a place they could call home.

TPA spokesman Gert de Jager said the squatters were initially to be relocated in Swanieville Extension 1 but the administration had decided to resettle them, about 9 km away at Rietvallei.

West Rand Peace Committee chairman Dr Benoni van Graan said the squatters would be accommodated on the Rietvallei strip until the land between Azaadville and the Wonderfontein stream, earmarked by the TPA for development as a township, was fully developed.

■ The Soweto Civic Association last night asked the Central Witwatersrand Metropolitan Chamber to call for the immediate dismissal of Johannesburg Symphony Orchestra conductor Pierdar Fourie for his alleged involvement in the forced removal of the squatters from Nooitgedacht on Saturday.



BUILDING BLUES: Chris Joseph Mandlakazi supervises the drilling of pole holes as the Nooitgedacht squatters start constructing temporary shacks all over again. ● Photographs: MICHAEL NICOLAOU

Star 15/11/94

Removals were 'unreasonable and inhuman'

JOE LOUW

ANC local government spokesman Mathole Motshega has slammed the forced removal of squatter families from Nooitgedacht near Mulderdsdrift as "treacherous, inhuman and unreasonable" (271)

And he accused both the TPA and landowner associations involved of having negotiated in bad faith throughout the four months that the issue was under discussion (3 months)

"It is clear that when they were negotiating, both the TPA and the landowners had already reached an agreement that the people would be evicted and that they were talking with us only to get our collaboration to forcibly move the people to Rietvlei. When they realised that we would not do so, they walked out There was never any good faith in those negotiations



MOMENT OF RESPITE: Despite their many tribulations, these Nooitgedacht women find something to giggle about.

"A very dangerous precedent has been created here, where landowners take the law into their own hands to evict people People will be forced to defend themselves and then we will have a very ghastly situation in our country"

Motshega vowed that the ANC would fight to have the situation reversed.

The ANC has instructed lawyers to look into the forced removal with a view to compensating the squatters for property lost, damaged or stolen

Meanwhile, the Nooitgedacht and Adjoining Landowners' Association issued a statement claiming to have been left in the lurch by the TPA which, it says, "reneged on a vital undertaking to remove the squatter community as late as one hour before the landowners' deadline for their eviction"

Landowners had been frustrated by the protracted and unresolved negotiations with the ANC, civics and TPA

"Paramount in the minds of the landowners had been respect for the community's property and the safety of all involved," the statement said

This land was their land

CPress 16/11/94

By SHADLEY NASH

A NEW body is expected to hear land claims running into millions of rands by hundreds of Port Elizabeth residents who were forced out of their homes by the Nationalist's Group Areas Act.

The claims, mainly from coloured residents removed from Fairview, South End, Korsten and Salisbury Park, are expected to be addressed by a representative forum established in the city recently.

The forum was launched after a high-powered meeting between the Port Elizabeth Land and Community Restoration Association (Pelcra), the Port Elizabeth municipality and city council, Cape Provincial Administration and the Department of Regional Land Affairs.

Pelcra spokesman Danny Jordaan said the central requirement was that the forum "deliver the goods".

"We are hoping the statutory bodies in the forum will come with a mandate to settle the issues."

Department of Regional Land Affairs physical planning director Robert Smith said the forum would meet in mid-February to map out frames of reference.

Pelcra has already won significant concessions from the PE city council and property developers.

(271)

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573

Landowners pleased by squatter removals

GAVIN DU VENAGE

RESIDENTS of the rural area northwest of Johannesburg have "taken heart" after the eviction of the Nooitgedacht squatters and some say such forced removals could take place again.

Last week residents launched a dawn raid to remove the squatters after their negotiations with the squatters and the ANC had broken down. B1D04 17/11/94

Residents' spokesman Bruce Finnemore said the committee that oversaw the eviction had been flooded with inquiries from landowners who wanted to remove people from their land. He said at least five other squatter communities were living illegally in the area. (271)(~~270~~)

Residents were encouraged that they did not have to rely on a "lame duck" authority to take action.

Finnemore said residents did not have a vendetta against homeless people, but wanted to prevent uncontrolled squatting.

He said some of the farmers had allowed a few people to settle on their land, but a few dwellings quickly spread to become an uncontrollable problem. He conceded that some farmers had been "shack farming" and wanted to remove people after they stopped paying.

Transvaal Provincial Administration spokesman Gert de Jager said many farmers "were creating their own problems".

He said they rented out land to squatters. When squatters demanded services such as water and sanitation, and held back payment until these were provided, farmers would then try to have them evicted.

He said it was an individual landowner's responsibility to remove illegal residents from his property.

BULLIES WHO SPOKE BULL



By MARTIN NTSOELENGOE

LIFE has turned into hell for struggling former Nooitgedacht squatters, after they were forcibly chased from their shackland by landowners and AWB storm troopers.

Take the case of mother of two Lydia Mogapi: She is a domestic worker at Nooitgedacht, and before the forceful evictions she walked to work. Now, dumped several kilometres away, she has to wake up some three hours earlier to take a taxi from Swanieville to Leratong Hospital, then another one to Krugersdorp taxi rank, then a third one to Lion Park, from where she has to walk another three kilometres to work.

The trip costs her a whopping R18 a day.

The eviction has caused a hue and cry among several organisations, and the Soweto Civic Association has called for the resignation of Johannesburg Symphony Orchestra conductor Pienaar Fourie, who was also allegedly involved in the removals.

The request by the SCA will be discussed at a meeting of the Witwatersrand Metropolitan Chamber.

JSO chairman Ian Gray said the orchestra was an amateur body and that the chamber had no jurisdiction to call for Fourie's dismissal.



HOMELESS . . . Pensioner Delta Phiri.

Promise of peace, then racists struck

In his reply Fourie said he was only trying to uphold law and order on his farm.

What angered the squatters was that the land owners took them by surprise. The Nooitgedacht land owners agreed at a meeting in Pretoria, a day before the squatters were forcibly removed, to give them a chance until the TPA found a suitable place for them.

The meeting had been attended by the ANC and a squatter delegation.

But then the landowners reneged on their promise.

The squatters spent last Saturday night in the drenching rain, before they were accommodated at the Azaadville Community Centre the following day. Food was supplied by the West Rand Regional Service Council. Most of their bedding, clothes and mattresses were destroyed.

They accused AWB members of having been arrogant, spiteful and extremely rude during the forced removals. [illegible] that they have to do without even a toilet. [illegible] is another discomfort – fighting broke out between squatters and Inkatha-supporting communities in the [illegible]

Their arrival in Swanieville was interpreted by some Inkatha supporters as a ploy by the ANC to beef up its stronghold in the area.

Their children, who have been attending school at nearby Zwartkop and Witkoppen, will not be attending school this year because the schools are too far away.

Pensioners from Nooitgedacht are also hard hit by the forced removals.

Granny Delta Phiri, who is caring for three schoolgoing kids, said she was not sure whether she would get her end-of-January pension.

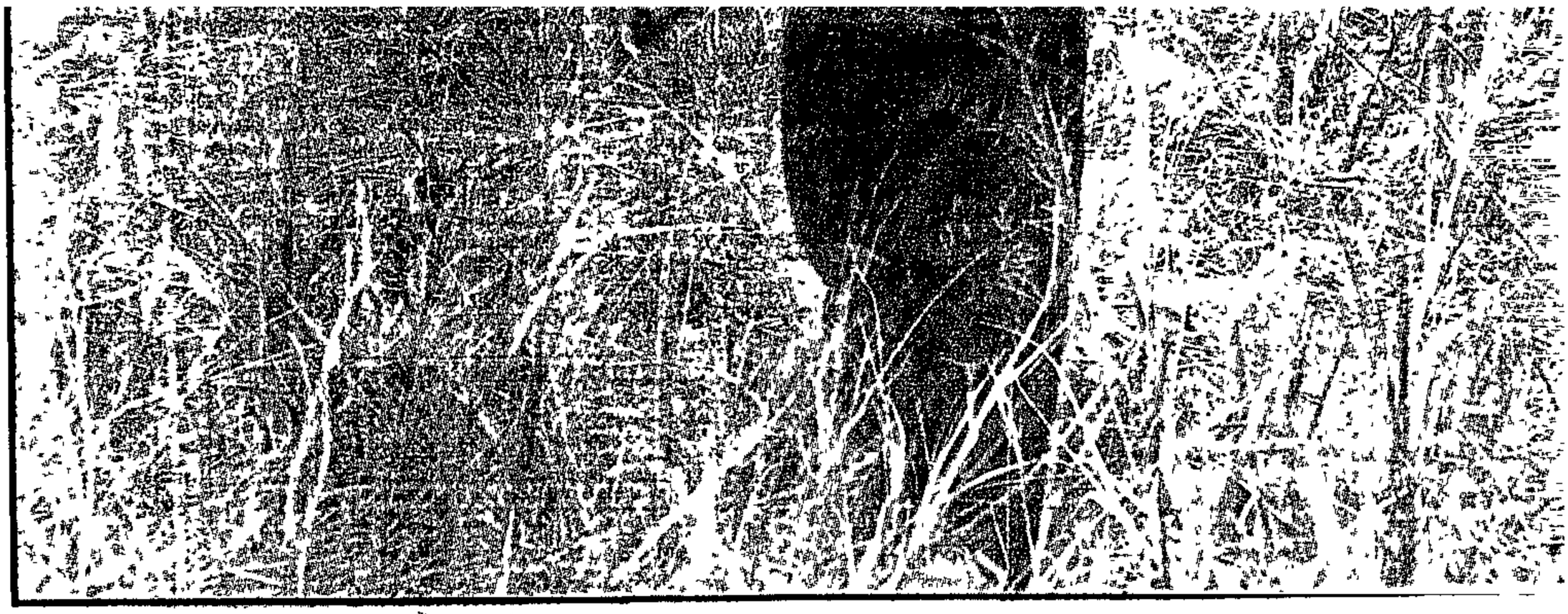
Phiri said her two daughters were unemployed and depended on her R370 monthly pension for support.

She said she was born in Nooitgedacht and had lived and worked for farmers there since a very early age. Phiri said forced removals and raids were nothing new.

City Press visited the new squatter camp and saw men and women busy trying to erect shelter for their families. Most have not adjusted to their new environment and are still sleeping in the open veld.



UNFEELING . . . The children of Nooitgedacht were traumatised when local landowners, farmers and AWB racists stormed into their community and tore it down – in the process laying





UNFEELING . . . The children of Nooitgedacht were traumatised when local landowners, farmers and AWB racists stormed into their community and tore it down – in the process laying waste to their wordly possessions – bedding, crockery, furniture, clothing, the works. ■ Pics: JONAS MANKGA

We will not move, say Bophelong squatters

By STAN MHLONGO

THE bells ringing in South Africa's first democratic elections on April 27 don't seem to be ringing for Bophelong squatters.

Residents of the Chris Hani squatter camp in the area are living in fear of old-style-apartheid forced removals by the conservative Vanderbijlpark Town Council.

Town clerk Chris Beukes said the squatters were given notice on January 12 to leave the area as it belonged to the VTC.

Some of the 300 squatters claim that police in Casspirs, tractors and bulldozers slept on the border of Bophelong and Vanderbijlpark on Tuesday night.

Some shacks were destroyed this week. Only intervention by the local SA National Civic Association branch saved the whole area from being demolished.

Most of the squatters oppose removal – especially as they are to be resettled in an area they have named "Mangosuthu". They believe this to be a new Inkatha settlement on the outskirts of Evaton and Sebokeng next to the main road to Johannesburg.

The area is officially known as Johan Deo and scores of former KwaMadala hostel inmates, most whom are Inkatha members, are said to live there.

Sanco spokesman for Bophelong Duma Plaatjie said the community patrolled the Chris Hani squatter camp all night on Monday and Tuesday in fear of a rightwing attack.

He said the VTC had postponed evictions to a later date after a delegation of Bophelong residents met with Bophelong administrator Johan Killian.

Killian said: "Several squatters are there illegally. A new government will soon be in power, but this does not mean that such blatant and illegal occupation of land must be condoned.

"I have great sympathy with the plight of the homeless, which is what prompted me to intervene and ask the VTC to postpone the removals."

Killian denied allegations that KwaMadala hostel inmates were going to be resettled at Johan Deo. He said that "somebody" must be trying to gain political mileage by setting a scene of confrontation between the squatters and the VTC.

The squatters have threatened to muster support from residents in the neighbouring townships of Bophelong, Boipatong, Sebokeng, Sharpeville and Evaton to resist the removals.

A Bophelong resident was this week allegedly threatened with dismissal by the Vanderbijlpark municipality after being accused of spitting at a white official during an argument over the evictions.

returns to death in the family

Squatters' fight to live

Sowetan 28/1/94

■ ENDURING HARDSHIPS It has not been easy settling at Swanieville:

By Joshua Raboroko

MOST OF THE 104 squatters who were forcefully resettled at the Swanieville camp have erected new structures while some have returned to Nooitgedacht to be near their workplaces.

Their shacks were demolished and their goods loaded on trucks by farmers who later resettled them in Swanieville on the West Rand three weeks ago.

The squatters experienced difficulties in obtaining land to erect new homes until the local authorities decided to allocate space for them on the outskirts of Swanieville (270) (271)

One of the squatters, Mr Chris Mandlakazi, said yesterday that the TPA had provided land for them but they still endured hardships because they had lost their materials when they were forcefully removed.

Mandlakazi, who is unemployed, said the residents in the area were unhappy with the conditions at the camp because it seemed they had brought problems to political parties.

He lost his job because he could not afford to travel between Swanieville and Randburg daily.

"The taxi fare between the areas is R23 a day," he said. "I have three children and with the rising cost of living I cannot afford to spend the little I earn travelling to work," he said.

Mr Killer Mkwanazi, who also lost his job, said it was difficult to find accommodation.

Most of the women and children were staying at the Azaadville Community Hall while men were looking for a piece of land to settle on.

Squatters interviewed by *Sowetan* yesterday explained their frustrations, which started the day white farmers bulldozed their homes and resettled them in the area.

They said that some had gone back to Nooitgedacht to be near their workplaces.

A spokesman for the TPA said that some accommodation had been found for the residents.

Meanwhile Premier Foods has made a temporary site available for squatters removed from Nooitgedacht. The Randburg Council has agreed to join the company in providing services for the settlement in Riverbend Extension 8 near Bloubosrand.

Bakubung back where they belong

wm 4-10/3/94 (271)

The land around Boons demands tenacity of those who call it their own. This week, black farmers returned after 27 years in apartheid's diaspora, writes Stephen Laufer



Damaria Mathupe ... Back in the land of her forefathers PHOTOS GUY ADAMS



Home again ... Bakubung ba Ratheo tribespeople reclaim their land

THE RAINS have been good this year in the Western Transvaal The mealies stand high and straight on each side of the road from Magaliesburg to Boons The sunflowers are in full bloom, and the grazing is green and plentiful

Yet the lushness of the landscape and the fatness of the cattle hide a harsher reality Boons is one of those places scarred by apartheid's fault lines, a land which demands great tenacity of all who call it their own.

Like Damaria Mathupe aged 106, she returned this week to the land her forefathers owned, determined to be a part of its repossession 27 years after apartheid's administrators took it. "I always said I don't want to be buried in Soweto," she said "I want to be laid to rest where I was born "

Mathupe was among the Bakubung ba Ratheo tribespeople forcibly removed to a dumping ground called Ledig in Bophutha-tswana after their farms in the Boons area were declared a "black spot" in August 1966

Verwoerd's apostles were in full cry, and for black landowners, title deeds weren't worth the paper they were written on It was to take a quarter of a century after the last families were driven out in 1969 before the government's Commission on Land Allocation decided it should be returned

Life for Mathupe in the intervening years was about gritting her teeth and enduring one indignity after another. It consisted of being trucked to Bop's barren lands, then shunted to Soweto, there to live with family members struggling to make ends meet.

But like other members of the community, Mathupe never gave up She grew older, wrinkled, slow But the sweet grass, the fruit trees, the plentiful water they had left behind never stopped beckoning.

"Many of us resisted the removals," tribal elder George Monnakgotla recalled as he rested on an upturned drum. "For two years, we never budged Then we were arrested and spent nine months in Pretoria Central They detained us under the Terrorism Act. Some of us were terribly tortured." The backbone of their resistance broken, the last 80 families were removed to Ledig.

Used to making a good living through cash crops and subsistence farming, the community found the land at Ledig unable to support them. "We couldn't farm there. The men had to go into the towns in search of work," said Monnakgotla.

Along with many of the Boons Bakubung, he found a succession of jobs in the factories of the Reef and accommodation in Soweto. Once settled, independent farmers, they became industrial labourers, members of apartheid's transient proletariat But still they thought of their land. "We never accepted the removals. We made sure the community kept together by meeting every third Sunday of the month in Meadowlands. There we would discuss how to get back here," said Monnakgotla.

They approached the South African Council of Churches, lawyers and the Black Sash for assistance. Finally, two years ago, the tribe submitted a formal claim with the help of the Transvaal Rural Action Committee And won.

But when they turned up to take possession on December 1, the gate was locked against them, and the white farmer who has leased the land from the government since 1969 "asked us for a further three months to graze his cattle, as he had not been given notice to vacate the land", said Monnakgotla "We said okay — after 28 years, now three months won't make a difference."

As the final handover neared this week, tensions rose. Rumours had it the Afrikaner Weerstandsbeweging would prevent the Bakubung from repossessing their land.

Hints which had to be taken seriously, because white farmers in the area are no less tenacious when it comes to the soil *Hierdie is ons volkstaat* — this is our *volkstaat* — proclaim large stickers affixed to road signs Here, white might is still capable of instilling fear. "We came here doubting today," said Monnakgotla; "we will celebrate at the end of the week by slaughtering a cow, when we know things are alright "

This week, Monnakgotla and the other elders were met by an open gate and the farmer with the key. "He is an honest man," said Monnakgotla, "we can work with him "

By mid-afternoon, the police Casspir on the dirt road had been withdrawn and the trucks piled high with rusting corrugated iron, old bedsteads, coal stoves and window frames had begun arriving from Ledig.

Water was flowing again — the borehole pump started with the help of Jan Combrinck, a local white farmer who drove over to see if he could help A National Party member, he too finds tenacity is the price for his love of the land.

"This is what we call lion world — most white farmers here are CP or AWB," he said "I have had regular death threats because I accept that what happened here was wrong and that these people must get their land back." A large man with a ruddy face, Combrinck dresses like all of the boers around here — shorts and kneesocks "I'm not moving," he insisted. "I believe what De Klerk did is right. As a Christian I want to right wrongs, so I must get busy and show willingness."

Much of the simmering conflict, feels Combrinck, could be resolved. "The white farmers are worried about over-grazing by the black farmers, which would lead to their cattle breaking fences and destroying the grasslands belonging to the whites."

He wants to help the Bakubung learn what he called "the rules of agriculture around here — no more than one cow to eight hectares, no more than one cow and her calf to 12 hectares. And they must get the Department of Agriculture to come and do a soil analysis so they know where to plant and where to graze."

Looking to the future, Combrinck said elections could take place in the area "if the AWB and the ANC stick to the rules". He had seen enough war in Angola, he said. "But if needs be, I'll fight again — for the government."

"We are not militants. We have lived for decades with whites," said the Bakubung's Anglican priest Cyprian Ramosime, as if in response.

Land stays with buyers

(271) CT 11/2/94

MARITZBURG — Land expropriated from Mr Andries Radebe near Ladysmith in 1977 should remain the property of its present owners, the Supreme Court ruled here yesterday

Mr Radebe, 82, lodged an application last year for the expropriation order to be set aside, claiming that he had little choice in accepting the R4 000 given to him for the land in 1978

He was moved to Ezakheni township near Ladysmith

The land was later sold at a government auction to a commercial farmer.

In a long written judgment, Mr Justice Booysen said Mr Radebe had received legal advice in the late 1970s indicating that the expropriation was valid under the laws of the day. Mr Radebe also accepted the money offered in compensation.

The normal deadline for appeals against land expropriation is three years after the event, and Mr Radebe's delay of 12 years had been grossly unreasonable, the judge added

Mr Radebe was ordered to pay the legal costs of the hearing

Meeting on property

271

CT 4/2/94

Political Staff

A NATIONAL congress of rural and landless people will meet next week to demand the scrapping of the property rights clause in the constitution, the Surplus People's Project (SPP) said yesterday.

It would also demand equality of access to land by men and women, as well as secure and independent housing for farmworkers, the Cape Town-based SPP said.

The property rights clause of the transitional constitution, although approved by the Multi-Party Negotiation Council and Parliament, has been criticised by some groups on the grounds that it entrenches existing land ownership patterns.



The Land Reform Commission's Lydia Kompe tells a Johannesburg news briefing about the land reform rally planned in Bloemfontein this weekend. Picture: ROBERT BOTHA

Call to press new govt to entrench land rights

PRESSURE would have to be exerted on a future government to ensure land rights, and particularly the right to restitution for dispossessed communities, national land committee officials said yesterday.

Speaking at a briefing ahead of this weekend's rural conference in Bloemfontein, they said rural communities, who represent about half of SA's voting population, had been largely ignored during negotiations.

Committee official Brendan Pearce said the clauses in the interim constitution granted only dispossessed communities the right to claim their land through the courts. It did not guarantee the right to restitution.

Rural dispossessed had therefore the same rights as any other claimant using the civil courts — an important distinction that had to be redressed, he said.

Committee official Abie Ditlahke said growing right-wing resistance was expected as changes in rural policy gained momentum. The mass evictions of tenant labourers and the refusal to allow voter education were early indications of resistance that could be expected.

Reuter reports Ditlhake said a key demand ahead of April's elections was an end to intimidation and farm evictions.

"In the past 18 months or so, we have discovered massive evictions taking place from farmers' fears of land reform," he said.

GAVIN DU VENAGE

White farmers were throwing out workers before the elections "because they fear these people are going to be given land rights by the new government and have to take precautions by evicting people in advance".

He said three weeks ago in the eastern Transvaal, a 17-year-old youth had been hacked to death by farmers for refusing to leave land he occupied. Other workers had disappeared and police had done nothing, he claimed.

Ditlhake said some white farmers were willing to negotiate and were being told: "We don't want to kick you out, but we want to share the resources."

But he added that restitution had to include productive land and the provison of services to enable them to work the land.

Officials said the committee had invited political parties contesting the elections to send representatives to hear the demands of the country's rural and landless people.

Asked whether they were putting pressure on the ANC, Lydia Kompe of the Transvaal Rural Action Committee said: "We want to put our demands straight to any political party that will be in power....

"The rural people need their demands to be met, and first and foremost they need their land back. This is not negotiable."

SA, Namibia adopt anti-crime measures

WINDHOEK — The Justice Ministers of SA and Namibia agreed yesterday to adopt measures to diminish the profitability of crime, including the enforcement of one another's confiscation orders.

After meeting in Walvis Bay, Kobie Coetsee and Ngarikutuke Tjiriange expressed common concern on the illegal traffic of drugs, arms and prohibited animal products.

Coetsee also met Namibian Defence Minister Peter Mueshihange and they agreed on the phasing in of a Namibian military presence in the enclave, which falls under Windhoek rule in less than three weeks. — Sapa.

21-year land battle ends

ST Times [L/Metro]

THE battle by the Riemvasmaak community to return to the land from which they were forcibly removed 21 years ago finally ended this week.

In a landmark decision, which could set a precedent for the return of land to people forced off their land under apartheid laws, the Department of Land and Regional Affairs announced on Friday that the Riemvasmaker community was to be allowed to return to the 73 000-hectare piece of land north of the Orange River.

A spokesman for the Riemvasmaak Co-Ordinating Committee and the Surplus People's Project said the recommendations of the Commission for Land Allocation would be used as a basis for further negotiations to finalise the return of the community.

But a contentious issue still remains to be settled — the occupation of a further 20 000 hectares by the South African Defence Force.

The community first settled on the land before the turn of the century, but were victims of the government's policy of forced removals in terms of the 'black spot' clearance programme in 1973 and 1974. (271)

The Commission for Land Allocation has recommended that a trust, as proposed by the Riemvasmaak community, be established to hold the land and represent the long-term interests of the community. 13/2/94

The trustees, to be elected by the community, should consider land use options as well as facilitate the resettlement of the Riemvasmakers

The Commission for Land Allocation also recommended that the SADF be allocated an area of about 20 000 hectares on the eastern section of the land. The size and boundaries are to be negotiated by the Riemvasmaak Trust and the SADF.

The SADF has been asked to clear the land of "military pollution".

Bid to regain land fails

AN ELDERLY Natal man, evicted from his ancestral home under "black spot" laws, has lost a Supreme Court battle to have his land returned.

In 1977, Andries Radebe and about 3 000 other people from Cremin near Ladysmith moved to Esakheni after the government expropriated their land.

Last year, he brought an application in the Maritzburg Supreme Court for his land to be returned to him. He argued that he had never accepted the legality of the expropriation.

He had also not understood the significance of accepting government compensation for his land and property. Mr Radebe told the court he had never accepted Esakheni as his home and never lost his longing to return to Cremin.

