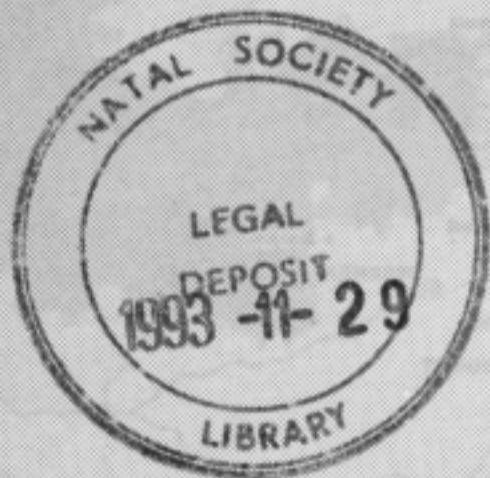


AFRA News

Newsletter of the Association For Rural Advancement Number 23 August/September 1993



Participatory Rural Appraisal

PARTICIPATORY Rural Appraisal (PRA) refers to a growing family of approaches and methods which are used internationally in work in rural areas. The basis of PRA is to enable rural people to share, enhance and analyse their knowledge of life and conditions to plan and act.

BEFORE the late 1970s development practice relied almost exclusively on conventional survey methodologies. Dissatisfaction with these started to emerge with evidence of their weaknesses. The result was Rapid Rural Appraisal (RRA) as an alternative approach. RRA aimed to address problems of bias in rural work, time taken to do surveys and produce results and the cost involved in investigations of rural life.

Some of the biases identified among rural researchers were:

- Seasonal bias where development workers "toured" rural communities during seasons that suited them. They tended to avoid seasons of extreme rain or heat although these were the periods when rural communities experienced most hardship.
- Spatial bias where development workers tended to concentrate on areas near cities or roads. Poorer rural communities were almost never in such accessible areas.
- Person bias where development workers

tended to focus on elite groups in communities who were mostly better-off and almost always male.

- Political bias where development workers tended to work in areas that supported their own political leanings.
- Diplomatic bias. Courtesy and convention often inhibited development workers from asking about and meeting poorer community members.

In the mid-1980s "participation" and "participatory" entered the RRA vocabulary and RRA itself, until then accepted as a very cost-effective, valid and reliable method of rural research, was seen as having two inherent problems. Firstly, RRA served the interests of outside professionals. Secondly, it took away information from rural communities.

There were experiments with "participatory RRA" in Kenya and India. It was during the Kenya experiments with "participatory RRA" that the term Participatory Rural Appraisal was coined.

At the same time, in India, an explosion of innovation in rural research methods was happening, especially among non-government organisations. In some villages, village volunteers showed they could facilitate PRA processes themselves. Government organisations got involved early on and received and promoted training in PRA methods.



Although there are lots of similarities between RRA and PRA methods but their approaches are quite different. Effective PRA needs a radical shift in the role of outsiders who work in rural communities. It needs the outsider/researcher to take on the role of facilitator or convenor, rather than investigator or analyst. It also needs local rural people to own and use the information that comes out of PRA exercises, rather than outside researchers or development workers owning and using this.

Most PRA principles have emerged through practise - finding out what does or doesn't work and why. In general there is agreement on the following principles:

- learning should be from rural people themselves, be direct, on-site, face-to-face and draw on local physical, technical and social knowledge
- the "tourism" method can be offset through being patient, listening rather than lecturing, being unimposing and seeking out marginal groups in a community
- being prepared to trade off quantity of information against relevance and accuracy against speed (accepting that it is better to be approximately right than precisely wrong)
- using a range of methods, types of information and investigators to

cross-check information (called triangulating)

- facilitating rural people's investigation, analysis, presentation and learning so that they do it themselves and are able to present and own the results of information gathering themselves
- facilitators should constantly examine their behaviour and try to do better throughout the PRA process

PRA may be used effectively in participatory appraisal and planning, participatory implementation and monitoring, investigation of topics and training and orienting villagers and outsiders. It has been used effectively to investigate:

- natural resource management areas of work, such as, water and soil conservation, forestry, fisheries, wildlife reserve buffer zones, and village resource management plans.
- agriculture - crops and animal husbandry, irrigation design, markets and marketing potential
- equity programmes - identifying credit needs, sources and interventions, finding and selecting poor people for programmes, identifying income earning opportunities.
- health and nutrition - nutrition assessments and monitoring, planning and locating water supplies

→ to page 22



Cover:
Rural communities at the World Trade Centre to protest against the proposed property rights drawn up by a technical committee of the multiparty negotiating forum.

