

# Mogopa rebuilds

## a story of resistance

**H**arnessing help from the Black Sash, Applied Legal Studies at Wits, and other organizations, the Bakwena BaMogopa refused to move to Pachsdraai.

In the midst of a forced removal, with their schools, churches and water pumps already demolished, they are rebuilding all of these, re-erecting fences and ploughing the land.

Reacting to the world-wide publicity and diplomatic intervention, the government has seemingly backed off from overt confrontation but other communities, such as the nearby Motlatla, are threatened with removal.

Meanwhile outside help for Mogopa is pouring in. Students helped residents to transport building material. Three hundred families, congregants of Churches in Germany, have 'adopted' 300 Mogopa families. Volunteer teachers are available once the school has been rebuilt (all the government-paid teachers have been transferred to Pachsdraai).

**T**he Bakwena BaMogopa own two big farms near Ventersdorp in the Western Transvaal. They bought the first of these farms, Zwartrand, in 1911 before the Land Act was made law. It is rich in minerals including diamonds, which are currently mined in the area on concession from the tribe. For over 70 years the tribe has lived at Mogopa and developed it without any government subsidy or assistance. They collected money and built two schools, a primary and a high school. Both were beautiful cut-stone buildings. They sank boreholes and put in windmills. They bought tractors and ploughed their land, selling the surplus produced to the Farmers' Co-op in Ventersdorp. They erected fences and cattle camps and established roads. All of this was done so that the tribe would be able to maintain its identity and have a secure base in a world where its members were being scattered to work on white farms and in the towns.

Money is collected not only from the people living at Mogopa but also from migrants who work in town and who meet regularly as 'The Reef Committee'. All important decisions concerning the administration of the tribe are meant to be taken in general meetings held at Mogopa and attended by all adult members of the tribe who travel home from wherever they are working.

However the previously peaceful existence of the tribe was shattered when Jacob More, an ex-policeman from Carletonville, was made headman in 1978. Soon after he was installed the tribespeople began to complain



*Resisting removal. Mogopa Town Committee Chairman, Matthews Kgatitsoe addresses an open-air meeting  
photo: Paul Weinberg*

that he did not adhere to the democratic principles of the tribe. They say that he fined people large sums of money and even cattle for 'offences' which did not come before the Tribal Court. Apparently receipts were not issued for these fines and there was no record that they were deposited in the tribe's account. Other alleged offences include the extortion of money from old age pensioners and a R20 fee charged to workers when their annual labour contracts were renewed. One of the most serious complaints against him was that he refused to call general meetings to discuss these problems.

After trying to root out these practices and failing, the tribe decided to strip Jacob More of his office. On September 20 1981 a general meeting attended by 300-400 people resolved that Jacob More should be replaced by

Shadrack More as the new headman. New tribal councillors were elected at this meeting.

The new secretary of the Tribal Council then wrote a letter to the Magistrate at Ventersdorp, Mr de Villiers, informing him of the change of headman and councillors. They expected the matter to end there.

However, de Villiers called a general meeting for October 7 1981. At this meeting, attended by hundreds of people, he asked who no longer supported Jacob More. The crowd responded en masse 'We all no longer want him.' De Villiers was not satisfied and called for a vote by show of hands. Seven people voted to retain Jacob More. De Villiers then said 'I am the magistrate of this whole area, and as a white man I say Jacob More will rule until he dies.' He did however agree that his councillors should be changed. This was never done and the situation degenerated into one where Jacob More continued with his previous practices with no formal Council.

The tribe was horrified by the Magistrate's action. They no longer regarded Jacob More as their headman and they wrote to the magistrate asking for the return of the tribal stamp and pressing their allegations of corruption. Between January 19 and 27 1982 a Commission of Enquiry was held into the tribe's affairs. The Commission was chaired by an ex-magistrate from Klerksdorp. The tribe inform us that well over 100 people went to give evidence. The results, however, of the Commission were never made known to the people although they repeatedly requested to know the outcome. The tribe went to lawyers who wrote to the Chief Commissioner on their behalf asking

- (a) that the tribal books be audited, and that
- (b) the results of the Commission of Enquiry be made public.