In an unusual approach, Mr Radebe argued that the officials who carried out the removals, expropriation and other associated functions, had not done so properly under the laws of the time.

They had ignored or neglected a number of important technicalities, thus making the expropriation invalid.

By CARMEL RICKARD

He said he was too confused and frightened to have done anything earlier about challenging the legality of the state action, although he had consulted an attorney some years ago who advised him the expropriation had been legally carried out.

Because of government action in expropriating his land, he was too poor to seek further legal advice.

In his judgment this week, Mr Justice Booysen said Mr Radebe should have brought his challenge years ago instead of waiting 17 years to contest the expropriation of his land. The judge found this a "grossly unreasonable" delay which the court was not prepared to condone.

The judge said if he allowed the application it would gravely prejudice the present owner of the land and the other respondents in the case: several key players had died in the intervening years, while important files had been lost or destroyed.

Lawyers from Durban's Legal Resources Centre who acted for Mr Radebe said they would study the judgment before deciding whether to take the matter to the new land court or the Appellate Division.

Mogopa ruins still blot the landscape

Star 14/2/94 (271)

TEN years after the forced removal of the people of Mogopa, the question of land rights remains along with the scars, reports Jo-Anne Collinge

The passing of a decade since its people's forced removal has not erased the scars on the face of Mogopa. Dark stone ruins still pock the gentle green landscape.

"This was my house," says Joseph Kgatitsoe, as he indicates a rectangle of black rubble framing a patch of grass and weeds.

Nearby is the weathered tin shack where Kgatitsoe has lived since he returned to the Ventersdorp district farm of Mogopa — initially unlawfully — several years ago. The Government formally restored a portion of the land to the community in 1992.

"Rebuild my home? With what?" asks Kgatitsoe. He is deeply respected in the community — chairman of the Mogopa Interim Committee and counted among the community's leaders for 14 years — but he is broke, after a decade without a single harvest.

The people of Mogopa are very conscious of the losses which have not been made good. They are particularly bitter that the Government returned only one of their two farms, and has retained Hartebeeslaagte which comprised most of Mogopa's arable land.

For a couple of months the Government has been sitting on the recommendation of the Commission on Land Allocation on the future ownership of Hartebeeslaagte, and the delay has only heightened fears that the finding will be unpopular.

But, hand-in-hand with this sense of grievance is an unmistakable pride in the community. The 350-odd families who have returned are well aware that they won back their land not as a general by-product of the collapse of apartheid, but through their own struggle.

Pule Mohutsiwa, a development worker in the field of educare, was a schoolboy when officials and police invaded Mogopa under cover of dark on February 14 1984. He remembers that he tried to "lock the house with my body" to keep the removal squad out.

Anyone who has heard the name Mogopa knows that it took less than a week for the majority to rally and to mount an unremitting fight for their land.

First they refused to remain at the resettlement area of Pachsdraai, near Groot Marico. They trekked en masse to Bethanie and Barseba, areas of Bophuthatswana from which their tribe originated.

After nearly four desolate years, armed with an Appeal Court finding that their removal had been unlawful, they mobilised to march back to Mogopa. The then Minister of Development Aid, Gerrit Viljoen, sensed a bloody showdown and offered temporary accommodation at Onderstepoort, near Sun City.

Mogopa's people then trekked to Onderstepoort. But 15 months later, land adequate to replace their lost farms failed to materialise. And, stealthily, they began to return to Mogopa in early 1989 under the guise of visiting their ancestors' graves.

When the Government turned to the courts to oust them, the Acting Chief Justice directed the parties to find a solution out of court. The result was the official return of half of Mogopa to those who had fought so hard for it.

The Government halved the land settlement on the grounds that only a portion of the community had reoccupied Mogopa and that others, who had left Mogopa either willingly or by coercion before Valentine's Day in 1984, were still living on Government-supplied land at Pachsdraai.

A Mogopa Development Forum, comprising community members and representatives of institutions involved in upgrading Mogopa, has been created.

Women fill half the positions on the Mogopa Interim Committee. Ruth Boikanyo is one of them. She reflects that development has run an uneven course in the little village. With Independent Development Trust funding, they now have piped water and taps in the streets. The school, which was smashed and rebuilt and smashed a second time in the course of the removal struggle, has been replaced.

Probably the most conflict-laden question in post-restoration Mogopa is that of land rights.

After the removal, the old differentiation between title-holders and tenants became blurred. The view developed that tenants who lacked inheritance rights to land could win them by the loyalty and courage they displayed in fighting to regain the land.

While some residents are keen to see extended land rights written into the new constitution of the community association, others are vehemently opposed to this. Some of the old title-holders seem to have seen the return to Mogopa as an opportunity to increase their land holdings.

The dramatic rupture between those who consented to removal a decade ago and those who resisted was, thus, only the most visible of the conflicts born of removal. The original community has been whittled away by the initial uprooting and by subsequent moves. It is leaner — and, in its attitude to the Government, certainly meaner — than before.

Govt rejects new calls on use of land

Political Correspondent

THE government yesterday slated demands emerging from the community land conference in Bloemfontein at the weekend — particularly the "one farmer, one farm" proposal.

The National Land Committee (NLC), criticised political parties for not attending the conference. Only the ANC had taken the trouble to attend, it said.

The Department of Regional and Land Affairs said the NLC conference had tried to bypass agreements already negotiated on property rights and restitution and now incorporated in the interim constitution.

The "one farmer, one farm" proposal had strong socialist connotations, it said.

ST 18/2/94

(271)

NEW

Violence feared in squatter removal

Star 18/2/94

271

■ BY BUNTY WEST

The planned evictions of more than 200 families living on plots north of Randburg could end in a bloodbath, says Norma Sharpoes, the ANC's head of local government, north-west region.

Today landowners, with the help of what is believed to be a strong right-wing element, are due to attempt to move squatters out of their properties.

Aletta Hart's property, plot 123 Rietfontein, houses 120 families and an absentee landowner, known only as Bosman, has 91 families on plot 69 Nooitgedacht.

At a Randburg Town Council meeting last night, management committee chairman Gary Cooney asked council to approve urgently the possibility of making a transit camp at plot 77 Lyndley, Lanseria, with whose landowner the council is negotiating.

He has asked the TPA to help financially but the TPA has laid down two major conditions:

- Public participation of adjoining property owners.
- To make it a permanent site, not a transit camp.

Graham Dewar, Randburg's ANC representative, said: "We are doing everything possible to keep the situation cool but the families intend to retaliate if force is used to move them."

200 families get land back

B'Day 11/3/94

GAVIN DU VENAGE

THE first government-approved relocation of a dispossessed community in the Transvaal will take place today when more than 200 families move from Bophuthatswana to a farm near Magaliesburg.

However, right-wingers have threatened to halt the community's move to farming land that government has leased to local farmers for the past 27 years.

The Transvaal Rural Action Committee said yesterday the Bakubung Ba Ratheo tribe had been evicted from a farm in 1967 and relocated to Ledig. (271)

Representations to the Land Advisory Committee began more than 18 months ago and the commission found in favour of the tribe's application in December.

A committee spokesman said this would be the first official relocation since the scrapping of the Land Act in 1991.

But there are fears that right-wingers will disrupt the move or harass the community. Right-wingers and police clashed last year when the Goedgefonden community moved on to state-owned farming land in the western Transvaal.

The spokesman said local farmers had indicated they would not accept the relocation, and threats were made that the AWB would be used to resist the move.

The spokesman said the community had bought the land in the last century from the Paul Kruger government. The people were forcibly moved to Ledig, which was eventually incorporated into Bophuthatswana.

The tribe would be returning to open farming land, as the original village of Molotostad was destroyed soon after the evictions, the spokesman added.

Report by G Duvenage, TML, 11 Diagonal St, Jhb.

Evicted Bakubung back after 30 years

GAVIN DU VENAGE

THE Bakubung tribe began moving back to land yesterday from which it was evicted nearly 30 years ago, despite threats by right wingers to halt the relocation of more than 200 families.

Several truckloads of people and building materials moved onto the farm after tribal leaders and local farmers reached an uneasy agreement earlier this week to allow a limited number of families back onto the 4 500 ha farm.

This was the first state-sanctioned relocation since the scrapping of the Land Act in 1991.

The returnees would be using the site of a Lutheran mission for the time being. Tribal leader Author Monnakgatla said the tribe had decided to make a symbolic occupation of the land until facilities were provided to house the rest of the clan.

The Transvaal Provincial Administration had undertaken to provide boreholes and sewage facilities but a shortage of funds made this unlikely to happen soon.

Monnakgatla said the tribe would farm, planting corn, maize and beans.

Local farmer spokesman Jan Combrinck said many local farmers did not object to having a black tribe in their midst, provided they followed sound farming practices, but some feared the land would be misused.

Some of the farmers were strongly opposed to the relocation and had refused to take part in discussions.

Tribal authorities fear they may be attacked by right wingers, similar to the attack on Goedgefonden near Ventersdorp several years ago.

Back home from the wilderness



CIPress 6/3/94

'This is my land, the land of the Bakubu' (271)

By ZANELE VUTELA

"HOME AT LAST!" This was the only sigh of relief the Bakubung breathed, although they virtually had no homes to come back to, after being banished for thirty years under Apartheid land laws

As Abednigo Mokhine rode his donkey-pulled contraption towards the promised land and as his face worked in an effort to control his emotions, he told City Press. "God is great. The last time I was here we were having to hide in the veld from the Boers who wanted to remove us from our homes."

"We are just happy to be able to sit under this shade again," a group of elderly women, resting in the shade of gigantic pine trees, enthused, although some of them will be starting a new life at ages ranging from sixty to eighty.

Ma Rashego, 79, summed it up: "Even though I had built a house where we had been moved to, I had always told myself that as long as I still had some breath of life in me, I would return to re-build my home because this is my land, the land of my people."

Her daughter, now 35, who was about five years old when they were forcibly removed from their land and now lives and works in Johannesburg, has now come to help her mother rebuild her dream.

The rich rolling plains of grazing and farming land covering two farms, were virtually untouched during the tribe's absence.

There is a sadness though, when one observes the still vastness that shows very little signs of previous human occupation and full human productive activity except for two derelict buildings that used to comprise a Lutheran mission station.

It was in one of these buildings – which was still in good repair – that the Bakubu crammed themselves on their first night back.

On the Bakubus' second day, City Press found the younger men, some of whom had taken leave from their jobs in Johannesburg, erecting zinc shacks that will house the returning 200 odd families.

In spite of it all, the mood pervading the area was one of conviviality, victory and celebration as the elders sat around drinking and reminiscing.

The two farms, just outside Boons in the Western Transvaal, known to the Bakubu as Modubu and Molote, were appropriated by the government in 1967.

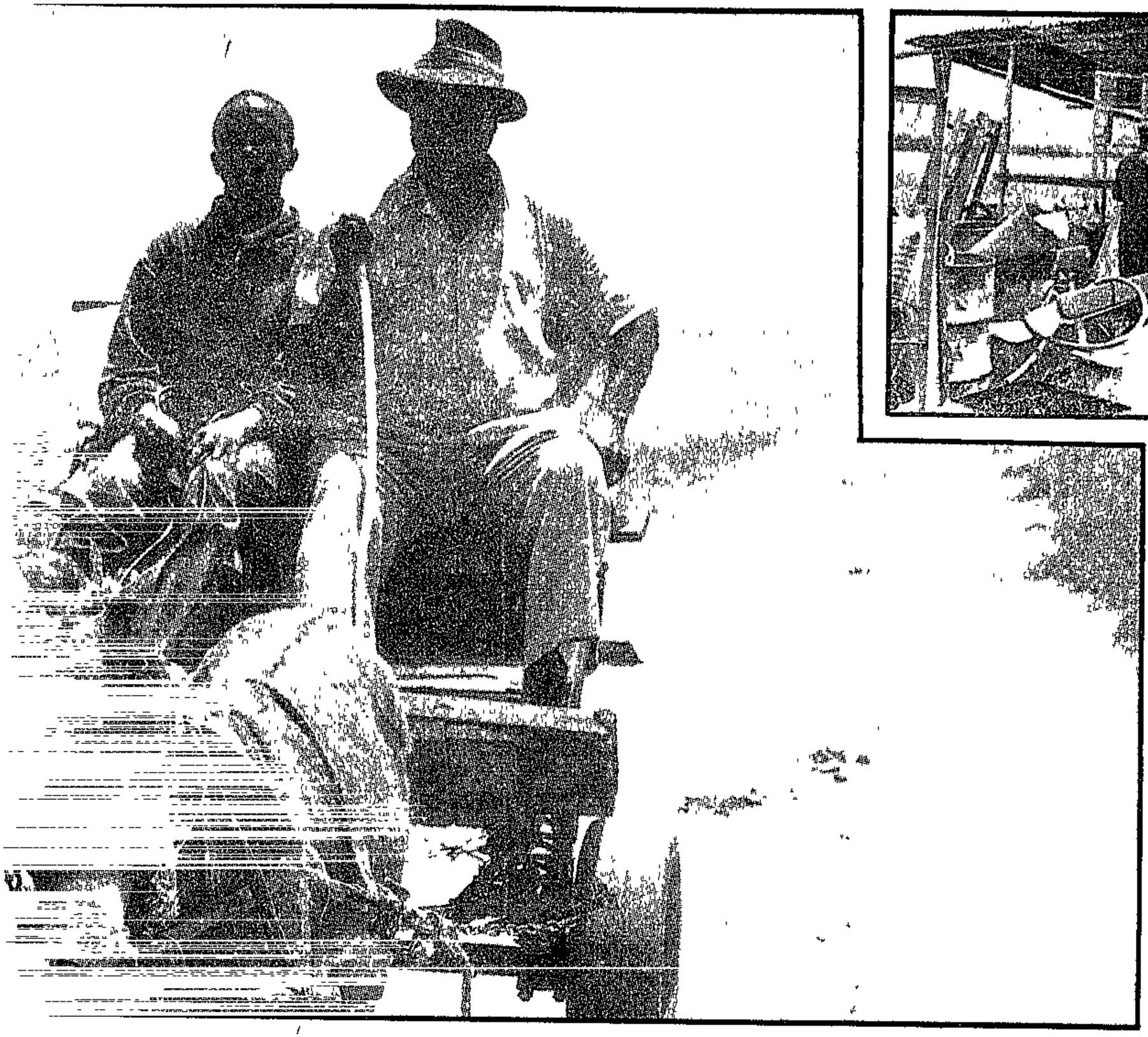
It is also, after a struggle that began in 1968, the first tract of land to be returned by the State to its rightful owners.

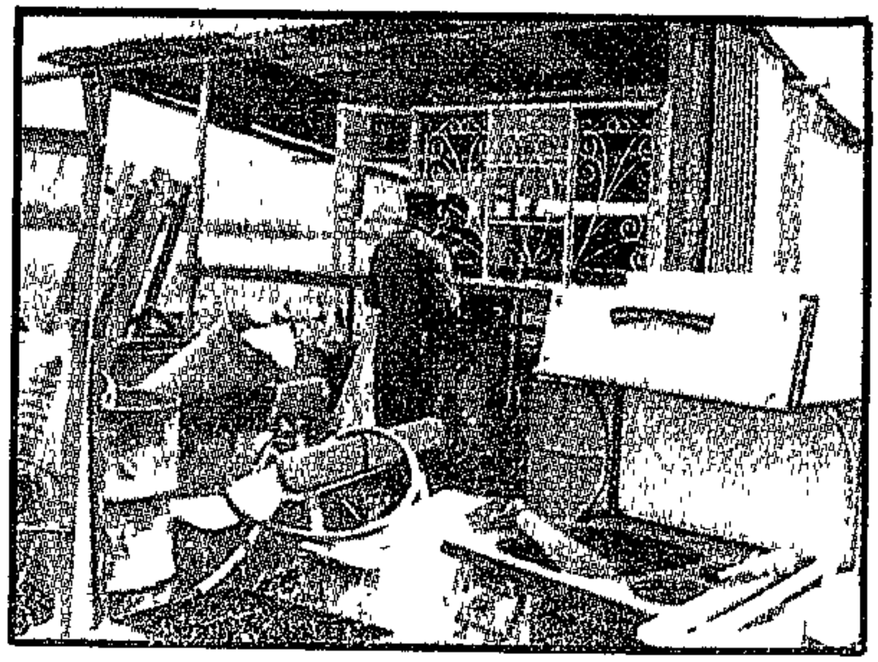
An ebullient George Monnakgotla, one of the elders and fighters for the return of the Bakubu land, said: "We will manage to rebuild our lives because our people have always been progressive. Although we used to be subsistence farmers, we are now prepared to work hard towards commercial farming."

Cont'd



HOME SWEET HOME. . . Bakubu elders celebrate their return.





PROMISED LAND . . . Abednigo Mokhine and his nephew Aaron ride towards the promised land. "God is great. The last time I was here we were having to hide in the veld from the Boers who wanted to remove us from our homes," he says. INSET: Bakubu young men erect zinc shacks for the 200-odd families.

Pics: ANDRIES MCINEKA

Pniel inhabitants win ban against land transfers, sales

(271) ARG 17/3/94

Supreme Court Reporter

INHABITANTS of the tiny hamlet of Pniel, near Stellenbosch, have succeeded in interdicting the Pniel Board of management from transferring and selling land in the area.

The order was by consent and will serve as a temporary interdict until the nine inhabitants can bring a court application to review and set aside the board's decision to allocate and sell the land known as the Cystergronde.

In papers, one of the nine inhabitants, Christopher Lewis, said he had been born at Pniel and was living on the Cystergronde when it was expropriated in 1963.

He said that in 1990 the Pniel board passed a resolution that he and other occupants would be regarded as tenants on the Cystergronde.

Mr Lewis said conditions were poor, but they paid water, sewerage and rubbish removal tariffs.

"We were not linked to any sewerage system, nor was our rubbish removed and because we were unhappy with services some withheld monthly rates and taxes."

He said he had applied to the board to buy an erf on the Cystergronde which was to be developed, but was not granted an erf because he had withheld service charges from the board. He said this was an "irregular and improper decision".

The board told him he would be evicted once development began and added that his rights to land would be prejudiced if the board was allowed to pass transfer.

The application was postponed to April 20.

David Gess appeared for the inhabitants.

Red Hill's future debated

271 CT 17/3/94

Staff Reporter

SIMON'S TOWN residents and conservationists are still in a quandary over how the 146ha Red Hill area should be developed — they are certain only that they don't like the idea of high-density townhouses being built there.

At a public meeting in Simon's Town last night some residents said the area should be developed to become financially profitable, but most agreed that they wanted to conserve it more than see it make a make a profit.

Vociferous residents said although they were against "an elitist" golf course, the possibility should be assessed.

Development ideas raised at two recently-held workshops included the golf course with high or low-density housing, a holiday resort with chalets or a conservation centre with a hiking trail and mountain huts

No land deal 'after dispute'

CT 18/3/94

Supreme Court Reporter

A FATHER of three who has been living in Pniel, in the Boland, for more than 25 years, yesterday in the Supreme Court said he had been excluded from buying land there because of a dispute with the local Board of Management

Mr Christopher Lewis, 35, said this in an application he and eight other residents brought against the Pniel Board of Management and the Minister of the Budget and Housing, House of Representatives.

In terms of an interim order granted by Mr Justice D van Zyl, interested persons must show by April 20 why the board shoud not be ordered to refrain from passing transfer in the Registry of Deeds of erven on land known as "Cystergronde" pending a Supreme Court review and setting aside of the adminsitrative allocation and sale of erven.

In papers Mr Lewis said he had always wished to become a registered owner of land at the historic mission town and was prepared to pay for the land should it become available. (27)

His mother, his wife and their three children and various other family members occupy a single house on "Cystergronde" — occupied by the family since 1961 — as non-registered occupiers

Mr David Gess, instructed by Mr Edwin Petersen of Moosa Waglay and Petersen, appeared for the applicants

THE STAR / MONDAY MARCH 21 1994

Rescue from eviction

■ BY GIEN ELSAS
WEST RAND BUREAU

Star

About 100 families living in a squatter camp on a plot in D F Malan Drive, Rietfontein, were saved from forcible eviction after the intervention of a local ANC representative yesterday.

The squatters, however, still face removal if they have not vacated the plot by Wednesday.

Norma Sharples, ANC branch secretary of the area, said she arrived at the plot just a[illegible] 6 am yesterday, after being stopped at a roadblock manned by landowners armed with two-way radios. 21121994

On the property she found about 30 whites who were preparing to demolish shacks for removal to Randburg. There were about four policemen present.

Sharples said she asked to see the eviction court order and, when told there was none, demanded that the police arrest the rightwingers as they were acting against the law.

After negotiations, the landowners and rightwingers agreed to retreat until Wednesday. They warned that the people squatting illegally on the property should be gone by then.

Peace monitors will stay in the area to keep an eye on the situation.

Sharples said about 100 fa[illegible] were living on the land. They had been living there for about three years after a tenant of the property had sublet the land for squatters.

An SAP spokesman said police were aware of the situation and would keep an eye on the area. (271) (~~246~~)

Crucial meeting today

Star 24/3/94

Land occupation threat

271

■ BY JO-ANNE COLLINGE

The Transvaal Land Restoration Committee (TLRC) describes today's meeting with the Deputy Minister of Land Affairs as a make-or-break occasion.

"If the Deputy Minister does not come up with something concrete, the communities we represent will be left with only one option, and that is to occupy the land by force," said the committee's chairman, the Rev Othniel Phasha.

The TLRC comprises 25 communities who lost their land under forced removals. According to a press statement, only two of them have achieved a return to their ancestral land as a result of negotiating with the Government or appealing to the Commission on Land Allocation.

Phasha said communities felt strongly that their claims should be settled before next month's election.

"Communities feel it would be unfair to be reclaiming the land from a new government, probably an ANC government."

If Deputy Minister Tobie Meyer failed to offer a solution, the TLRC might consider appealing to the TEC to intervene, Phasha added.

No removal, says Met Chamber

■ BY JO-ANNE COLLINGE

The non-profit development company Goldev last night failed to gain the backing of the Central Witwatersrand Metropolitan Chamber for the removal of about 500 families from land earmarked for low-cost housing development.

The majority of parties to the chamber turned their backs on Goldev's request that they "support a process to remove the people from the land", situated near Devland, south of Johannesburg.

Some delegates made the point that they could not change their general aversion to eviction simply because the developer prejudiced by the land occupation was politically correct.

Goldev board chairman Cas Coovadia argued in vain that if the Goldev development, which was participative and democratic, ground to a halt because of the land invasion this could have "a very negative impact on housing development in this region".

Also at last night's chamber meeting:

■ A report was tabled disclosing that the NP in Johannesburg had been directed by the Minister of Local Government to accept that it did not belong with the ANC, PAC and civic movement on the "non-statutory" side of the table in local negotiating forums.

■ The ANC circulated its proposal for a "streamlined" process to set up a transitional metropolitan council for the central Witwatersrand.

Zevenfontein squatter resettlement to go ahead

GAVIN DU VENAGE

DIEPSLOOT residents have lost their court battle to prevent the relocation of the Zevenfontein squatter community into their area and work to prepare the land will begin immediately.

The Appeal Court in Bloemfontein dismissed with costs an appeal by residents against an earlier court decision which had turned down their application to prevent the the Transvaal administrator from carrying out the resettlement.

Transvaal Provincial Administration (TPA) director-general Len Dekker said preparations for the resettlement would begin immediately. Terrain inspections had been completed and tenders to prepare the site had been approved.

Dekker said the court decision underlined the TPA's "fair and equitable" approach to a sensitive issue.

He said a balance had been struck between the need to provide land for a homeless community and the protection of property owners' rights.

More than 500 families will be moved from next to the R1bn Dainfern golf estate to a site at Diepsloot near Fourways. Residents claimed the move would lead to increased crime and destroy property values. The site was identified in 1991 but a number of court actions held up efforts to begin the relocation. A Randburg council decision to establish a temporary settlement in the area has also met resistance.

BRIEFLY

Fingos awarded R37,5m

JOHANNESBURG — More than R37,5 million was paid in compensation to the Mfengu people (Fingos) in the eastern Cape's Tsitsikamma region in a land claim settlement with the government and local farmers.

The government paid the money into the Mfengu trust during a ceremony on the Mooivlei farm. ARG 26/3/94 (271)

The trust will buy 19 farms it has claimed and lease them to local farmers for the next year.

Deputy Minister of Agriculture and Land Affairs Tobie Meyer said the settlement was acceptable to the three parties because of the political situation in South Africa. — Sapa.

R37,5m restitution for Mfengu

JOHANNESBURG — More than R37,5 million was paid as restitution to the Mfengu people in the Eastern Cape's Tsitsikamma region yesterday in a land claim settlement with the government and local farmers (271) CT 26/3/94

The government paid R35m into the Mfengu trust during a ceremony on the Mooivlei farm

The trust will buy 19 farms it has claimed, and lease them to local farmers for the next year

Deputy Agriculture Minister Mr Tobie Meyer said the settlement was acceptable to the three parties because of the current political situation in South Africa

It was also announced yesterday that Mr Meyer and the Transvaal Land Restoration Committee have agreed on several future meetings to deal with land restoration

The two parties said they discussed the restoration of land rights on land in private ownership, budgeting for restoration and 14 restoration cases.

