



AFRA

ASSOCIATION FOR RURAL ADVANCEMENT

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A FIGHT FOR THE LAND: THE RE-OCCUPATION OF CRIEMEN, ROOSBOOM AND CHARLESTOWN

The cry for land

On 20th May 1991 the South African government announced the formation of an Advisory Commission on Land Allocation to hear appeals from people who feel they have a just claim to land from which they were forcibly evicted.

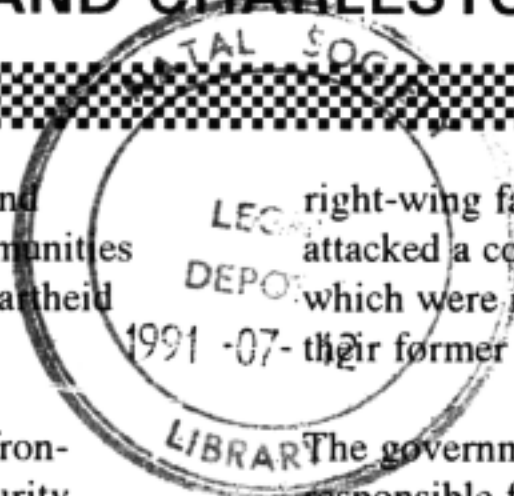
This Commission is the State's response to the

growing call for land restoration to communities dispossessed by apartheid land laws.

It comes after confrontation between security forces and communities which were re-occupying their land, and at a time when the call for land restoration has become a major political issue. This has already precipitated a clash between police and

right-wing farmers who attacked a community which were re-occupying their former land.

The government is solely responsible for this controversial situation; communities have made peaceful attempts to get their land returned, but to no avail. The dangerous precedent set is that the State only listens once the law is broken.



Peaceful protest!
A
Charlestown
Committee
member being
arrested on
Charlestown,
1.5.91

Pic: R. Alcock

And so it was that the people of Criemen and Charlestown joined many other communities which were attempting to reclaim what was once theirs, in defiance of laws which said that their re-occupation was 'trespassing'.



THE RE-OCCUPATION OF CHARLESTOWN AND CRIEMEN

In re-occupying their land, the communities of Charlestown and Criemen acted in the belief that the government would never take notice of their claims unless they became an issue that the State could simply not ignore.

This belief arose after their numerous lawful attempts to have their claims addressed had been ignored.



CRIEMEN:

'Trespassing on the homes of our ancestors'

Earlier this year, former Criemen landowners petitioned the Natal Provincial Administration (N.P.A.) regarding their claims to the ownership of land they believe is theirs. The reply from the N.P.A. was that their land had been sold to a white farmer in the 1970's and that the

administration could not assist the former landowners.

This offhand response angered the community; research shows that the land was in fact only sold in 1988.

But the manner in which their petition was dismissed also reinforced the belief that unless they could force the government to act, they would continue to be ignored.

So the community took the initiative and attempted to reoccupy their land. Since they have never accepted the expropriation of, and removal from, their land, they did not believe that they were trespassing.

The re-occupation

At 5 am on Saturday the 20th April 1991, the people of Criemen tried to reoccupy their land, but they failed. Police and army patrols were waiting for them when they arrived with their building material. The chairperson of the Mayibuye iCriemen Committee, Mr A.S. Shabalala, was informed that the security forces would prevent any person from re-occupying the land.

Later the same morning the people were addressed by a police captain who

informed them that they would be arrested and charged with trespassing should they attempt to occupy the land, and that the land now belonged to a local white farmer.

The community decided to camp on the side of the road until some decision was reached, and so tents were erected. However, later that afternoon they were read a road traffic ordinance and instructed to take down their tents.

Chairperson arrested

After refusing to do this, their tents were forcibly removed by officials guarded by the security forces. A vehicle with new supplies and building materials was then fetched, but police objected to this being unloaded.

In the ensuing exchange of words the Criemen chairperson was arrested, allegedly for refusing to give his name and resisting arrest.

Further arrests

Later that night the remaining community members attempted to re-occupy their land despite roving army patrols. They were discovered putting up a shack and 7 people were arrested and charged with trespassing. (On 23rd May,

these people and Mr Shabalala appeared in court; the case was remanded for further investigation until 1st August 1991.)

Meeting with N.P.A.

Two weeks after the confrontation with the police, on 6th May, a joint Criemen and Charlestown delegation met senior officials of the N.P.A., including Mr V. Volker, M.E.C. for local government.

