



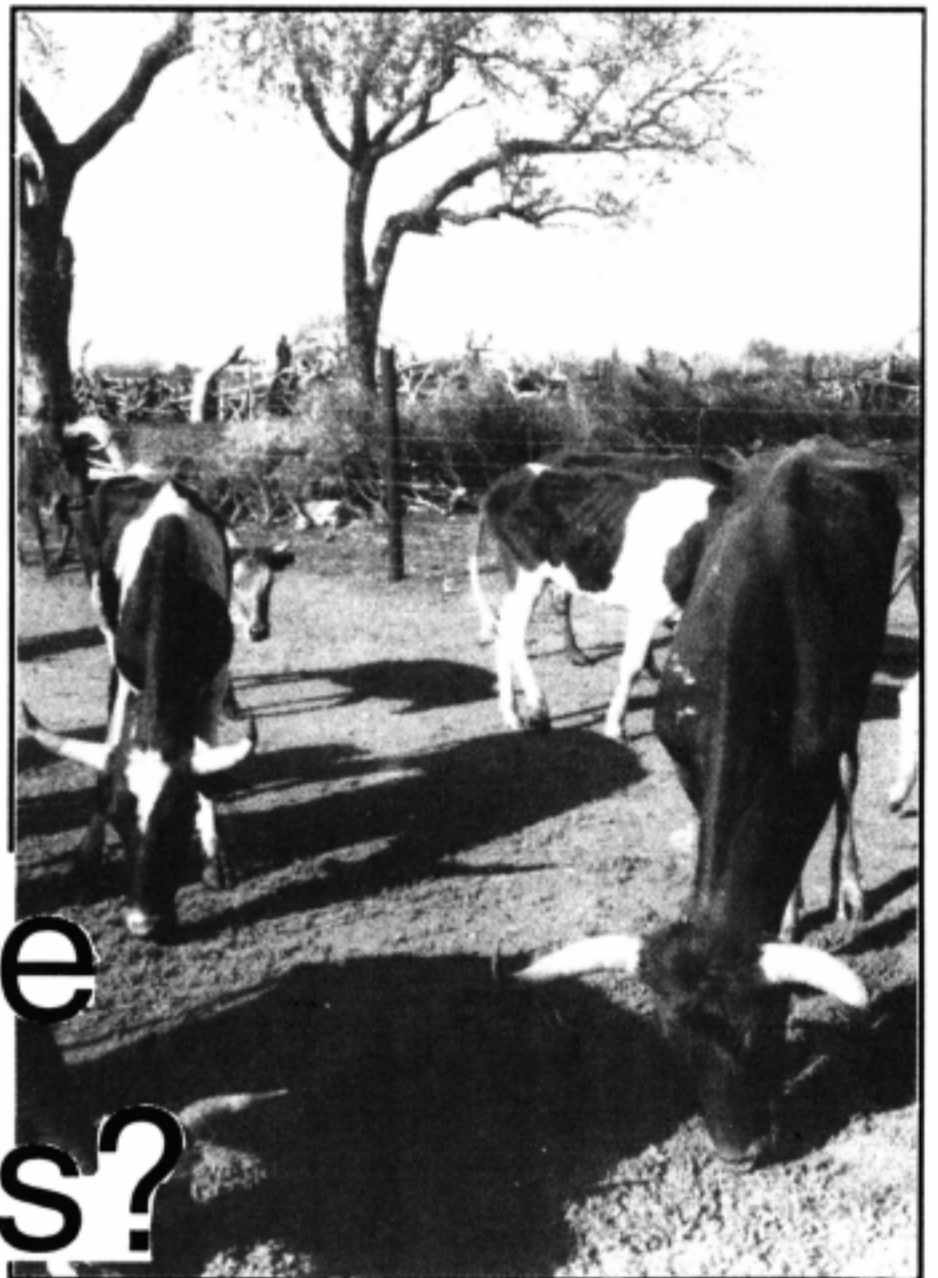
AFRA

ASSOCIATION FOR RURAL ADVANCEMENT

AFRA NEWSLETTER 14 (December 1991)

TOPIC: CATTLE IMPOUNDING IN THE WEENEN AREA

Afra and the Weenen-based CAP commissioned freelance journalist Fred Kockott to investigate allegations of profiteering, extortion and human rights abuse that accompany the impounding of livestock in the Weenen area. We discovered that the underlying issues touched on in this newsletter require far greater analysis, and a special report is being compiled



Who's in the pound seats?

Business is brisk at the Weenen livestock pound. Judging by records in the town clerk's office, the impounding of African livestock has become a regular money-spinner for several farmers. Indeed it is alleged that when some farmers want beer money, they impound a few stray goats. If they want big profits, they impound cattle. They have been doing so for years. In 1982 human rights advocate Neil

Alcock, who was publicly despised yet quietly respected by many local white farmers, exposed some of the corruption related to impoundings in the Weenen district.