It was agreed negotiations under the auspices of the Regional and Land Affairs Department should be convened between each of five communities and the owners of the land concerned

A report-back meeting would be held on April 14, the joint statement said — Sapa

LAND

Repelling invaders

Burdened already by creeping fear of a breakdown in law and order weeks before the election, people might have to face a particularly daunting challenge after it: the prospect of land invasion. We have so far had a relatively mild taste of it, most recently with the squatter invasions of houses that had already been allocated to others in Tafelsig, Cape Town, and Cato Manor, near Durban, where the matter is unresolved.

A new report by the Urban Foundation's development strategy and policy unit, released this week, describes land invasion as "often a desperate and risky strategy by the poor to gain access to urban land." And while the phenomenon has occurred on a relatively limited scale in SA cities, the foundation warns that the country will face a particular challenge after the elections.

The report says evidence from many Third-World countries shows that land occupation has burgeoned during transitionary periods, "especially if the new political environment is seen to be more democratic, and if land management policy and practice are in a state of uncertainty."

International experience shows that millions of poor people in cities and towns throughout the developing world have resorted to invasion and, increasingly, to other forms of unauthorised or semi-legal residential settlement, as a means to secure land for housing. They have taken this route mainly because affordable, legal options are not available, says the foundation.

It may be worth pointing out that, according to the ANC (and the PAC — which has made "the return of the land to the people" its sole vote-catching platform), there are about 7m squatters in SA.

A significant new trend internationally, says the foundation, is the rise of "commercial substandard subdivision," whereby "developers" illegally or semi-legally subdivide vacant land in or around cities, install minimal services, and then sell plots to poor homeseekers These subdivision and servicing processes often contravene regulations, but are either ignored by governments or "brokered" by officials who make "deals" with the developers.

The research shows that this is now common in cities such as Bogotá, Ankara, Mexico City, Karachi and Cairo. However, land invasions appear to be giving way to a diversity of informal subdivision schemes. For instance, in Bogotá, 59% of the population are to be found in what are called "pirate urbanisations" or substandard subdivisions, with less than 1% residing in invasion settlements

In SA, says the foundation, the threat of urban land invasion and the like will pose thorny political and policy questions for new local, regional and central government. "A fundamental issue is the tension between property rights, effective urban management and the urgent needs of poorer South Africans."

The new authorities will have both immediate and longer-term challenges. In the immediate post-election period, the task will be to reduce uncertainties about land and to channel popular expectations and energy in such a way that land invasions do not take place.

In the medium term, the legitimate and substantial demand for affordable urban land will simply have to be met — in a way which promotes increased growth and development of towns and cities.

If the challenge sounds daunting, the foundation lists certain key lessons gained from experience elsewhere. These show that:

- ☐ Land invaders are almost without exception urban people fleeing from overcrowded and physically degraded living conditions — the worse they are, the greater the invasion threat;
- ☐ If affordable urban land is not available on the scale required, land will be appropriated by individuals and communities in unauthorised ways, and
- ☐ Settlements that arise from land invasion pose tough practical demands on the public authorities who will in time have to provide services and resources to these communities. Servicing unplanned settlements is a lot harder than dealing with planned situations.

The foundation, which has led for years the debate on effectively managing urbanisation, argues that delivery is therefore "the critical national and urban imperative for SA," and warns that the public sector will not be able to meet this challenge on its own.

The effective delivery of land for the urban population, it says, will require the involvement of all the country's resources — public and private.

The foundation observes that other governments which have had to manage a huge demand for urban land in times of socio-political transition, have struggled to find the right approach. Zimbabwe and Nicaragua, for example, have swung between the extremes of, on the one hand, seeking to accommodate invasion, and, on the other, the mass demolition of invaders' shacks.

In SA, where the experience of land invasion seems to have been more complex than most, invasions have occurred sporadically since 1985, with a spate in 1990 and 1991, coinciding with the start of democratic reform and a period of political uncertainty.

Some of the latter occupations were explicitly linked to the Mass Democratic Front's 1990 campaign to claim vacant land for the homeless — as in Freedom Square (Bloemfontein), Namibia Square (Grahamstown) and Thornhill in the eastern Cape.

Most land invasions since 1985 have involved relatively small numbers of people, ranging from fewer than 100 to about 1 000. The Tamboville invasion on the East Rand in 1990 involved more than 1 000 people. In many cases the population of such settlements grew rapidly once the bridgehead had been established, as occurred in Ivory Park, Midrand, on TPA land in June 1991, blurring the line between invasion and encroachment.

In most cases, the invaders have been poor and African, and either homeless or badly housed urban dwellers taking last resort action. While private and public land has been affected, public land invasion has by far been the more common of the two. Significantly, the land invaded had often been earmarked for residential development, and in some cases already serviced.

In a number of cases, township residents moved to gain control of housing developments believed to be earmarked for more privileged people. ■

Illegal land occupation 'could be big problem'

271 ARG 8/4/94

CLIVE SAWYER
Municipal Reporter

INVASION of land by the poor and homeless will be a thorny problem for all levels of government after the election, says the Urban Foundation.

"The immediate challenge after elections will be to diminish uncertainties about land and to channel popular energy (so that) land invasion does not take place."

If affordable urban land is not provided on the scale needed, it will be seized by individuals and communities, the foundation said.

"Settlements that arise from land invasion pose tough practical demands on public authorities who will have to provide services and resources."

Servicing unplanned settlements was more difficult than dealing with planned developments.

The foundation said the public sector would not cope on its own in trying to prevent land invasion.

"Delivery of land will require the involvement and mobilisation of all resources, private and public."

A study of international experience of land invasion showed it tended to happen in times of political change.

"Invasion movements have been as small as 50 households or as extensive as 200 000 people, the size of a group in Santiago, Chile, which invaded an area near the airport on one evening in 1956."

Invasions tended to be organised, with careful attention paid to timing.

"Invasion often coincides with visits by high-profile foreign dignitaries, or on nights before weekends and during festivals and holidays.

"Election campaigns are often associated with invasions."

Political motives and strategies varied widely.

Some invasion leaders tried to justify their actions in terms of the policies of their governments.

In Latin America, land targeted for invasion tended to be publicly and not privately owned.

"Normally, it is low-value vacant municipal land, some distance from the city centre, or vulnerable to hazards like landslides or flooding."

MK chief's promise on land redistribution

MESSINA. — The ANC has committed itself to redistribute land immediately after the election, uMkhonto weSizwe commander Mr Joe Modise said at the weekend.

(271) CT 11/4/94

Speaking at a rally in a township near here, he said 87% of South Africa's land were taken away by whites, adding "We want it back."

Mr Modise promised the ANC would begin by reallocating vast tracts of land already owned by the South African government. — Sapa

Going home to a 'forgotten corner'

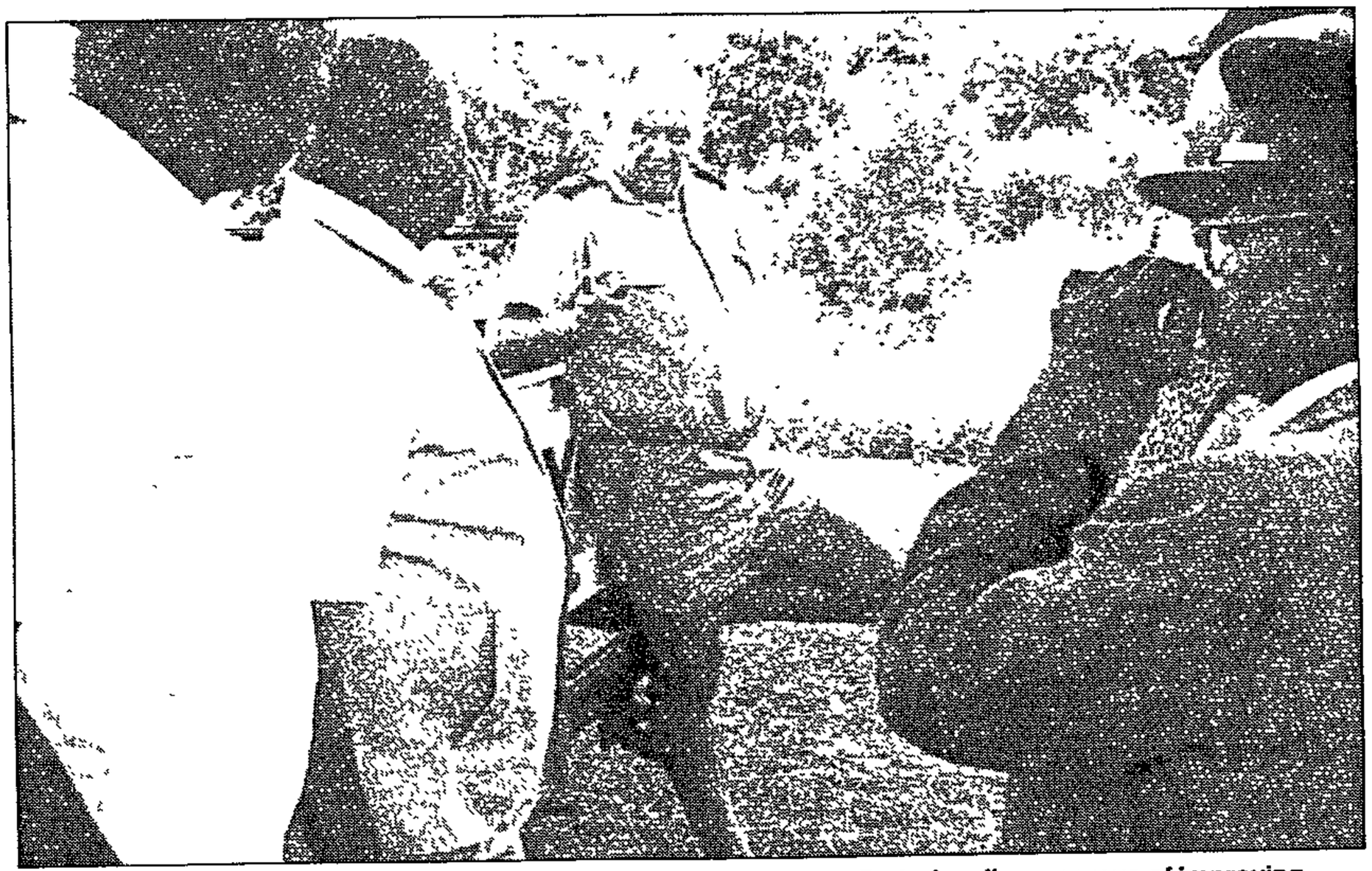
In the far north of the Kruger Park, efforts are under way to allow people removed from the area access to the land of their ancestors.

Eddie Koch reports

WM 31/3-7/4/94

THE sun burns holes through a sheet of gun-metal grey cloud covering this forgotten corner of the country where Jim Xikololo, in a rag-tag black suit and a pair of spectacles dangling off his 80-year-old face, sets off on a walk with his friends through a wild forest in the Kruger National Park.

Ben Pretorius, veteran ranger in the reserve s far north Phunda Maria region, follows the group with an R-1 rifle slung across his back in case they meet some of the bull elephant who roam the area "I first brought these old men here about two years ago," he says "They couldn't find their fathers' graves but they sprinkled snuff near their old homes. Two days later it rained and the drought ended "



Coming to terms with the past ... Maluleke clan elders and ranger Ben Pretorius discuss ways of improving relations between the Kruger Park and surrounding communities PHOTOGRAPH STEVE HILTON BARBER

Xikololo and his friends are elders of the Tsonga-speaking Maluleke clan people who lived for at least 150 years in the northern part of what is now the Kruger Park A series of removals under apartheid — some forced, some voluntary — left Xikololo's people in resettlement villages scattered along the reserve's edge.

The Maluleke's original homeland, which straddles each bank of the Luvhuvu River after it cuts through the Soutpansberg Mountains and runs west to join the Limpopo, has been described as "a forgotten corner of the Transvaal left alone to brood in the solitude and silence of the bush". Now its haunting beauty is the backdrop for an effort by former antagonists — the reserve's management and the people who were expelled from it — to come to terms with South Africa's difficult past

The strange expedition through the wildest part of the park is part of the experiment. The old men want to renew contact with their ancestors and their land. Pretorius and his colleagues want to restore trust between the park and the impoverished people who once lived within its borders

Standing under a giant Rhodesian mahogany tree, a landmark known to them as *xhene*, Jim Xikololo is grumbling "I know my father's grave is near here but I can't find it They shouldn't have brought me by road. If I walked all the way in the bush I would have found it."

But his friends are in better spirits They joke with Pretorius and try to console the old man with memories of the old days: a lifestyle moulded by the biotic richness that surrounded them The soil, they say, was thick and black, nourished by nutrients from the waters of the Luvhuvu when it flooded Crops grew well, people fed on wild figs mangoes, bananas and marula fruit

Each year, when the summer floodwaters receded, natural and man-made pools remained. As winter progressed and water levels dropped, people moved through the muddy waters using *xirongo* — cylindrical baskets woven from reeds — to trap fish that abounded "Fishing was so important for us that we had three methods of catching fish," says another elder, James Maluleke

"We also hunted all sorts of antelope like *malamala* (swart witpens), *nhono* (kudu), *inhlangu* (reedbuck), *phwa* (waterbuck), *mbalabala* (bushbuck) and *nyala*. We lived here with our cattle and goats The wild animals did not bother us that much, especially because there were not so many elephants at that time "

They also made a legendary wine, *uchema*, from the juice of mlala palms Men would carve a small hole, insert a reed and let the sweet sap drip into a container before letting it ferment

"It was pure stuff It gave you a kick but the next morning when you woke up you were fresh," says a herbalist in the group known as Mr Nyambi His biggest regret is that there are no longer any *mphungu* — sausage trees — in the Maluleke resettlement area.

In the old days, he'd use the giant seeds to make a potent potion for young men: rubbing the juice of the seed into small incisions he made in their penises and telling them to cut the seeds used for the medication from the tree when they wanted to "stop growing".

Not all the memories are as pleasant. Kruger Park's proclamation in 1926 came with a stringent set of controls over the lives of those living in the park Hunting dogs were banned, fishing was prohibited and a series of droughts hit hard. Families packed up and left.

The turning point came in 1939, when an outbreak of foot and mouth disease prompted the local native commissioner to order all cattle in the park to be shot "They gave us notice one day in January They said there's a problem with the cattle They bring disease and the tourists don't want to see cows. The next day, three white men came and shot them "

The exodus from the park grew Some 3 000 people living in the remote Phafuri section were, however, able to resist moving until 1969 — when the GG, or government, trucks arrived and people's belongings were loaded up and their huts torched before people were dumped in the Maluleke reserve

If you go to the resettlement area today, you can still hear the women sing: "Don't be deceived Our hearts are sore because of poverty Don't be deceived, because many of us are dying. Even if you take us back, only a few will return Because the rest will be dead."

Pretorius and Xikololo probably have a long way to go before they find what they are looking for But a bond — forged by a common desire for restitution that will help ease the pain of people who sing such songs — is beginning to develop.

■Eddie Koch is doing research for the United Nations Research Institute for Social Development and the Group for Environmental Monitoring on trans-frontier conservation programmes in southern Africa

'Deliver us land' — communities

Mduduzi ka Harvey WM 13-19/5/94

MORE than 300 landless communities have threatened to occupy land if restitution and land redistribution clauses in the interim Bill of Rights are not revised. (271) (B)

At a briefing this week, the National Land Committee underscored the high expectations of the landless and land-hungry now that a new government was in place.

NLC representative Sue Wixley said the scale of the problem first became apparent at the land conference in Bloemfontein in March this year, when community delegates decided to take their grievances directly to ANC president Nelson Mandela. "Landless communities feared their expectations might be pushed aside in favour of white farmers," she said.

The communities also feared that former government officials and corrupt former homeland leaders would be given portfolios in government land departments as part of a political trade-off between the ANC, National Party and the Inkatha Freedom Party. Another cause for concern was the clause in the constitution guaranteeing market prices for expropriated land, which was seen as double enrichment for white farmers who bought their land on the cheap under apartheid laws.

Mandela told them not to judge the ANC by agreements which did not reflect ANC policy, but flowed from intensive multiparty negotiations. He assured them that if the ANC got more that 66 percent of the vote the movement would change the constitution.

Concern is mounting, following the ANC's failure to secure a two-thirds majority in the election. And since their meeting with Mandela, the communities say they have heard nothing from the ANC. "The communities say they want to see rapid progress," said Farmworkers' Resource and Research Programme Dave Husy.

The NLC's Brendan Pearce said 11 communities in the Northern Cape had decided before the elections to reoccupy their land, by force if necessary.

Land and Agriculture Policy Centre spokesman David Cooper agreed there was a real possibility of land invasions. "But it will depend on the flexibility of the government Discussions between the government and the affected communities may be the solution "

International experience — for example, in newly independent Zimbabwe and Namibia — held lessons for South Africa, said Urban Fundation spokesman Tim Hart "During a transitional period, before policy is formulated and when people have high expectations, they invade land because there is no affordable land available Where people have no legal access to land, they resort to other methods," he said

Newly appointed Land Affairs Minister Derek Hanekom said a land reform programme in terms of the constitution would be implemented without delay, and that he would meet the NLC

He also responded to another NLC concern by stressing that in its redistribution policies, the new government would look beyond state land At its briefing, the NLC also called for the compulsory purchase of land owned by absentee farmers and unproductive land

Hanekom said his priority will be to set up elected "allocation bodies", with close links to local structures, to address the question of land purchases on the open market and expropriation to compensate those who had been dispossessed. These would also look at how the state could assist poor landless people to obtain land.

"The only reason the ANC retained the land portfolio was that we have a detailed policy programme and we have put it on the table and it will work — but not overnight," he said.

Land claims court coming

ET 23/5/94

Main focus on forced removals

By BARRY STREEK
Political Staff

A LAND claims court and a Commission on Restitution of Land Rights would be established in a new law, the Minister of Land Affairs, Mr Derek Hanekom, announced at the weekend

However, he stressed the new measure, the Land Rights Restitution Act, and the proposed court and commission would only deal with claims arising from past dispossession of land

Its main focus would be forced removals.

Mr Hanekom made the announcement at Riemvasmaak in the Northern Cape at a function to celebrate the return of the land to its original inhabitants who were evicted 20 years ago to make way for the SADF

After the evictions, Riemvasmakers were resettled in Mount Coke, a remote rural area near King William's Town, Damaraland in Namibia and Upington.

Mr Hanekom said the eviction of the Riemvasmakers by force was "one of the most dramatic black-spot removal exercises

"In the interest of 'racial tidiness', you were dumped hundreds of miles away, across international borders"

However, the community spirit of the people was strong and they had planned their return despite their displacement

Mr Hanekom said. "Your tireless efforts were not in vain — it is a sterling example to all South Africans that a righteous cause will not be defeated by evil"

Riemvasmaak had also shown that restitution entailed more than just the acquisition of lost land and involved good planning, the resettlement of people, the provision of services, economic support, sustainable development programmes and community institution building

The lessons of Riemvasmaak demonstrated the value of mediation and negotiation in restitution cases, he said

Mr Hanekom added that the proposed Commission on Restitution of Land Rights would be mandated to do everything possible to help claimants Also, provision would be made in the legislation to prevent current owners of disputed land from taking preemptive action.

"It is this government's policy that the land restitution process must be quick, effective and accessible," he said

Confiscation threat to farmers aiding AWB

CJ 23/5/94

MMABATHO. — North West executive committee member Mr Rocky Malebana Metsing said his administration would not hesitate to confiscate land, without compensation, from farmers who allowed Afrikaner Weerstandsbeweging activities on their farms.

Addressing a meeting at Bapong near Brits on Saturday, Mr Metsing, whose portfolio is agriculture, said the government would not allow farm land to be used for storing weapons or for training members of the AWB's military wing.

He said the state would do all in its power to ensure that people who were forcibly removed under apartheid laws got their land back. — Sapa

No 'drastic' plans for land

PORT ELIZABETH — Deputy Minister of Land Affairs Mr Tobie Meyer said yesterday the government had no plans for drastic expropriation or redistribution of land.

He said access to the farming sector would be broadened by the allocation of funds and the introduction of other measures to assist novice farmers.

The government would not confiscate or nationalise farmers' land.

CT 26/5/94

Bakubung go home

Sowetan 30/5/94

By Isaac Moledi

THOUSANDS of Bakubung Ba Ratheo in the Western Transvaal celebrated their return to their land at the weekend - 26 years after they were removed and settled in Lidig near Rustenburg

The community was forcefully removed from their ancestral land at Molote in 1968 by the former South African government.

The government relented in March this year after the tribe made numerous representations demanding their land.

On Saturday, there were tears and joy as thousands of the Bakubung celebrated the return to their land.

However, their leader, Chief David Rasoeu Monnakgotla, was not present at the thanksgiving ceremony.

A spokesman for the community, Mr George Monnakgotla, said Chief Monnakgotla refused to lead his people back to Molote, claiming that he was now settled in Lidig.

He said the community had to elect his brother, Chief Lebusa Arthur Monnakgotla, to be the leader of Bakubung.

Monnakgotla denied allegations that there was a leadership dispute between Chief Lebusa and Chief Rasoeu.

Scores of grannies and children defied the chilly weather and danced to tunes dished out by a band and local choirs.

Speakers stressed the need for unity and reconciliation of all Bakubung.

"What our tribe needs is reconciliation and peace. Let us not allow people to divide us," Molote councillor Mr David Moloko said (271)

A chairman of the North West subregion of the Transvaal Land Restoration Committee, Mr Peter Ntswe, said the restoration of Molote back to the Bakubung was a sign of hope to millions of those who were still fighting for their land throughout the country.

There is no running water, electricity, or sewerage or transport to ferry the community from the settlement to nearby Boons Station. The Station is 5km from the settlement.

focus on Bakubung

Sowetan 21/6/94

Bakubung Ba Ratheo have returned to their ancestral lands 26 years after they were forcibly moved to Ledig, near Rustenburg. Their success will spur on other communities to fight for the return of their land, writes **Isaac Moledi**:



THE RETURN OF the Bakubung Ba Ratheo to their ancestral land after they had been forcibly removed more than two decades ago, has not erased the bitterness pensioner Mrs Betty Mooi feels

"I'm happy to be back home but this place reminds me of what the Boers did to us 26 years ago," the grieving Mooi says "Our husbands were bitterly assaulted and tortured for saying they did not want to leave the land of their forefathers. Because of that, I'm no longer with my husband today. He is not here while the Bakubung celebrate their victory."

Born 70 years ago, Mooi was among the Bakubung families whose houses were razed to the ground by the heavy hand of the law in 1969. They were then settled, against their will, in Ledig near Rustenburg.

The community has now returned, and Mooi spoke to *Sowetan* about her bitterness over the removals, her detention spells and her joy at being back home even if her husband is no longer there to share the moment with her.

"My husband and I were not present when our house was demolished. We were both detained I was at the Boons police station and my husband was detained in Rustenburg We were among the many people who were arrested for saying 'No to Ledig We want to remain on our land'," she says.

According to Mooi, her husband Elishah died three years ago while the Bakubung were still in Ledig. Now her task is to make sure that he, too, is buried in Molote.

Mooi, who suffered a stroke more than two years ago, says apartheid laws and bad conditions in Ledig are to blame.

"I was arrested three times for no apparent reason. I was detained twice in a Rustenburg prison.

"I was again detained at Boons police station Now, here I am, suffering from a stroke. All because of apartheid laws and the bad conditions in Ledig," she charges.

After she was released from Rustenburg prison, Mooi was rearrested on her arrival in Molote and detained at Boons.

She never appeared in court. Neither was she charged.

"When I was released, I, together with those who were arrested with me, was told to go home and pack my things and go to Ledig," she says.

"After a week in Ledig, police arrived again about at 11pm They kicked in the door of our shack and gained entry.

"I was arrested three times for no apparent reason. I was detained twice in a Rustenburg prison. I was again detained at Boons police station. Now, here I am, suffering from a stroke"

Under arrest (271)

"They found me and my husband and told us my husband was under arrest No warrant of arrest was produced.

"Before they arrested him, they started by kicking him and hitting him with gun butts. He was thrown into a police van I demanded to know why he was being arrested but they did not tell me When I wanted to give him his clothes, they said it was not necessary," she adds

The following day, Mooi inquired from her friends and found that their husbands, too, had been arrested.

This was the beginning of a long journey for the four women to find out where their husbands were being held

"I, together with three other women, began searching for them in various Rustenburg prisons . but in vain," she says.

The women were fortunate that after long months of searching, a Rustenburg prison warder informed them that their husbands were detained in Pretoria

"We waited for three months, hoping they would appear in court

"We were surprised to hear on the radio that the men had already appeared and that one of them, a member of the royal family, had already died," Mooi says.

"We were not given permits to visit them in Pretoria. The police told us that we were not allowed.".

Mooi cries when she remembers the treatment meted out to her husband got in detention.

"Our husbands really suffered. If you could have listened to the type of treatment my husband got from his captors, you would have cried," she says with tears streaming from her eyes

After more than two decades, the scars left on Malote are also still visible.