In this issue

AFRA readership survey reminder 3

Natal state land transfer 4

World Trade Centre protest 9

Property rights in the new SA 13

National community land conference 14

Cremin court case 16

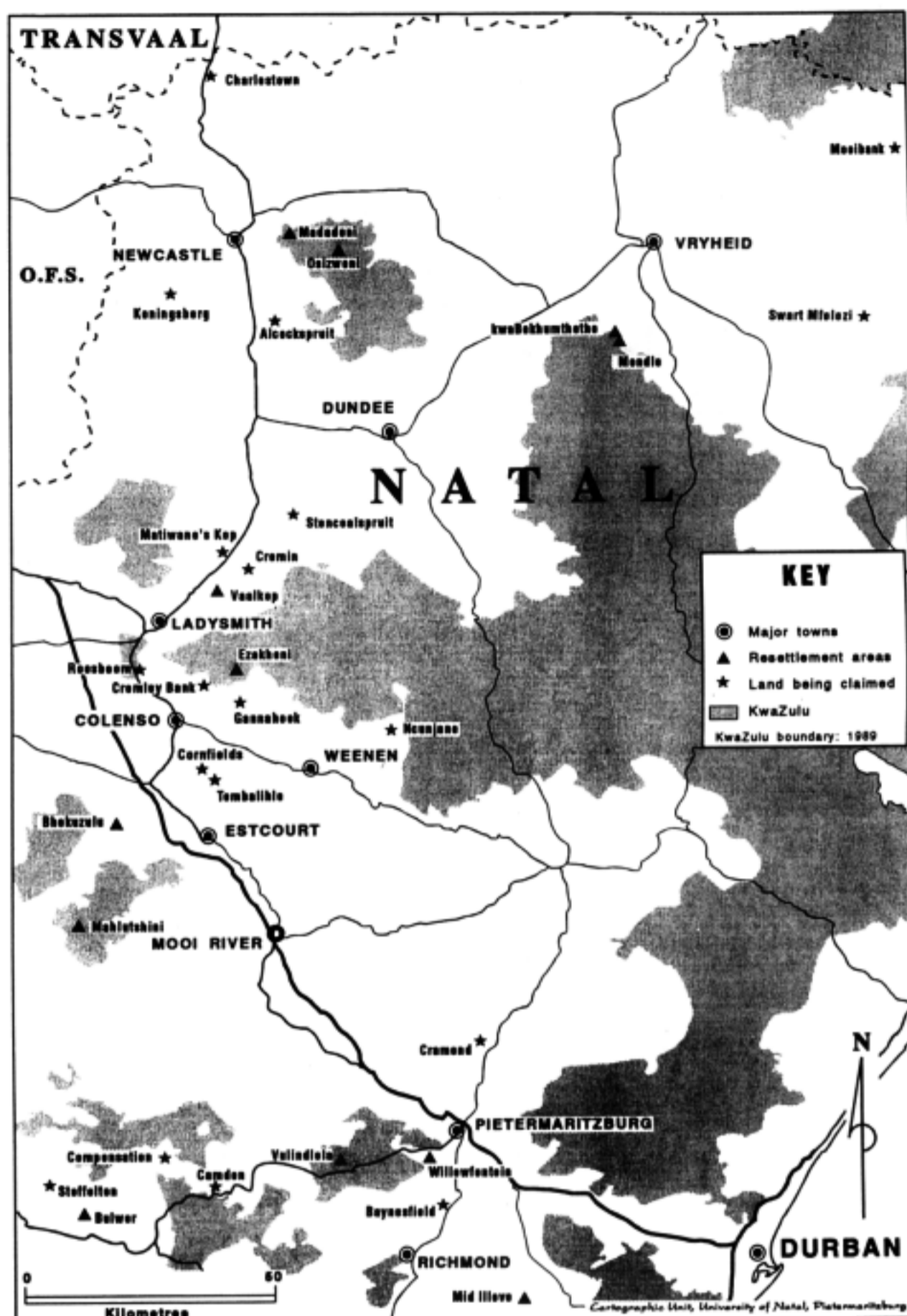
Kunene land claim 17

Communities demand back title deeds 18

New land laws 19

Participatory Rural Appraisal 20

Land Briefs 23



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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To all *AFRA News* readers

