

18 August 1993

Open Letter To The Multiparty Negotiators At The World Trade Centre

We, the representatives and members of rural and landless communities, who have borne the brunt of discriminatory land policies, convey the following message to the negotiators at the World Trade Centre.

We say that:

1. 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 should be completed within the next five years.

2. Because of the discriminatory 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:

1. If existing 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.

2. As affected 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-constitutionalise" the restoration issue flies in the face of this history and could prevent the restoration of our land.

We hereby make the following demands:

1. the property clause as it now stands, is either scrapped entirely, or is drastically changed to protect the right to restitution and compensation of those who have been unjustly deprived of their land;
2. all affected parties, and the landless rural people in particular, be given sufficient time and an opportunity to make submissions on the matter;
3. thereafter, the issue be openly and thoroughly debated in the Multi Party Negotiating Forum;

4. this debate should be broadcast in full on radio and television, for South Africans to hear what the different parties have to say.

To each delegate at the forum, we say:

There can be no freedom, without land. There can also be no peace until the emotional issue of land is settled. The multi-party forum needs to commit itself to restoration before a new constitution is drawn up. We are concerned that the property clause in the Bill of Rights, being drawn up by the multi-party negotiators at the moment, ignores the rights of people who were forcibly removed from their land.

We fully support the protection of security of tenure. However, the clause that the negotiators are proposing prejudices those who have already lost their security of tenure, in favour of those who now own land, by legitimising the effect of past statutory discrimination.

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. If it does not do that, then we will have no option but to return to our land by force, whatever the consequences.

The following 39 organisations and individuals endorsed the open letter, through AFRA:

Pietermaritzburg Agency for Christian Awareness (PACSA), Peter Kerchhoff (Coordinator PACSA), Stan Sangweni (ANC spokesperson on Environmental Affairs; Director, School of Rural Community Development), John Aitchison (Director, Centre for Adult Education, University of Natal, Pietermaritzburg), Centre for Adult Education, University of Natal, Pietermaritzburg, Blade Nzimande (ANC Natal Midlands REC member; SACP Central Committee member), Raymond Lalla (Treasurer, PPHC Network Natal Midlands, Board member Natal Tuition Programme), Rob Dyer (Rural Advice Centre Natal Manager), Gordon Crystal (Rural Advice Centre), Community Law Centre (CLC), Farmers Support Group (FSG), Tessa Cousins (Natal Midlands Rural Development Network), Legal Resources Centre, Durban, Matatiele Advice Centre, Black Sash Natal Midlands, Mary Kleinenberg, Fidela Fouche, Marie Dyer, Joanne Fedler, Fiona Bulman, Pat Merrett (all Natal Midlands Black Sash), Phumelani Bukashe (Eastern Cape Black Sash), Rohan Persad (COSATU Natal), Cobs Pillay (NUMSA Education), Mpume Chamane (COSATU), Gareth Coleman (COSATU), Lawyers For Human Rights National Office, AS Chetty (ANC Pietermaritzburg Northern Areas B Branch), Alf Karrim (Natal Rural Forum secretary), Jeffrey Vilane (Natal Rural Forum chairperson), Natal Rural Forum executive, Mike Mabuyakhulu (COSATU Northern Natal, Democratic Development Forum chairperson), Sam Zwane (COSATU Northern Natal), John Mabuyakhulu (acting regional secretary COSATU Northern Natal), Phiwe Zibane (COSATU Northern Natal), Magrapes Hlatshwayo (NUMSA Southern Natal regional secretary), Rauri Alcock (Church Agricultural Project), Mphephethi Masondo (Church Agricultural Project), Solomon Zuma (Sarmcol Workers Cooperative)