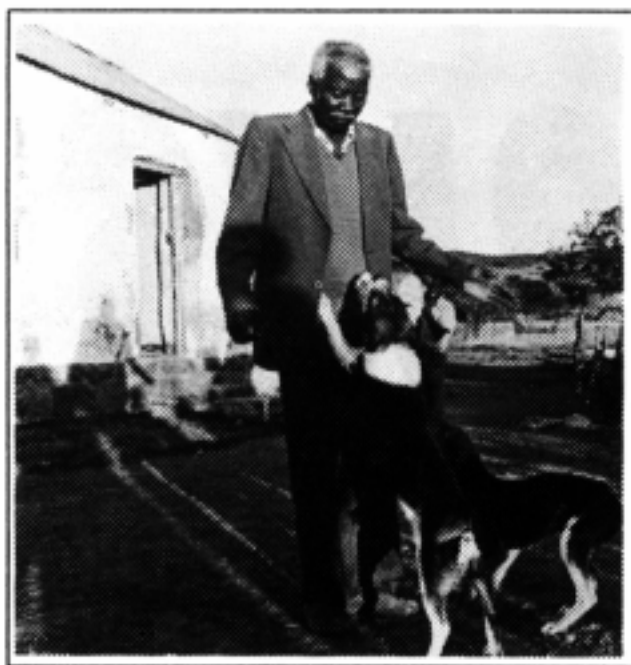


AFRA News

Newsletter of the Association For Rural Advancement Number 22 June 1993





Cover:
A member of the Cornfields community. Cornfields is one of the communities which will be affected by the Thukela Biosphere. See page 16 for story.
Photo: Cedric Nunn

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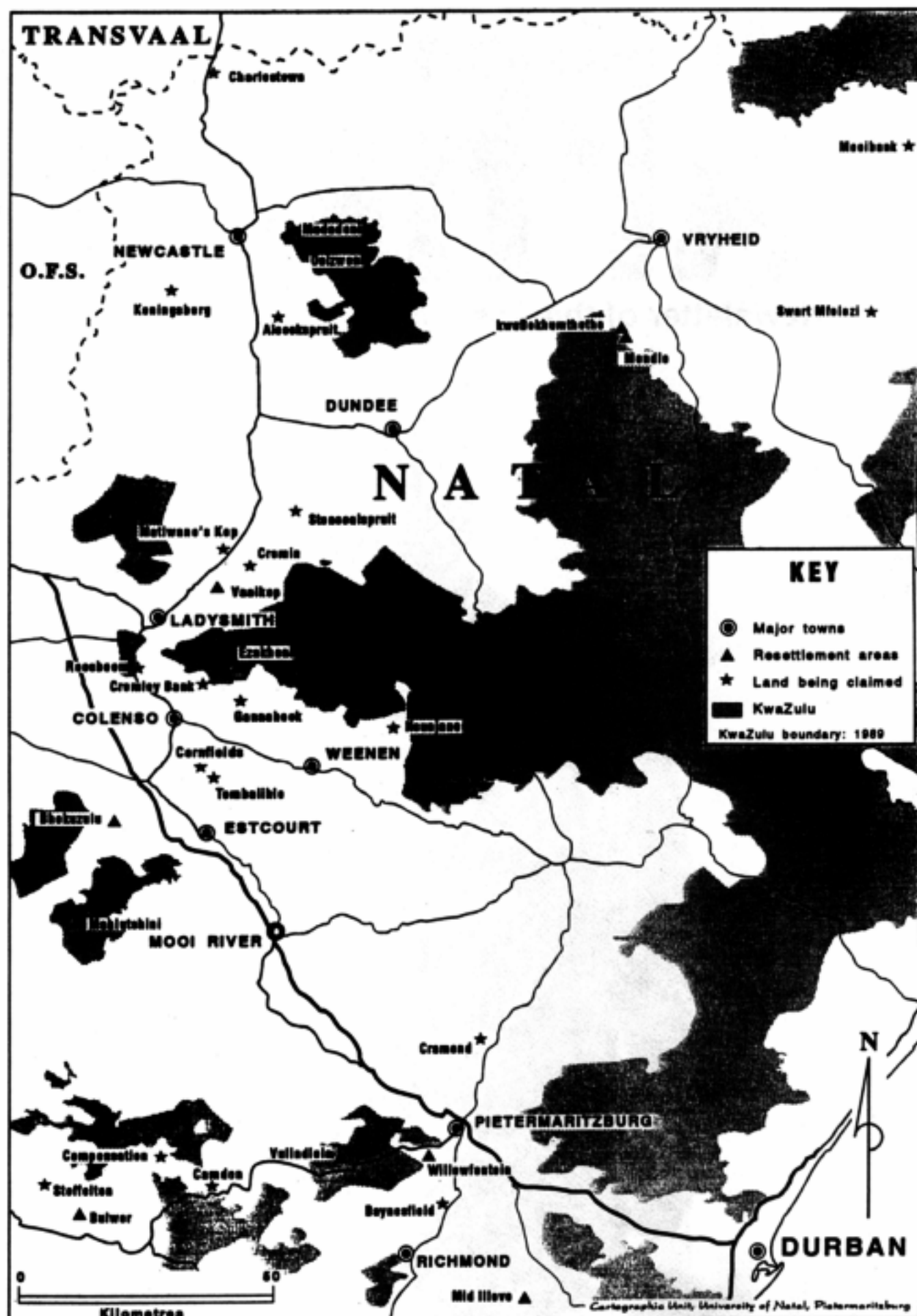
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AFRA is an independent, non-government organisation committed to assisting rural people in the midlands and north-western region of Natal/KwaZulu in their struggle for land rights, a just land dispensation and sustainable development. In general, AFRA aims to promote the building and strengthening of community organisations, particularly those committed to broadening representation and participation of women, youth and other marginalised groups. We also make information on land and related issues accessible to rural communities and the broader public.

AFRA is affiliated to the National Land Committee (NLC), an independent umbrella body which coordinates the activities of nine regional land and development organisations.

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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.

WE 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.

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.