***AFRA News* survey reminder**

THE future direction of *AFRA News* depends on the feedback we get from you. If you haven't yet returned your readership survey questionnaire in the freepost envelope provided, please do so now. *AFRA* has put a lot of resources and work into the readership survey. We need your replies to ensure that this was not a waste.

Please complete and return your survey questionnaire

Government transfers Natal state land to KwaZulu government

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

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

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



There are an estimated 1,4 million landless people in Natal. The state land in question forms a valuable resource which could be used in reconstruction and reconciliation

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

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

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

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

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

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

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

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

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

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

What does the KwaZulu land deal mean?

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

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

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

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

the Natal Provincial Administration.

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

Where is the land?

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

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

Clermont and Edendale will remain under the Natal Provincial Administration.

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

KwaZulu land deal: *chronology of events*

July 1992

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

August 1992

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

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

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

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

September 1992

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

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

October 1992

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

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

November 1992

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

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

December 1992

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

August 1993

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

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

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

As non-government and service organisations, we are all too aware of the desperate need which exists for access to land. However, we are concerned that the transfer deals made to honour past promises to homeland governments are aimed at winning allies in a future election, and not addressing land hunger.

When the government repealed the Land Acts and Group Areas Act in 1991 it made it clear that it was not accepting the principle of restitution to victims of past policies. Yet now, the government is seeking ways of fulfilling homeland governments' claims for compensatory land. The government claims that its recent agreements with homeland governments around land transfers are aimed at addressing land hunger. But if the government was genuinely interested in resolving the land issue, why has it repeatedly tried to sell off land being claimed by communities? The most recent examples of such attempts are in the northern Cape (Majeng) and the Western Cape (Rondevlei).

This kind of contradiction leaves us no option but to believe that the transfer deals are aimed at boosting government power and support among homeland governments and have little to do with addressing land issues. It seems that government decisions around land are motivated by potential political gain for itself, regardless of the cost to South Africa.

Preemptive social engineering of this kind undermines the capacity of local communities to engage with the processes of transition and development and will have negative consequences for genuine democracy, justice and peace.

The land question is one of the most sensitive issues to be resolved in South Africa. In this period of transition, the government was understood to be adopting a caretaker role regarding continuing administrative functions, pending implementation of an acceptable system of government. Transfer of precious and finite land assets from one apartheid bureaucracy to another will neither assist resolution of the land question nor negotiations for a new, acceptable constitution.

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

Rural communities' message to World Trade Centre negotiators:

No land, no rural vote



HUNDREDS of representatives from rural communities in South Africa took their struggle for land rights and restoration to negotiators at the World Trade Centre in August 1993. About 500 rural and landless people from all over South Africa persuaded three negotiators to come out of multiparty talks at the World Trade Centre to listen to their concerns around the inclusion of a property clause in the bill of rights for an interim constitution.

Unperturbed by a large contingent of heavily armed security forces, the communities presented an open letter to negotiators Mac Maharaj from the African National Congress (ANC), Dawie de Villiers from the National Party (NP) and Colin Eglin from the Democratic Party (DP).

Mr Maharaj assured the crowd that their memorandum would be

circulated to all parties at the negotiations and that it would also be taken to the technical committee which was working on the property rights clause. He said the issues which communities raised in their memorandum were completely legitimate and that it was impossible to talk of moving to a democratic order unless basic grievances of people had been attended to. He said the ANC would never agree to a property clause which guaranteed rights to those who enjoyed privileges through apartheid and minority rule at the expense of those who had been deprived of rights under minority rule. He thanked the community members who had come to present the memorandum for ensuring that those who were involved in negotiations never forgot the communities' cause.

Mr de Villiers said the memorandum would be

forwarded to the planning committee and the negotiating council for proper consideration. He said we were standing on the threshold of a new South Africa and asked everyone to help build the new order.