"This place is ours and we are proud to be back. It is time to think how we are going to develop it"

Partly demolished stone and mud structures, amid piles of rubble, still dot the gentle and beautiful bushveld.

"Our house used to be there," Mooi says, pointing at the ruins.

The only things that remain undamaged are the well-looked-after graves left behind 26 years ago Nearby is the shanty town where about 74 families have lived since their return.

The former South African government relented in March this year after the tribe made numerous representations demanding their land.

The Bakubung are happy that about 95 percent of their arable land has been returned to them.

According to a spokesman, negotiations about the remaining land is going on.

"This place is ours and we are proud to be back. Now it is time to think how we are going to develop it," one woman says.

The community spokesman, Mr George Monnakgotla, told *Sowetan* at the weekend that plans are afoot to develop the area.

A committee has been elected to proceed with the development of the area once Vula Trust and Independent Development Trust have processed their plans

Chapter of evictions

And so, as the chapter of evictions closes for the Bakubung, another opens, of challenges and of developing their own area. Their success is bound to spur on other communities to reclaim their ancestral land, making this issue one that is bound to dominate the agenda of the new Government.

THE WEEKLY MAIL & GUARDIAN
June 3 to 9 1994

Return of the 'Riemvasmakers'

wm 3-9/6/94 (271)

The people of Riemvasmaak have returned at last, but there is more to resettlement than the acquisition of land, writes **Pat Sidley**



Above: Minister of Land Affairs Derek Hanekom and North Cape Premier Manne Dipico celebrate with the people of Riemvasmaak



Right: Peter Stockhorom and Meintjies Andreas pray at the graves of relatives after their return to Riemvasmaak

THE small community of Riemvasmaak gathered around a makeshift cross at the cemetery in the falling light of the Northern Cape semi-desert near the Namibian border.

They had last gathered at the same spot to take their leave of their ancestors The cross was erected 20 years ago to commemorate their forced removal from the area.

Catholic Father Robert Hindley reminded them of this in a touching, simple service conducted in Afrikaans, the common language here. A part of the service was read in Nama — a reminder of the fact that a community with many different ethnic elements had once lived harmoniously together

Riemvasmaak is beyond Upington, past the Augrabies Falls and at the end of a long dirt track which heads towards the border Warnings placed by the army, which occupied the land until last week, keep strangers out. Only the original inhabitants would have wanted to go back.

Their yearning for their land had brought them back at the weekend to celebrate the restoration of their land, entrench their newly won rights and get down to the business of making the community work again. To celebrate with them were representatives of the new government.

Listening to the speeches, one might have thought the recent election had never taken place. In attendance was the minister of land affairs speaking fluent Afrikaans Beside him, speaking also in fluent Afrikaans, was the provincial premier And the proceedings were started with a prayer and thanks to the triune God — also in Afrikaans

There the resemblance ended. As the ANC government's Land Affairs Minister Derek Hanekom arrived with the North Cape Premier Manne Dipico, they were drawn into a celebratory ritual which had them lifting the veil off the heads of young virgins seeking husbands. The clothing on the elderly women and the music accompanying the ritual displayed its Namibian origins.

There were moments of near-comedy as the two ministers grappled with their new power Who was the more senior when being introduced, the premier or the minister? Hanekom, introduced as "Comrade Minister", corrected this in combined Afrikaans and English to "Eerbare comrade minister"

The differences are more than those of just style Dipico's provincial legislature has pledged to build the homes in which returning "Riemvasmakers" will live The North Cape will be involved in several planned ventures to stop the community simply being dumped back on barren land.

Talks are in progress with the National Parks Board, who also came to the celebrations. Fresh from a seminar with the community, the Parks Board would like to enter a joint eco-tourism venture exploiting the area's rare black rhinos and spectacular scenery

Along with the army, the Parks Board has used the land to extend its domain from the nature reserve surrounding the spectacular Augrabies Falls Officials were courting Hanekom, who two years ago ruffled their feathers by suggesting that some of the land in the Kruger National Park might be turned to grazing.

Riemvasmaak also hopes to benefit from the cultivation of export-quality table grapes — Upington and its surrounds already have several successful vineyards. The venture will need training, expertise and resources — much of which will come from Hanekom and Dipico's administrations

Hanekom noted that the state at central, provincial and local level, the Parks Boad, the SADF and commercial farming interests had all taken part in planning the resettlement.

He added: "It has already been recognised that restitution entails more than just the acquisition of lost land Good planning, the resettlement of people, the provision of infrastructure and services, economic support programmes, sustainable development and community institution building, are essential elements "

In the festivities, Riemvasmaak's tragic history was almost forgotten Its people, settled for centuries in the area, were a mixture of Khoi-San people and those from African groups further south.

The government separated out those who looked like "Bushmen" from those who appeared "African", sending the former to Namibia and the latter to Ciskei.

The people watched their houses torn and burnt down, were placed into tents, trucked to the railway station, given rail warrants and freighted out.

Among those back for the first time since the removal was 42-year-old Henry Bezuidenhout, who pointed to a distant tree as the location of his former house. Asked where he was on the day the GG trucks came, he started silently crying.

More than 90 percent of the inhabitants belonged to the Catholic church Riemvasmaak had four schools, three of them run by the Catholic Mission.

The army, which later occupied the land, saw to it that few structures were left standing. The remaining housing was used for mortar target practice.

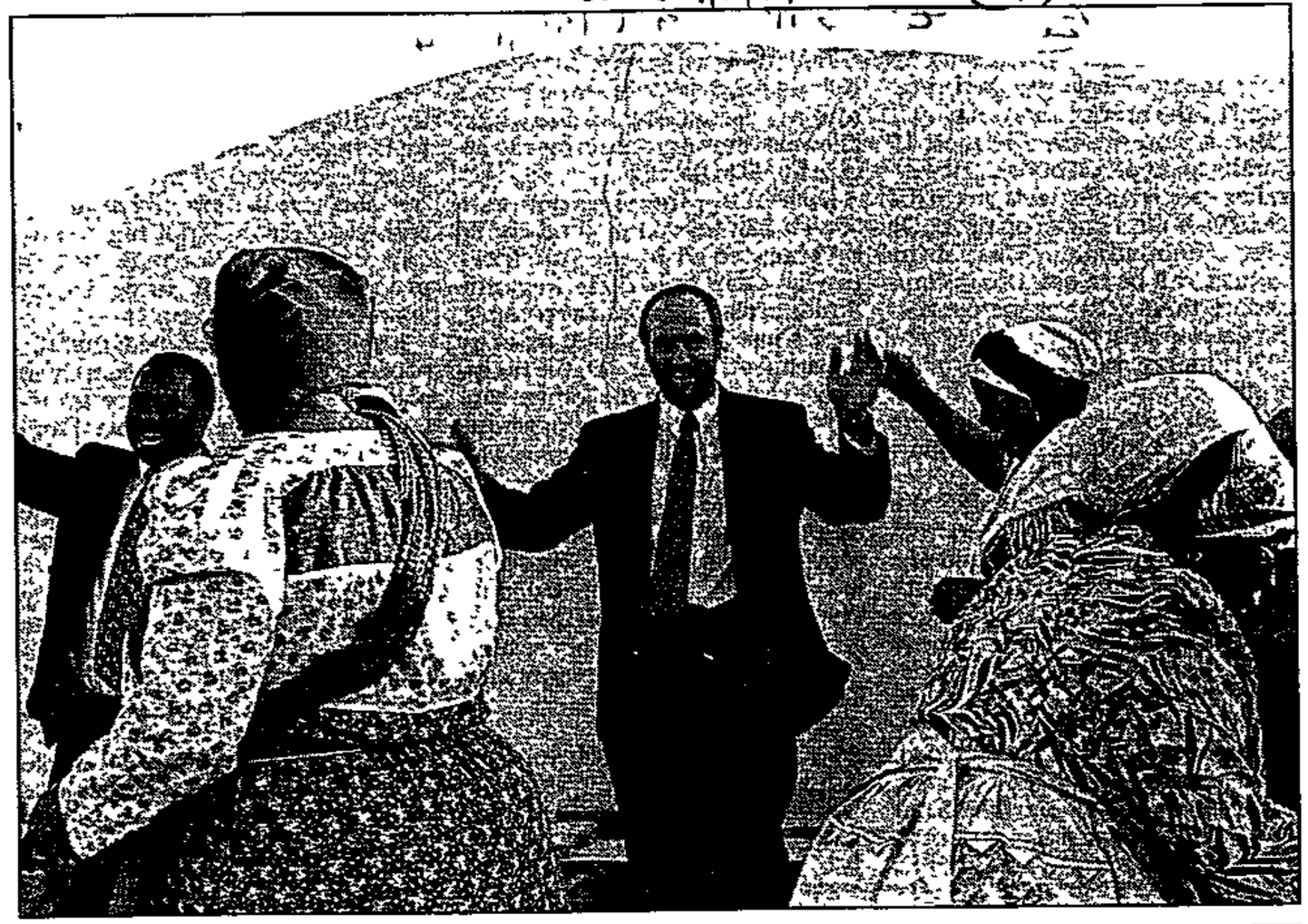
All that remained to link the returning community to its past and to the land was the cemetery Trickling back from exile in Namibia and the Eastern Cape, community members flocked to the graveyard to reforge their links with the people buried there.

THE WEEKLY MAIL & GUARDIAN
June 3 to 9 1994

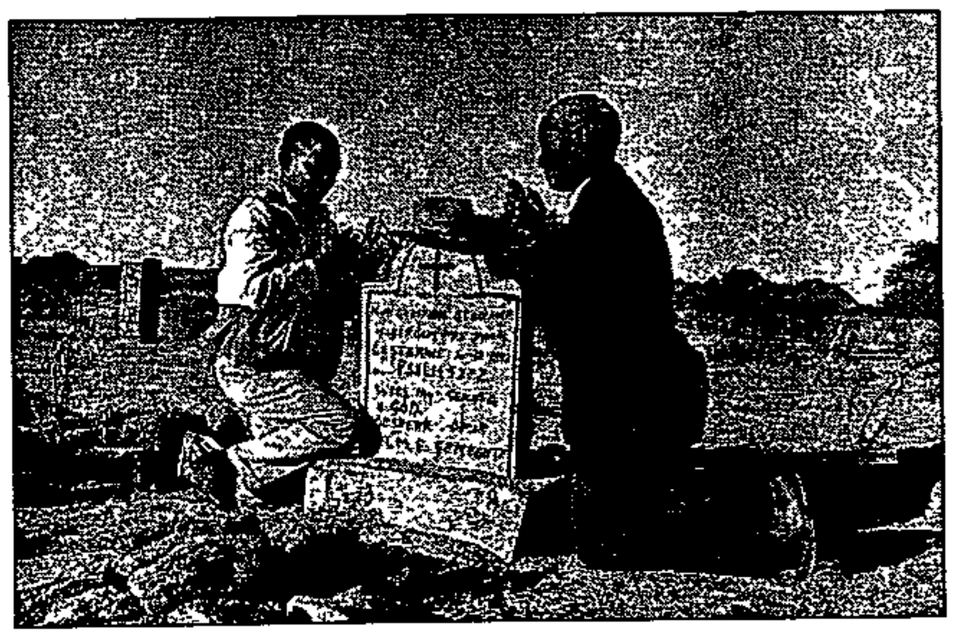
Return of the 'Riemvasmakers'

wm 3-9/6/94 (271)

The people of Riemvasmaak have returned at last, but there is more to resettlement than the acquisition of land, writes **Pat Sidley**



Above: Minister of Land Affairs Derek Hanekom and North Cape Premier Manne Dipico celebrate with the people of Riemvasmaak



Right: Peter Stockhorom and Meintjies Andreas pray at the graves of relatives after their return to Riemvasmaak

THE small community of Riemvasmaak gathered around a makeshift cross at the cemetery in the falling light of the Northern Cape semi-desert near the Namibian border.

They had last gathered at the same spot to take their leave of their ancestors The cross was erected 20 years ago to commemorate their forced removal from the area.

Catholic Father Robert Hindley reminded them of this in a touching, simple service conducted in Afrikaans, the common language here A part of the service was read in Nama — a reminder of the fact that a community with many different ethnic elements had once lived harmoniously together.

Riemvasmaak is beyond Upington, past the Augrabies Falls and at the end of a long dirt track which heads towards the border. Warnings placed by the army, which occupied the land until last week, keep strangers out. Only the original inhabitants would have wanted to go back.

Their yearning for their land had brought them back at the weekend to celebrate the restoration of their land, entrench their newly won rights and get down to the business of making the community work again. To celebrate with them were representatives of the new government.

Listening to the speeches, one might have thought the recent election had never taken place. In attendance was the minister of land affairs speaking fluent Afrikaans. Beside him, speaking also in fluent Afrikaans, was the provincial premier. And the proceedings were started with a prayer and thanks to the triune God — also in Afrikaans.

There the resemblance ended As the ANC government's Land Affairs Minister Derek Hanekom arrived with the North Cape Premier Manne Dipico, they were drawn into a celebratory ritual which had them lifting the veil off the heads of young virgins seeking husbands The clothing on the elderly women and the music accompanying the ritual displayed its Namibian origins

There were moments of near-comedy as the two ministers grappled with their new power. Who was the more senior when being introduced, the premier or the minister? Hanekom, introduced as "Comrade Minister", corrected this in combined Afrikaans and English to "Eerbare comrade minister"

The differences are more than those of just style Dipico's provincial legislature has pledged to build the homes in which returning "Riemvasmakers" will live. The North Cape will be involved in several planned ventures to stop the community simply being dumped back on barren land.

Talks are in progress with the National Parks Board, who also came to the celebrations. Fresh from a seminar with the community, the Parks Board would like to enter a joint eco-tourism venture exploiting the area's rare black rhinos and spectacular scenery.

Along with the army, the Parks Board has used the land to extend its domain from the nature reserve surrounding the spectacular Augrabies Falls Officials were courting Hanekom, who two years ago ruffled their feathers by suggesting that some of the land in the Kruger National Park might be turned to grazing.

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Commission urged to rule on claims for houses and land

Weekend Argus Correspondent

JOHANNESBURG. — The threat of housing wars in the PWV is very real because the government will not be able to provide a home for everyone at once, warns Mohammed Dangor, a member of the PWV provincial legislature. 271

Mr Dangor, on the housing subcommittee, will propose that a commission be established to draw up criteria for the allocation of resources such as homes and land, to avoid trouble. ARG 16/7/94

"There will be wars around the allocation of resources. We won't be able to deliver to all the people all the time," he said.

"Existing housing lists in Johannesburg consist of the old white, coloured and Indian lists, with African names added, but Soweto was not even part of that. In Soweto there were criticisms of nepotism around the housing lists there and the allocation of houses was seen to be corrupt.

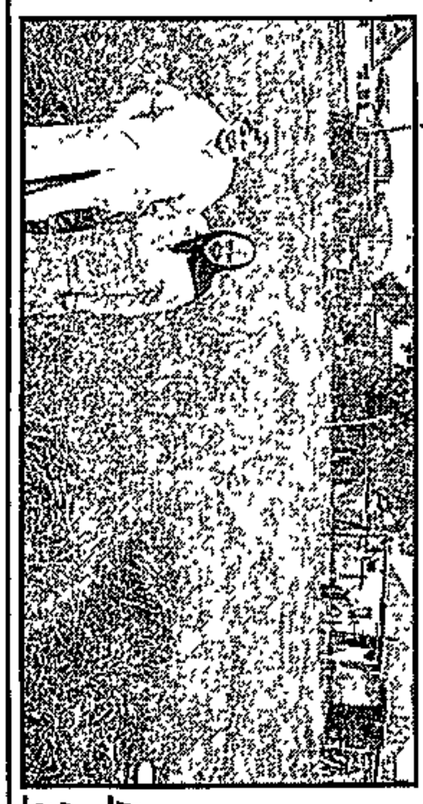
"We need to be aware of that — we don't need a repeat of the crisis in the Cape and Natal."

4 SOUTHEASTER
July 22 to July 26 1994

'Give us what is ours'

Kensington family battles to get back their land

BY VICKY STARK



HOME: Marjorie Hendricks (left) and Janap Hamdulay on the land they see as theirs Photo: Roger Sedres

THREE generations of the Hamdulay family have fought to regain land in Kensington which they were forced to sell to the city council in 1967.

Today, their chances of getting it back seem smaller than ever.

"We asked the council on numerous occasions if we could buy back our land. Now they have divided the property into six plots and sold them for R10 625 and R11 326 apiece," said Mrs Janap Hamdulay, 72.

"We can't afford to pay that. And why should we, when they only gave us R5 486 for all six plots?"

Mrs Hamdulay and her cousin Mrs Marjorie Hendricks inherited the land from their grandmother.

"I am disappointed that they have sold the land. Janap and I were born there and my three children were also born on that land," Mrs Hendricks said.

Since 1988, the council's housing office has acknowledged their wish to buy the land with replies that it was being "considered" and "investigated".

Then, in January, the housing office "regrettably" informed them that the plots were being sold to people on the council's waiting list.

"For 27 years we have waited for our land. Now we have no place to go," Mrs Hamdulay said.

Mrs Zohra Dawood of the Surplus People's Project said the family should continue to badger the city council.

The Land Claims Commission and a Land Claims Court — which will investigate cases like the Humdulays' and decide on compensation — will only be established in October.

"A bill is being presented to parliament which will also assist people who have been unfairly compensated for their land," Mrs Dawood said.

Time is running out for the Humdulays who can't hold off the bricklayers for much longer.

"All we want is what rightfully belongs to us. I will chain myself to the gates of parliament until they take notice of our plea," Mrs Humdulay said.

The city council was not available for comment.

Action on Riemvasmaak bombs promised

CT 23/7/94

By CHRIS BATEMAN
Political Staff

A MAJOR military operation to clear bombs and mines from the Northern Cape's controversial 70 000-hectare Riemvasmaak Reserve — recently restored to 100 evicted rural families — will begin in September.

Deputy Defence Minister Mr Ronnie Kasrils gave this assurance yesterday after Riemvasmaak community spokesman Mr Freddie Bosman said the army had until now made "only hollow promises".

Mr Bosman said since their Land Commission victory in February several of his people had moved stock onto the dangerous land and even set up makeshift homes.

"Bombs and bullets" had been found recently near a former Catholic mission station that served until early this year as the field headquarters of Eight South African Infantry Battalion.

The land was subjected to bombardments of all kinds, military manouevres and Armscor testing — including using the evicted people's homes for target practice.

Mr Kasrils promised an immediate investigation of claimed bomb finds near the old mission.

He believed there had been a misunderstanding over the starting date for the clean up, which required detailed logistical planning and even specialist training.

"It's an incredibly rugged area, parts of which have been inundated with shells over 20 years — but we will clean it up," he said.

He conceded that the clean-up was postponed by at least one month.

This weekend cabinet delegates from the Ministries of Land Affairs, Water Affairs and Forestry, Defence and Housing and the Northern Cape premier's office will hold a "bosberaad" in the area at Augrabies Falls to set up a repatriation-management plan.

Mines reach accord on tribal land

PRETORIA — The Land Affairs Ministry said yesterday Gencor and JCI had reached an accord with the Baphalane tribe over disputed land near Rustenburg Platinum mines. BIDay 26/7/94

Reuter reports that Minister Derek Hanekom said the parties had met at the weekend and JCI, Gencor and government had agreed to build a village for the community. A joint committee would also be set up to resolve the land problem.

"JCI and Gencor saw that if they waited for the land claim to be handled by the land claims court, which has yet to be constituted, it would find in favour of the claimants. The mines would prefer to come to a negotiated arrangement," he said.

JCI holds mineral rights to state land previously owned and occupied by the Baphalane tribe. Gencor also holds mineral rights and approached the Ministry this year after squatters moved on to the land.

JACQUIE GOLDING reports that a JCI spokesman said no firm agreement had been reached. The board would consider the matter this week.

The tribe had asked that the land be restored to it. The company had indicated that it was prepared to discuss options regarding the balance of farms not occupied by squatters. JCI would would make constructive proposals regarding the tribe's claim. (271)

Gencor spokesmen could not be reached for comment.

Meanwhile, Sapa reports that about 45 families of the Khosis community, under court order to vacate SA National Defence Force land near Kuruman in the Northern Cape, could soon secure rights to the land.

Hanekom met representatives of the community from the Luatla training grounds yesterday and said the SANDF would be asked to withdraw the order so that the details of the community's permanent settlement could be negotiated.

Families who had been forced to move

☐ To Page 2

Land

BIDay 26/7/94

☐ From Page 1

should be given the opportunity to return, with housing and agricultural assistance.

The Khosi community has been living on 14 000ha of the 135 000ha Luatla training ground for five generations. (271)

An attempt in 1992 to force them off the land resulted in 125 families moving to Jennhaven, 50km away. They were offered houses and other assistance.

The families who resisted the move had since been exposed to regular shooting practice and other military exercises.

Community representative Gerald Isaacs said some of the access gates to the area had been welded shut. "Sometimes we have to wait up to five hours for a shooting practice to end before we can enter the area through the remaining entrances."

Hanekom said he was confident the matter could be resolved easily. Deputy Defence Minister Ronnie Kasrils had given a clear commitment that the SANDF would co-operate. "This is a relatively uncomplicated case. We have to clear only a number of obstacles to give the Khosis security of tenure on the land rightfully belonging to them," Hanekom said.

Talks on land dispute today

Sowetan

By Mpikeleni Duma

THE return of the Bethany community to their land will probably be decided today at a meeting in ThabaNchu, near Bloemfontein. 27/7/94

Bethany community spokesman Mr Peter Bahume said yesterday the meeting would involve his community and the Evangelical Lutheran Church in Southern Africa, which owns the disputed land and uses it for sheep-farming. (271)

The Bethany community was forcibly removed from the land

Empty homes that bear sad testimony

(271)

Will the setting up of the Lands Claim Court be the answer for all victims of the Group Areas Act?

SHANNON NEILL tracked down some of the victims of Simon's Town whose lives were disrupted years ago to find out whether they'd go back.

TWENTY-FIVE years ago Mr Louw knocked on the door of the house where Ms Koebra Manuel had lived for 50 years He gave her a R1 500 cheque and that was that. She no longer had a home, her housing area was no longer for people of her race — all she had was the cheque in her hand.

So began the forced removal of the coloured community from Simon's Town to the barren Ocean View township.

"You know, there was such a fear of Mr Louw. The housewives would hear a car arrive in the street. They would check who it was. If it was Mr Louw, they closed their windows and hid," said an ex-Simon's Town resident.

People who lived in Simon's Town in the 1960s and earlier, describe it as a place where everyone — no matter what their colour — "lived in harmony"

Mr Herbert Leuendal feels the houses were "stolen" from the people. The council evicted the coloured community and gave the houses to whites

"The council bulldozed the private houses it took over What for? So that if you wanted to go back you had to rebuild," he says bitterly.

Ms Joan Orgill was born in the old False Bay hospital and lived in Cardiff Road until she was 24.

"Everyone in Simon's Town was like one big family. What was disappointing was to have people from outside come in and tell us we had to move," says Orgill.

"I will always remember my childhood there. It was so happy — walking on the mountains, walking on the beach."

She met her husband in the town. "He lived in Colepoint Road. We all used to take a walk at night to the harbour. So did he and his friends. We met there and got married.

"We have so many memories of Simon's Town," she says

Her mother was forced to sell their house for about R10 000.

Ms Feifa Fakier grew up in Simon's Town in an area where everyone "was a land-owner". Most of the people had cleared the land and built the houses themselves. Fakier describes her childhood as a "rich" one.

"In those days most of our meals came from the sea. Some days we'd dive for perlemoen. Other days we'd go to the harbour and sit with our lines and catch stinkies — bamboo

'They had to drag her to the vehicle to move her. She cried for days'

fish," she recalls.

"Other times we would help with the trek on Jaffer's Beach. During the daytime all the men were at work, Jaffer would blow his whistle and the mothers and the children would go pull in the nets.

"Before the fish had been counted we could take as many as we wanted," says Fakier with a smile.

Fakier recalls the heartbreak of those who were forced to leave Simon's Town — people like Mrs Arthur who died 11 days after being moved to Ocean View

"I will always remember Asa Karlie. She cried bitterly. They had to drag her to the vehicle to move her. She cried for days," says Fakier.

People were devastated. Their new houses were too small for all their furniture.

There was no school in Ocean View in the early days. There was no post office, no shops — nothing except a "concrete jungle of flats and lots and lots of sand".

Fakier says. "In Simon's Town you never locked your door or closed your windows. In Ocean View there's drugs, gangs, murders — it isn't safe like Simon's Town used to be."

Mr Samuel Bucas lived in Mount Pleasant, Simon's Town, for over 56 years. The life, he says, was a "wonderful" one.

"There was the Criterion bioscope. It was coloureds upstairs, whites downstairs. We had hard banke, they had plush, soft seats. But it was okay — you should have seen some of the things that went over that balcony!

"And the social life! At the Royal Alfred Hall we danced from nine till four. Those were the lovely days we had there," says Bucas.

Ms Martha Brown was eight when she and her family were forced to move from their home in Dido Valley.