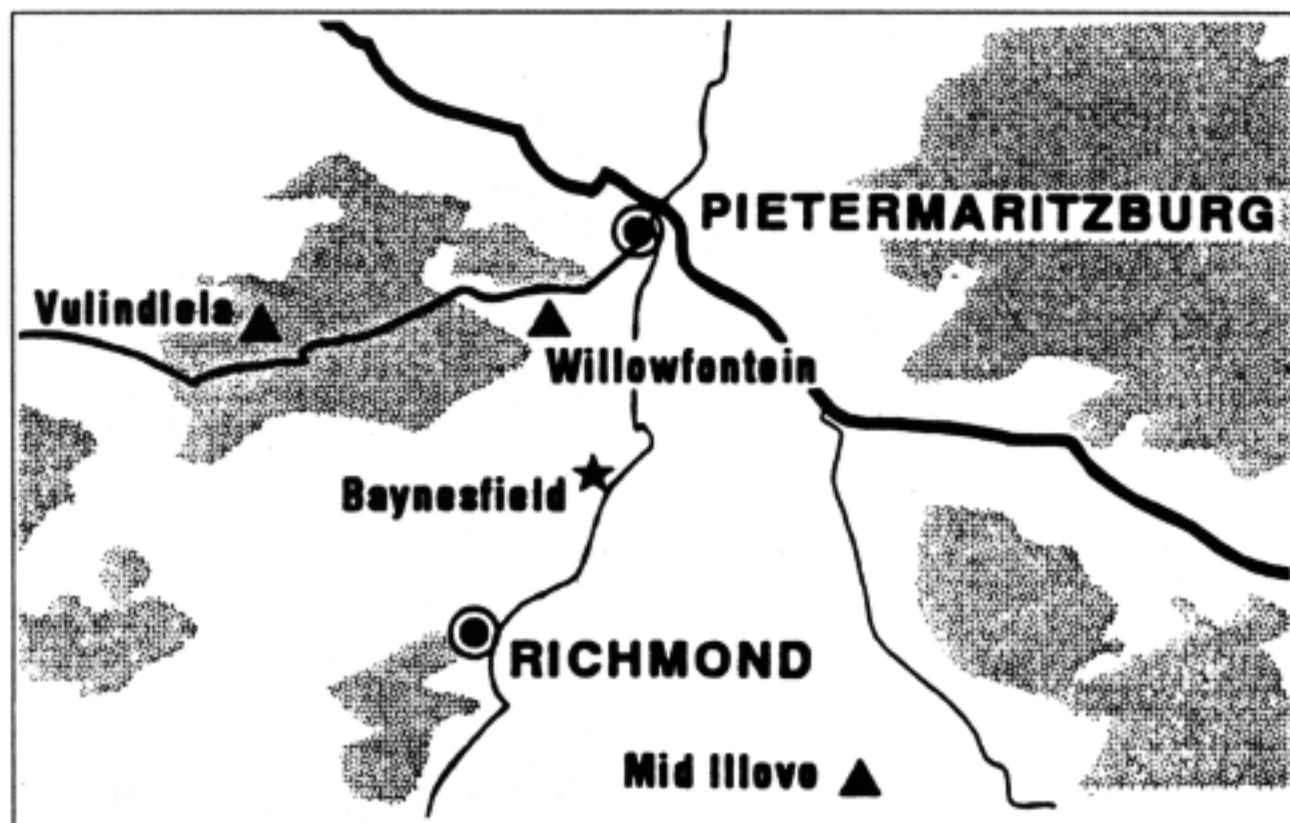
Charity begins at home

Baynesfield labour tenant families struggle for land rights

FAMILIES of former labour tenants who lived and worked on the farm, Baynesfield, near Willowfontein north of Pietermaritzburg, are demanding that their occupation and use rights of the land be restored. The families were forcibly removed from Baynesfield in 1974, 50 years after the legal owner, Joseph Baynes, died. The eviction was on instruction of the Baynesfield Board of Trustees, a body formed in terms of Joseph Baynes' will and charged with managing the estate. The community is now contesting the will.

The Trustees say they have carried out Joseph Baynes' will to the letter. They say they have developed the Baynesfield Estate according to the will's instructions and that Baynes never guaranteed secure tenure to the families of his labour tenants, only the tenants themselves.

The families of former labour tenants say their forced removal was immoral and had devastating consequences for them. They also say the removal was against the spirit, if not the letter, of Joseph Baynes' will. In his will, Baynes gave no specific instructions regarding the eviction of the "native population" on the land. Instead, he said that one of the Trustees sitting on the Board should be appointed by reason "of his established reputation as a friend of the natives and



other coloured people, one who may be depended on to safeguard their interests."

Among the specific directions of Baynes' will, is the instruction that the Estate should be used "in practical illustration of what is possible to be done by way of development; and, creating a centre of industry, education and beauty for public benefit and for an ever increasing number of persons".

The families of former Baynesfield labour tenants argue that it was never Baynes' intention to see the families of his labour tenants impoverished and that he would have wanted their interests protected. In addition, they argue that Baynes, in talking about the Estate being used for the benefit of "an ever increasing number of persons" must also have included them in this increasing number.

The families question the Baynesfield Board of Trustees' use of Joseph

Baynes' will to justify the forced removal of 1974. Is it mere coincidence that 50 years after Joseph Baynes' death, when forced removals were being carried out all over South Africa, the Baynesfield forced removal also occurred? Or was the seeming ambiguity of Joseph Baynes' will used to justify and whitewash what was essentially a forced removal in terms of apartheid land laws?

One thing is certain, when Joseph Baynes drew up his will he could not have foreseen the emergence of the network of laws designed to force black people off the land. If he had been able to foresee the rise of apartheid, he might have been more explicit in ensuring that the people who had worked for him for generations were not removed.

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"The removal impoverished us," say former Baynesfield labour tenants

MANQOBA Thabethe, Siteti Mbhele and Xhegwana Bhengu lived and worked at Baynesfield at the time of Joseph Baynes' death in 1924. Along with other families, their parents and grandparents had been born and were buried on the land. Original occupants in the area, they became labour tenants when the farms were granted to Joseph Baynes. This is what they told AFRA about their lives on Baynesfield and their forced removal.

"WORKING on the farm those days meant two things - tilling the soil and looking after cattle. Of course, tilling the soil had other related activities like ploughing, sowing, weeding and harvesting. Each family supplied usually one worker in return for the family being able to continue living on the land. Baynesfield consisted of many different farms. The farm on which we lived was used exclusively by us. People grew different crops primarily for their consumption, although people did sometimes sell what they grew. People kept cattle and other livestock like pigs, goats and sheep. We were encouraged to plant wattle trees which we sold, thus deriving income.