Mr Eglin said it was no use only fighting against past injustice. The DP, he said, wanted to ensure that past injustices were eliminated and that future rights and justice was guaranteed. He said the final constitution for South Africa would bring justice and peace to our land and that that constitution would be drawn up by all the people.

The communities' protest was organised by the Back To The Land Campaign comprising more than 70 rural communities and assisted by the National Land Committee, of which AFRA is an affiliate.

☛ see pages 10, 11 for photos of the demonstration.

Members of communities in Natal arrive at the World Trade Centre on August 23 1993.



Some of the Natal communities represented at the World Trade Centre protest



that the multiparty negotiating forum send out negotiators to hear community concerns about the property clause.



During the long wait for the multiparty negotiators to come out, a community member kept the crowd's spirits up with music from his saxophone.



Multiparty forum negotiators, Mac Maharaj, from the ANC, Dawie de Villiers, from the Np and Colin Eglin, from the DP listen to the memorandum which communities drew up on the property clause.



Community members listen as Mac Maharaj, Dawie de Villiers and Colin Eglin respond to their memorandum .



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)

THE National Land Committee, to which AFRA is affiliated, has for a long time argued that it would be disastrous to constitutionally entrench existing property rights as this would entrench the racially discriminatory results of apartheid land laws and policies and colonial conquest. If South Africa had had constitutional protection for property rights during the last century, forced removal and the racial prohibition of rights to own and lease land could never have taken place. Now that these processes have resulted in the dispossession of the majority of South Africans and the white ownership of 80% of South Africa's land, the situation is to be set in stone by a constitutional entrenchment of property rights. It is ironic that this result is justified by the principles of "integrity of title", "free contractual relations" and "security of investment" when these aspects of property rights were systematically denied to black South Africans until 1991.

We have nothing against these principles as they are universally associated with property rights. Our complaint is the unequal treatment of past black and present white property rights in the proposed property clause, drafted by a technical committee of the multiparty negotiating forum. While the proposed clause guarantees existing property rights and ties any expropriation of property to at least market value compensation, it makes restoration of land to victims of apartheid policies conditional on feasibility.

Debating property rights for the new South Africa

A technical committee of the multiparty negotiating forum has put forward a proposed clause which has evoked strong rejection from rural communities. Here we present a summary of the NLC's position on the property rights clause.

The technical committee's proposed property clause...

1. Every person shall have the right to acquire, hold and dispose of rights in property.
2. Expropriation of property by the state shall be permissible in the public interest and shall be subject to agreed compensation or, failing agreement, to compensation to be determined by a court of law as just and equitable, taking into account all relevant factors, including the use to which the property is being put, the history of its acquisition, its market value, and the value of the owner's investment in it and the interests of those affected.
3. Nothing in this section shall preclude measures aimed at restoring rights in land to or compensating persons who have been dispossessed of rights in land as a consequence of any

racially discriminatory policy, where such restoration or compensation is feasible.

