

Face to face with MK in Lusaka

By Nic Borain

MAY 1990 will see the first meeting of the two protagonists who perhaps symbolise the conflict in South Africa at its sharpest: the military wing of the ANC, Umkhonto we Sizwe, and a range of SADF-linked South Africans from inside the country.

Idasa will be hosting this four-day conference in Lusaka, providing a unique forum for the parties concerned to examine vital issues that are part and parcel of the negotiation process: the de-escalation and cessation of hostilities. The challenges facing the military forces in a projected post-negotiations phase will also be identified and examined.

A highlight of the conference is bound to be the early session where the delegates introduce themselves and their personal military histories, not least for the tremendous symbolism of weapons being exchanged for words by "enemies" in the most serious sense of the word.

Delegates include former SADF generals and other former senior officers, men who have recently served in the SADF as conscripts, academics, members of the End Conscription Campaign and representatives of the Transkei Defence Force. The SADF has been invited to send formal representatives but it seems more likely that it will, instead, monitor the proceedings closely. Several of the academics attending are expected to do so in consultation with the SADF.

The meat of the agenda will be a good look at the role of the military in transitional societies, in particular in the South Africa of 1990.

The vital question for historically antagonistic military forces is how to build the trust necessary for a positive role in the negotiation process. A further question is how the process is to be monitored. Delegates to the conference will be encouraged to set out their positions - particularly their fears and concerns about the future, and then to explore the options.

A large part of the agenda is devoted to projected post-negotiations military matters. The question here would be how to create a unified army that would earn the respect of all.

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Ploughing a minefield

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agricultural debt.

Unfortunately, when it was time for delegates to depart at the end of a very full and demanding weekend, this dilemma still remained and overall, numerous issues raised during the workshop were not conclusively resolved.

Numerous other points of conflict also emerged. These included the nettle of nationalisation and compensation - subjects which were alluded to during the workshop, but never fully confronted - as well as why a rural land policy is needed. Should it address food production, settlement patterns, employment, access to land or stem the flood to the urban areas?

The best use of legal resources, how they should protect and support people struggling to gain access to or maintain



Discussing the issues over

control of their land was also debated. Similarly the questions of how to handle intervention, how to identify paths of change and then support viable strategies, produced conflict among delegates.

Land: A labyrinth of tricks and tales

By Sue Valentine

WHETHER land is nationalised or privately owned is a non-issue for most black South Africans because virtually all land used by them belongs to the South African Development Trust.

So says Geoff Budlender of the Legal Resources Centre in a paper co-written with Johan Platsky that looks at the way in which black people can "own" land and makes the point that in almost every instance this matches the classic understanding of nationalised land.

Budlender identifies quitrent tenure as the dominant form of land use and explains what rights land users enjoy under this system - rights which the relevant minister may cancel. He may also appropriate the land. Ultimately the state has a residual right to the land whenever it chooses.

In the first half of the presentation of the paper, Platsky showed how the different race zones ("homelands" and Group Areas) in which people were forced to live in South Africa "derive from an intricate system of interrelated legal provisions of quite astonishing technical complexity".

Because of this "kind of labyrinthine complexity which cannot and did not arise from a single flash of misguided brilliance", the overturning of the 1913 Land Act and the 1936 Land Reform Act would not suffice to bring about significant change. The Group Areas Act would have to be abolished simultaneously in order to offer black people somewhere to move to, and the mesmerising array of land laws passed by the various homeland authorities would also have to be erased.

Concluding their two deliveries, the lawyers made a strong case for a careful re-

moval of land laws in such a way as to avoid leaving people with fewer rights than before. They warned that unless land reform measures were accompanied by real



Researcher Essy Letsoalo spoke on state land reforms

democracy, disaster - as had occurred elsewhere in such programmes - could be the result.

In an appeal for people involved in the land question to move away from loaded ideological terms and confront the empirical reality of what was happening in the field, Aninka Claassens of Trac (Transvaal Rural Action Committee) set about examining some of the myths regarding private property.

She asserted that the history of freehold title or private ownership in South Africa was contrary to its traditional connota-