"It was around 1974 when old people were verbally told that they would have to leave as they no longer worked on the farm. They were asked to sign written notices. When people refused to sign, they were taken to the local police station where they were

asked to sign their eviction notices.

"A few weeks later tractors, guarded by armed police, came and pulled down the houses of all those who had refused to sign eviction notices. These people were loaded in tractors and were dumped on an open field at Willowfontein.

"From there people went in different directions. Others had nowhere to go, so they chose to remain at Willowfontein. Those who remained were later allocated small pieces of land. Subsequently, the houses of many of those who remained at Baynesfield were demolished in a similar fashion.

"Other families remained on the farm because they had a member employed on the farm. This did not hold for the people who were working at the bacon factory, for the people evicting us did not regard them as employees on the farm - though it was part of the estate.

"Obviously people lost their houses, and their furniture which was left behind. Weeks before the removal, people's goats and cattle were impounded. People were told to select five cattle and to sell the rest. We were forced to sell at ridiculously low prices. This we knew to be a hallmark of all forced removals - people being systematically impoverished before being dumped on unserviced land..."

AFRA News survey

WHAT do you think of AFRA NEWS? Do you find it useful and interesting or a waste of time? We want to know.

In this issue of AFRA News you will find a readership survey. Please complete and return this as soon as possible.

AFRA would like to improve the quality of AFRA News. We have commissioned an independent research organisation, the Community Agency for Social Enquiry (CASE), to conduct this readership survey.

Please help us to know more about you, the readers of AFRA News, and what you think of the publication. Please answer the survey questions honestly and as fully as you can.

By answering the survey and sending it to CASE, you also put yourself in line to win an OXFAM T-shirt.

Land Rights Update

Meran landowners want land back

FORMER landowners of Meran, near Wasbank in Natal have sent a written land claim to the Advisory Commission on Land Allocation (ACLA). Meran landowners and tenants were forcibly removed from their land in January 1968 to the resettlement camps of Limehill and Vaalkop.

Meran consisted of four freehold farms - Meran, Mooispruit, Lyell and Willem Geluk - bought by three African families.

On Friday, January 26, 1968 the Dundee magistrate arrived at the local school and said to the assembled children: "Tell your parents on Monday our lorries are coming to move them." This announcement followed written notices issued in November 1967 to some people at the Maria Ratschitz Mission.

On the weekend before the removal, landowners of Meran made frantic efforts to get a stay of removal, but their application was unsuccessful. On Monday, January 29, 1968, as promised, the lorries were there to take the first load of removed people to the Vaalkop and Limehill resettlement camps, some 45km away.

When removals began most of the menfolk were away at the time, and heard the news

by chance. Many rushed home to Wasbank and found their homes demolished or deserted. Some found their cattle on the loose and, in the end, many cattle disappeared or were sold to speculators at ridiculously low prices. White farmers from the Orange Free State visited the mission adjoining Meran to ask where they could find "the cheap kaffir cattle".

Surprisingly, after the hectic rush to remove the people, little use was made of the land at first. According to former Meran residents, in 1984 the South African Defence Force took over the part of Meran known as Willem Geluk as a training ground for soldiers.

New land Bill to give homelands more control

THE Minister of Regional and Land Affairs has tabled six new land Bills before parliament. Three of the Bills deal with the powers of homeland governments. Possibly the most contentious of these is the Regulation Of Joint Action Regarding Certain Land Bill.

In 1992, the government entered into agreements with five of the six homeland governments around "joint administration" of about one million hectares of state land outside the homelands. The South African Development Trust (SADT), which has been scrapped, owned this land and it is now owned by the South African government.

At present, the homelands have no power to perform executive acts outside the homelands. This Bill will grant them this power. It will give effect to the agreements struck in 1992

with the homeland governments around "joint or coordinated executive action" of state land outside the homelands. The Bill allows the state president to take such measures as he considers necessary to give effect to this. This includes the power to amend, supplement or repeal any law of South Africa or the homelands. The state president will also have the power to do whatever he considers necessary to give effect to any future agreements with the homelands around land. Proclamations must be tabled before parliament and parliament may reject the proclamation or a provision in it. If that happens, everything done up to that date under the proclamation remains valid and only falls away from the date on which the rejected proclamation or provision falls away.

The existing agreements with the homeland governments around state land have not been published and parliament is therefore being asked to write a blank cheque.

In its 1991 White Paper On Land reform, the government undertook to stop further incorporation of land into the homelands. This Bill will authorise effective incorporation by giving homeland governments powers over land outside their borders without technically incorporating the land. In this way, the government hopes to avoid political challenges to homeland incorporation and legal challenges mounted by land claiming communities. The Bill will apply to any land outside the homelands, not only former SADT land.



"I believe in full participation. We want the Forum to be credible. This means we have to be transparent and there must be no hidden agendas."

Professor Louise Tager is currently chairman of the Land Rights Advisory Forum, set up by the government earlier this year. She was a former dean of the Law Faculty at the University of the Witwatersrand and has been a professor since 1990. She also holds the position of Executive Director of the Law Review Project.

You have been appointed chairman of the Land Rights Advisory Forum. What is the role of this forum and what has it done so far?

Our first task was to expand the membership of the Forum, to bring everybody into the process of looking at land rights, landlessness and farm labour security. We have had one meeting so far, on June 7 1993. The purpose of this meeting was to discuss the administrative transfer of land to the homelands and what the implications of this would mean for our brief. At that meeting, we took a unanimous decision to call for a moratorium on the sale and transfer of all state land. This was with the exception of Mr Bailey, who was absent from that meeting. We are now preparing to get more details from the Department of Regional and Land Affairs about how much state land there is and where it is located.

We have also commenced networking informally with others in various fields with the aim of getting them to participate fully in the work of the Forum. I don't believe in consultation. I believe in full participation. We want the Forum to be credible. This means we have to be transparent and there must be no hidden agendas. I am not involved in any political organisation. We want to have meetings with all the key role players around the issue of land rights.

'No hidden

Who are the other members of the Forum? What are their functions? How were they appointed and what was the basis for their appointment?