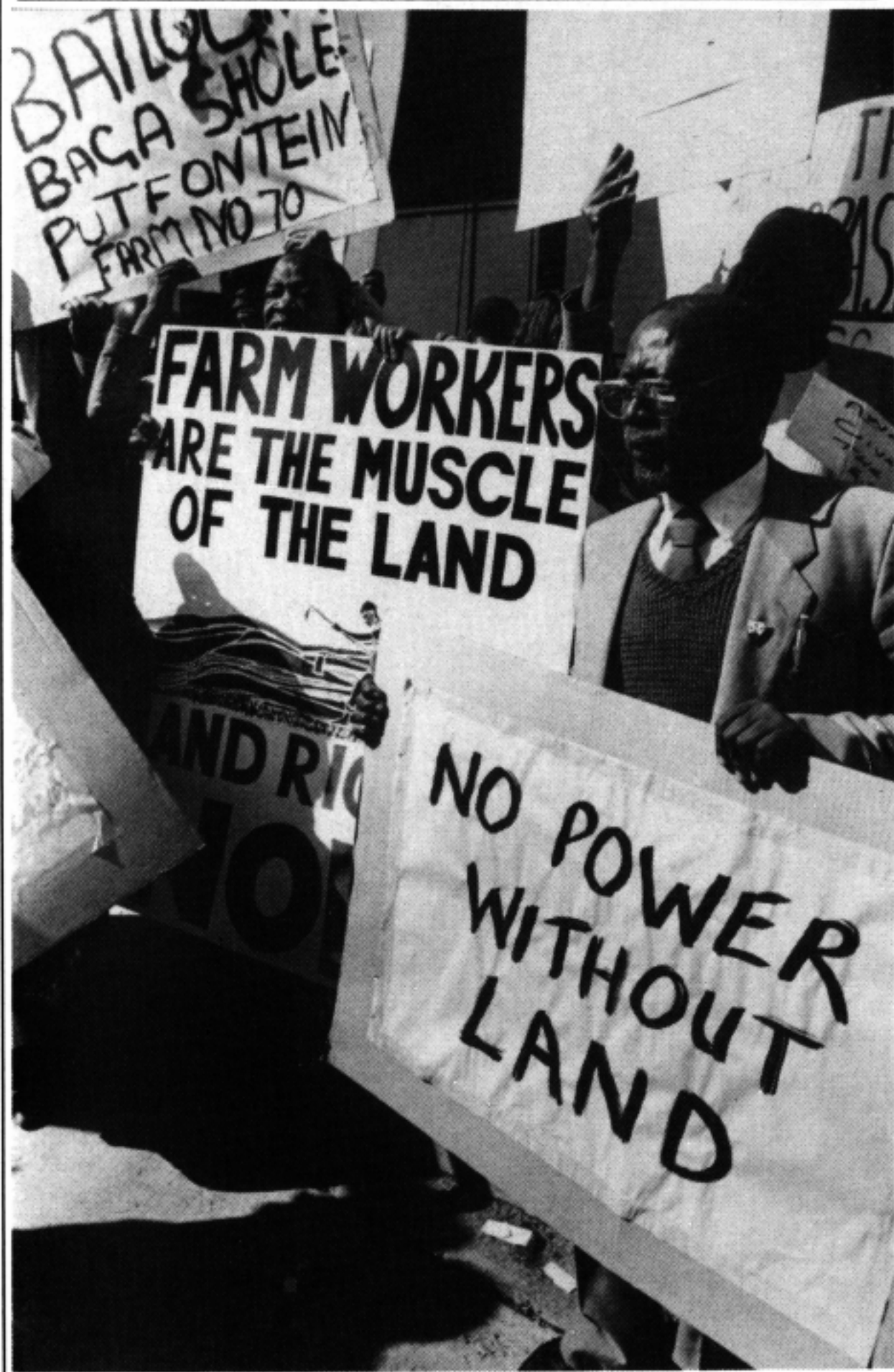
... and the NLC's alternative

1. Every person shall have the right to acquire, hold and dispose of rights in property. Property rights acquired in terms of or under laws which are or were in contravention of universally accepted human rights standards shall not enjoy this protection.
2. Expropriation of property by the state shall be permissible in the public interest and shall be subject to agreed compensation or, failing agreement, to compensation to be determined by a court of law as just and equitable, taking into account all relevant factors, including the use to which the property is being put, the history of its acquisition, its market value, and the value of the owner's investment in it, the interests of those affected and available public resources.
3. Every person who did not receive effective compensation for removal from land when the removal was pursuant to apartheid policies and practices shall be entitled to the restoration of the land in question. Provided that where restoration is not feasible, such person will be entitled to compensation as set out in clause 2.

Now is the time for rural people to speak

community land conference planned

For too long rural people have been marginalised and have not had their needs around land met. One way for them to be heard is to draw up a list of demands which they are able to put into the public arena on the eve of elections.



IN 1994 South Africa will have its first democratic election. There are about 21 million voters in South Africa, many of whom live in the rural areas. For too long rural people have been marginalised and have not had their needs around land met. One way for them to be heard is to draw up a list of demands which they are able to put into the public arena on the eve of elections.

The Land Acts and Group Areas Act were scrapped in 1991 but inequalities in land ownership and land rights remain almost unchanged. The legacy of apartheid will continue unless there is meaningful land reform. For there to be meaningful land reform, rural people with land problems need to make their voices heard.

The National Land Committee (NLC) and its affiliates, of which AFRA is one, is organising a national land conference, followed by a public rally, to help rural people speak with one voice about what they want on land in the new South Africa.