The tribe took legal advice as to whether the decision of the magistrate that Jacob More retain his position, was valid. They were advised that in terms of the Black Administration Act of 1927 the State President is Paramount chief of all Blacks and so has the power to appoint chiefs; the Minister of Co-operation and Development has the power to appoint and depose headmen. Thus, however democratic and representative the tribe's decision to demote Jacob More was, there is no way it can be implemented.

During the Enquiry in January 1982 the tribe was summoned to a meeting on 'Resettlement'. They believe

*By courtesy of Rand Daily Mail*



that this meeting was the result of Jacob More's close relationship with officials of the Department of Co-operation and Development.

The meeting took place on February 15 1982 and was addressed by de Villiers and Mr L Pretorius from Pretoria. They said the tribe would have to move from Mogopa. People were horrified and the meeting became chaotic; everyone rejected the removal except Jacob More and his friends. The officials left, saying the people must resolve their differences between themselves.

From then until Friday (November 18 1983) no public meeting about the removal ever took place. Jacob More had various secret meetings with officials from both Pretoria and Bophuthatswana. The tribe was not informed of these meetings. When people saw that small groups were meeting they tried to attend to hear what was happening but were turned away. During this time Jacob More and his followers went to Pachsdraai to see the place. Others heard of this afterwards; they were not invited to go. Also numbers were painted on some people's houses, but again people did not know why. On February 1 1983 the tribe, through their lawyers, requested that a general meeting be held so that they could find out what was happening. This letter was sent to Jacob More with a copy to the Magistrate. There was no response.

On June 24 1983 the people at Mogopa were amazed to see bulldozers enter their village. Jacob More and his followers, allegedly ten families, were taken to Pachsdraai. As they moved, their houses were demolished. Then the schools were demolished, as well as the churches. Roughly 100 more families left in dribs and drabs, some of whom moved mainly because they were concerned for their children's schooling and compensation. Later the engines of the water pumps were taken away by the magistrate. It is said that before Jacob More left he threw diesel in their remaining water.

The old people at Mogopa say that during the demolitions de Villiers told them that the farms had been sold and they had two weeks to vacate Mogopa. Totally confused by what was happening they went to see their Paramount Chief Mamogale who holds the title deeds to the farms. He showed them the deeds still in his possession and said no sale had taken place. This was subsequently confirmed in a press interview on September 28 1983 with Mr L Pretorius, Assistant Director dealing with Removals of the Department of Co-operation and Development in Pretoria.

Pretorius said that the removal meetings had started in 1981, that several meetings attended by the entire tribe had been held and a planning committee elected, and furthermore that the exact terms of compensation had been made known to the people. The people who had left had been taken to Pachsdraai and Jacob More was living in one of the white farm houses there. He said Mogopa had not yet been bought by the government and that they would probably proceed to negotiate expropriation. The schools had been demolished because Bophuthatswana withdrew its teachers from the schools. He gave the journalists the names of the planning committee.

When we reported the above information to the tribe they were flabbergasted and fascinated to learn the names of the people on the 'elected' Planning Committee.



*Press Conference leads to world-wide outrage. (l to r) Aninka Claassens, Ethel Walt, John More, Matthews Kgatitsoe, Lucas Kgatitsoe, a member of the Mogopa Town Committee, Abner Kgatitsoe photo: Paul Weinberg*

The majority of people insisted they would not move. They suffered great hardship in remaining. There were no schools for the children, no water pumps, no churches, no bus service to Ventersdorp, 20 kms away. In addition some of the neighbouring white farmers had sent their cattle to graze on the Bakwena's land. When Tribal Representatives reported this to de Villiers he told them he was not prepared to deal with them, they should go to Pachsdraai and report their problems to the magistrate there.

People were in daily fear that their houses would be demolished. Some reported to us how their houses had been demolished in their absence and without their consent. From June until November a bulldozer was parked in the village next to the demolished high school. A small demolition team was camped next to it.

At the end of October the tribe's legal representatives wrote to the Minister of Co-operation and Development demanding that the bulldozer be removed and an undertaking given that no more houses would be demolished without the owners' consent. The undertaking was given and on Wednesday November 7 the demolition team packed up and the bulldozers pulled out of the village. The people were jubilant.