The other members of the Forum are:

- Professor Julius Jeppe, a professor at the University of Stellenbosch
- Mrs Esme du Plessis, an attorney from Pretoria
- Mr Herman Bailey, from the Rural Foundation
- Mr Colin Steyn, chairman of Barlow Rand Properties
- Mr Boet Fourie, president of the South African Agricultural Union (SAAU)
- Mr Matome Maponya, president of the National African Farmers' Union (NAFU)

Being very busy people, with other fulltime commitments, none of us has any specific function. We have all agreed to network with people in our respective fields as much as possible so that the Forum can be broadened. I presume the other members of the Forum all have some connection with land issues. The Deputy Minister of Land and Regional Affairs, Mr Scheepers, appointed the members of the Forum.

How does the Land Rights Advisory Forum differ from the Advisory Commission on Land Allocation (ACLA)?

The Forum looks at land rights broadly while ACLA looks at specific cases. When we called for a moratorium

agendas...'

on the sale and transfer of all state land, the chairman of ACLA phoned me to ask if this would affect ACLA's work. I assured him that it did not and that we expected ACLA to continue to consider land claims.

What is the relationship, if any, between the Land Rights Advisory Forum and ACLA?

Other than this point of clarification, the Forum and ACLA have not had the need to relate as yet.

You have called for a moratorium on all land transactions involving state land, including transfer of state land to joint homeland/SA control. Does this mean that joint administration land transfer deals should be reversed?

The call for a moratorium means that until such time as there is a representative body, such as the National Housing Forum that can discuss the issue of land rights, state land should not be alienated. We are not even talking about a new government, simply a representative body.

What is the current status of the agreements concluded with homeland governments around joint administrative control?

I do not know what the status is of the joint administrative transfer deals concluded last year. I understand there is a Bill before parliament at present

which will give legislative effect to the agreements. I don't know if anything has already been implemented in terms of those agreements. I am unsure about what the land transfer deals actually mean. The Forum wants clarity on this. We see this trust land as good agricultural land where black farmers could derive benefit and become more than subsistence farmers. However, once this trust land is transferred out of the current control exercised over it, it will no longer be a resource which is easily available. If the Forum has to address landlessness where would we look if state land has been alienated? In the third interim report of the Goldstone Commission, the Commission called for the suspension of the transfer of further state and trust land to the homeland governments. We felt that there was little practical difference in the transfer of title to the homelands and transfer of joint administration.

If the joint administration deals have already been implemented there may be little that can be done. Calling for a reversal of agreements already implemented was not contemplated in our call for a moratorium. If we got to hear of cases where the joint administration transfer deals have been implemented we would want to ask questions.



"If the Forum has to address landlessness where would we look if state land has been alienated?"

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What do you believe should happen with the almost 3 million hectares of state land transferred to the homelands in March 1992?

I am unaware that 3 million hectares of state was transferred to the homelands in March last year. I was always under the impression that incorporation had stopped some time ago.

What should happen in cases where state land has been sold to private owners, such as in the Majeng community's case where the land they were claiming through ACLA was hurriedly sold to six white farmers?

I am unaware of the Majeng case. I understood that ACLA had been set up to deal with such cases. If something like this came to the Forum we might take it up, talk to ACLA about it. We feel strongly about being an independent committee which involves all other interested parties. We would appreciate this community and others who have had similar problems sending us information so that we can investigate the problems further.

AFRA has tried, in vain, to establish from the government how joint administration of state land with homeland governments would address land hunger or have actual benefits for communities. How do you understand the government's plan to implement joint administration of state land

with the homeland governments?

I am very confused about the joint administration plans. I thought we were moving into a new constitutional framework.

If regionalism is contemplated or even federalism, the continuation of current structures is still very hard to understand.

What is the state of negotiations around the transfer of state land in Natal to KwaZulu?

I have no idea about what is happening with state land transfers to KwaZulu. I thought a similar agreement had been reached with KwaZulu as was reached with the other homelands. The Forum is arranging to get a senior official from the Department of Regional and Land Affairs to brief us on what is happening around state land.

Why are you calling for a freeze on all land transactions involving state land?

Our brief cannot be properly addressed if this state land is alienated.

In December 1992, the Goldstone Commission recommended that such land transfers be halted. A wide range of organisations which work in the area of rural development and land rights also called for a moratorium on the sale and transfer of state land. Yet, in his statement about the establishment of the Land Rights Advisory Forum, Mr

Scheepers reiterated the government's opposition to the call for a moratorium on the sale and transfer of state land. How do you intend to ensure that such land deals are frozen?

We can only say what we think. We don't have any power. We hope that the government will listen to our request.

What do you see as the main challenges facing the satisfactory resolution of land rights in South Africa? What are the types of mechanisms, in your opinion, that should be set in place to assist the process of extending land rights? What is your opinion of the concept of a land claims court to resolve land claims?

Unless the Forum is able to bring everybody together for deliberation, it won't be able to go far at all. I am not in favour of administrative processes to address land rights, because of the history of what has happened in South Africa. I am in favour of resolving land rights issues through negotiation, and, failing that, a judicial process, such as a land court. Such a court could deal with a range of land issues.

World Bank's land plan for South Africa

IN May 1993 the ANC held a conference on property and the constitution. Mr Hans Binswanger, of the World Bank, presented the World Bank's current position on land reform in South Africa. This is an extract from the paper which he presented at the conference.

SOUTH Africa seems to have two options: rapid and massive redistribution of land to black and coloured groups, which would involve substantial resettlement from the homelands onto land now in the commercial sector; or decades of peasant insurrection, possibly civil war, combined with capital flight and economic decline.

At this time, peasant unrest is still unorganised and confined to intra-racial conflicts and sporadic attempts at land invasion. If the hopes raised by repeal of most racially motivated land laws and restrictions on mobility are not confirmed by rapid restitution of land in the former black spots, and by additional assignment of land from the commercial sector, land invasions are likely to increase.

At first, such invasions will be uncoordinated and sporadic, and will concentrate in Natal and other areas close to the homelands. While Afrikaner farmer groups will be able to defend areas that are not contiguous to the homelands, and are arming themselves to do so, they will be powerless against murders committed by current and former workers and tenants.

Over time, some political group will organise a well-disciplined peasant movement capable of coordinated insurrection and

terrorism, using the rapidly increasing stock of arms in rural areas. Token appeasement schemes will, at that point, only be able to postpone a coordinated peasant insurrection for some period, the length of which is difficult to predict. But failure to act decisively and rapidly will inevitably bring it about.