The conference and rally will:

- bring together rural communities from all over South Africa and the homelands to talk about their land problems and how these may be solved
- publicise the land demands of rural people among the general public and all political parties involved in negotiations for a new South Africa
- mobilise rural people to struggle for their land demands

It is hoped that as many people from communities will attend as possible. The conference itself will be open to elected delegates from rural communities. The rally will be open to the public in

general but it is hoped that large numbers of rural people will attend as well as non-government organisations.

The success of the conference depends on getting as much participation from rural communities as possible. This means informing and mobilising communities around the campaign. It also means helping communities to draw up their demands and to elect their delegates to the conference.

NLC affiliates (such as AFRA) will be helping communities with whom they work to prepare for and attend the conference. Other non-government organisations and community organisations are asked to do the same for communities with whom they have links. AFRA will provide background information and workshop materials to help with this.

If you would like more information about the conference and rally, please contact Mdu Shabane or Jean du Plessis at AFRA on 0331-457607 or call at our offices at 123 Loop Street Pietermaritzburg. AFRA has prepared a resource package which is available to non-government and community-based organisations.

Some key statistics about land

Agricultural land

- 386 000 square km of South Africa is arid or semi-arid with limited agricultural capacity

The "homelands"

- The "homelands" occupy 70 000 square km of these arid and semi-arid lands.
- 15 million black people live in the "homelands".
- More than 55% of households in the "homelands" are small scale and on an average one hectare of land. Production is below subsistence level
- 30% of families in the "homelands" are homeless
- Only 10% of people in the "homelands" get an income from agriculture
- Between 60% and 80% of people in the "homelands" depend on earnings from labour in industrial/commercial white South Africa

White commercial rural areas

- There are about 60 000 family units in the white commercial rural area of South Africa
- Average farm size in white commercial rural South Africa is about 2 500 hectares
- More than 1 million labour tenants work and live in white rural areas

Forced removals

- The Land Acts of 1913, 1927 and 1936 were the main instruments of dispossession
- About 475 000 people were removed from black freehold areas ("black spots") between 1960 and 1983.
- In Natal more than 100 000 black people were removed between 1948 and the 1980s

Key land issues facing communities

- Return of title deeds to communities who owned land before their forced removal. The government wants such communities to pay back any "compensation" they may have received at the time of their removal before they get back their title deeds.
- A speedy process to return land to people who were forcibly removed or to compensate them for the land they lost
- A speedy process to resolve disputes over specific pieces of land, for example between a community who was removed and wants back their land and the current private owner of that land
- Land to the landless - for residential or farming purposes
- Additional land for communities who are engaged in farming
- Security of tenure for labour tenants and farmworkers
- Assistance for emerging and potential black farmers
- Development of basic services in rural areas

Cremin landowner asks court to return land

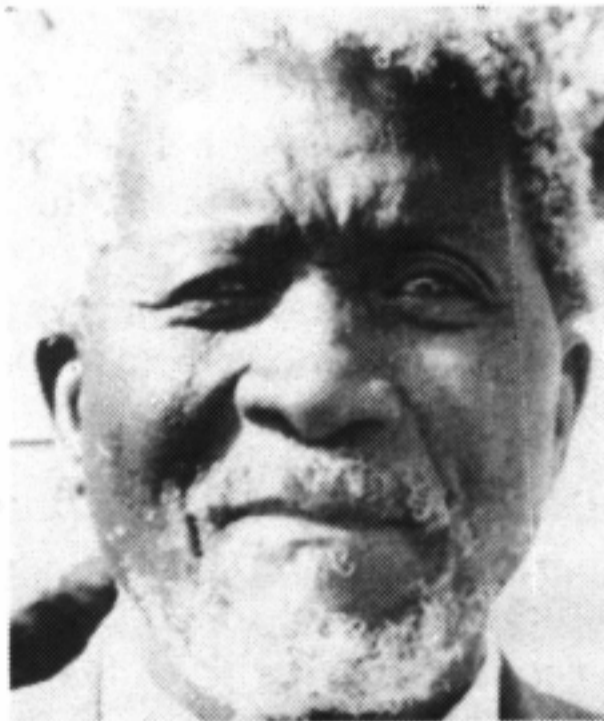
ALMOST 16 years after his forced removal, 83 year old Mr Andries Radebe of Cremin has brought a court application to get back his land.