In the meantime they had collected money to pay the deposit on a new pump. They had approached the bus company to re-establish the bus service, and were trying to start an informal school for their children. People felt that life was slowly returning to normal.

The Mogopa people then received a letter saying that an Order from the State President would be read to them on Friday November 18 and they should gather to hear it. The Johannesburg workers heard of this meeting only a few days in advance, besides which it was on a working day, but many of them did manage to attend.

The Government was represented at the meeting by

Mr P de Villiers, the Ventersdorp magistrate, Mr Danie Smith and Mr Vermaak from Co-operation and Development in Pretoria and numerous policemen. To the horror and fury of the tribe the officials brought Jacob More with them. Members of the tribe spoke out immediately saying that Jacob More should be removed from Mogopa. De Villiers refused to discuss the matter. He said that the Order would be read and no further discussion would take place. He then read an Order in terms of Section 5(1)(b) of the Black Administration Act of 1927 — an Act not used for decades.

It stated that the State President ordered the members of the black tribe, the members of the black community and the black people living in the area and all their families to move to Pachsdraai within 10 days. It further ordered that they must never return to Mogopa.

After the notice was read de Villiers explained that trucks would arrive on Monday November 21 1983 (ie two days later) and every day thereafter until Tuesday November 29. People should load their possessions on to the trucks and they would be taken to Pachsdraai. He said that if people had not complied with this order by

*A lunch rest during the mammoth stone-cleaning operation: chipping concrete from the stones of the demolished building*



Tuesday November 29 they would be loaded up and taken away by force on that day.

The tribe was in uproar. Mr Lazarus Katitswe said that there had only been one previous meeting when removal was mentioned and the tribe had said they were not prepared to move and asked whether the government was going to force them to do so. The officials had said force would not be used. Yet today they were told they were to be loaded on to the trucks. He asked about the money the tribe had spent on the land and the improvements they had made. The officials said there had been many meetings held to discuss the removal and that the people present had refused to have their property evaluated. This was hotly disputed. People insisted they had not known about any meetings called. After the officials and Jacob More left, the tribe held a meeting at which they resolved that nobody would voluntarily get on to the trucks.

The next 10 days saw intense activity and negotiation.

A letter was written to the Minister of Co-operation and Development stating that the order to move was unlawful, on the grounds that Section 10(1)(b) of the Black Administration Act (1927) contains a provision that if the people refused to comply, a resolution of Parliament would then become necessary. When this failed, their legal representative applied to the Supreme Court for an urgent interdict to stay execution of the eviction order.

This also failed, on the grounds that the removal had already been approved 'in anticipation'.

A Press and Diplomatic Conference was called at which a Black Sash statement was issued and members of the Mogopa committee were present to answer questions. Helen Suzman, in New York at the time, was contacted and asked to make representations and to use her influence with the US State Department. This she did with great effect — to Chester Crocker personally.

The SA Ambassador in Washington was called in for discussion on the subject. We also ensured that all the relevant information was placed in the hands of top Government officials in London and throughout Europe, at the same time as the overseas newspapers and television services were beginning to carry the story.

Purely fortuitously, Pik Botha was at the same time on

his European diplomatic tour, and was acutely embarrassed by the publicity.

The campaign gathered momentum as November 29 approached. Under the guidance of Bishop Tutu, clergymen of all denominations gathered in Mogopa for an all-night prayer vigil. On the morning of the deadline of November 29, with the international press and TV present in force, the removals trucks, there for 10 days, made no move to carry out the order.

Seven families decided of their own accord to demolish their own homes and hired lorries at a cost of R300 each to move their possessions to Bethanie, in order to escape the dreaded move to Pachsdraai. The rest of the villagers are steadfast in their determination to remain at Mogopa.

The overwhelming condemnation of the international press and foreign governments finally brought a propaganda counter-offensive from the Government. Mogopa/Pachsdraai became a daily SABC news item, and a party of foreign journalists were flown up to both areas in a Government helicopter. They were accompanied by the Deputy Minister of Foreign Affairs, Mr Louis Nel, who attempted to explain the reasonableness of the Government policy and to point out the excellence of the facilities being prepared in Pachsdraai.