Could South Africa avoid this fate by concentrated rural development in the homelands? Such development is obviously necessary whether or not land reform is undertaken; but even an aggressive program to develop human resources, roads, water supply and agriculture in the homelands will not be able to generate sufficiently large numbers of farm and

non-farm jobs to avert a massive employment crisis.

Converting commercial sector farms to small or medium sized part-time or full-time farms is the cheapest and fastest way to generate productive employment, both farm and non-farm, on the massive scale that is required. If a non-disruptive process to achieve this transition can be found, it will lead to more intensive land use and higher production. Both the reallocation of land and increased employment will reduce the extraordinary current tensions.

Given the complexity of existing land relations and the widely diverging aspirations of different social and political groups, a new land law should be anchored in the constitution. It should include provisions for secure private ownership, for more flexible forms of communal tenure than is currently allowed, and for government ownership of ecological reserves and perhaps national forests. Private ownership should be secure and not subject to effective use. Communal ownership could continue to be an option in the homelands and could also be used by land reform beneficiaries in subdivided farms. It should be based on the minimum common denominator of all

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World Bank's land plan for South Africa

communal rights systems, the constraint on sales to outsiders imposed by the community on its members. Just as company law ensures shareholder democracy, community law should specify minimum democratic rules for decision-making, which communities would have to fulfil in order to enjoy protection of the law guaranteeing their land rights and their legal status.

"Private ownership should be secure and not subject to effective use."

Redress for violations of democratic rules for minority groups in these communities should be available through an arbitrage process, perhaps including traditional tribal institutions, with ultimate recourse to the judiciary. The law should leave to local communities the right to determine their internal land rules. Internal arrangements could include collectives in which plots are not tradeable, cooperatives with inalienable individual rights, and condominiums with largely unrestricted individual rights to rent and sell land to other members of the community. Allowing communities to amend their own bylaws would enable them to adapt to local circumstances and to changing external conditions over time. By voting to

eliminate the ban on sales to outsiders a community would join the private property regime for the plots it has allocated to individual families. A clear legal basis for a land reform program also needs to be created. Relevant provisions should include cut-off dates for claims, principles governing compensation, arrangements for financing the reform program and so on. Experience suggests that lack of legal clarity leads to delays and breakdowns in implementation.

A judicial approach could be used to settle claims to specific plots by groups evicted from their land during the apartheid regime's black spot removal. This approach could be based on clearly specified evidentiary rules and cut-off dates for restitution, and could be executed by mobile arbitration units and courts, such as those used in Chile after the Allende regime, which took about two years to accomplish their task. The same system could be used to deal with rights to housing, plots and grazing of current and former long-term workers, squatters and labour tenants, again with clear rules, length of stay and cut-off dates. It would be unwise to subject these rights to effective use requirements, since such requirements elsewhere have caused extraordinary delays and severely undermined the intent of the programs.

The general claim for restitution arising from past land policies and from the systematic destruction of smallholder farming cannot be handled by judicial means, but it could be handled by a market-assisted land reform, as in Kenya, where the poor were given grants to help them buy land from the commercial sector. The government would not buy or expropriate any land, but land would be transferred from willing sellers to groups of eligible beneficiaries.

"Converting commercial sector farms to small or medium sized part-time or full-time farms is the cheapest and fastest way to generate productive employment on the massive scale that is required."

The beneficiaries would receive a partial grant to buy land, perhaps in the form of a land purchase voucher. They would combine this grant with their own equity and a loan from the Land Development Bank.

The beneficiary groups would be free to choose between communal tenure (in a great variety of forms) or private ownership. By having the freedom to choose their farms, internal management schemes and

subdivisions, they can select locations and farming systems most appropriate to the capital and skill endowments of their members. The farming systems can range from suburban residential communities with small kitchen market gardens to part-time, full-time or commercial farming. Beneficiaries would be assisted with additional transfers or vouchers for feasibility studies; land subdivision and recording; subsistence for the first year; and agricultural extension for subsequent years. The land vouchers would be targeted to the poor, who would be selected through some form of means testing.

"The government would not buy or expropriate any land, but land would be transferred from willing sellers to groups of eligible beneficiaries."

Without a means test, the scheme would likely benefit the middle class, bureaucrats and tribal chiefs.

Financing for the program would have to come from external and internal sources, some of which might include an external donor consortium, the uncollectible debt claims of the commercial farm sector, or an income or value added

tax levied on the past beneficiaries of apartheid.

Injecting purchasing power into the land market could cause the price of land to rise, which would make the program excessively expensive. The potential rise in land prices could be held in check by establishing a level playing field for all farm sizes, that is, by eliminating all distortions that favour the commercial sector in the tax code, the credit system and the marketing system, as well as in access to services and technology. Levelling the playing field would prevent distortions from forcing a reaggregation. In addition, loans from the Land Bank for land purchases should be limited to the productive value of land, an approach that is already largely in place.

Achieving agreement at the constitutional stage requires that current tensions over land policy, and the mutual distrust of the negotiating parties, be rapidly diffused. One way to accomplish this might be to implement the following short-term measures:

- abolish the land subdivision act
- recognise that labour tenants and workers who have resided on farms for a long time have a claim to some land and housing on a retroactive basis (that is, whether or not

they were recently evicted)

- establish a moratorium on distribution of government (trust) land
- establish a moratorium on land invasions

Substantive and rapid market-assisted land reform and resettlement is the greatest if not the only hope for peaceful development in South Africa. It is also the greatest hope for the rapid growth of productive employment and self-employment opportunities. The international community has a great interest in helping South Africa to finance such a program for economic and humanitarian reasons; and the short-term measures suggested here would contribute to mobilising international support.

This extract comes from a paper written by Hans Binswanger and Klaus Deininger of the World Bank and the University of Minnesota. The paper is due to be published in full in October 1993 in a special section of *World Development*, called *Experience With Agricultural Policy: Lessons For South Africa*.

" **W**E will be powerful enough to be able to tell the IMF what role we want them to play," COSATU general secretary Jay Naidoo told a recent meeting at the University of Durban-Westville.