At the time, a glimpse into the pound records showed that turnover increased from R2 800 in 1978-79 to R35 000 in the following 12 months.

The chairman of the Weenen Farmers' Association, Joseph le Roux, was quoted by a newspaper

as saying that some farmers might be making more money from impounding cattle than by farming their land.

After the press exposure, the Natal Provincial Council announced that it was to investigate activities at the pound.

However, after the still-unsolved murder of Neil Alcock in 1983, nothing more was heard about extortionist impoundings in the Weenen district.

Although the matter has faded from public scrutiny, wholesale impounding of African livestock has continued, and some farmers are still making a mint out of the practice. The same names appear regularly in the pound receipt book; the Weenen pound's turnover has increased more than two-fold in the past few years (the pound's income for the 1988 financial year was R93 664,22); and members of the African community complain bitterly that they are being robbed. The cattle that are impounded are mostly herds that have strayed onto white farms from the wasted lands in Msinga, or livestock belonging to people living on white farm land.

The pound records reflect that eight farmers have made a total of more than R42 000 in fees from the pound in the past six months. One Muden farmer impounded 100 goats and 184 head of cattle from land he was renting for R10 a year, and claimed R21 200 in trespass fees. The livestock owners, all former labour tenants who are still living on the land, have challenged the farmer's action and applied to the Supreme Court for a permanent interdict preventing the farmer from interfering with their livelihood. They claim that the land rightfully belongs to them -- that their forefathers lived and died there -- and have effectively asked the court to reach a decision in this regard. The Supreme Court case, set down for final hearing on December 3 and 4, is being watched closely by farmers. The matter is sub-judice, but a review of the trial and interviews with the farmer and the people concerned will be included in the special report.

When herds of stray cattle are impounded the African cattle owners cannot always afford to pay the trespass fees and in order to retain some of their herd, are forced to sell some of their impounded cattle.

Some farmers have allegedly used this to increase their livestock numbers. Such stories are presently being investigated by Afra and the Church Agricultural Project, CAP.

The same names regularly appear in the receipt books

Speculators

The constant flux of African cattle from the land and into the pound has also seen the emergence of cattle speculators near to the pound. They can pick up impounded livestock at good prices, particularly if the owner is feeling the pinch of exorbitant trespass fees, like R200 a beast.

Every day the livestock remain at the pound, the costs accumulate, and so the owner needs cash quickly to retain some of his livestock. If he cannot pay the fees, he loses all his animals to the auction.

For speculators, the pound has

"Just last week a guy made a R1 000 from some goats."

— SPECULATOR —

become a source of good bargains. They have learned how to pick up cattle at half, if not a quarter of their market value. They hold the cattle

"If I had started 20 years ago, I would have retired by now."

— SPECULATOR —

on rented land, resell them quickly and buy some more, as two local businessmen do. They buy and sell to and from the *black* market. Sales are quick, and it's easy to dodge tax, we are told.

In talking to the cattle speculators, Fred Kockott posed as a man who had inherited land in Mooi River. He said he had heard that cattle could be bought at cheap prices in Weenen if one knew how to go about it. Our suspicions of profiteering were confirmed, including the fact that some farmers do use the pound to make quick money.

- The full dealings with cattle speculators will be published in the special report.**

Official line

Although the Weenen Pound records indicate that profiteering is taking place, Town Clerk Louis Cunha is at pains to tell us that the pound runs at a loss.

"Our books prove that," he says. "There is no profit. The pound is more of a hassle than anything else." Cunha shows me the financial statement for the year ending June 30, 1988. According to the statement, the income, made up of pound fees and trespass claims, was R93 664,22. Expenditure, excluding the pound master's salary, totalled R92 397,79.

Cunha is the pound master. The position comes with the job of Town Clerk. Weenen has its own Pound Ordinance, and its administration falls outside provincial regulations. The laws regulating the impounding of cattle are wide, particularly with respect to the calculation of trespass fees.

No questions are asked when livestock are impounded, Cunha says.

"We are just the agent," he explains. "All that is required is a letter stating who the impounder is, where the cattle are from, and the amount of livestock. The letter will also state the owner's claim for damages (trespass fees). The claim must be substantiated by two independent land owners who must both sign the claim. The impounder has four days to get the damage assessed."

The impounder is also allowed to charge 50c per animal per kilometre for transport up to a maximum of R150. "We don't let people abuse that," states Cunha.

Charges at the pound include the costs of feeding and herding: R6,16 a day for cows and horses; R2,66 for goats and sheep. A mother and suckling are treated as one unit. Once a calf or kid goat has stopped suckling and started grazing, it is charged the full tariff.

Cunha states that farmers in the Weenen area, seldom use the pound.

"It's seasonal," he says.