Mr Volker made it clear to the Criemen delegation that the land belonged to a white farmer and that the government believed in the sanctity of private ownership.

Mr Volker added that the N.P.A. was not legally empowered to assist in any way, but he offered to inform the

relevant Minister of their claims to the land.

The Criemen delegation accepted this offer, but stated their unhappiness with the fact that the sanctity of their title deeds had not been recognised in the recent past.

They also felt it was unfair of Mr Volker to represent the interests of this one white farmer rather than tackling the problem in a less biased manner.

The delegation added that if their case was not resolved to their satisfaction by government, they would consider themselves in conflict with the current owner of their land and take steps in this regard.

THE SEQUEL TO THE CHARLESTOWN STORY

In the 1950s, Alan Paton wrote a pamphlet entitled *The Story of Charlestown*, which recounted the proposals to remove this thriving african freehold community, and the trauma this would involve.

Yearning for the land

Paton could not have foreseen the sequel to this account; Charlestown lived on in people's hearts, and on the 1st May 1991, they gave expression to this long-felt yearning by attempting to re-occupy their land.

This decision was in fact provoked by the official information that their land would be sold on the open market in June, following the



Surrounded by riot police, the community of Charlestown are again 'forcibly removed' from their land 1.5.91

Pic: AFRA



scrapping of the Land Acts.

Land to be sold

Earlier, the Bambisanani Bathengi Charlestown Association had met with members of the N.P.A., Development Services Board, Joint Co-ordinating Committee and Charlestown Advisory Committee (a body of whites who had remained in Charlestown). It was at this meeting that the Charlestown Association was told that their re-occupation would be resisted, that they should await the scrapping of the Land Acts before their land could be sold, and that they should have a formal meeting with Mr Volker M.E.C.

It was made clear, however, that the land would be sold with no preference being given to its former owners.

Misunderstandings

The Charlestown people were stunned by this news as they had believed that the government was sympathetic to their case. In fact at prior meetings the Committee had been told that the only objection to resettlement was 'disorderly' settlement which did not heed planning and development needs.

A form had even been given to the Charlestown Association by the Development Services Board which was addressed to 'all persons wishing to re-settle at Charlestown', and which contained questions about roads, water, rates, tariffs etc.

Mr Volker also made it clear that he could only meet with the Committee on the 6th of May, five days after the intended date of re-occupation.

Community acts

In the light of these developments a community meeting of about 300 people decided to proceed with the re-occupation on 1st May to show their determination to prevent their land being sold to new owners.

Confrontation

Workers' Day 1991 saw two buses, a truckload of building supplies and numerous private vehicles heading for Charlestown. They were met by casspirs (armoured vehicles) and riot police, and the fences to the land had been covered with warnings to trespassers.

On arrival a hole was quickly made in the fence and the people of Charlestown streamed onto their former land.

Riot police

Within minutes, as the community stood praying and singing the national anthem, *Nkosi Sikelel' iAfrika*, they were surrounded by riot police in camouflage dress. The crowd was ordered off the land and into buses, and a protesting member of the Charlestown Committee was thrown into a police van and taken away.

The buses and truck were then taken between police casspirs to the Charlestown Police Station, presumably for charges to be laid.

Police and N.P.A.

At the police station the Charlestown Committee was invited in to talk with the police and a Mr Du Toit of the N.P.A. They were informed that no charges would be laid if they went home peacefully, and that Mr Volker would address their problems at a meeting on the 6th.

In reply to a query, Mr Du Toit stated that the land would not be sold without regard for the Charlestown people's prior claims.

People demand arrest

The Committee announced this news to the crowd, and Mr Du Toit spoke to the people



**A gesture in
futility:
Criemen
re-occupied
20.4.91**

Pic: Natal Mercury

and asked them to disperse. The crowd, however, demanded to be charged as

'this is our land and we have been wrongfully arrested and pushed around by the police'.

Threats to disperse

The police, however, declined to charge anyone. The community then asked for permission to go to the graves of their families and perform customary celebrations before returning home.

Again their request was turned down and this time they were given ten minutes to disperse before police took action.

The Committee decided that in the interests of peace they should leave, but they made it clear that if their demands were not met they would return in force.

Meeting with Volker

At the 6th May meeting with Mr Volker, the community detailed their claims as well as their grievances at their past treatment. Mr Volker explained that he could not address their issue as his department was not legally empowered to address land claims.

