

# ACLA hears first historical land claim in Natal

THE AmaHlubi land claim is the first claim dating back to British colonial dispossession which ACLA has heard in Natal. Other land claims from dispossessed communities in Natal have come from people who were removed under apartheid laws.

**W**E black people are regarded as people who can't look after land. I'd like such ideas to be removed from the minds of those who hold these ideas. I would like to make a direct challenge to whites: Let us compete regarding the proper use of land. If the government can restore our land, we will protect it. The farms which we are claiming and which have very good soil will be used to grow food for the AmaHlubi and for others." These were the words of Mr Nimrod Hadebe to the Advisory Commission on Land Allocation (ACLA). Mr Hadebe was one of several members of the AmaHlubi community of Estcourt who gave verbal submissions to support the community's land claim at a public hearing called by ACLA in Estcourt on April 21 1993.

The current AmaHlubi chief, Chief Hadebe, told ACLA that the AmaHlubi had been struggling to get back their land for a long time but that nobody had seemed to care about their plight. "Today I expect ACLA to recommend that the land we lost and from which we were ruthlessly removed should be restored to us," he said.



The AmaHlubi presented their land claim to ACLA in April 1993. They are claiming 38 farms in the Estcourt District, of which the government owns 21.

The AmaHlubi are claiming 38 farms in the Estcourt District as well as some form of compensation for land which they originally occupied but on which other black communities now live. Of the 38 farms being claimed, 21 are currently state-owned.

The Estcourt Farmers Association (EFA) challenged the historical basis for AmaHlubi's claim. EFA representative, Mr Dietrichsen, said that the land from which the AmaHlubi were removed in 1873 was occupied by them without permission from the British colonial government which then controlled Natal. "Entry was refused to Chief Langalibalele by the Natal colonial government. Langalibalele then squatted," he said. However, Mr Dietrichsen admitted that

the AmaHlubi would probably have been allowed to continue staying on the land if there had not been problems between Chief Langalibalele and the colonial authorities.

He said the EFA were not opposed to aspirations for land in the Estcourt area but there should be practical solutions to these. The EFA proposed that a substantial number of farms being claimed (the "corridor farms" in Estcourt) be made into tribal land. In their written submission to ACLA, the EFA suggested that this land be incorporated into KwaZulu. Other farming land in Estcourt should go back to private ownership for commercial purposes, they said.

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Historians generally agree that there was undisputed colonial recognition of the AmaHlubi's territory until the "Langalibalele rebellion" around 1873 and that the "rebellion" was manufactured because of colonial jealousy over AmaHlubi success as small farmers. Had there not been differences between Langalibalele and the colonial authorities, the AmaHlubi would today still be living on the land they are

now claiming. AFRA believes the land being claimed by the AmaHlubi should be returned to them and should remain under South Africa. We also believe the AmaHlubi should be given the necessary support, resources and assistance to develop this land, when it is restored, so that they can again become the thriving agricultural community they once were.

The EFA's suggestion that much of the land which the AmaHlubi are claiming could be incorporated into KwaZulu seems to be an attempt to use ACLA to revive old-style apartheid consolidation proposals. A similar proposal was put forward under the Mentz Commission. We hope that ACLA will not allow itself to be drawn into such plans.

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## Some facts about the AmaHlubi claim

THE 38 farms being claimed lie within the original AmaHlubi location settled by them between 1849 and 1873. The AmaHlubi believe that this gives them a prior claim to the land which was empty when they settled there. Some of the land was sold to white farmers after the AmaHlubi were broken up in 1873 following the Langalibalele "rebellion".

Since the 1970s, the government has planned to buy up and consolidate into KwaZulu the farms being claimed by the AmaHlubi. The government now owns about 21 of the farms being claimed.

The AmaHlubi currently live at Draycott (Bhekuzulu) in the Estcourt District, where about 8 000 people are crowded into 1 000 acres of land. The AmaHlubi bought Draycott towards the end of the last century.

A pilot survey of the community which AFRA carried out in October 1991 showed that people are partly dependent on agriculture and want to continue farming. People said that they wanted to improve their farming

practices so that they could develop into a community of small farmers, organised on a communal basis and with some provision for people who were not able to or did not want to farm to settle in rural villages or towns. To realise this, the AmaHlubi need more land.

The AmaHlubi's submission to ACLA to get back their land is the latest in several attempts to do so. In 1926, AmaHlubi chief, Tatazela Radebe, increased the size of Draycott by 38 acres and then again in 1930 when the Ximba District of Location 1 was merged with the AmaHlubi land. In 1931, the chief wrote to the Estcourt Native Commissioner to ask for more land.

In 1972, a claim was made to the Bantu Affairs Commissioner in Pietermaritzburg for all land from Ntabamhlope to the Drakensberg between Giants Castle and Cathkin Peak, on the grounds that this had been Langalibalele's territory.

During the 1980s, the AmaHlubi also asked the KwaZulu government for more land, but nothing happened.

In 1989 the AmaHlubi were reportedly granted an interview with Mr Jurie Mentz, MP and chairman of the Commission for Cooperation and Development (now a member of the IFP), where they raised their claim. Mr Mentz reportedly agreed to raise the issue in parliament, but nothing further was heard.

Because of the lack of response from the government, the AmaHlubi contacted AFRA in early 1991 to strengthen their representation and to plan future development of land they might get back. They also joined with other rural land claiming communities to pressurise the government about their land claim.

In 1991, the government tried to auction off one of the major farms being claimed by the AmaHlubi. The sale was stopped through publicity around the attempted sale and pressure on the government to halt it. A second government attempt to sell off farms being claimed by the AmaHlubi was also stopped in February 1992.