

Government transfers Natal state land to KwaZulu government

ON August 23 1993 it was announced that some 500 000 hectares of state land in Natal would be transferred to joint administrative control under the KwaZulu government. The announcement of the deal comes after almost a year of secret negotiations between the South African and KwaZulu governments and has been slammed by political organisations, non-government organisations and concerned individuals.

DEMOCRATIC Party spokesperson on regional and land affairs, Kobus Jordaan, said the deal was "the most sinister piece of legislation" he had encountered.

The African National Congress Midlands' deputy chairman, Blade Nzimande, said the move was an attempt to hand over Natal to Inkatha without an election. "They are trying to create no-go areas for the ANC. The government should take full responsibility for what could happen," he said. ANC national spokesman, Carl



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Niehaus said there was no logic in the arrangement and that the ANC was very unhappy about the unilateral transfer of land when South Africa was talking about the integration of all these areas into regions within a united South Africa. He warned that the ANC would take some sort of action if the transfer went ahead.

In an editorial, the *Natal Mercury* said the government's redistribution of the land now "smacks of opportunism. While putting negotiations at further risk, it is also in danger of turning land in an already hotly

disputed area of the country into a political football," the editorial said.

AFRA has consistently opposed the disposal of state land in this manner for the following reasons:

- The deal amounts to a de facto incorporation of land and communities into KwaZulu which has already been a source of bitter conflict in the region, and has the potential to again spark violent conflict. In December 1992, the Goldstone Commission recommended that there should be a suspension of further transfers of land

or police stations to KwaZulu. In the words of the commission: "to proceed (with land transfers) at the present time would, in the opinion of the commission, seriously aggravate the violence."

- AFRA believes that the administrative or other transfer of state land to KwaZulu will retard and complicate land allocation in Natal. By its own admission the government in its White Paper on Land Reform, identified the existing state land as the only land still available for allocation for black farmers and landless communities. There are an estimated 1,4 million landless people in Natal. The land in question forms a most valuable resource to be used in reconstruction and reconciliation.
- Several communities with whom AFRA works have made land claim submissions to the Advisory Commission on Land Allocation (ACLA) in respect of this state land. Many of these communities have expressed strong feelings against transfer of land they are claiming, either to homeland governments or to private individuals. The current land deal thus pre-empts the findings of the Commission and undermines the communities that have attempted to get their land problems resolved through a peaceful and due process.
- In 1992 a wide range of organisations, including AFRA, publicly registered their opposition to administrative or other

land transfers to KwaZulu on the basis that such transfers would neither assist with the problem of land access nor development and service provision. Rather it would serve to politicise the land issue and heighten tensions in an already politically explosive situation.

- The deal is clearly a politically motivated attempt to bring KwaZulu back into the negotiations process. We believe it is extremely short sighted to use the sensitive issue of land as a political bargaining chip.

For these reasons we repeat the demand for a moratorium on the disposal of state land pending the establishment of an interim government.

What does the KwaZulu land deal mean?

The KwaZulu government will jointly administer about 500 000 hectares of state land in Natal.

Ownership of some of the land will be transferred to the KwaZulu Finance and Development Corporation, the KwaZulu Conservation Trust and the KwaZulu Monument Council.

Ownership of traditional rural tribal land may be transferred to tribes and tribal authorities. Developed land may be leased or sold to farmers jointly selected by Pretoria and Ulundi.

Some land may be given to tribes and tribal authorities as compensation for land taken away from them. Some land, such as townships, will remain under South Africa and will be administered by through

the Natal Provincial Administration.

There is a technical committee made up of the Department of Regional and Land Affairs, the Department of Agriculture, KwaZulu and the Natal Provincial Administration to identify beneficiaries to the land and to activate and monitor transfer of the land to them.

Where is the land?

The government has revealed that the land amounts to about 500 000 hectares of state land. This involves tribal land, conservation and forestry areas, agricultural plots, townships and villages and land on which there are state buildings. AFRA's own research indicates that the land in question is in the following 39 districts in Natal:

Alfred, Babanango, Bergville, Camperdown, Dundee, Eshowe, Estcourt, Hlabisa, Impendle, Inanda, Ingwavuma, Ixopo, Klipriver, Kranskop, Lions River, Lower Umfolozi, Lower Tugela, Mahlabatini, Mapumulo, Msinga, Ndwedwe, New Hanover, Newcastle, Ngotshe, Nkandla, Nongoma, Nqutu, Ntonjaneni, Paulpietersburg, Piet Retief, Polela, Port Shepstone, Richmond, Ubombo, Umlazi, Umvoti, Umzinto, Underberg, Vryheid.

Clermont and Edendale will remain under the Natal Provincial Administration.

☛ **see page 6 for chronology of events around the land transfer deal**

KwaZulu land deal: *chronology of events*

July 1992

- On July 21 1992, at a public hearing called by the Advisory Commission on Land Allocation (ACLA) to consider proposals about state land in the Impendle District, representatives from the KwaZulu government said that the land in question should be incorporated into KwaZulu to honour earlier promises made to it by the government around homeland consolidation.