"The navy bought the houses. Till today there are still houses there that are empty. For 24 years our homes have stood empty," she says.

For a while Rev Peter Clarke's family was somehow overlooked in a beaureacratic mess and in 1973 the Clarkes were the only family left in the Kloof Flats.

"For years we waited for Mr Louw and his message of doom. We couldn't fix the house when things broke — what if they moved us the next day?

"The entire neighbourhood had left — it was like a ghost-town — houses slowly crumbling, doors hanging open or stolen."

Finally they were moved to an area in Ocean View where they were surrounded by their previous Simon's Town neighbours.

Ms Koebra Manuel's family lived in Simon's Town for 200 years. "You know I read the tourist ads for people to come to Simon's Town — that it's unique, that it's beautiful — and I get so angry. It's my place, our place, not the tourists'," she says.

"I don't want to move back now — all that trauma again. I'm too old to move again. But I am angry — they should never have moved us."

Home's sweet in spite of bombs

271 ARG 30/7/94

■ Among the victims of apartheid's social engineering were the people of Riemvasmaak. Now they are returning to the land from which they were forcibly removed



KAREL DAMARAH

IT RAINED in Riemvasmaak on the day the community was forced to move. The people thought it was a sign that they would be allowed to stay but a state employee said. "Even if the Lord himself comes down, you will be moved." And he was right.

I am one of the victims of that shameful removal; one of the millions whose families and communities were torn apart by the harsh laws of apartheid. We were about 700 families and tht heartbreaking time was two decades ago. I had just completed matric in 1973 and my plan was to attend the College of Education in Oudtshoorn in 1974. Minutes after I left for Oudtshoorn our house was burned down by government employees.

During those years I saw my parents and the rest of my family only once a year. They were relocated to Namibia but I stayed on in South Africa after completing my studies. My mother, four brothers and two sisters still live in Namibia, so all these years I have travelled 10 000km each time I wanted to see my family — and sometimes for funerals.

Many people died away from their homeland in those years, not from illness or old age but from the yearning to return to the land of their birth. Their bodies lie in Namibia or Ciskei, far from the place of their yearning. I think especially of my father, whose great fear was that he would be buried in the alien soil of Namibia.

Like so many others, he never came to accept as his home the foreign place where he was forced to live. My father pleaded on his deathbed to be buried in Riemvasmaak. It was a wish that to my sorrow I could not fulfil.

But we never gave up hope of going back and we never stopped struggling for the return of our land. Twenty years after we were forced from our homes that struggle finally yielded a harvest. On February 11 1994, Riemvasmaak was returned to its rightful owners.

On May 21 1994 delegates of the Riemvasmakers visited Riemvasmaak. It was a momentous occasion. Tears of joy and sweet memories were shared. Families and friends were reunited for the first time in many painful years.

Elderly people got down on their knees and kissed the ground or threw away their walking sticks and joined the famous "Nama-stap" dance. Koos Steenkamp from Korigas says his foot has been miraculously healed since he danced for the first time in his life on that day.

We were also honoured by the presence of Northern Cape premier Manne Dipico and national Land Affairs Minister Derek Hanekom. The two were impressed and inspired by the courage of the Riemvasmakers and participated joyfully in a traditional Nama ceremony.

It is significant for us that Hanekom made his first public appearance at Riemvasmaak. In his speech he said that the Riemvasmaak case held political lessons for a free, democratic South Africa.

The celebrations at Riemvasmaak took place as part of an historic convention held in Upington between May 17 and 23 1994. Representatives of the dispersed people of Riemvasmaak converged on the Northern Cape town from all over South Africa and Namibia. People of all age groups were there.

There was only one real item on the agenda: determining the future of the place Riemvasmakers have never stopped calling home. The meeting was businesslike despite the elation of the people. Trustees were elected for the Riemvasmaak Community Development Trust, with the dynamic and progressive Freddie Bosman elected as chairman.

Various committees of the trust have been given responsibility for a variety of tasks, which include evolving development plans for the area and planning the relocation of returnees. The planning process is at an advanced stage.

If it receives enough support, the aim of the trust is to create opportunities for people to improve the quality of their lives and to help them to take their place with pride and dignity in the new South Africa.

The only remaining fly in the ointment is what used to be the South African Defence Force (SADF). During the years of our dispossession the SADF used Riemvasmaak for training and other military activities, leaving a trail of dangerous debris behind it. The area is still strewn with bombs and other live explosives.

Obviously this is a problem of grave concern and its removal is essential before Riemvasmaak can be restored to the people in fact as welkl as in law. The Commission on Land Allocation recommended that the SADF be required to pick up its mess. Colonel J Malan of the Upington-based Eight South African Infantry promised that this would be done by June 1 1994. But no clearing operation has begun.

This sorry and disgraceful state of affairs has been brought to the attention of both the Minister of Defence and the Minister of Land Affairs. In the meantime we wait.

Despite the bombs —, and in a way they are the appropriate last remnant of a vicious period of history — this is a time of joy and thanksgiving for the people of Riemvasmaak. It is right that I end this article by expressing our deep thanks to the individuals who advised us and to the non-governmental organisations — Legal Resources Centre, Surplus Peoples Project and the Land Development Unit — for their support and help.

■ *Karel Damarah teaches at St Maria Goretti Primary School in Augrabies and is secretary of the Riemvasmaak Community Development Trust. This article was published in the Idasa publicaton Democracy in Action.*

Bill to restore land rights coming shortly

c 13/8/94 (271)

Political Staff

A RESTORATION of the Land Rights Bill will be introduced shortly and the Land Claims Court would be operating before the end of the year, Land Affairs Minister Mr Derek Hanekom said yesterday.

And he hinted the act preventing the sub-division of land would be amended and the Land Bank used to support landless people.

He said his department was committed to restoring land to the victims of forced removals.

Title deeds to fix land rights

Politlcal Staff

THE government intended issuing title deeds as evidence of land rights to residents in rural and township areas, the Minister of Land Affairs, Mr Derek Hanekom, has stated.

"The government has committed itself to investigate means of giving recognition, protection and security to various forms of tenure," he said in reply to a question in Parliament.

At present, land tenure rights could be upgraded in terms of the Upgrading of Land Tenure Rights Act, but there were certain shortcomings in the act which would be reviewed.

City Council offers return of sites to evicted squatters

Star 6/18/94

NEWTON KANHEMA

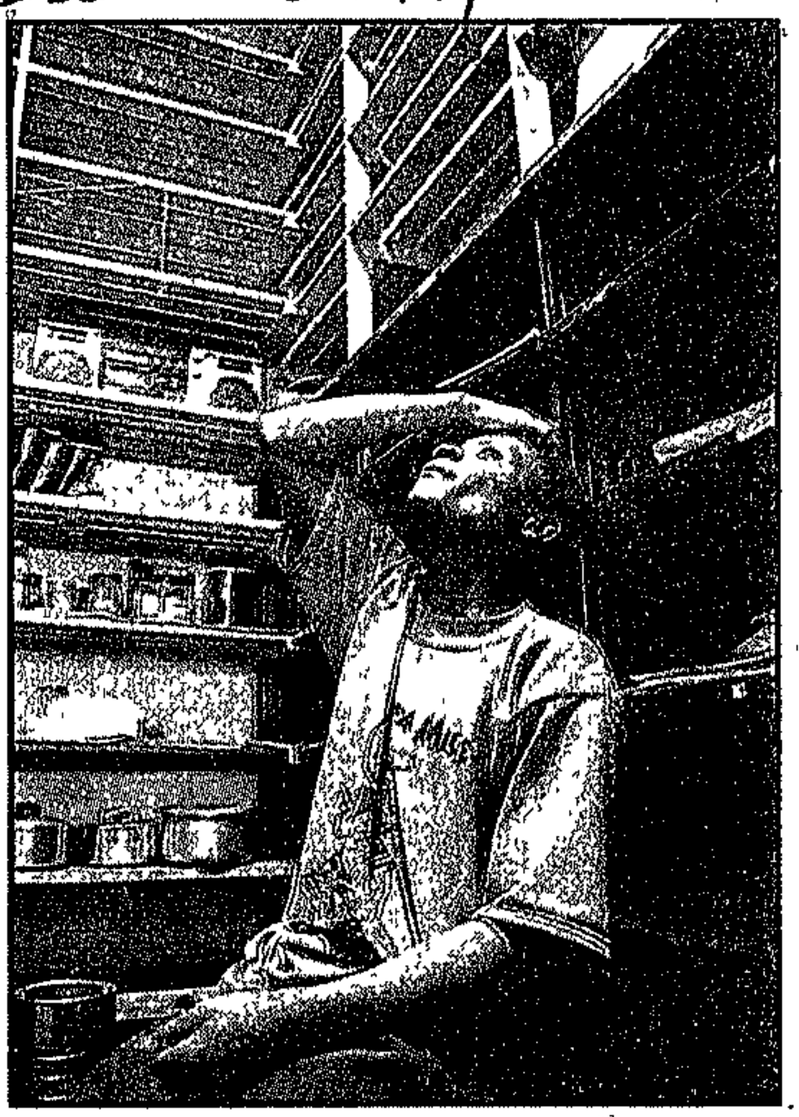
THE Liefde en Vrede squatters whose shacks were demolished by the Johannesburg City Council three months ago have been offered the option of going back to the area they were forcibly removed from.

Liefde en Vrede is one of five possible sites offered to the squatters by the council and the PWV government.

Squatter leader Jacob Mabaso says the community wishes to return to the site, which borders on the affluent suburb of Mulbarton in Johannesburg's southern suburbs.

The squatters' shacks were demolished by the council at the beginning of winter, leaving hundreds of people in the open. Under pressure from the public, the council later accommodated the homeless in disused transport offices near John Voster Square Police Station in downtown Johannesburg.

But Mabaso said the chairman of the Johannesburg management committee, Ian Davidson, now appeared to be developing cold feet about the offer to allow the squatters to return to Liefde en Vrede.



HIGH PRICE: Jacob Mabaso in his storeroom bedroom at the disused transport offices. *PHOTOGRAPH: DEBBIE YAZBEK*

"At the moment we don't have a date for when we are moving. We don't even have a date of when we are to meet the PWV authorities and the council again," Mabaso said.

"No one seems to be interested in us anymore. People are growing impatient, and we leaders are under pressure from our people who cannot tolerate the conditions we are living in.

"Initially we agreed that men should sleep in separate rooms and women and children in separate rooms, but that has since been abandoned. All the arrangements we made

TO PAGE 2.

♦ Squatter row

Star 6/18/94

have now become a joke. We cannot do anything. This (the transport building) is just a mad place. People are now sleeping with their wives and there is no privacy at all.

"When our delegation chose the Liefde en Vrede option because it was closest to the CBD, Davidson became very elusive. There was a lot of ducking and diving and we could not agree at the end of the meeting," said Mabaso.

The council and the PWV government had set up a committee which did not include the homeless people, he said. The committee was to look at the five different proposed areas and decide which were most suitable.

A visit to the abandoned council offices where the squatters are housed revealed the desperation of their situation.

Visitors are greeted with a potent stench from the corridors and rooms — which sleep as many as 50 people in each.

Residents were busy cleaning up the floors, their clothes dangling from makeshift hangers on the walls. Pots on paraffin stoves boiled over while children played in the corridors.

Visitors cannot just walk in and talk to residents. They are referred to "our leaders on the first floor".

Mabaso shares a defunct storeroom with fellow leader Willie Dhlamini. The leaders, who have been at the forefront of the negotiations for the 900 homeless people, said they were beginning to lose their people's loyalty as people grew impatient.

Mabaso said the squatters were initially patient and obedient after being told their problems would be solved in a matter of days.

Johannesburg director of urbanisation Cedric de Beer said the other sites offered to the squatters were Noorgire near New Canada, Lawley near Lenasia, Klip River and Eikenhof.

He said the issue was being handled by PWV MEC Dan Mofokeng.

Another council official said people in elite white suburbs were deeply worried about the devaluation of their properties.

"But if all people say they are interested in the success of the housing project they should refrain from adopting a "not in my backyard" attitude.

"The existence of low-cost housing in our neighbourhood is one bullet we have to swallow," said the official.

Eviction for granny

Sowetan 11/8/94



By Mathatha Tsedu
Political Editor

A 79-YEAR-OLD GRANDMOTHER is to be evicted from a Bronkhortspruit farm this morning in the ongoing removal of blacks from white-owned farms in the Eastern Transvaal.

Mrs Johanna Mokwena of No 14 Spitskop Farm has lived there for 31 years. Her husband, who worked on the farm, died in 1980.

A lawyer for the family, appointed by the Black Lawyers Association, yesterday said the farmer, Mr JG Venter, had cut off Mokwena's water supply since Sunday in an effort to get her off the land. Last year he had also demolished a school on the farm (271) (B)

"The police went to the family yesterday and made the old woman sign an acknowledgment of the eviction notice which gives her until midnight Wednesday (last night) to be off the farm," a lawyer, Mr Felix Malunga, said.

Venter's lawyer, Mr AJ von Berg, said a final eviction notice had been issued. He said Venter felt that Mokwena was "unco-operative and unfriendly", and that this had prompted the eviction.

He described Mokwena as an "illegal occupant" who paid neither rent nor water charges. He said the water supply was cut as Venter paid for it. He said police would be called in to witness the receipt of the notice to ensure that there was no confusion.

He said Venter was "not the AWB type. He is reasonable and had asked a relative of the woman to work on the farm but he had refused, saying he earned more money in town".

Mokwena's son, Musa, said Venter had started to chop down peach trees planted by the family. He had also allegedly told them the house that was built by the Mokwena family and which was the only home Mrs Mokwena had would be demolished today.

The eviction this morning will coincide with a meeting between leaders of the Transvaal Agricultural Union and Land Affairs Minister Mr Derek Hanekom to discuss concerns over the evictions.

Malunga said he had exhausted all legal channels to try to stop the eviction, which was to have been carried out at the beginning of May. He said he had also written to the province's premier, Mr Matthew Phosa, in June requesting assistance with the Mokwena's case, but had not received any response.

Malunga said he had five other cases of pending evictions he was dealing with.

"Unfortunately, in terms of the property clauses of the interim constitution, there is not much that can be done against the evictions until the constitution is changed," he said.

Phosa told *Sowetan* last week that there was "massive abuse of farm labourers and their families in the province. There are assaults, impounding of stock and evictions taking place on a large scale.

"Consequently, we have asked the Agricultural Union and the police to look into the cases and report back to us soon."

The ANC in Witbank, which has been inundated with calls for assistance by farmworkers, said the problem was widespread with farmers seemingly reacting to its election victory by expelling workers.

Many of those evicted have been told to go to President Nelson Mandela to get houses, they said.

The Mokwena family are neighbours of Mkhuzelwa Mahlangu, whose case was highlighted in *Sowetan* yesterday. Mahlangu has been told to sell two of his three head of cattle or face eviction, he told us.



Access to the land ... Shareholdings for farm labourers is proposed by the Development Bank as a means of land reform

PHOTOGRAPH RUTH MOTAU

Fair share for farm labour

(B) (271) (C) WM(BM) 12-18|8|94

The Development Bank has come up with an innovative plan for land reform, reports **Teigue Payne**

AN INNOVATIVE way of addressing South Africa's imbalance in ownership of farming land and assets, or at least blurring the "black" or "white" labels on farm land ownership — shareholdings for farmworkers — has received an enthusiastic response among white farmers and others.

The scheme involves sale of shares in the profit, loss and equity of existing "white" farms. Advocates say such schemes would have the advantage of producing quick results for a population with high expectations. They would preserve skills, support the existing businesses of larger farm units which could be more competitive but which might have been in major debt, and save the government the vast costs of new resettlement programmes.

Even if Land Affairs Minister Derek Hanekom does achieve the RDP target of a 30 percent transfer of commercial agricultural land by the end of the century, the imbalance of land in the hands of whites will be unresolved. And the land transfer programme will cost a fortune for purchase and installation of infrastructure.

Advocates of the farm equity scheme envisage that government could play a role by providing loan assistance, or withdrawing support for unwilling farmers. They envisage a state-linked or private financier would buy shares which would be placed in a trust for the farm workers, who could gradually buy them. Or, in line with modern trends, the farming company could vest in one set of people; the land in another. Or other forms — like share cropping or part title — could be structured.

They say it makes more economic sense to divide up the ownership of the land, instead of the actual land, especially on land which is not of high potential or irrigated — which applies to the majority of South Africa.

■ Continued on PAGE B3

Shares for farmworkers

(B) (271) WM(BM) 12-18|8|94

■ From Page B1

Policy analyst for the Development Bank of Southern Africa, Craig McKenzie, says following his initial address in Durban about the scheme, he received about 200 calls of enquiry in three weeks.

There is no telling whether that response was out of fear or altruism, but McKenzie comments: "Real land reform will happen quickly if the solutions are good."

In this case, however, the reality is that progress has been slow. Only one farm has structured an equity share deal so far through the DBSA, though about five more deals are in the pipeline

Other deals not structured through DBSA have reportedly been done. McKenzie says the DBSA is regarding this as a pilot project. He expects the process to get faster as experience is gathered.

McKenzie says the deals would normally involve concessionary financing because of the poverty value crops like deciduous fruit, the scheme has had a particularly positive reception in the Cape

He does not believe it is the panacea to land reform — he will be happy if it eventually applies on five percent of farms. It's not suitable for everyone largely because of high transaction costs.

Currently, the DBSA will only consider highly viable farms for the deal. Still, McKenzie thinks any farm could be the subject of a deal provided the farmer is willing to sell at an appropriate price.

And, McKenzie says, enquiries have not only come from farmers One possible deal is for a hotel.

The idea might have the salutary effect of breaking the conventional wisdom that equity schemes can only apply in listed companies. In fact, perhaps the smaller the company, the better — though finding formulae for ongoing valuation will be a challenge.

While the scheme could be viewed as a "white trick" to maintain real control, McKenzie says workers could hold the majority of shares. For many farmers, the attraction of the scheme is its potential to get farm workers involved and enthusiastic about production and production decisions.

Because worker involvement is especially important in high-

NEWS

Joy for Mogopa community

The land is yours, declares Minister

Star 15/8/94

Land Affairs Minister Derek Hanekom overturned a Commission for Land Allocation decision at the weekend and returned to the Mogopa community the land they were forcibly removed from 10 years ago.

Hanekom visited Mogopa, a small rural village near Ventersdorp in the western Transvaal, on Saturday and said to the community: "The land is yours."

After the anouncement, joyous residents clapped and hugged each other. Hanekom joined them in their celebrations.

The Transvaal Rural Action Committee (Trac) said the meeting in Mogopa had taken place after the community had threatened to reoccupy the second of their properties taken from them in 1984 by the former Nationalist government.

The two farms bought by the community in 1912, Swartrand and Hartebeeslaagte, were expropriated without compensation.

"It was a clear-cut forced removal," Hanekom said.

After being removed, the community moved twice more before returning to Swartrand in 1988 under the guise of tending to their ancestors' graves.

In 1991, the then Minister of Regional and Land Affairs announced that the government would return title to Swartrand. However, without the use of the farm Hartebeeslaagte, the community had been unable to grow crops to support themselves. Unemployment was high and the community very poor, Trac said.

It applied to the Commission for Land Allocation for the return of their second farm. They were told they would have to buy the farm. (291)

On Saturday, Hanekom overturned this decision.

According to Trac, Hanekom committed his department to helping the community to plough the land and to supply other needed development resources.

The Minister requested that on the day the community started ploughing, he be allowed to join them to plough the first furrow, Trac added. — Sapa.

Land given back to community

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Hanekom visited Mogopa, a small rural village near Ventersdorp, to make the announcement.

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They applied to the Land Allocation commission for the return of the title to their second farm, and were told they would have to buy it, before Hanekom overturned the decision.

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Land given back to community

RDay
15/8/94

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Land for landless listed by the state

(27)

CLIVE SAWYER
Political Correspondent

A COMPUTERISED list of all state land, to identify land available for redistribution to the landless, has been completed.

A department of land affairs report, tabled in parliament today, said national land reform was central to the Reconstruction and Development Programme (RDP).

Key elements of land reform were restitution, as provided for in the constitution, and "land reform and redistribution by influencing the environment within which market forces operate".

State assistance to land reform could include providing subsidies or using available public land. ARG 16/8/94

When land had been identified as suitable for redistribution, the department would decide whether it should be used for agriculture, urban development or rural settlement.

The chief directorate of land services would arrange transfer to beneficiaries, such as communities, tribes or individuals.

The report said the ministry would introduce nine pieces of legislation in parliament this session.

This included a Restitution of Land Rights Bill, for restoring land rights removed under apartheid.

The bill would establish a Commission on Restitution of Land Rights, with regional offices, to investigate and "mediate" claims.

● The deeds office is to charge a "user fee" from October.

The fee is expected to be about R75. Transfers of land of less than R60 000 will be exempt from the fee.

"But it is expected to levy a registration fee of R100 on transactions of more than R150 000," the report said.

August 18 1994

Big land hand-back to begin this year

ARG 18/8/94 (271)

☐ Scores of rural communities seek redress

CLIVE SAWYER
Political Correspondent

THE process of returning land or paying compensation to people robbed of their land rights by apartheid will begin by the end of the year, land affairs minister Derek Hanekom said today.

About 3,5 million people lost their land because of racial provisions in the 1913 Land Act and similar subsequent legislation.

Up to 100 rural communities could be eligible to claim land or compensation.

In Cape Town, District Six may be removed as a whole from the provisions of the Act.

The Land Rights Restitution Bill allows national, provincial or local government to apply for exemption where a process has been started to redevelop land where a community was removed because of apartheid.

Mr Hanekom said no land, whether in state or private hands, would be exempt from the land claims process.

The government faces the daunting task of undoing the damage of years of forced removals, racial segregation and dispossession.

Mr Hanekom said he hoped the process of restitution of land rights would be completed within five years.

"This legislation may be as significant as the watershed 1913 Land Act because it brings to rest the process which, as Sol Plaatjie put it, turned a black man into a squatter in his own land."

Mr Hanekom said there was "great impatience" among communities that wanted land returned.

Some had started reoccupying land, he said.

"The bill will be tabled in parliament as soon as it is certified by the state law advisers.

"I intend having the commission on land rights and land claims court process up and running by the end of this year."

The court will have the power to award compensation and decide on state support for land reform programmes.

"The bill seeks to deal with specific claims which involve a limited amount of land.

"Claims will have to be lodged within three years of the new legislation coming into operation."

The commission on restitution of land rights will help claimants in documenting their claims.

Commission to tackle land rights

By BARRY STREEK
Political Staff

THE cabinet yesterday approved a bill to establish an independent Commission on Restitution of Land Rights and a Land Claims Court.

The cabinet said in a statement yesterday that it had given its approval to the Bill on the Restitution of Land Rights to be submitted to Parliament.

Details of the bill are to be disclosed this morning when the Minister of Land Affairs, Mr Derek Hanekom, addresses a press conference.

271

Resettled CT 18/8/94

The legislation is aimed at restoring land rights to people who were forcibly moved under apartheid. More than four million people were resettled in an attempt to provide a geographic basis for separate development.

The bill approved by the cabinet yesterday will provide for the operations of the commission and the Land Claims Court.

It will be referred to the Standing Committee on Land Affairs once it has been certified by the State Law Advisers and tabled in Parliament, and interested parties will be able to submit written comments to the Standing Committee.

focus on land issues

Soweton 19/8/94

The Bakwena of Mogopa are back where they belong — on land forcibly taken from them 10 years ago. Features writer **Sharon Chetty** provides an insight into their elation:

AT THE END of a tortuous gravel road lies a wind-swept hamlet with only a few lonely trees standing guard like sentries.

To the visitor, Mogopa, near Ventersdorp in the Western Transvaal, looks like any other rural village A few sheep and cattle roaming around, crude dwellings with sheet-metal roofs held down by rocks and mangy dogs lying in the sun.

It is not a unique spot, but a stark reminder of the brutal excesses of the former Nationalist government — a gaping wound created by forced removals

All that changed last Saturday when Minister of Land Affairs Derek Hanekom returned Hartbeeslaagte, the second of two farms, to the people.

Over the past ten years, Mogopa, populated by the Bakwena tribe, has become a symbol of our dark apartheid past.

It was a "black spot" in an area of white concentration, and for no other reason than that, the people were forced out at gunpoint, kicking and screaming, with no explanation

They had lived there for 78 years, cultivating the land, raising their cattle and tending crops until February 14 1984, when under cover of darkness the "*Boere*" and the police descended on them, tore down the village and forcibly relocated thousands to an area called Pachsdraai, 250 kilometres away

"I feel like dying, I want to cry when I remember February 14 1984," said Ma Nellie Jacobeth Rampo this week.

For ten years she has had nightmares of that fateful day — recalling every moment as if it happened yesterday.

She was born in the village 67 years ago, lived with her children in the house her father built and hoped to see her peach orchard outlast her.

Instead, she spent the early hours of that Valentine's Day terrified, and then angry that the men who came to move her away would not even speak to her.

"I woke up at about 3am ... it felt like I was in Johanneburg — there were so many lights on the hills," she recalled.