ON August 19 1993, under the watchful eyes of 12 members of the Cremin community, the Pietermaritzburg Supreme Court heard argument about why Mr Radebe should get back the land from which he was forcibly removed during apartheid's heyday.

In 1977 Mr Andries Radebe and 99 other title holders of Cremin were forcibly removed to Ezakheni, a KwaZulu township near Ladysmith in Natal. In his application to the court, Mr Radebe said that the correct procedures were not followed in his expropriation and that the government therefore never got title to his land.

Mr Justice Willem Booysen, who heard the case must decide whether Mr Radebe's expropriation was carried out "correctly" - whether the government officials who took away his land followed all the technical procedures laid down in the law at that time.

In papers to the court, Mr Radebe explained why it had taken him almost 16 years to bring the case. Although he never accepted



Mr Andries Radebe, 83 year old Cremin landowner, who is still struggling to get back his land.

his removal as valid, a lawyer whom he consulted soon after the removal advised him that the expropriation was legal. Mr Radebe did not have money for a second legal opinion, after losing his land. The declarations of successive states of emergency soon

after the Cremin forced removal made Mr Radebe fearful of continuing to organise community resistance to the removal.

Judgement on Mr Radebe's case has been reserved.

The expropriation of Cremin landowners was part of the government's policy of "black spot" removal. Almost 3 000 people were removed from Cremin between 1977 and 1978 and relocated at Ezakheni.

The expropriated land was left to lie unused for 11 years after the community's expropriation. It was then sold to a Mr Derek Dreyer, who has since died.

Mr Radebe's case was handled by the Legal Resources Centre in Durban, in cooperation with AFRA.



In April 1991 the Cremin community tried to reoccupy their land, but were forced to leave by security forces.

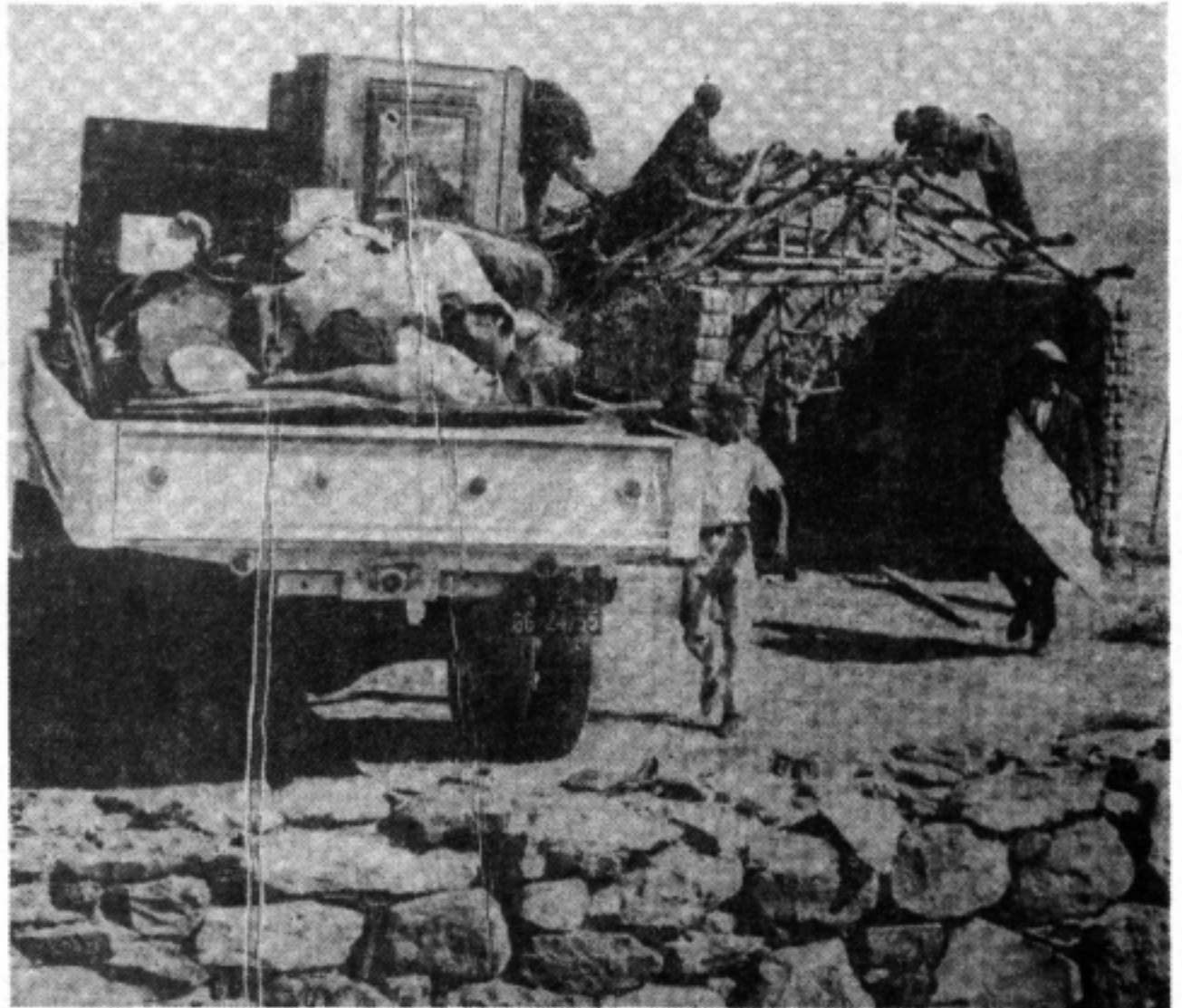
Kunene community makes land claim to ACLA