In doing so, Naidoo joined a string of South Africans who argue that this country will be the first in the world to be able to successfully ride the IMF/World Bank tiger. They point out that the Bank and Fund are acting differently here, being more open and talking with the liberation movements, trade unions and non-government organisations as well as government.

Bank teams seem to accept the need to redress the heritage of apartheid, for redistribution and job creation, and for rapid improvements in health, education and housing. And there seems an amazing acceptance of popular participation in decision-making.

But Naidoo is also joining trade union leaders and politicians in many other countries who thought that they, too, would be the first to beat the IMF.

They all lost - and the Bank and Fund have continued to impose structural adjustment policies (SAPs) on all other countries because those institutions have become much more sophisticated in recent years. Three techniques are key.

- First, the bank is involved in so many aspects of the economy and such a range of projects that few

Can South Africa ride the IMF tiger?

With the ANC and COSATU embracing the World Bank and the IMF, Joseph Hanlon asks if South Africa are being foolhardy in assuming they are a special case

Article courtesy of *Work In Progress*, June 1993. Article written by Joseph Hanlon, writer on foreign aid and author of *Mozambique: Who Calls The Shots* (James Currey 1991).

participants have an overall picture. Decisions seem to be taken in many different places.

- Second, the Bank and Fund now follow the alternating soft and hard approach much used by interrogators: the subject is first softened up by the sympathetic partner and only later hit by the hard man.
- Third, the Bank and Fund mix openness with obsessive secrecy.

Soft hearts first

Thus, the Bank has learned to send the most sympathetic people to make the initial contacts and do the first sectoral studies. They often understand the needs of the poor, they consult broadly, and they often see participation as important. And they are technicians who have a strong commitment to improvements in their sectors - health, water, housing or whatever. But in the end, these sympathetic people have no power.

And it is the hard men in Washington - who negotiate in secret only with top government officials and ministers on the framework agreement - who override all other agreements. They also negotiate on the so-called macroeconomic issues like devaluation, free trade, and limits on government spending, debt and subsidy. There is no public discussion and no popular participation in these talks. Nor is there any representation from those involved in sectors such

as health, either from the country or the Bank.

Only after those overriding agreements have been made do the colleagues of the soft men return. Although still friendly, they stress they are not bound by verbal commitments and even formal reports made by previous teams. They understand the need to spend more on health and education, but stress that spending must fit under the already agreed cap. Sectors are forced to compete, Health care can be improved only if money is stolen from education or food subsidies.

Participation will still be encouraged, but only at a very limited level. For example, people will not be asked if they want to pay school fees, but there may be discussion about the balance between secondary and primary school fees.

Sabotage!

Whole projects can be sabotaged by the financial cap. Thus, in Zimbabwe the Bank and the Fund did not oppose land reform. But a cap on the number of civil servants meant that essential surveyors, agricultural extension officers and other staff could not be employed, which effectively limited land reform.

In Mozambique, the Bank did not oppose universal primary education, but the spending limit meant that not enough teachers could be hired to allow all children to go to school.

New conditions appear, especially involving the use of the private sector. New stress is put on two-tier systems of social services where the private sector provides for those who can pay, and the public sector offers only a much

diminished "safety net" for others.

As part of encouraging competitiveness, transnational companies are given preferred access to the country, weakening, rather than strengthening domestic capital. (It is notable that when Zimbabwe finally accepted a structural adjustment agreement, there was a sharp fall in share prices on the Zimbabwe stock exchange. Local labour and capital are both hit by the Bank's emphasis on open economies.)

Poor won't eat less

"Efficiency" arguments are used to direct funds to those who are better off and who can make "better" use of the money. Low income housing is transformed into middle income housing, because the poor are said to be "unwilling" to eat less so they can spend more on housing.

These changes take place bit by bit and in different areas, so that the overall impact is never obvious. Each step seems sensible and necessary in itself. But these changes will turn any reconstruction accord into a meaningless document without ever directly contradicting it.

And yet, the Bank and Fund cannot be ignored. Some agreement with them will be essential, not on economic grounds, but because political acceptance from the United States and its allies will not be forthcoming without it.

Three things are required to reduce the damage that the Bank and Fund will do, and to maintain the momentum of reconstruction.

- First is to avoid fragmentation. The Bank and Fund have country desk officers who oversee all aspects of negotiations and know how the pieces fit together, but they encourage separate ministerial talks on the ground. South Africa needs Bank and Fund desk officers, probably in the president's office, who can similarly keep tabs on the disparate negotiations.
- Second, money should be borrowed from the Bank only if absolutely essential. Housing can be funded from local borrowing, for example. Where foreign loans are needed, such as to import capital goods, the hidden costs of World Bank loans often make it cheaper and less politically constrained to borrow commercially, for example with Eurobonds, than to borrow from the Bank.
- Third and most important is humility. South Africa may be different - but it is not unique. South Africans should try to learn from the dozens of other countries with years of experience negotiating with the Bank and Fund.

South Africa could be the first country to "tell the IMF what role we want them to play", but only if it learns from those who have already tried and failed.

Don't forget to complete and post the AFRA News readership survey!

Thukela biosphere

who'll benefit?

THE Natal Parks Board and white farmers in Weenen and Estcourt have put forward an ambitious plan for what could be Natal's biggest game reserve. Black communities who live in the area are questioning the motivation behind the biosphere idea and whether they will be the losers once again.

THE Thukela Biosphere Reserve idea started about two and a half years ago when white farmers in the Weenen and Estcourt Districts began discussions with the Natal Parks Board (NPB) about establishing a biosphere encompassing the Bushmans and Tugela Rivers. At present, the Thukela Biosphere plan involves about 20 farmers who own about 56 000 hectares stretching from the Bushmans/Tugela Rivers junction to about 3 km from Estcourt and Colenso. The longer term objective is to include up to 150 000 hectares in the reserve with extensive eco-tourism generating income and employment.

The area which the reserve will encompass has a long history of bitter conflict between white farmers and black communities

manifested in evictions, stock impounding, stock theft, assaults and deaths. Given this history of conflict, black communities living in the area view the biosphere reserve plan with caution and suspicion.

The present economy of the region, which is mainly dependent on agriculture, is very poor. It is generally argued that intensive maize or cattle farming is not suitable or profitable in the area and farmers are heavily dependent on subsidies.