Mogopa is at the foot of the Zwartrand Overnight, the police and government officials had assembled on the hilltops — lying in wait to pounce on the unsuspecting community.

The first the people of Mogopa knew of the removal was when their chief, Jacob More, spoke to them through a loud hailer.

"He told us not to be frightened, the South African police were around us and we would be moved," recalled Ma Nellie

"I could feel my heart getting weak but I was still cheeky

"When the men did not speak to me I went up to them and hit out . . I wanted to die on the spot, I did not want to move," she said.

Ma Nellie says that once the people of Mogopa had been moved out, their brick houses were torn down, trees chopped down and water



Ma Nellie says her 10-year nightmare is over now that Mogopa has been given back to the people.

271

pumps removed.

Diamonds had been found in the area and some of the area was excavated, parts were used for grazing for white farmers' livestock while the rest lay fallow

"It was bad," is the only way 59-year-old Johannes Hector can describe the past ten years.

"We were rich .. there was food, we worked the land and had our meat.

"The *Boere* took all that away," he said, his voice tinged with bitterness.

The father of five, like Ma Nellie, returned to Mogopa in 1989 as part of a concerted campaign to win back the land

Under pretext of tending to their ancestors graves, a few families returned to Mogopa and refused to return despite a Supreme Court challenge by the government.

When they were eventually allowed to stay on in 1992, the more arable Hartbeeslagte portion was still out of bounds.

This was returned to them on Saturday

"*Ja*, when the rains come, we will dance," said Ishmael Mokajane

"On the first day in September we can plough the fields .. we can reclaim our land," he said eagerly.

Those who are there now say that the Mogopa community was a "wonderful" group.

"When the men did not speak to me I went up to them and hit out ... I wanted to die on the spot, I did not want to move"

Some of that changed, though, after the removal when the community was divided between those who wanted to return home and those who opted for resettlement in areas such as Pachsdraai and Bethanie.

But for people like Ma Nellie, Oupa Johannes and Ishmael, there is no question about where home is.

Now that their fight is over, they have to rebuild Mogopa into the thriving village they grew up in — for their children's children.

This week they walked tall, a spring in their step, as eager preparations for the celebrations were made.

Pain of removals victims

THE pain and humiliation of families evicted from Simon's Town properties in terms of the Group Areas Act was recalled this week during a hearing of the Commission on Land Allocation.

The four-person Commission met in Simon's Town on Friday to adjudicate on an application from the municipality for vacant state land on the outskirts of the town The outcome of the hearing is expected within weeks

The 4,03-hectare parcel of land was owned by the municipality prior to the Group Areas removals in which 40 coloured families who rented houses from the council were evicted.

By NAZEEM HOWA

The municipality subsequently sold the land to the government and it has now applied to get back the land to develop economic housing for victims of removals

However, in spite of numerous reminders of the limited jurisdiction of the Commission, dozens of victims this week testified about the hardships the Act had brought on them

First to respond to the municipality's bid for Erf 2378 was former Simon's Town resident Joan Orgill, who now lives in Ocean View

"I remember quite clearly how people were dragged out of their homes and forced to move to Ocean View In many cases families left their treasured possessions behind because the houses they were being moved to were much smaller," she said

Opposed

Mrs Orgill criticised the municipality's application as there had been no public consultation about their plans.

Surplus People's Project staffer Zohra Dawood also opposed the municipality's bid.

Ms Dawood said that although the municipality owned the land, tenants were eligible for compensation.

"The new Restitution Bill should come into effect within months and it is more suited to sorting out Group Areas claims," she said.

Ms Dawood was concerned that the municipality's idea of providing houses on Erf 2378 for removals victims could open the way for black people to settle there.

"The Group Areas Act was aimed at removing coloured people while blacks were moved to Langa under other legislation. All the municipality will be doing is benefiting one group of dispossessed over another," she said.

Pensioner Mr Henry Thompson, 77, told the Commission he wanted to return to Simon's Town so that he could die there.

"I owned 15 properties in Simon's Town before the Group Areas Act fell. Fortunately I could sell two at market value, but all I got for the others was a paltry R33 000.

"I had planned to retire 30 years ago, but the scandalous amount of compensation I received forced me to postpone my plans," he said

Speaking on behalf of more than 12 removals victims, Mr Vernie Wessels said the municipality's plans smacked of racism and tokenism.

"Even though the municipality was aware of attempts by former Simon's Town residents to get back their land, it made no attempt to involve us in their planning," he said.

Mr Wessels accused the municipality of benefiting from the removals.

"Not only did they receive rents for 20 years, but once the tenants were forced out they sold the property to the government," he said.

Mr Wessels also asked why the municipality wanted to develop Erf 2378, located on the outskirts of the town.

"Is this an attempt to have a ready labour force, but to keep the town lily-white?"

Simon's Town municipality's town clerk, Mr Jacobus Marais, rejected criticisms of the council's application.

"While we agree the land is not uncontested, if it is returned to us we plan to develop it so that former residents who were prejudiced by Group Areas Act can move back there."



PRIME PROPERTY . . . Ms Joan Orgill and her brother Mr Vernie Wessels on the property their family was evicted from 27 years ago. It is presently owned by the Navy but has not been used since their home was demolished

Picture: NAZEEM HOWA

The new Government has taken promising steps towards returning land to apartheid's dispossessed, thanks largely to the efforts of Land Affairs Minister Derek Hanekom. ***Jo-Anne Collinge*** *reports*

Breaking new ground on land claims

Star 22/8/94

Minister of Land Affairs Derek Hanekom has literally sweated over the return of land to apartheid's dispossessed, travelling long and dusty roads to negotiate with people who were discarded in remote parts.

In just three months he is perceived to have done more to right the wrongs of the old forced removal policy than the National Party did during the four-year transitional period.

"Derek Hanekom has been pro-active He takes time to meet the people and he takes action before things mess up," says Themba Maluleke, a development worker with the Transvaal Rural Action Committee (Trac).

Estelle Randall, press officer for the Natal-based Association for Rural Advancement (Afra), says there is now a sense of dealing with a government that wants to see the land problem resolved. "There seems to be more openness, accessibility and seriousness "

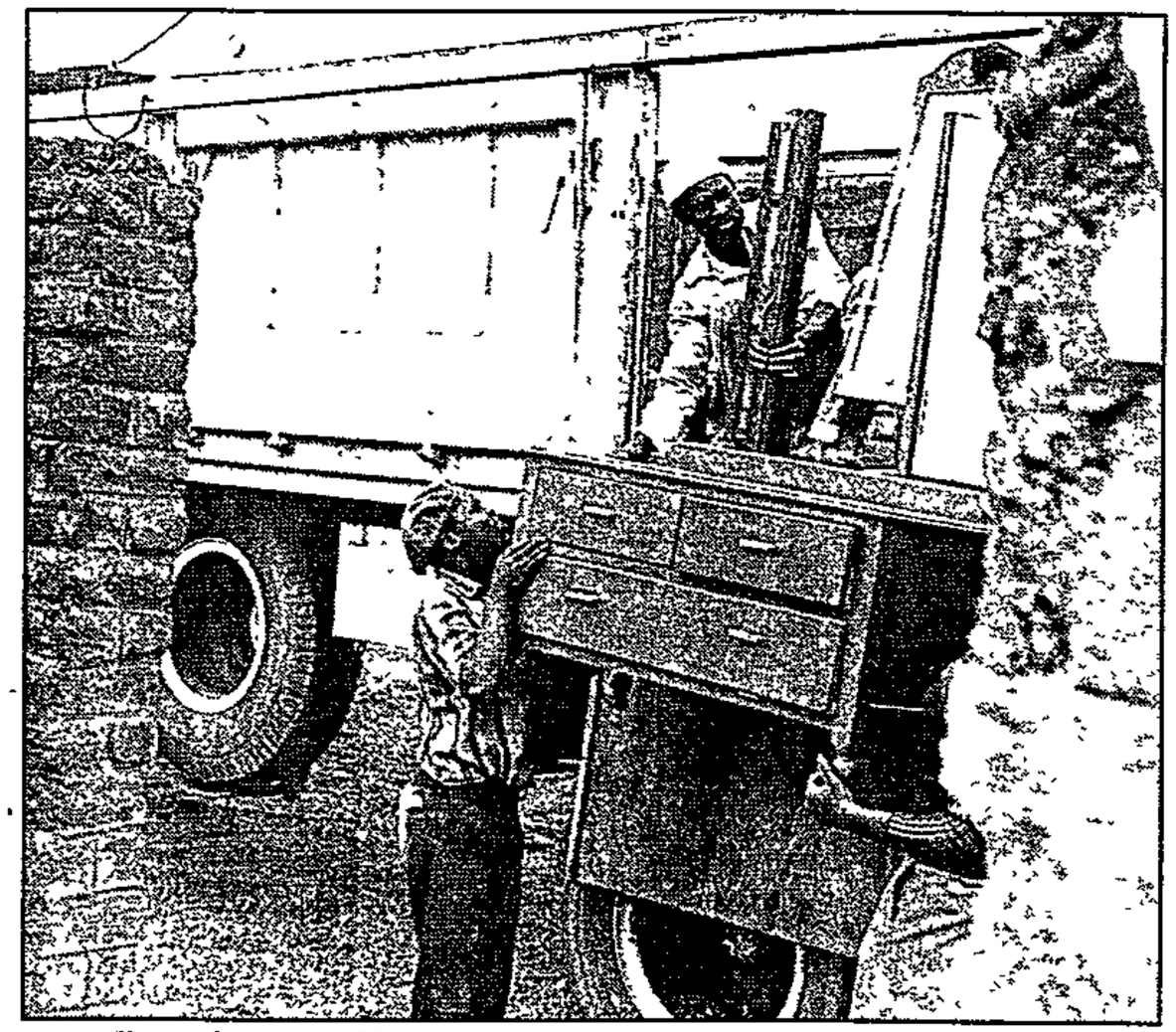
Brendan Pearce of the National Land Committee (NLC) readily recognises that Hanekom has used his personal authority positively "I think he has definitely been moving very fast — especially if you consider this is without having a proper land claims court in place. He's committed to solving the easy cases."

This praise cannot simply be dismissed as coming from a choir of ANC voices. Although it is probable that Trac, Afra and the NLC would be generally better disposed to an ANC government than an NP government, they have shown themselves willing to take on anyone where the rights of the landless are in jeopardy.

When you look at the figures, it is clear that Hanekom's success lies not so much in the quantity of properties restored to victims of forced removal, but in the quality which he brings to the process.

Ministerial spokesman Hellmuth Schlenter says the Department of Land Affairs has before it 63 rural land claims (most of which are communal) and 2 250 urban land claims (most of which are individual)

Only 10 rural communities have so far had their land restored — and at least half of these chalked up their victory under the NP government, in the last few weeks before the election.





Times change . . . Mogopa residents (left) are forced to move from their homes in the '80s, while (right) displaced residents of Bakubung, near Magaliesburg, were able to return home this year.

The qualitative difference between the old land restoration and the new is well reflected in the experience of the Mogopa community, the last "black spot" subjected to forced removal by the NP government, back in 1984.

After unrelenting resistance, the Mogopa community won back Zwartrand, one of their two original farms, by negotiating with the NP government. Still feeling short-changed, they appealed without success to the Commission on Land Allocation for the return of their second arable farm, Hartebeeslaagte.

This month, Hanekom went to Mogopa and announced not only the return of Hartebeeslaagte, but immediate financial support to ensure that the people of Mogopa would have the inputs and the implements to harvest their first crop this summer.

Where the NP's return of Mogopa's first farm was grudging concession, which failed to acknowledge the extent of the original injustice, the new Government's subsequent decisions have been a more wholesome attempt to restore a community and to recompense it for past suffering.

But Pearce and Randall point out that, when it comes to the tough cases of land restoration — for instance, when the land in question is no longer in the hands of the State, but held by private owners — there is not much that Hanekom can do by way of personal intervention.

He can, and has, encouraged negotiations among the parties concerned, but where matters deadlock, the Land Rights Restitution Bill, with its Land Commission and Land Claims Court, will have to take over Hanekom presented the Bill to the Cabinet last week, and it will be up for public comment almost immediately

Under the Bill, communities deprived of their land will have three years in which to register claims for restoration, or, alternatively, for the award of compensation.

All claims will be filtered through the commission, which will do detailed fact-finding and will attempt to settle matters out of court Where no solution is possible, the claims will be forwarded to the Land Claims Court, which will have the status of a court of appeal. Its rulings will thus be final, except where the issue is of a constitutional nature.

Existing legislation allows for only a narrow margin of distribution of land to the landless by means of 80 percent subsidies to approved communities. So far, says Schlenter, six communities comprising 1 700 people have been awarded such subsidies.

The cost to the State had been R11,4 million. Another R24 million was earmarked for this purpose during the current financial year and would be allocated to 24 communities.

In a number of cases, the communities assisted were those which had successfully resisted removal, but where the land had become overcrowded because of previous racial restrictions on purchase They negotiated the purchase of neighbouring land and then approached the State for financial help.

Randall observes that non-governmental organisations such as Afra play a significant role in safeguarding the subsidy scheme from possible abuse, by assisting communities in negotiating fair prices for the quality of land on offer

In addition to funding from the departmental budget, land restitution will receive a modest boost from the RDP fund. Pilot development projects on restored land are planned for all provinces.

Pearce sums up with the comment: "There is definitely movement, but it's not all smooth and it's not all solved" He warns against allowing the glow of a few welcome instances of restoration to cloud the fact that there is, as yet, no agreed policy on redistributing land to the mass of the landless who have no special claim to lodge before the Land Claims Court.

THE WEEKLY MAIL & GUARDIAN
August 26 to September 1 1994

Army, Khosis at war over battlefield

WM 26/8 - 1/9/94 (27)

They are completely surrounded by a Defence Force battlefield, but the Khosis refuse to move. **Stefaans Brümmer** reports on a land dispute involving the ANC, the army and the residents

A TINY Northern Cape community clinging to what is left of its ancestral lands in the middle of a South African National Defence Force battle school has found itself at the heart of a showdown between military interests and ANC policy.

Defence Minister Joe Modise this week found himself caught between his generals and the Ministry of Land Affairs over the fate of 30 to 40 Griqua families — the Khosis — at the Lohatla battle training school north-west of Kimberley.

The land dispute, inherited by Modise from the era of forced removals under the apartheid government, may become a major test for the defence minister and his deputy, Ronnie Kasrils

At the centre of the dispute are the Khosis, who have so far resisted all attempts to move them from their remaining land, which is completely surrounded by the battle school. Thousands of other families, mostly Tswana, were forced out over the years: many now want to return.

At stake for Land Affairs Minister Derek Hanekom and the Northern Cape ANC is the credibility of ANC assurances that people's legitimate claims to land will be honoured.

Pitted against them is the South African National Defence Force (SANDF), which stands to lose what is said to be the second largest battle-training school in the world and its investment in the area of about R90-million.

Caught in the cross-fire is the new Ministry of Defence, which this week said it had taken no stance and first needed to study the situation. As a first step, Kasrils was to accompany Hanekom on a fact-finding mission to Lohatla yesterday.

Ministry representative Muff Andersson said a Kimberley Supreme Court application, launched by the previous Defence Ministry to effect the removal of the remaining Khosis people from Lohatla and which was to have been heard next month, had since been postponed to December to allow Modise time to study the situation.

Hanekom said this week the application for the Khosis' eviction had been "a decision of the old regime. It will have to be reviewed and seen in the context of new government policy, which respects people's rights, guarantees against forced removals and guarantees security of tenure".

He gave assurances the Khosis community would not be removed against their will and agreed a court-ordered eviction would be tantamount to a forced removal. "If the community agrees as a result of negotiations to relocate, that is in order, but I want a negotiated settlement between all parties involved."

Regional secretary general of the ANC in the Northern Cape, William Steenkamp, said the SANDF had "no right" to interfere in the area claimed by the Khosis community and reiterated the right to return to the area of about 80 Khosis families who moved voluntarily or were forcibly removed in 1992 and thousands of Tswana families who were forcibly removed to the former Bophuthatswana in 1977

He said "harassment" of those Khosis families who remained — on grounds that their classification as coloured, meant they could not be relocated to Bophuthatswana — began in September 1992

The SANDF had offered the 125 families remaining houses near Postmasburg, outside the battle training area — but only 15 agreed to go, Steenkamp said.

He claimed the army had then moved in and broken down houses, the community's church and school buildings, and destroyed water pumps Under duress and enticement more families followed the 15 who had left voluntarily, and only about 40 remained.

In May last year, Nelson Mandela met community leaders and pledged the ANC's support in their struggle to stay on the land. Mandela also met then state president FW de Klerk to plead the Khosis' case, Steenkamp said.

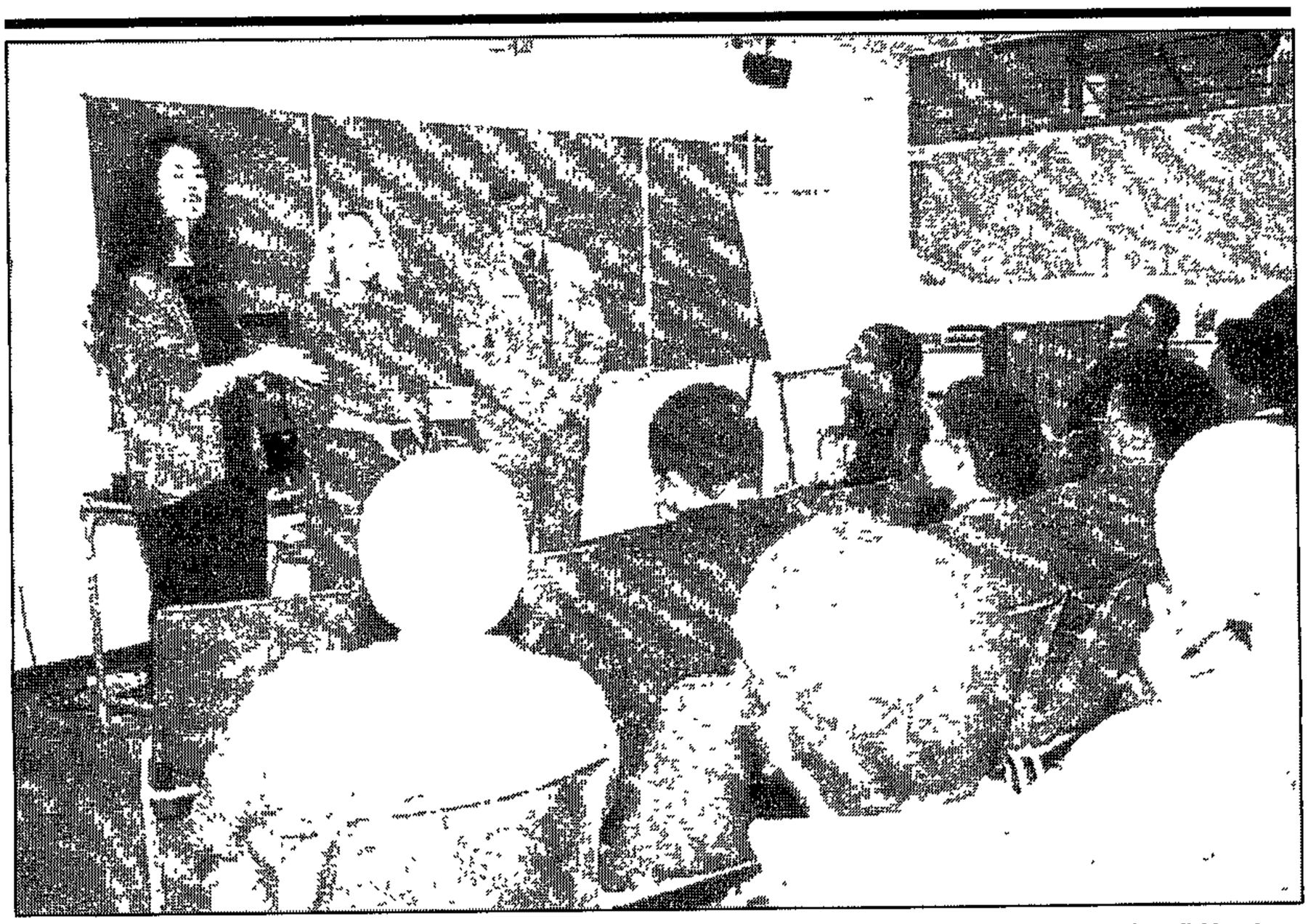
He said the army still barred the Khosis in Lohatla from using exits to the nearest town, Danielskuil, about 30km away, and they had to use a detour involving travelling more than 200km.

SANDF representative Lieutenant-Colonel Margie Neethling said no details could be given on the army's position, as the matter was under investigation by the ministry. But sensitivity was such that media were prevented from access to the community

Neethling said Lohatla was the army's only training terrain where joint battle excercises with tanks, mortars and long-distance artillery could be done. She said that since 1989, 162 000ha of state land had been vacated by the SANDF.

The National Land Committee's Brendon Pearce, which has been acting on behalf of the Khosis and the dispossessed Tswanas, said: "The SANDF must move out of there."

In a submission by the dispossessed communities before the Advisory Commission for Land Allocation, a story unfolds of a once-thriving Tswana society that in the 1960s was about 10 000-strong. "The removal impoverished the community. Not only were possessions and stock lost in the relocation, but human lives too. It was said that 'the children died like flies' when the people were trucked (to Bophutatswana in 1977)."



In his grandfather's footsteps ... Arun Gandhi, grandson of Mahatma Gandhi and director of the MK Gandhi Institute for Non-violence in the US, holds a workshop on non-violent methods of conflict prevention and resolution in Sebokeng. Says Gandhi: 'People only think of physical violence, but there is a passive violence which comes from marginalisation and discrimination. The absence of war doesn't mean there is peace.' PHOTO RUTH MOTAU

Bill cuts the wait for land

WM 26/8 - 1/9/94 (27)

Estelle Randall

EIGHTY-FOUR-year-old Andries Radebe is one of almost 3 000 people who were removed from Crimen in the 1970s and resettled in Ezakheni, near Ladysmith. Radebe and 98 other landowners had the added pain of seeing their land lie unused for 11 years, before being sold to a private owner.

After efforts to get back their land, including an attempted reoccupation, they sought redress in the supreme court. When their case was dismissed in February, it seemed the only route left was the Appellate Division — and a wait of two years for the appeal to be heard. Not an attractive option for an 84-year-old

But Radebe may not have to wait that long The Restitution of Land Rights Bill, to be tabled in parliament in the next two weeks, will entitle about 1,4-million of the estimated 3,5-million people who were forcibly removed to make claims for restitution.

Underpinning the draft legislation is the need to make restitution quick, effective and accessible and to encourage local settlement of disputes. Two mechanisms will ensure this. the Land Claims Commission, with offices in every province, and the Land Claims Court, which will operate as a circuit court

All claims for restitution must be lodged within three years of the start of the restitution process. They must first go to the Land Claims Commission, which will investigate claims, propose solutions and try to negotiate and mediate settlements.

Claims the commission cannot resolve will go to the court, which will also ratify agreements reached by the commission.

The court will be able to order the transfer of state land and the expropriation or purchase of land privately owned. If privately-owned land is expropriated, the state will have to compensate current owners, taking into account the history of the property's acquisition, its market value and the interests of the parties involved

The court could award claimants alternative land, just compensation or alternative remedies, if it does not restore land to claimants

Awards will take into account compensation claimants received at the time of their dispossession and this will be deducted from the award. Awards will also take into account whether parties refused to negotiate

The court will be a specialised court of law, which will be able to receive any evidence which it considers relevant. Appeals against Land Claims Court decisions will go to the Constitutional Court

Where rural communities do get back their land, the government will help them re-settle The Department of Land Affairs says that for each of the 100 rural communities it has identified as potential beneficiaries of restitution, restitution would cost between R1-million and R2-million

Minister of Land Affairs Derek Hanekom says his department has asked for 20 percent of reconstruction and development programme funds to meet the cost of redistribution and restitution projects, including five pilot projects for each province.

But while the Bill will do much to redress forced removals, it will not deal with problems generated by land hunger.

The Department of Land Affairs estimates that about 700 000 urban people and about 100 rural claims, involving about 700 000 people, could be eligible for restitution. Rural claims "may include some categories of labour tenants who were removed in the 1970s", Hanekom said, "but not people who were affected by mechanisation in agriculture or the ending of contractual relationships.

"My department will facilitate discussion between landowners and tenants and try to reach some sort of arrangement to benefit people who occupied land for some time."

He is mindful of the limitations of the draft restitution law To address the much more complex issue of general land hunger, his ministry is preparing a White Paper on land reform, which will go beyond restitution and should be ready by the end of 1994.

Kasrils caught up in army land battle

WP 2-8/9/94

Stefaans Brümmer (271)

DEPUTY defence minister Ronnie Kasrils this week found himself caught in the middle of tensions between the Northern Cape ANC and the army. ANC VIPs were barred from entering the army's Lohatla battle-training school, at the centre of a land dispute, when Kasrils and Land Affairs Minister Derek Hanekom went on a fact-finding mission last Thursday.