The responsible Minister, Dr Koornhof, has been noticeably silent on the issue. He and his officials did however receive a deputation of Mogopa tribal leaders on December 5 but excluded their lawyer. To their dismay they found Jacob More and his committee there too. The Mogopa committee had a short written memorandum prepared with questions for the Minister. He did not answer one of them. They were prepared to meet him more than half way, offering to move to a place approved by the tribe after proper negotiations concerning size of land and compensation. The Minister did not agree. He had a joint press statement ready which the people refused to sign. He said they must go to look at Pachsdraai, which the committee agreed to do after discussion with the rest of the tribe, but refused to do so in transport provided by the Government. Instead, they were taken there by Black Sash members, and later reported to Dr Koornhof that the area was unsuitable and

*Dawn breaks after the vigil. Brigid Ward second from left, Ethel Walt standing*



they refused to move there.

Dr Koornhof's office later issued a statement to the effect that the difficulty was simply one of a dispute between two opposing factions, and despite all his efforts he had been unable to resolve the tribal differences.

At the time of writing, no further efforts have been made by Government officials to move the people. Their lawyers have applied for leave to appeal against the Supreme Court judgement, and the Chairman of the Lawyers for Human Rights has called on the Government to stay the removal until the appeal has been heard.

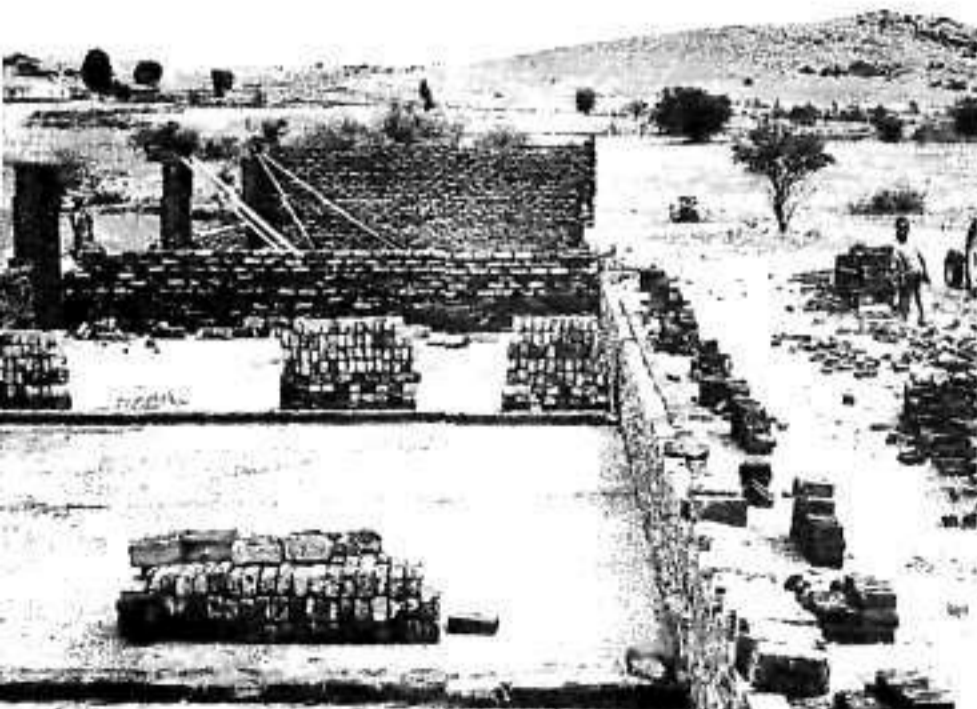
Life goes on peacefully in Mogopa. The people have collected over R2 000 towards rebuilding their bulldozed school. They have eight experienced builders of their own as well as a great deal of enthusiastic amateur help. The older men are engaged in cleaning old re-usable bricks and stones from demolished buildings while the women and children are repairing roads for the trucks conveying building materials. With some additional assistance from sympathetic outside volunteers the walls are steadily rising from the ruins.

• *At the moment of going to Press our members visited Mogopa — see back page*



*Above, decorating a Mogopa Xmas tree to celebrate the 'reprieve'. Sue Sher in the background*

*Below l and r, spinaker off-cuts make ideal decorations — Jill de Vlieg's idea.*



*Rebuilding the school*



*Volunteers offload building material from a SAVS truck*