If it succeeds, the reserve would be the biggest in Natal and would radically change the sub-regional economy of the Weenen and Estcourt Districts. Maize and cattle farming would become insignificant. The NPB and farmers involved in the plan anticipate that the Thukela Biosphere Reserve will develop in a similar way to Mala-Mala and Londolozi. This block of reserves is the largest generator of income, employment and government revenue in their subregion. If the Thukela Biosphere fails to meet these expectations, the Weenen/Estcourt areas' economic activity would decline even further.

The NPB and white farmers

The NPB has had difficulty with securing funding to buy land. So, the major benefit to the NPB of the Thukela Biosphere plan is that it provides a means of extending and privatising conservation. Game could be bought cheaply from NPB reserves, particularly in Weenen, where there is difficulty in sustaining

present stock because of the drought. In turn, the NPB would be able to draw on this stock for breeding.

White farmers involved in the plan appear to be more interested in the economic viability of game farming, linked to eco-tourism. Some farmers also see an opportunity to secure their farms against livestock poaching and illegal grazing.

What do communities say?

Those involved in the Thukela Biosphere have emphasised the possible benefits for rural black communities, such as employment opportunities and related to this, employment conditions and security of tenure, communities themselves are deeply mistrustful of what the reserve could mean. They believe there will be strong pressure on them to drastically reduce their livestock, that evictions will increase from farms in the Biosphere and that unemployment could increase because eco-tourism will not provide enough jobs.

AFRA is facilitating contact between the communities of Cornfields and Tembalihle and the white farmers and NPB around the reserve plan. It is hoped that these meetings will allow both parties to reach greater understanding of their different concerns. The Thukela Biosphere Reserve plan will only work if black communities in the area cooperate around the initiative. And they will only do so if they are convinced that they, too, will benefit from the reserve.

Towards more effective drought management

HISTORICALLY, droughts in South Africa were seen as freak natural events, each separate from the other. Increasing understanding of the world's weather patterns, especially the El Nino phenomenon, tends to favour the view that certain regions of the world, Southern Africa included, are prone to drought, in a predictable, cyclical manner. The 1992/3 drought seems to confirm the view that drought is a recurrent, cyclical and endemic feature of Southern Africa.

Inherent weaknesses exposed

Drought, like other natural disasters, helps to strip away facades and exposes the fundamental issues and inherent weaknesses in a society. The poorest members of a community tend to suffer the most severe effects of natural disasters, as they live on the margin of subsistence and lack the reserves to cope with the serious disruption of disasters.

Southern Africa has experienced droughts consistently during this century. These droughts have been defined according to meteorological and agricultural definitions of drought. In the assessment of their impact and in the development of responses, the needs and problems of the marginalised communities have been ignored. Since 1921, farmers benefited from extensive relief measures. The motives



The most appropriate drought response would be development and poverty relief strategies. These should emphasise community empowerment and capacity building.

for these assistance schemes were to mitigate the impact of droughts on the economy. Agricultural imperatives were highly regarded while the impact on the majority of South Africa's people remained economically unimportant.

The effect of drought on black communities must be seen in the context of institutional neglect which black communities have suffered, as a result of apartheid.

The problems created by the drought have heightened existing crises in the community, rooted in the underdevelopment and neglect to which these communities have been subjected. The implication is

that the most appropriate drought response would be development and poverty relief strategies and that these should emphasise community empowerment and capacity building.

The National Consultative Forum on Drought

The National Consultative Forum on Drought (NCFD), and its regional offshoots, offers a channel to address these issues coherently.

The NCFD was formed in June 1992, when 68 organisations came together to coordinate a response to the drought crisis in South Africa. The NCFD represents the broadest grouping of forces in the history of

drought response in South Africa. It set itself two objectives: to ensure that relief reaches the worst affected sectors and to promote the cause of the rural poor

The work of the NCFD relied upon the cooperation of all the forces participating. These forces ranged from the government to its political opponents.

The NCFD is proof of the inability of the South African government to fulfil its obligations to its people. The plight of the rural poor has been placed on the agenda of a drought management process for the first time. The NCFD's existence has promoted ideas for a future policy on handling droughts, especially in marginalised communities. Issues such as early warning systems, capacity building and poverty strategies have come from the NCFD process.

Future of the Forum

Recently, the NCFD reconsidered its future role. One of the options considered was to transform the NCFD into a broader rural forum. This would involve the NCFD operating in all rural areas of the country, not only drought prone ones. It would focus on poverty related issues and capacity building for emergency relief and broader development planning. This work would be through regional community-based structures and be linked to broader development initiatives.

It is AFRA's view that the NCFD has been a significant and relevant vehicle for drought relief and has contributed to the handling of drought as a social, rather than an agricultural and

economic, crisis. The NCFD should continue to exist and contribute to the development of a more appropriate drought management strategy. AFRA welcomes the NCFD view that drought issues are part of broader poverty related issues in the country. But we are concerned that, in its efforts to focus on poverty and rural development, generally, the issue of drought could be neglected. We believe that drought relief should remain the primary focus of the NCFD, as it is well-located to facilitate the development of an appropriate and relevant drought management strategy.

The emphasis on regional work within the NCFD is also useful. Differing regional dynamics need region-specific programmes and foci. Most significantly, however, local NGOs and CBOs can play more effective roles. Communities can, and should, be drawn into the process of drought management.

The regional formations of the NCFD should link to regional economic and development forums. These forums would have the responsibility of coordinating development initiatives at a regional level. Sub-structures to deal with rural issues should be established with all the relevant players. The Regional Consultative Forum on Drought (RCF) should locate itself, as a drought-specific rural coordinating structure, within broader rural formations under the relevant economic and development forums.

Community involvement in the RCF should be addressed as a priority. With broader forums, the RCF

should investigate ways to facilitate contact and networking locally and regionally. Information on conditions in communities should be collected to prioritise drought prone areas for relief work and to identify areas for capacity building programmes.

The capacity of the RCF, itself, should be improved. Personnel with specific responsibilities for water resource management, nutrition, job-creation, training, information and capacity building, should be employed. Fieldworkers should be employed and deployed at grassroots level to assist with information gathering, capacity building and networking.

The NCFD and the RCF should take responsibility for:

- drought relief during the current drought
- developing more appropriate longer term strategies

Communities will face the severest consequences of the present drought during the coming winter. There seems to be no clear commitments to a winter drought relief programme. The NCFD and RCF should concentrate efforts on lobbying for and setting up a programme for relief during winter. Food security, water supply, health and fodder should be addressed.