Hanekom and Kasrils visited the giant army base north-west of Kimberley to investigate a dispute between the Khosis Griqua community, who claim title to part of Lohatla, and the army, which wants 30 to 40 remaining Khosis families to vacate the base. The ANC and Hanekom have opposed the removals.

While a party including Hanekom and Kasrils were flown into the base for an army presentation and to talk to the Khosis, troops refused road entry to legislator Abdul Panker, ANC provincial secretary general William Steenkamp and other ANC representatives, the Khosis' lawyer, media and a representative from the National Land Committee. Heated arguments followed.

Also barred was a delegation from a Tswana community allegedly forcibly removed in 1977 from the area and shunted to former Bophuthatswana, who now demand to be allowed to return to their land. The Tswana delegation staged a placard demonstration at an entry gate.

No one was willing this week to own up to issuing the no-entry orders. Steenkamp said a lieutenant colonel at the gate had told him the orders had come from National Defence Force chief General Georg Meiring and the commander of Lohatla.

Steenkamp charged it was a clear example of "absolute non-recognition of the new government" by the military. Steenkamp said he was under the impression Kasrils had been expecting to meet him in Lohatla. National Defence Force communication chief Major General Gert Opperman said the ministerial visit had been a "private fact-finding mission".

While Opperman would not say who had issued the orders, military sources pointed fingers at the Ministry of Defence, both for creating the perception among Steenkamp and others that they were welcome, and for ordering that they not be allowed in.

A ministry spokesman dismissed the charges as "disinformation", and Northern Cape premier Manne Dipico, who accompanied Kasrils and Hanekom, said it was "nonsense" that the Defence Ministry had given the orders. He said he had informed Kasrils before the visit that Steenkamp would be there.

Meanwhile, high-level meetings have been scheduled in a bid to solve the land dispute. A Kimberley Supreme Court application has been postponed to early December to allow the parties time to settle.

Cabinet approves bill on land claims

2-71

ARG 9/9/94

VUYO BAVUMA
Political Staff

A BILL which allows uprooted communites to reclaim their rightful land has been approved by cabinet, Land Affairs Minister Derek Hanekom told the National Assembly today.

The Restitution of Land Rights Bill would be submitted to parliament as soon as the state law advisers had certified it, he said during his budget debate.

The bill provided for the formation of the commission on the restitution of land rights and for a special land claims court to deal with state and private dispossessions carried out in terms of racially discriminatory laws.

The court will have powers to award compensation or alternative relief to the victims of the forced removals.

The claims will have to be made within three years after the bill becomes law.

The Department of Land Affairs was involved in discussions with several dispossessed communities which included Mfengu tribes in the Eastern Cape, and the Mandla Nzini and Zulukama in KwaZulu-Natal.

The government had also instituted a policy of land distribution by creating access for people to relevant administrative institutions and finance mechanisms within the context of the Reconstruction and Development Programme.

The department also made a firm commitment to fund land acquisitions for rural communities with 2 400 families.

Recently the department established a national task force to co-ordinate pilot land reform programmes, but made provision for the acquisition of land, provision of basic infrastructures and local level planning.

Mr Hanekom said his ministry suggested the formation of a rural finance inquiry committee because the current institutional framework for land financing in the rural areas was inadequate to meet the needs of the people.

Another important aspect of the land reform programme was to strengthen and secure tenure rights for all South Africans.

A departmental task team was already reviewing the existing legislation. The department of land affairs recently invited the public to submit proposals and recommendations on ways to restructure the consultative process.

Hanekom to act on SANDF land row

KURUMAN. — Land Affairs Minister Mr Derek Hanekom said yesterday he would help resolve the Khosis' Northern Cape land dispute with the SA National Defence Force. (271)

The Khosis, Gatlhose and Maremame peoples, numbering about 3 500 families, want to return to land they held for five generations at the SANDF's P W Botha Lohatla Battle School. They were removed from there in 1977. CT 12/9/94

Addressing a meeting with the communities, Mr Hanekom said they could resolve the dispute through negotiations or wait until a land claims court was set up towards the end of the year.

The communities decided to assemble negotiating teams by the end of the week. — Sapa

Elandskloof farmer 'ready to negotiate'

CT 13/9/94

DISPLACED former residents of the Western Cape community of Elandskloof have moved a step closer to reclaiming their land, the Department of Land Affairs said yesterday. 25(271)

The present owner of the farm near Citrusdal had agreed "in principle" to negotiate and had given permission to have the land appraised.

The occupation rights were nullified by the Group Areas Act and the farm sold in 1961. — Sapa

30% of land to be redistributed

Political Correspondent

THIRTY percent of South Africa's farm land will be redistributed in the next five years, land affairs minister Derek Hanekom has told the senate.

This was in terms of the reconstruction and development programme. The process of redistribution would be guided by demand (271) (P)

Government policy on land distribution would respect existing land rights.

There was no intention to copy any prior land reform scheme, such as Zimbabwe's, he said. ARG 14/9/94

30% of land for spread

CT 14/9/94

By BARRY STREEK (271)
Political Staff

THE government intended redistributing 30% of agricultural land in South Africa within five years, Land Reform Minister Mr Derek Hanekom, said yesterday.

"This reflects the firm commitment of the government to the meaningful redistribution of land, in addressing the historical denial of access to land," he said in reply to a question by Senator Jan Jooste (NP).

Mr Hanekom also said the government did not intend copying any land reform model, including that of Zimbabwe.

He said the redistribution involved various categories of rural land. Available state land would also be used to implement land reform.

The redistribution of land would mainly be a demand-driven process in which selected people or groups would receive state help to acquire land that was available on the open market or where parties had agreed on its sale.

☐Apartheid forced Old Helpmekaar to 'disappear' ☐People 'lost everything';

'Give back our land' say country folk

few won compensation

(271) ATG 15/9/94

LIBBY PEACOCK
Staff Reporter

DAWID Fredericks grew up in Old Helpmekaar, Tulbagh — but like many others his family was forcibly removed and their land confiscated when the Group Areas Act was enforced after the 1969 earthquake.

Now Mr Fredericks, deputy chairman of the local ratepayers' association, is one of the forces behind a campaign by former residents of Helpmekaar to reclaim their land.

He said: "We lived there in the time of apartheid — then we were robbed of our property. My own parents lost their land."

He said it appeared that the earthquake had played into the hands of the National Party government of that time.

"The people's houses collapsed and after that they came and bulldozed the rest flat. The military people were also here. It looked as if they were ready for war.

"People lost everything they had built up. They said it was a white area and moved us. It was not as if you had decided you wanted to leave.

"The municipality itself did not give us any money at the time. The disaster fund (established after the earthquake) gave most people a few hundred rand and some people got about R300 for their ground."

The people had to move to areas like Witzenville and New Helpmekaar, where many had to move into small scheme houses.

"Many of my family and friends are sad. Just the other day a woman in her 70s was talking about how she was hit with a sjambok to get out of her own house.

"Come what may, we want our land returned."

Mr Fredericks said he had had many inquiries, as far as the Cape Flats, from people who wanted to return to their place of birth.

He knew of at least 100 families who wanted to go back to Old Helpmekaar.

The municipality did not oppose the campaign and some of the council members would assist.

Bill Wahl, chairman of the ratepayers' assocation, said a meeting would be held in Tulbagh on Sunday to form a committee to deal with the legal aspects of the campaign and to negotiate with the government.

The land had been divided into erven and houses had been built on part of it, but no more erven would be sold until the land issue had been sorted out.

Lists of names of former residents who were interested in returning to their land were being drawn up and people were contacting him "from near and far".

The Argus, Thursday September 15 1994

LAND GRAB — 2

The dispossessed return after 10 years of torment

ST Times 9/10/94

By CHRIS BARRON

WHEN government trucks came for Ephraim Pooe 10 years ago it was too dark for him to take a last look at the fields and hills of his youth.

Now a new government has brought him home again, but that last look has eluded him forever. He is 89, and blind.

Perhaps it is better so.

The home he remembers was a vibrant self-sustaining community of some 400 families set in 3 839 ha of fertile farming land in the Western Transvaal.

Today it looks like a village devastated by war.

His people, the Bakwena baMogopa, had paid for it with whatever money they could scrape together to an English farmer — those without money gave a cow — and arrived from the Free State in 1913.

With bare hands they dug a borehole for water and built houses and kraals with large, roughly hewn rocks. In time four churches were built, a school and a clinic.

They lived off their crops and cattle, and, says Mr Pooe, "we never wanted for anything".

But they were in the heart of right-wing country, only 40km from the AWB's stamping ground in Ventersdorp, and their land was coveted by white farmers. Eager to woo the right wing, the government of PW Botha decided they must go.

In 1983 some were moved without too much difficulty 250km away to Pachsdraai. (171)

The rest, including Mr Pooe, decided they would not go so quietly, and they resisted.

A member of the African Zionist Church, he prayed at the top of a hill overlooking the community "that our land would not be taken".

But in 1984 the government made it clear their hour had come.

Their cattle were eagerly snapped up by white farmers at an average of R100 a head, well below the going rate of between R400 and R600. Mr Pooe had 20 sheep and six head of cattle which he had to sell.

"They came for us when we were asleep," recalls Mr Pooe. "By daylight they had moved those they thought would give them trouble. The fields were looking good, the mielies were waist high. We were looking forward to harvest."

Instead they found themselves in Bethanie, near Brits, and in Onderstepoort, near Rustenburg, and the government rented their land to local agricultural unions.

"People died because they longed for their land. They died because their hearts were broken."

When they died they were brought "home" for burial. This was more than just sentiment, it was a carefully planned strategy.

"Our sole aim was always to come back," explains Mr Pooe's great-nephew, Andrew Pooe. "We buried them here so people would not be reluctant to move back."

The government permitted some of them to return periodically to maintain the graves. But when they used the opportunity to stay it obtained a Supreme Court order instructing the Ventersdorp police to evict them.

Their lawyer, Jules Browde, called it "one of the most flagrant violations of human rights conceivable," and 12 European governments delivered a stinging diplomatic protest to the then Minister of Foreign Affairs Pik Botha.

Three years ago the community began a tentative, still illegal, return. They built tin shacks next to the homes that had been flattened by buldozers.

But only in August this year, when Minister of Land Affairs Derek Hanekom visited them and said, "the land is yours", did they know that this time it was for keeps.

Mr Pooe's grizzled, white-bearded face creases into a smile.

"If you fight a war and you win," he asks, "would you not be happy?"

SANDF to give back Cape land

Star 17/10/14

■ BY ESTHER WAUGH
POLITICAL CORRESPONDENT

Cape Town — The SA National Defence Force is to return land near Riemvasmaak — the site of forced removals in the Northern Cape — to those who were evicted from it.

Plans are also afoot to return land at Smithsdrift, near Kimberley, to those who were forcibly removed in terms of apartheid laws.

Major-General Phillip du Preez told the parliamentary joint portfolio committee on defence on Saturday that the go-ahead had been given to return the land at Riemvasmaak. Gen 271

The SANDF would use only its second area in the Northern Cape at Vastrap.

He said Land Affairs Minister Derek Hanekom and Defence Minister Joe Modise were involved in finding land near Kimberley for the military. Smithsdrift would then be returned to those who had been evicted.

Hope for land grab victims

ST Times [CC Metro]

23/10/94

THE 32-year exile of the Elandskloof people, who were forced from the land granted to them by Queen Victoria in 1890 after it was sold by the Dutch Reformed Church, could soon be over. (271)

In 1962 the church sold Elandskloof, a picturesque farm set in a mountain valley near Citrusdal, claiming it was a drain on mission funds.

Since then the people of Elandskloof have been refused access to their church and school or to tend their family graves by the white farmer who bought the land

By AYESHA ISMAIL

The community was scattered far and wide and many people left the area in search of a place to stay, although 13 families settled on Allendale Farm about 5km from Elandskloof

But now independent valuers acting on instructions from the government have put a price on the land and negotiations have been started to buy it from the owner.

This week Mr Jean Ehlers of the Department of Land Affairs confirmed that the valuers' report has been completed and is awaiting approval by the Minister of Land Affairs

The owner had indicated his willingness to negotiate a sale, opening the way for the return of the community to Elandskloof, he said.

A committee consisting of representatives of the Elandskloof community, Dutch Reformed Church, government, Surplus People Project and Legal Resources Centre has been set up to negotiate the return of Elandskloof.

Mistakes

In 1991 the owner of Allendale farm initiated legal action to remove the Elandklowers off his land, where they had lived since 1962. But in January last year, the families were granted a reprieve and given permission to remain on the farm rent-free until January 21 1997, when the owner can take steps to have them removed.

Mrs Aletta Titus, 53, who was born on Elandskloof farm and now stays at Allendale, said: "The time for forgiveness and reconciliation has arrived.

"The church and the government have admitted they made mistakes. It has now become possible for us to talk about the past and plan for the future."

Elandskloof was founded as a mission station in 1862.

In 1890 more land was requested from Queen Victoria as the community on the farm had expanded. A further 2 826 morgen was made available, with the proviso that it be used for mission purposes.

According to Mrs Titus, this condition was removed illegally from the original title deed by the state when the farm was sold.

"The church offered each resident R200 to aid us in resettling, but we did not accept the money. We would have sold our rights if we had accepted the money," Mrs Titus said.

She said she was confident the Elandklowers would get their land back.

She said the Elandskloof committee had sent application forms and placed advertisements in newspapers calling on former residents wanting to return loof to contact the committee

"We will start farming again, and have already met with neighbouring farmers in preparation," Mrs Titus said.

Mrs Titus recalls that her father Hendrick had sheep, goats, donkeys and poultry and that they grew their own fruit and vegetables



NO ENTRY . . . Mrs Aletta Titus, who is prohibited from entering the Elandskloof farm on which she was born **Picture: AMBROSE PETERS**

(2) whether any (a) forums and (b) transitional local councils have been established in this regard; if not, why not; if so, (i) how many and (ii) what are the further relevant details in each case;

(3) whether his Department and/or any provincial departments intend taking any steps in respect of rural local government; if not, why not; if so, (a) what steps and (b) when are the transitional arrangements in this regard to be implemented? N354E

The MINISTER FOR PROVINCIAL AFFAIRS AND CONSTITUTIONAL DEVELOPMENT:

(1) Yes. In terms of Proclamation No R129 dated 15 July 1994 the Local Government Transition Act, 1993 (Act No 209 of 1993), was made applicable in the national territory referred to in section 1 of the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993), as well as on any local government body established by or under any law in force in an area which forms part of the national territory referred to in section 1 of the latter Act. The result of this provision is that the Local Government Transition Act, 1993, is now also applicable in the area formerly known as Transkei.

In accordance with the Constitution, the Local Government Transition Act, 1993, was assigned to the provinces by way of the above-mentioned Proclamation The implementation of the Act is therefore the responsibility of the provinces.

In general it must be mentioned that I meet with the MEC's responsible for local government on a monthly basis to, inter alia, evaluate progress with the implementation of the Act. Flowing from such a meeting a Task Team of the Department of Constitutional Development was for example established which visited the various provinces during June and July 1994 to meet with the MEC's responsible for local government. During these visits problem areas were identified and discussed and recommendations were made to address these problems.

(2) (a) and (b). The information is unfortunately not readily available in the Department. In order to assist the Honourable Member the following information has been obtained from the Eastern Cape Ministry of Housing and Local Government.

No forums have been recognized in terms of section 6 of the Local Government Transition Act, 1993, but 24 applications out of a total of 28 towns have been received for consideration. The Secretariat of the relevant Provincial Committee is currently checking the applications and intends submitting it to the Executive Council soon. As each forum must negotiate on the establishment of a transitional council no transitional local council could have been established yet.

(3) Yes

(a) During a meeting with the MEC's responsible for local government of the nine provinces held on 12 July 1994, it was resolved that a Task Team be appointed to investigate various options for rural local government. The Task Team's terms of reference entails the following:

(i) application of the pre-interim phase in rural areas;

(ii) elections in rural areas;

(iii) different options for rural local government; and

(iv) financial arrangements.

A draft discussion document on rural local government was complied after consultation by the Task Team with various roleplayers. The aim of this document is to serve as the basis on which provinces can expand with regard to which model will best serve the various provinces and to draft legislation in this regard.

During a further meeting with the MEC's responsible for local government on 30 August 1994, it was resolved that the Task Team would visit the provinces in order to discuss the document. The provinces will invite members of organised local government as well as other relevant roleplayers to attend these meetings. The Task Team visited the Eastern Cape on 13 August 1994. During the next meeting with

the MEC's on 23 September 1994, the Task Team will report to the meeting regarding the progress that the nine provinces have made with regard to rural local government.

(b) It is envisaged that transitional arrangements will be in place by 1995, allowing representatives of rural areas to be elected on the same day as the elections to be held in urban areas.

Commission on Land Allocation: applications received

175. Mr A FOURIE asked the Minister of Land Affairs:

As at the latest specified date for which information is available, how many (a) applications had been (i) received and (ii) finalised by the Commission on Land Allocation for the (aa) 1993–94 and (bb) 1994–95 financial years, (b) individuals and/or communities (i) had been resettled in terms of the applications processed and (ii) were being subsidised by the State as a result of this process and (c) applications were outstanding? N344E

The MINISTER OF LAND AFFAIRS.

(a) (i) The number of applications *received* from tribes, communities and persons concerning land which has been identified and advertised and with regard to which public hearings were held in terms of the provisions of the Abolition of Racially Based Land Measures Act, 1991, (Act 108 of 1991) as amended, is as follows:

(aa) 1993–94: 293 applications

(bb) 1994–95 (up to 20 September 1994): 176 applications

(ii) The number of applications *finalised*, in other words where orders and recommendations were forwarded to the former Minister of Regional and Land Affairs and the present Minister of Land Affairs regarding applications which were received and with regard to which public hearings were held, is as follows:

(aa) 1993–94: 293 applications

(bb) 1994–95 (up to 20 September 1994) 144 applications.

(b) (i) The Department of Land Affairs is presently assisting at least ten communities in rural areas to resettle. The number of individuals is not known.

(ii) Funds from the Reconstruction and Development Programme (RDP) have been approved to assist the above-mentioned communities with planning, infrastructure and settlement costs.

(c) Orders and recommendations on 32 applications received by the Commission on Land Allocation concerning land which was identified and advertised and with regard to which public hearings were held in terms of Act 108 of 1991, as amended, with effect from August 1994, have not yet been forwarded to the Minister.

General Remarks

The provisions of Act 108 of 1991, as amended, empower the Commission on Land Allocation to deal with land within its jurisdiction.

Although the Commission has to date received approximately 2 500 applications, those not yet dealt with by the Commission are primarily applications concerning land which was not placed within the Commission's jurisdiction by the present and previous Government, as required in terms of the Act. The majority of these are applications in urban areas. The Department of Land Affairs is presently gathering information on some of those claims which have not been dealt with by the present Commission. This is being done in preparation for consideration by the envisaged Commission on Restitution of Land Rights.

Since its appointment, the Commission has, up until 28 February 1994, made recommendations to the former State President and the former Minister of Regional and Land Affairs with respect to more than 613 000 ha of land.

Transfer of farmland purchased for consolidation purposes

181. Mr J A [illegible] RDAAN asked the Minister of Land Affairs:

(1) What extent of farmland has been purchased for consolidation purposes in respect of each of the provinces during the past 29 years;

(2) whether any of this farmland has been transferred to tribal chiefs or tribes for

Historic bid to redress forced removal policies

271

ARLT 8/11/94

Political Staff

HISTORIC legislation designed to roll back years of apartheid land policies is to be debated in Parliament today.

The Restitution of Land Rights Bill provides for a land claims court and a commission which will probe cases in which people were stripped of their land in the notorious forced removals of the apartheid years.

Land Affairs Minister Derek Hanekom was clearly delighted at the prospect of the legislation going before the National Assembly: "It is part of a monumental effort to bring justice to the victims of forced removals and in so doing bringing hope to millions of South Africans.

"It is an important milestone in the process of bringing about justice and reconciliation," he added.

Asked about the implications of the Bill being delayed or stopped: "They would be the possible loss of confidence in the parliamentary process among the majority of the dispossessed".

There has been some controversy over the speed at which the legislation was processed by the National Assembly's land affairs committee.

The imminent passage of the Bill has apparently stayed a series of planned "reoccupations" of land.

MPs applaud passing of landmark bill

271
ARG 9/11/94

VUYO BAVUMA
Political Staff

JUBILANT African National Congress MPs applauded and cheered after the national assembly passed the Restitution of Land Rights Bill by 212 votes to 26.

It was the first time the national assembly had divded for a vote since the elections in April.

The bill, opposed by the Inkatha Freedom Party and Freedom Front, is a first significant step to implement a policy of fair and just distribution of land to dispossessed communities.

It also allows the formation of a specialised court of law and a commission on the Restitution of Land Rights.

But the passing of the bill — the first major step to redress the wrongs of apartheid — was not smooth.

Andre Fourie (NP) said land affairs minister Derek Hanekom had bulldozed the bill through parliament and ignored verbal submissions from the South African Agricultural Union.

Harriet Ngubane (IFP), who was heckled by ANC members during her speech, said the bill was too narrow and did not fully meet the expectations of the African people.

It was too restrictive because it did not address the problems caused by land dispossession before the 1913 Land Act, Professor Ngubane said.

Pieter Grobbelaar (FF) opposed the Bill because it created a "potential for conflict" as the agricultural sector had not been adequately consulted.

Clarence Makwetu (PAC) who severely criticised the bill for not fully meeting the African people's needs, nevertheless supported the bill, indicating that the struggle for land rights had just begun.

Mr Hanekom described Mr Fourie as "master of gutter politics and distortion and dishonesty" but he was was made to withdraw the remark.



LEGACY OF THE 1913 LAND ACT . . . Forced removals left thousands destitute.

Last battle in land war

C1Press 13/11/94

271

OVER the years, successive white governments used the notorious Land Act of 1913 to deprive millions of blacks of their right to land. On Tuesday, in less than two hours, Land Affairs Minister Derek Hanekom successfully fought for the restoration of that right by arguing for the passage of the Restitution of Land Rights Bill of 1994 in parliament. Political Correspondent THEMBA KHUMALO captures the mood in the de-

IN the final death blow to the draconian measures that deprived black South Africans of land for 81 years, the "battle for the land" was effectively reduced to a three-man show in the National Assembly this week.

A war of words was waged between Land Affairs Minister Derek Hanekom, Inkatha's Professor Harriet Ngubane

Bill was misleading. The rest of the Bill did not make provision for the second paragraph, she said.

Ngubane said the Bill was not only inadequate, but it also discriminated against a large number of people while it "pretended to cater for them".

"The IFP cannot be associated with this blatant

and NP spokesman on land affairs André Fourie over the Restitution of Land Rights Bill.

PAC president Clarence Makwetu could have been the fourth "combatant" – had he not backed down after being assured by Hanekom that his fears about certain clauses of the Bill would be addressed.

Makwetu said the Bill bordered on "robbery rather than restitution of the land to its rightful owners".

With the backing of the ANC bench, Hanekom set the tone for the debate – evoking the ire of Ngubane and Fourie in the process.

Stung by Hanekom's sharp criticism of the previous government for its dubious handling of the land question, an exasperated Fourie threw his hands in the air and sporadically howled and jeered at Hanekom. He clearly did not take kindly to a slight directed at his former government – maybe because he had been in charge of the land affairs portfolio then.

Fourie occasionally objected loudly as Hanekom slammed "the former regime" and looked around for sympathy.

Jac Rabie and David Chuenyane, who sat next to him, didn't offer much solace with their half-hearted grunts objecting to parts of Hanekom's speech.

Intermittently, the house roared with laughter as the ANC MPs reduced the persistent objections by Ngubane and Fourie to a joke. The objections faded under the laughter and humiliation and a bit of a sense of humour shown by the Deputy Speaker, Dr Bhadra Ranchod.