"When the grasses start to grow, that's when the impounding occurs. It's really only once a year."

"You see, in Weenen a lot of farmers are absentee landlords," he explains. "They come and check their farms once every six months. They get there and they find their farm being farmed for them. Because people are using the farmer's land illegally, the cattle are impounded."

Cunha is adamant that no profiteering is taking place. He says that no local farmer has impounded livestock more than once in the past year: "I can tell you that from knowledge."

The pound records, however, reflect that about a dozen local farmers have impounded livestock several times this year, claiming thousands of rands in trespass fees. Interestingly, the Weenen Town Board has also impounded livestock

There's nothing to hide. It's just that (the records) are private

on three occasions this year and has claimed more than R25 000 in respect of a total of 100 head of cattle and 180 goats that have strayed onto townlands since April this year.

Refused

Initially, Cunha prohibited Afra from perusing the pound records.

"It's not that there's something to hide," said Cunha.

"It's just that they are private."

Cunha argued that as Weenen's ratepayers had paid for the pound, he was therefore answerable to them.

However, paragraph 28 of the Weenen Pound Ordinance states the poundmaster shall keep detailed records of all transactions and these records "shall be subject to the inspection of any person during office hours".

A detailed analysis of the pound records is being compiled for the special report. Afra will examine how the trespass fees are calculated and will set out the legal and procedural basis for this practice. We will further investigate whether there is any illegal conduct of individuals and whether any officials are guilty of complicity in this regard. Finally, Afra will recommend changes to the pound ordinance to ensure a more regulated practice of cattle impounding.

Although the tightening of laws might reduce profiteering and the likelihood of corruption, the problem is actually far greater. In addressing the question: "Why are so many animals impounded?" we found that the underlying causes are situated within broader social and environmental factors and firmly rooted in a primary conflict in the area.

THE GREAT DIVIDE

Weenen, a small Voortrekker doirp established in the early 1800s, is bordered by Msinga, which was declared a Zulu reserve in 1849.

The border is not marked; there is no need, as Rian Malan, author of *My Traitor's Heart*, observed. On the one side are neat and orderly white farms, green pastures, irrigated fields, big houses, fresh gardens and peace and comfort. On the other side is rugged, dust-blanketed country, scarred by deep dongas, covered with thickets of thorn trees, and about 150 000 Africans competing for space, still trying to practice traditional subsistence agriculture on this ruined land.

As early as 1878, the government had noted that Msinga was dry and barren and prone to famine; not fit for European occupation. Today, with a population density of

It's a WAR out there ...

101 per square kilometre, *Msinga carries twice as many humans, cattle and goats as it can support.* Weenen, on the other hand, has a total of 69 farms, all owned by whites, many of whom have never lived on them. The farms are mostly old labour reserves.

Whites, who owned farms in other parts of Natal, bought land on the borders of Msinga in the late 1800s and allowed blacks to live on it in return for six month's labour from every man on the property. They basically farmed people.

The tenants lived in the traditional manner, under the rule of tribal chiefs, working the land and grazing their cattle. The labour tenancy system continued uncontrolled for generations. The farms

became overstocked with African cattle. The land became denuded. Grasses and flora, previously peculiar to the Karoo, began sprouting. In time the labour farms became ecological wastelands and the district was entered on maps as Natal's desert-to-be.

The government outlawed labour farming in 1960 and declared a district by district ban on labour tenancy. About 22 000 people, and their livestock, were forcibly removed from farms after the ban was declared in the Weenen district in 1969.

Police moved in, huts were burned down and the inhabitants driven into the desolation of Msinga with no land to farm and no grazing for their cattle.

After the rushed removals, many of the Weenen farms stood empty, untended. But not unused. As

Creina Alcock once wrote: "As police patrols fell away the farms became a grazing reserve for Msinga cattle. Without the farms the African stockowners would never get their animals through the drought."

That was in the early 70s.

Today, most of the land in the Weenen district is farmed by the title deed owners, under strict prescriptions from conservation authorities. Many Africans still live on the farms. They are mostly employed on a modified system of the old labour tenancy contract. According to the law, land owners can only allow people to live on their farms if the people work for them on a full-time basis. Thus, instead of providing six month's labour, a family has to provide labour throughout the year. People have clung to the labour tenancy system as it is the only means of securing access to land outside the already overcrowded Msinga, and some are prepared to work for no pay as long as they are given the right to graze their cattle. As a result, a few farmers, particularly those who have land on the rich sugar cane belts of Natal, still use land in the Weenen district to stock labour, and at most, only use the land for winter grazing.