More appropriate strategies should be investigated at two levels:

- appropriate relief programmes and procedures
- broader drought management strategy

These strategies, where successful, have consisted of:

- preventive measures
- curative measures

Preventive Measures

These should include the following a permanent drought-specific forum, weather watch groups, water management, compensatory measures and fodder banks, among others.

A permanent drought-specific forum

This forum needs to take responsibility, at local, regional and national level, for monitoring and early warning, the development of appropriate technologies and approaches in agriculture and water management, training and education, capacity building and co-ordination of drought relief efforts. The structure should incorporate state, NGO and community structures. The present NCF is well positioned to develop into this kind of institution.

Weather watch groups

Specialised groups entrusted with the responsibility of monitoring weather patterns should be established at national and regional levels. These groups should monitor rainfall patterns and identify possible drought periods.

Water management

Extensive water management systems must be developed. These should include effective watershed management education, exploitation of ground water, availability of boring rigs and other equipment, water quality education and maintenance of water supply systems.

Compensatory measures

Improved food production in better rainfall areas should be promoted. A proportion of this increased production should be used to create buffer stocks. In drought-prone areas, whose soils are shallow and poor in natural productivity,

appropriate technological advances should be developed and experimented with.

Fodder banks

With fodder in drought periods a serious problem, increased fodder production in the course of normal agricultural activities should be encouraged.

Intercropping strategies should be experimented with, and agricultural products should include food, fodder and fuel.

Fodder banks could be used to store adequate fodder for drought periods.

Other Preventive Strategies could include:

- soil conservation strategies
- health and nutrition strategies
- assistance to marginalised farmers
- afforestation strategies

Curative measures

Comprehensive and suitable relief programmes should be developed, with clear guidelines and objectives. Several lessons have been learnt, internationally, from actual involvement in relief programmes and research into the manner these have worked, including that:

1. Relief should be conducted within the context of development.
2. The process by which communities receive aid is more important than the actual aid received.
3. The community is able to actively participate in relief operations, and most times know more about how it should be done than do outsiders.
4. Relief programmes, if properly executed, can provide a strong stimulus for positive changes.

5. The role of relief agencies is to support activities that local organisations cannot carry out themselves.

6. Disaster aid may hinder the community's own efforts to better prepare for a recurrence of the disaster.

7. Relief efforts may obscure underlying political realities.

8. Re-establishment of the local economy and job security is usually more important to disaster-stricken communities than material assistance.

An effective, coordinated and well-publicised drought relief mechanism needs to be institutionalised. This scheme needs to be considered as an on-going one. State and other allocations should be budgeted for as part of annual budgets. Drought relief reserves could help provide the following:

- full-time relief officers
- monitoring
- food for work
- afforestation
- food for nutrition programme
- contingency plans
- public health measures
- rigs for boring boreholes / drinking wells
- cattle camps and relief camps
- infrastructural improvements through job-creation
- fodder relief

The development of these programmes and procedures is essential to move away from the ad-hoc and inadequate relief measures available at present.



Land Bank to help part-time farmers

THE Land Bank Council had decided to include part-time farmers in its loan scheme, the Deputy Minister of Finance announced on April 27 1993. As long as applicants had farming as their prime purpose, they would be considered for loans. The Deputy Minister said the abolition of legislative restrictions on land ownership had meant greater participation in agriculture by black people. The Land Bank would also provide for these farmers, he said.

(Business Day: April 28 1993)

Deputy Minister of Land and Regional Affairs resigns

THE resignation of the Deputy Minister of Land Affairs, Mr Johan Scheepers, in part because of his frustration with an intransigent bureaucracy, provides a damning glimpse of conditions within president de Klerk's government: behind the facade, it is a shaky structure. Not too much must be made of the departure of one deputy minister, but his departure points to greater problems. The truth is that many Nationalist MPs will be eliminated from politics by elections under proportional representation; Mr Scheepers is but the first to anticipate the inevitable.

Second, the abolition of the Department of Development Aid has not really affected the bureaucrats who acted as apartheid's shocktroopers - they have merely migrated to other departments, including Land Affairs, where they continue to obstruct reformist policies. They would not have been able to defy even a deputy minister if Mr Scheepers had been able to call upon the support of the Cabinet or of president de Klerk. Real reform, it is plain, awaits a change of government.

(Sunday Times editorial: June 6 1993)

ACLA's jurisdiction challenged

THE House of Assembly's Development and Housing Board refused to accept ACLA's jurisdiction to consider land being claimed in Rondevlei in Cape Town. The Board said that ACLA should not consider the claim brought to it by the Hendricks family of Rondevlei in Retreat. The family were first evicted from Simonstown, in Cape Town, in 1949 to make way for the army. Eleven years later, they had to move again when the area in which they had made their new home was declared a white group area. Those members of the family who moved, accepted R39 000 from the Community Development Board, but found it was too little to buy another plot. Some members of the family, who could not find other accommodation, refused to move. In 1969, the land was rezoned for "coloured" use, but the Board did not inform the Hendricks family of this. Instead, it sold the land, by public auction, in 1970. The family was also not told

about this sale. A month after the sale, the new owner sold the land to the New Apostolic Church for R160 000.

A few months ago, members of the family who had remained on the land were told they had to leave immediately.

The family presented their case to ACLA in May 1993. Lawyers appearing for the Development Board challenged ACLA's authority to even hear the case. They said that ACLA was only empowered to investigate unallocated land. Since the property had been allocated through its sale, ACLA had no jurisdiction over it. ACLA is expected to make a recommendation on the land to the state president soon.

(Sunday Times: May 5 1993)

Taiwan wants to give farm aid

TAIWAN'S government is soon expected to announce the provision of R50 million in bilateral aid for settlement of small-scale farmers in South Africa. The general manager of the Development Bank, Nick Vink, said the aid depended on a transitional executive authority being set in place.

(Business Day: May 25 1993)

Mandela talks to farmers unions

ANC president, Nelson Mandela had meetings with representatives of the South African Agricultural Union (SAAU) and the National African Farmers' Union (NAFU). He briefed the unions on the ANC's economic policies and the problems of black farmers.

(Farmers Weekly: April 4 1993)