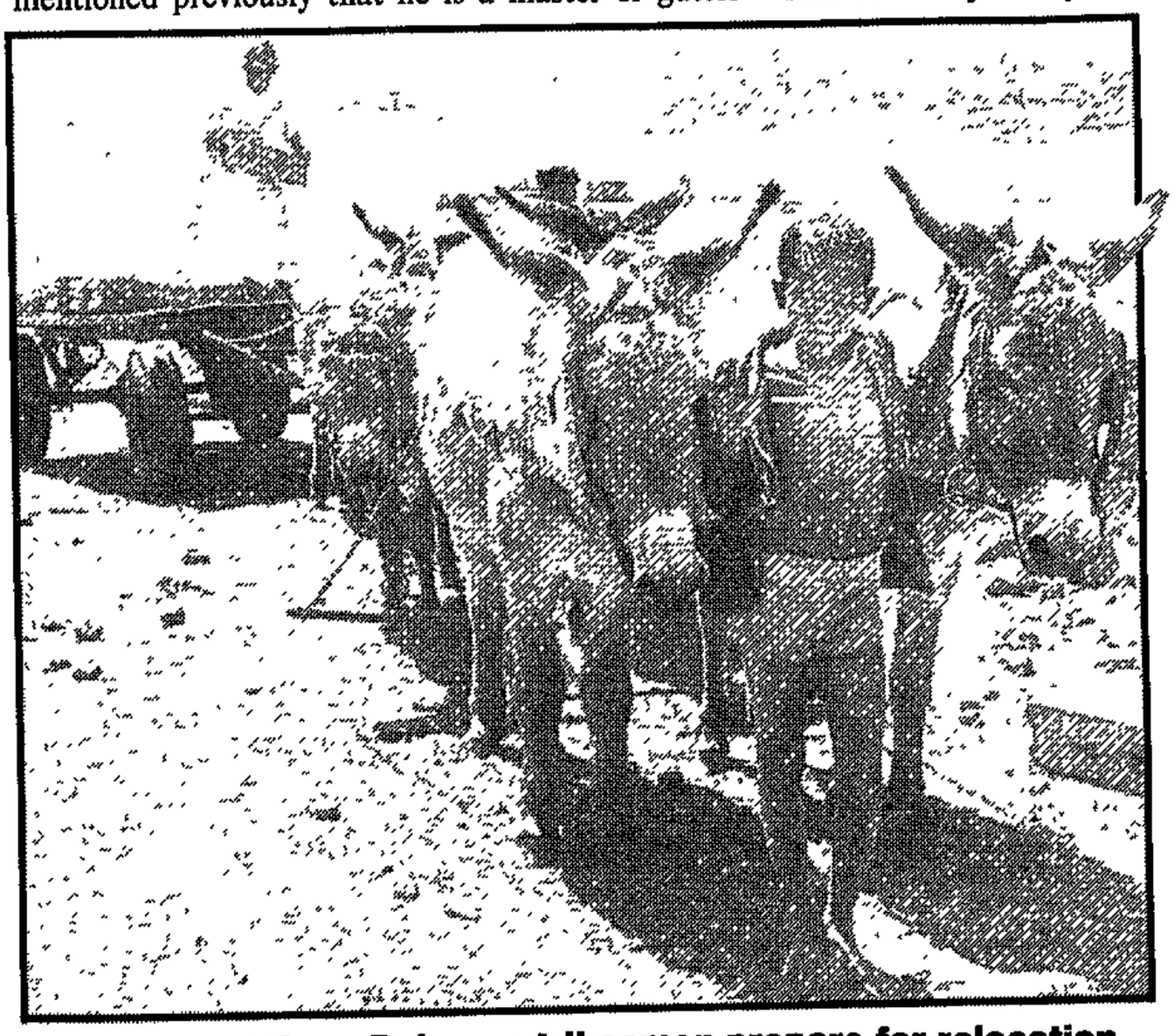
The Bill was widely embraced by the ANC, and accepted with a grain of salt by the NP, the PAC and the DP.

The Freedom Front and Inkatha rejected it outright.

■ Fourie told the National Assembly that Hanekom had "bulldozed" the Bill through the Select Committee on Land Affairs.

"Without clearing it (the Bill) with the committee, the Minister arrived to address the committee. I do not argue with that. He was more than welcome. However, instead of just making his contribution and then leaving it to the committee to consider the Bill impartially, he remained part of the deliberations and virtually bulldozed the Bill through. I don't believe that this is the way to handle legislation."

Retorted Hanekom: "I would like to remind Mr Fourie that I would not like to destroy the sense of occasion by talking too much about him because I mentioned previously that he is a master of gutter politics, distortion and dishonesty."



BAD OLD DAYS . . . Bakoena tribesmen prepare for relocation.

Fourie and his NP colleague, Jacob Maree, objected strongly to these remarks and after being warned by the Deputy Speaker, Dr Bhadra Ranchod, Hanekom withdrew them.

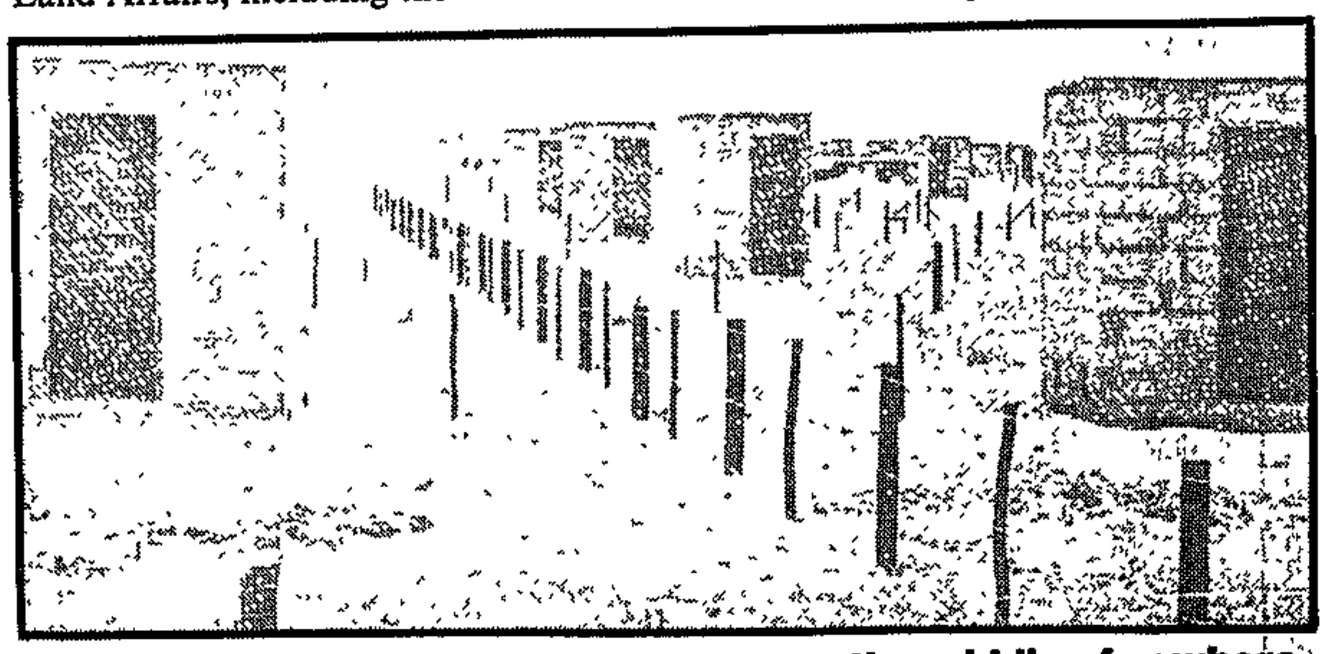
But Hanekom said he also felt insulted by Fourie's earlier remark in his speech that he (Hanekom) had "bulldozed" the Bill through parliament. It was also an insult to members of the Select Committee on Land Affairs, including the NP MPs who were serving in the committee, for Fourie to insinuate that he (Hanekom) had manipulated them to "bulldoze the Bill against their will", Hanekom said.

■ Ngubane entered the fray towards the end of the debate on the Bill. She braved loud howls from the ANC bench, who subjected her to zealous laughter when she interrupted Hanekom's speech to ask if he had forgotten that at the meetings of the Select Committee on land Affairs she had pointed out repeatedly that the second paragraph of the preamble of the human rights, accompanied by covert dishonesty. We've had enough of that sort of thing under the NP. We were optimistic enough to think we might get something better from the ANC majority government, but really, we should have known from past experience that in the end, the ANC lets African people down," she said to loud jeers by her rivals.

■ The last straw for her came when she and the Freedom Front's J Chiole opposed the Bill and the matter was put to the vote.

The results three minutes later were a humiliating defeat for the duo. They had lost by 212 to 27 votes.

Hanekom also prompted a response from Inkatha MP Walter Felgate when he said the Bill had been approved by the Cabinet with not a single voice of opposition from three Inkatha ministers.



TOILET TOWN . . . People were moved to the middle of nowhere.

Land restitution bill signed into law

CT 18/11/94 (271) (280)

THE Land Restitution Bill, the first major piece of legislation aimed at undoing the wrongs of apartheid, was signed into law by President Nelson Mandela yesterday.

The measure will make it possible for individuals and communities dispossed under racist laws from the 1913 Land Act onwards to reclaim their land, or to receive compensation.

Land Affairs Minister Mr Derek Hanekom called for nominations to the Commission on Restitution of Land Rights, one of two bodies set up by the act.

Mr Mandela said the purpose of the act was not to address the racially-skewed allocation of land in the country, but to bring about "real restitution" — ensuring those who were deprived of land were given back their properties.

This was a very sensitive issue and had led to a great deal of concern, especially among white farmers, who felt they faced the loss of their land.

The act would do "nothing of the sort", he said.

Restitution could be done "without depriving people of their property or their farms. There is no need for the widespread concern in the farming community."

Mr Hanekom said that in the rare cases where expropriation was necessary full compensation would be paid.

The act provides for a chief land claims commissioner, a deputy and as many regional commissioners as the minister feels necessary.

Names should go to: The Selection Panel for the Appointment of Land Claims Commissioners, PO Box 56720, Arcadia, 0007. — Sapa

Tribes' bid to reclaim land

ST Times

By Khathu Mamaila 24/11/94

A CONFRONTATION is looming between the Northern Transvaal government and tribes who want to repossess their ancestral land by "invasion".

The Mamabolo clan of Sekgopye, near Duiwelskloof, have occupied the land around Turfloop and have already allocated themselves hundreds of sites, while the people of Davhana have occupied a farm that was owned by the Venda government in the Levubu area.

Both clans are adamant that their actions are justified as they are merely reclaiming what was stolen from them by white settlers.

Headman Magekha Davhana, who led his subjects to invade the Stildrift farm, told *Sowetan* at the weekend that the final objective was to reclaim the thousands of hectares on which Chief Davhana once ruled supreme.

He said the strategy was to take the farm, cut sites for his Davhana people, settle and develop their land as a people.

He said dozens of families had moved onto the farm.

"As a people, we decided that the fastest way of reclaiming our land was to occupy it. We know it is our land and we were forcibly removed to make way for white settlers to occupy the fertile land," said Magekha.

Commenting on the invasion of land, government spokesman Mr Jack Mokobi said the government would not allow the "disorderly occupation," adding that there was a land claim's court which would attend to the matter in an orderly fashion. (271)

He said that those occupying the land would be asked to leave by the government.

"The government will hold talks with their leaders to persuade them to leave, but if the discussions fail, the law will have to take its course. Eviction will be our last resort," said Mokobi.

Approached for comment, Azanian People's Organisation deputy secretary-general Mr Don Nkadimeng said his organisation supported land invasion as a means of repossession relating to the 87 percent of land held by whites.

PAC regional deputy chairman Mr Ntwampe Morwamoche said the dispossessed people resorted to occupying land because they realised that they would lose the battle once they go to court.

Community returns home

THE first 200 members of the Doornkop community of about 20 000 — removed under apartheid laws 20 years ago — are expected to start returning to their farm near Middelburg tomorrow, the Transvaal Rural Action Committee said yesterday.

Doornkop was declared a "black spot" in 1964, but people continued settling there until the early 1970s.

Forced removals to Bothashoek and other areas in the Northern Transvaal began in 1974. The land remained vacant until 1988 when a police training base was built.

Negotiations to restore the land began in 1992 and the matter was settled in September. — Sapa.

Land invasions 'not a solution'

JOHANNESBURG. — Land invasions undermine planning and the allocation of development finances, PWV Minister for Local Government and Housing Mr Dan Mofokeng told a land-crisis conference yesterday.

"Land invasion is not seen here as a solution," he said. Invasions condemned people to a life of insecurity.

"International and local experiences prove invasions are politically, economically and socially undesirable" and detrimental to housing development, he said.

ST 7/12/94

Song and dance at return to the scarred land

Star 8/12/94

AFTER 20 years of forced absence and the conversion of their rightful land to a target range for the security forces, the battle to reconstruct and build up a meaningful community life is carried along by the simple joy of being back at Doornkop. JO-ANNE COLLINGE met the people and felt their happiness.

271

WHEN the Doornkop community began to reoccupy their ancestral land outside Middelburg this week, lorries piled with household goods trundled past a noticeboard carrying a police warning that the land might conceal unexploded shells and mines.

Nobody paid the slightest heed to the warning, as the returning families sang and danced in triumph at regaining their land from the Government a full 20 years after being forcibly removed.

Concern

Police officers at the scene were evidently confident that there was no danger from hidden ammunition.

Their concern was to discuss with residents the future of a police structure on the land — a "lapa" built for recreation and training purposes.

Department of Land Affairs spokesman Nico van Rensburg said they were negotiating possible compensation for the "lapa" with the police. The building, he reckoned, could serve the Doornkop community in future as a clinic or school.



LEFTOVERS: Evidence of the previous use of Doornkop. *PHOTOGRAPH: TJ LEMON*

The property to which the first 45 families returned this week was a far cry from the fabled Doornkop which parents described to their children as they made a new existence in the resettlement areas of Monsterlus, Praktiseer and Bothashoek.

There is simply no sign of the hundreds of fruit trees. The remains of the old stone homesteads are invisible in the long grass. Only the walls of the old school building still stand.

And they are clear evidence of the use to which Doornkop once had been put.

The walls of the school are pitted with holes. The floors are littered with shooting targets bearing human outlines. And scattered outside the buildings are empty teargas canisters, shotgun and other shells and the remains of various types of grenades.

Doornkop served as a shooting range for the security forces. In the 1990s the police built their "lapa" there, the stern "keep out" board went up and locals reported at one stage that Koevoet, or men who spoke no South African language, were being trained there.

On Thursday, as the children picked curiously through the traces of this activity, their parents pledged to return the land to productive use. "Let's develop this land and show them (the authorities) we can use it," urged Peter Ntshoe of the Transvaal Land Restoration Committee.

The Government has budgeted both for temporary services at Doornkop and for permanent development, says Van Rensburg. Before the end of the first day, the portable toilets were in place and a tanker had made its first daily delivery of water.

Uphill battle

Kalushi Kalushi of the Doornkop Homecoming Committee says that, while Minister of Land Affairs Derek Hanekom agrees that the people have got back what was justly theirs, it was an uphill battle all the way.

People simply wanted to return and the initial living conditions were a secondary concern. "We are willing to improvise," he said.

Doornkop was regarded as an "easy" land claim because the Government had not resold the land to a third party. "If Doornkop was easy, God save us from the difficult cases!"

also took place at John Orr's department store.

Transkei Wild Coast hotels hit by boom festive season

BD 20/12/94

KATHRYN STRACHAN

THE Transkei Wild Coast has been hit by a boom festive season, with almost all hotels reporting full bookings over the Christmas period.

While reports of attacks on tourists last year left hotels all but empty, Cobb Inn could have been booked twice over this year, and Umgazi River Bungalows could have been booked three times over.

"It's like the old days again," a tourism industry source said.

Umgazi River Bungalows has been booked up for Christmas for the past six months.

The establishment in July of a tourism protection unit, with special emphasis along the coastline, has also helped to allay tourists' fears.

One resort, faxing directions to booked guests, gives a suggested route saying there has been no ambushes or hijackings along it for at least three months.

The bumper festive season has signalled the start of efforts to promote the appeal of the area to tourists and to begin controlled development. Officials are, however, aware of the need to protect one of the last unspoilt coastlines in the world.

"Uppermost in our minds is the intention that any development will be very, very sensitive to the environment," Eastern Cape tourism minister Smuts Ngonyama said. A number of groups were interested in leasing land to develop hotels and small chalets. Development would be in keeping with the natural surroundings, and only small "family-type" hotels would be permitted.

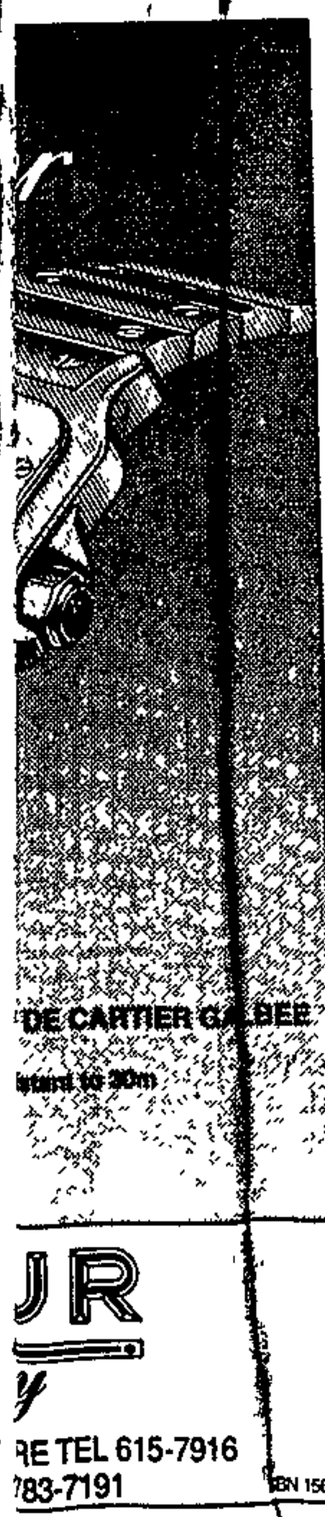
Transkei Tourism Board CEO Clive Berlyn said development would retain the beauty of the area.

"We don't want to repeat the mistakes made in other countries where development cannot be supported by the infrastructure, and where it destroys the natural beauty."

The first step of devising a coastal control development plan had been completed. The plan would demarcate areas and stipulate the type of development and included three projects. One was an upmarket camping site; the other two small resorts.

In the new year plans would begin to improve access to the area. Existing roads needed to be improved and 10 new airstrips would be built. The idea of a north to south coastal road was prohibitively expensive, and was resisted by most parties which regarded it as a threat to the remote appeal of the coastline.

Communication systems to hotels would also be improved.



KwaZulu/Natal puts its case in land dispute talks

BD 20/12/94 271

SUSAN RUSSELL

DELEGATIONS from KwaZulu/Natal and Eastern Cape will resume discussions on the border dispute over East Griqualand when delegations from the two provinces meet for a second round of talks in Pretoria next month.

KwaZulu/Natal local government minister Peter Miller said yesterday the delegations had met under the chairmanship of Deputy President Thabo Mbeki last week to discuss the issue.

The KwaZulu/Natal delegation presented a memorandum containing historical, administrative, economic and logistical reasons for its claim that East Griqualand (Mount Currie) should remain part of the province while Umzimkhulu should be excised from the Eastern Cape and incorporated into KwaZulu/Natal.

Among the submissions put forward was that Umzimkhulu and East Griqualand residents already made extensive use of health and secondary and tertiary educational facilities in KwaZulu/Natal. Major financial institutions already dealing with both disputed areas were also based in KwaZulu/Natal and major road, rail and electricity links were with KwaZulu/Natal.

At last week's meeting, the Eastern Cape reserved its right to present argument on why East Griqualand should be incorporated into the province.

One of the main issues for discussion was whether a judicial commission of inquiry should be established to investigate how best and under which province the disputed areas would be governed. The question of how the will of permanent residents could best be tested after the facts had been determined by a commission would also be discussed.

Miller emphasised it had to be clearly understood that no decisions on the future of East Griqualand or any other district would be taken at the January meeting.

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'Land issue needs to be addressed to avert chaos'

271 BD 21/12/94

NOMAVENDA MATHIANE

NEWLY-elected PAC deputy president Motsoko Pheko yesterday warned that SA risked being plunged into bloody chaos if the masses who had had their land taken away did not have it returned.

Pheko emerged as a strong contender for the PAC presidency at its congress in Mmabatho at the weekend. He was narrowly beaten by Clarence Makwetu.

Pheko, an academic, returned from exile in the US on Saturday, in time to take part in the PAC elections.

There were many in the PAC who hoped Pheko would win the presidency to breathe new life into the organisation. But his decades-long absence from SA seemed to have put him at a disadvantage. He was full of old-style political phrases and did not appear to have a feel for current problems.

In an interview yesterday, he maintained the liberation struggle was not about the vote. "It was about the land. This is the struggle that was started by our forefathers and the PAC continued with the fight."

However, he did not have a strategy to salvage the PAC from becoming irrelevant in the new political dispensation. And, while saying the PAC had inherited the difficult problem of reddressing landlessness and homelessness, he also did not know how the issues should be dealt with.

In an apparent reference to the often-quoted failure of the ANC to deliver on its election promises, Pheko said the dispossessed needed to "look at isues and see if they are getting what they have been fighting for all along".

He attributed the failure of the PAC to deliver to the masses to the fact that "we are in Parliament, not in government".

He criticised the manner in which the government of national unity planned to handle land claims.

"The land claim courts procedure has defects because it places the responsibilities of producing documents to collaborate claims on the dispossessed. These are people, some of whom are illiterate and do not understand the legal system."

Pheko accused politicians of avoiding the land question. He also said that stability would return once the land issue had been resolved.

Sapa reports Pheko said the organisation might have financial problems, but it was not bankrupt. "Where could the PAC have got the money from because we represent the downtrodden people, the poorest people; those people haven't got money."

He said the party had been offered "millions" by overseas donors, but most offers were conditional on the PAC "not talking much about redistribution of land".

But even if it was forced to close its offices, it would not stop the struggle.

On the issue of foreign investment, Pheko said although he supported investment, he did not expect money to pour into the country because of social instability and the interim constitution which was "inadequate and controversial".

He also denied there was dissatisfaction in the PAC about Makwetu's leadership.

Family want land returned

CT 22/12/94 (271)

Slums Act 'used to take homes'

By RONALD MORRIS

TWO Kensington families are embroiled in a wrangle over land seized under apartheid laws by the City Council 28 years ago.

The wrangle involves a 3 228m² parcel of land in Sixth Avenue, Kensington, for which they were paid R1 000 in 1967.

Former Sixth Avenue resident Mr Mohamed Hoosain, who now lives in Salt River, claims "the City Council used the Slums Act to take our land away from us".

Mr Hoosain is a direct descendant of Mrs Sophia Job, who bought the land in 1917

He told of the Hamdulay and Braaff families' "long and frustrating attempts" to buy back the land, since it was sub-divided into eight plots and sold to new owners.

A council offer to grant the families the original house and two plots elsewhere in the area, has been rejected

From 1984, when they first sought to buy the land, till the present, the families have spent "years" at council offices, have written to the regional government and Land Affairs Minister Mr Derek Hanekom

Mr Hoosain claimed the families were dispossessed of the land in 1967 when the council threatened to expropriate the land if they refused to sell

The property was taken over in terms of the Slums Act and earmarked for a coloured housing scheme. The families were paid a total of R5 486 for the land and five houses which had then stood on the property.

Four of the houses were demolished. The Hamdulay family has rented the remaining house from the council since then.

The land stood vacant for 27 years, then last year the first sales took place.

The families have called for the matter to go to arbitration

Mr Henk Smit, of the Legal Resources Centre, said: "Compensation for the land was not just"

Contacted for comment, Mrs Charlotte Simms, council director of housing, said she was familiar with the matter. She confirmed a meeting had been called but said it was too early to say if a settlement could be reached.

Bid to reverse Lebowa land deal

LOUISE COOK

A LAND Affairs committee has recommended the reversal of a deal made before the April elections by the former Lebowa government in a bid to transfer 60% of its land to tribal authorities in the former homeland.

The committee, set up by Land Affairs Minister Derek Hanekom, said the land deal was probably an attempt by the Lebowa and SA governments to "create a mechanism to prevent nationalisation of land". If allowed to stand, the deal "by insisting on freehold title, without taking into account the benefits of communal title", could undermine land reform.

The committee's report, handed to Hanekom this week, said the establishment of a trust to facilitate transactions was impermissible. While then Land and Regional Affairs Minister Andre Fourie had the power to transfer land to tribes, he should not have done this.

Between November 1993 and April 1994 — when there was a moratorium on transfer of state land — communities were granted private ownership of 400 farms covering 30% of Lebowa. Another 400 farms were to have been transferred, but transfer applications were lodged after April 27 and the deal fell through. The trust was created to facilitate the transfer and about R6m — obtained from central government for drought relief — was channelled into it by the Lebowa government.

☐ To Page 2

Lebowa

☐ From Page 1

The committee said the transfer could discriminate against those who did not qualify for upgrading of their tribal rights to individual tenure. This would destroy "the coherence of that system of land occupation". The trust should be disbanded, the transfers reversed, Act 112 of 1991 amended, the degree of democracy in tribal decisions investigated and R6m paid to Northern Transvaal for drought relief.

Reversing transfers would not deny tribes ownership, but would ensure security of tenure for all, the committee said. It recommended that this be explained to tribes at a special meeting.

It is not known when Hanekom will make a decision on the report.

PAC: Give back our land

UMTATA. — Newly elected Pan-Africanist Congress (PAC) deputy president Dr Motsuku Pheko yesterday repeated his call for the redistribution of land taken "from the Africans in this country".

Dr Pheko made the call while visiting the grave of former Azanian People's Liberation Army (Apla) chief Mr Sabelo Victor Pama Gqwetha, and those of schoolchildren killed in a raid by the former SA Defence Force in Northcrest last year. CT 30/12/94

He said MPs should have promulgated a law prohibiting any non-citizen from buying land until the "Africans in South Africa" were satisfied the land issue had been resolved.

At a later press conference he expressed concern over the high number of political prisoners still in jail. He said that under the UN's 1989 declaration on apartheid, South Africa would not be free until all political prisoners were released. — Sapa