Volker's promises

But Mr Volker assured them that he would take their matter up with the relevant government departments, and that the former landowners

at Charlestown would be given preferential treatment in any changes to the land ownership.



ROOSBOOM:

NO NEGOTIATION?

On 22nd January 1991, the Roosboom community, represented by the Roosboom Interim Committee (R.I.C.), entered into negotiations with the owners of their land, the Department of Public Works and Land Affairs (P.W.L.A.).

Agreements were signed to the effect that the Roosboom re-occupants would freeze the status quo and the P.W.L.A. would suspend the squatter proceedings,



The face of re-occupation: new homes on Roosboom, December 1990

Pic: Cedric Nunn, Afrapix

pending the outcome of negotiations.

The signs were hopeful; government officials were negotiating with the former landowners. Were the days of confrontation over?

Case referred to State President

On 19th April, the Department of Public Works and Land Affairs asked for an extension of one month so as to refer the matter to the State President, Mr F.W. De Klerk, for a decision.

The community therefore submitted written representations to the State President on May 6th.

Negotiations cease

On May 20th, however, negotiations collapsed. On this day about 150 Roosboom residents gathered around the Magistrate's Court in Ladysmith eagerly awaiting the decision of the State President regarding the restoration of their land.

Crowd shocked

Sounds of ululating women were stilled as the Chairperson of the R.I.C. explained the response from the Department of P.W.L.A. to shocked residents.

Not only had the matter been delayed (as the State President had decided to refer it to the Advisory Commission on Land Allocation), but, in addition, the State Attorney had been instructed to reinstitute the squatter proceedings against occupants of the land.

Official confusion

These were clearly contradictory actions, and when this was pointed out to the authorities, the P.W.L.A. representative, Mr C.R. Curtis, and the State Attorney, Mr I.G. Gough, undertook to return to Ladysmith on May 30th with clarity around their instructions.

Case re-opened

Unfortunately, on 30th May, the State Attorney gave written notice to the community informing them of the decision to reinstitute the squatter proceedings.

The Roosboom community feels strongly that these actions prepare the ground for future confrontation and call into question the State's proposed land reform.



ADVISORY LAND COMMISSION

The announcement of an Advisory Land Commission is welcomed by AFRA and the numerous communities claiming restitution.

The establishment of a process for hearing land claims is the only means of solving this complex issue.

It is important however that this advisory commission should take positive action and not create expectations which will be unfulfilled.

May Memorandum

When the news about the establishment of such a commission was publicised, eight Natal freehold communities (including Charlestown, Roosboom and Criemen) met in Pietermaritzburg and issued a joint Memorandum on the 6th May 1991.

The Memorandum opened with the following:

'.... The meeting welcomed the government's decision to reverse their previous stand taken in the white paper on land reform which rejected the principle of land restoration.'

However, the meeting raised a number of concerns about the proposed advisory land commission: viz.

- ▶ the composition of the land commission;
- ▶ its brief;
- ▶ the date of commencement of the commission;
- ▶ and the duration of the investigations.

The Memorandum called for the following:

** The commission to be broadened to include, besides government officials, members who are acceptable to the communities;*

** That the commission begins its duties as a matter of urgency, and informs the communities within one calendar month of the proposed date of commencement;*

** That the commission consults extensively with communities which were affected by the government's policy of forced removals;*

** That the commission gives particular attention to the status of communities which have been forcefully removed but which held rights other than full freehold ownership to land, for example labour tenants and farmworkers;*

** That investigations by the commission are not used to delay the resolution of the issue and that the government outlines a timetable of its intended investigations;*

** That the government declares a moratorium on the sale of land from which communities have been forcefully*

removed;

** That the government gives written assurance that the land from which people were forcefully removed will not be sold until the land claims have been resolved.*



CONCLUSION

AFRA supports the issues raised in this Memorandum and calls on the government to attend to these issues as a matter of urgency.

In addition, AFRA calls on the government to withdraw all charges against Criemen and Roosboom community members as the resolution to these matters rests with the Advisory Land Commission.



The cemetery at Roosboom that had to be abandoned when the residents were forcibly relocated in the 1970s.

Pic: AFRA

*Laser-printed by AFRA;
printer supplied by the
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*For an account of earlier
moves by these communities
to re-occupy their land, see
AFRA Newsletters 10 (Feb.
1991) and 11 (April 1991).*

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