August 1992

- On August 16 1992, the Sunday Times reported that the government was planning to transfer about 1.2 million hectares of state land to the administration of six homeland governments. The land in question was formerly owned and administered by the South African Development Trust (SADT) which was attached to the Department of Development Aid (DDA). When the SADT and DDA were disbanded in April 1992, ownership and administration of the land passed to the Department of Regional and Land Affairs. Of the 1.2 million hectares earmarked for transfer, about 500 000 hectares were in Natal and stood to go to the KwaZulu government.
- The Deputy Minister of Land Affairs, at that time,

Johan Scheepers, was reported in the Sunday Times of August 16 1992 as saying that the land in question could not be left without tenants. He said the government had to reconcile promises made to the homelands about incorporation of land and policy contained in the White Paper. An interim solution, said Deputy Minister Scheepers, would be to put the "promised land" under administrative control of the homelands. Use of the land would be decided by joint government/homeland structures. He said the land would still be owned by the central state, while it was administered by the homelands.

- Towards the end of August 1992, various lawyers, representing communities who would be potentially affected by the land transfers, wrote to the Deputy Minister. They asked whether the land in question fell within the areas the government was contemplating for administrative transfer, and if so, on what statutory authority the government was acting. They also conveyed to the Deputy Minister the concern expressed by the communities that they wished to be consulted before any decision about the land was made and asked for the Deputy Minister to confirm that this would occur.

- The Deputy Minister did not reply to these requests in any substantive way. He also declined to reveal the location of the land considered for administrative transfer.
- On August 30 1992, the Sunday Times reported that the Deputy Minister had discussed his proposals over the 1.2 million hectares of state land with the cabinet.

September 1992

- In response to criticism that the government was attempting to continue pursuing its homeland consolidation policy, under the guise of joint administration, the Ministry of Land and Regional Affairs issued a press statement on September 25 1992 saying that the land would not be handed to homeland ownership, nor would it be totally placed under homeland administrative control. He said he was consulting with the homeland governments and "certain political parties" on the issue. He again pointed out that the Department understood that addition of the land to the homelands would be contrary to the White Paper. However, he said a method had to be found which could address the real problem which he identified as the promotion of ownership by individuals, tribes or communities.

- On September 29 1992, the Natal Mercury reported that the Chief Minister of KwaZulu, Dr Mangosuthu Buthelezi, said that the transfer of 600 000 hectares of land to KwaZulu by the South African government was justified on the basis that the land belonged to KwaZulu, who had been dispossessed of it by force of arms.

October 1992

- In an interview with AFRA on October 6 1992, the KwaZulu Minister of Interior, Stephen Sithebe, said that former SADT land in Natal belonged to the KwaZulu government and that the government should honour promises it had made to the KwaZulu government in the past about compensatory land.
- On October 12 1992, the Deputy Minister of Regional and Land Affairs and the Chief Minister of Lebowa announced in a joint press statement that 380 000 hectares of former SADT land would pass to joint South African/Lebowa administration, but unspecified "tribes and communities" would, according to the agreement, "receive the benefit of full ownership of the land"
- On October 14 1992, it was reported in the press that the Deputy Minister of Regional and Land Affairs and the Chief Minister of Qwa Qwa had reached a similar agreement to that with Lebowa, in this case concerning 52 000 hectares of former SADT land.

- On October 16 1992, the Daily News reported that a working group had been established between the KwaZulu and South African governments to consider former SADT land in Natal. It was further reported that the Deputy Minister of Regional and Land Affairs had met with the Chief Minister of KwaZulu in September and that a further meeting would occur in November 1992.

November 1992

- In an interview with AFRA on November 16 1992, the Deputy Minister of Regional and Land Affairs said that negotiations concerning former SADT land had been finalised with Gazankulu, KwaNdebele and KaNgwane. Regarding the detail of the agreements reached with these governments, the Deputy Minister declined to reveal this and said that a media release would be made soon, elaborating on the agreements reached.
- In the same interview, the Deputy Minister said that the KwaZulu government had made proposals to the South African government about former SADT land in Natal.
- The Deputy Minister declined to elaborate on the proposals from the KwaZulu government on the basis that this would constitute a breach of trust. There were, however, numerous public signals from Ulundi, in press statements and at a hearing of the Advisory Commission on Land Allocation at Impendle, that they were insisting

on full transfer of ownership of ex-SADT land, in line with past promises made by the government.

December 1992

- The Goldstone Commission recommended in its Third Interim Report that there should be no further transfers of land to the KwaZulu government as this would seriously aggravate violence.

August 1993

- On August 20 1993, AFRA tried to get clarity from the Department of Regional and Land Affairs about what was happening around the governments state land transfer negotiations with the KwaZulu government. The department failed to clarify the matter to us and has failed to reply to written questions sent to them by fax.
- On August 23 1993, it was announced in the Daily News that about 500 000 hectares of state land in Natal would be transferred to joint administration with the KwaZulu government.

☞ see page 8 for statement from non-government organisations opposing the government's land transfer deals. The statement was released in October 1992.

***Statement from non-government organisations
in Natal opposing transfer of land to KwaZulu,
October 27 1993***

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.

When the government repealed the Land Acts and Group 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) 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.

Preemptive 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.

Issued By: Association For Rural Advancement, Black Sash Midlands, Black Sash Coastal, Centre For Adult Education (PMB), Lawyers For Human Rights (DBN), Lawyers For Human Rights (National Directorate), Legal Resources Centre (DBN), Natal MIDNET Executive (representing 13 rural service organisations in the Natal Midlands), Pietermaritzburg Association For Christian Social Action, South African Catholic Bishops' Conference, South African Council of Churches (Northern Natal).