Across the border, the ecology of Msinga has worsened. There is no effective conservation control by the KwaZulu Government and some areas are without a blade of grass, without a single tree, beyond redemption. There are no longer enough trees to provide firewood for the winter, for cooking. Once proud and flourishing, the people of Msinga are now an indigent, desperate, needy people. They have resorted to all means to retain their only wealth left, their livestock. They hardly hesitate to cut white farmers' fences to push their cattle

Underlying their submissiveness is a defiant, rebellious spirit

onto grazing land. They know exactly what they have suffered and who caused their suffering, and they have never accepted their loss. Their submissiveness is superficial. Underlying it is a defiant, rebellious spirit. As Rian Malan remarked, in their hearts they are proud and untamed and utterly ungovernable by anyone. And in their minds, the land from which they were removed, is still theirs: they worked

Today, the situation has hardly changed since that drought of the early 70s. The only difference is that African cattle owners have become more adept at cutting white farmers' fences, rustling their stock, stealing their crops, slaughtering their cattle and setting fire to their grazing land. The white farmers, particularly those bordering on KwaZulu, complain that the police are ineffectual in dealing with such

transgressions and have resorted to their own means to protect their land, writing the law with their guns. They argue that it is the only language that is really understood.

It is a war out there, not far different from the time when white settlers first arrived.

The cattle impoundings cannot be disassociated from this conflict between white farmers and the rural African community. As one farmer succinctly put it: "It is a struggle between the haves and the have nots." In this battle, the odds are strongly

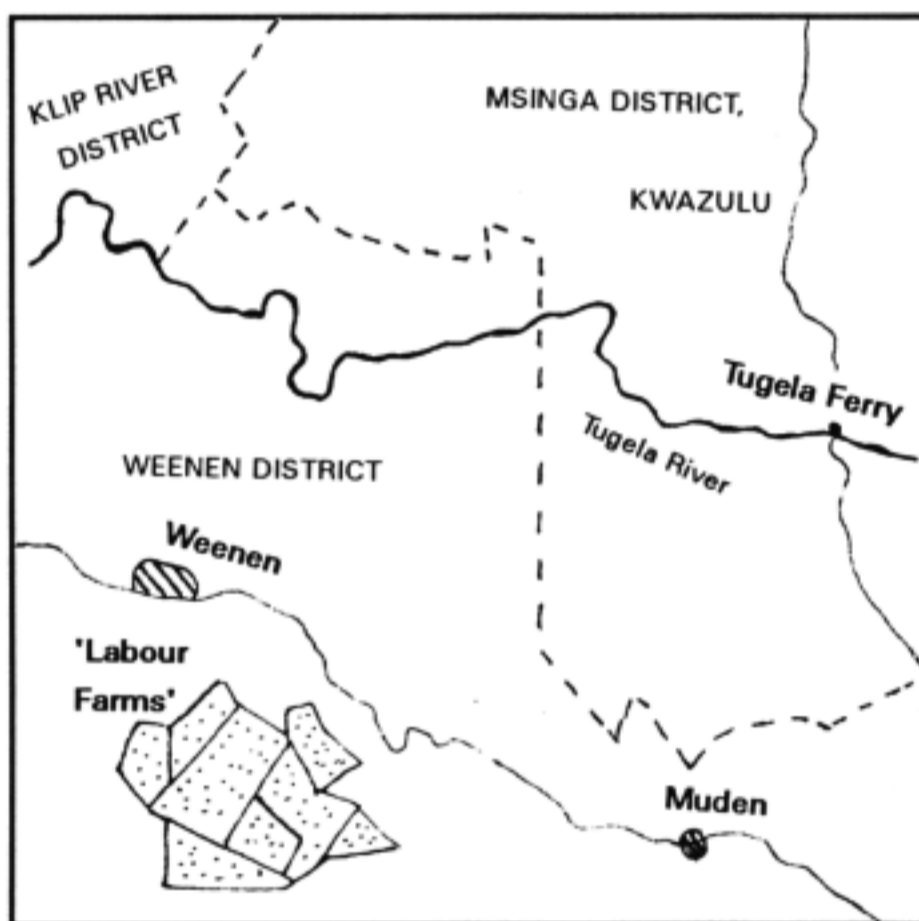
weighted against the black community. The farmers have the law on their side.

The law says that the land is theirs and that they can do what they want with it except overgraze it. They can approach the courts to evict people and destroy their houses. They can sell the tenants' possessions to meet the court expenses.

Thus people sometimes lose not only their homes, but their possessions as well.

The farmers point out that it is not their duty to take care of people who trespass on their land. They own the land and they are protecting their property. They are acting within the law.

These are the very laws which initially deprived the people of a place to live and land to cultivate ...



it, grazed cattle on it, and buried their fathers on it. They even fought wars over it.

SPECIAL REPORT

There are two maps of the Weenen-Msinga district: the one written with ink in the offices of development planners; the other written on the ground with graves.

Put together, the two maps tell of the primary struggle that has never really ended — a struggle for land.

In our special report we will examine these issues in depth in the hope that a positive contribution can be made to redress the conflict in the area.