ABOUT 25 years ago the government removed the Kunene community of Boschhoek from land they had owned since 1870. Today the community is claiming back this land.

THE Kunene community of Boschhoek near Wasbank in northern Natal have asked AFRA to inform the government-appointed Advisory Commission on Land Allocation (ACLA) about their land claim. About 4 000 members of the Kunene community were removed from Boschhoek in 1968 when the government declared Boschhoek a "black spot" which it wanted cleared.

The state currently owns the land which the Kunene community is claiming and AFRA has asked ACLA to ensure that the land's status and ownership does not change while it deals with the land claim. The community will be sending ACLA a written submission about their claim in due course.

When they were removed from their farm in 1968, the government gave the Kunene community "compensatory land" near Vaalkop. But the community never got title to this land and all attempts on their part to get title failed. Although the community's removal in 1968 was presented by the government as a willing sale, the community has denied that was so. They say they never received the money



The Kunene removal in 1968. "People do not want to move," said Chief Inca Kunene at the time.

which the government said it paid for their land - reportedly R250 970, 57. At the time of the removal, the chief, Chief Inca Kunene, made it clear that the community did not want to move and did so only because it had no choice. Chief Kunene was installed in March 1968 and was an outspoken critic of the community's removal from Boschhoek. In a newspaper report of the time he said: "My people do not want to move. But what can we do? The government tells us to move and we have to move." Chief Kunene also criticised a statement by the then Chief Bantu Commissioner for Natal, Mr TF Coertze, which said: "It could not be emphasised too strongly that the move is being undertaken by the Chief and his Council with the assistance and guidance only of the department and government officials." In

response the Chief said: "We did not go to the government, wanting to move and ask for assistance and guidance. We want to stay here, at Boschhoek."



Chief Inca Kunene at the time of the removal.

Since their removal the community has tried to get back their land through the help of a lawyer. However, this proved fruitless and they are now hoping that ACLA will be able to restore their land to them.

Natal communities demand back title deeds

"WE demand that the present government heals the wounds of the past." This was the message from representatives of seven black freehold communities in Natal at their meeting with the Department of Regional and Land Affairs on July 7 1993.

At the meeting community representatives from Charlestown, Cornfields, Matiwane's Kop, Roosboom, Steincoalspruit, Stoffelton and Tembalihle handed over a memorandum to Department of Regional and Land Affairs representative, Johan van Dam.

In their memorandum the communities demanded:

- immediate and speedy return of title deeds to all rightful owners and heirs
- restoration of mineral rights to rightful landowners
- full compensation to landowners where mineral rights have been ceded in the past
- full compensation for landowners where land has been sold or leased and benefits made from this. The communities reiterated their total rejection of the government's demand that land claimants of the communities should repay compensation they may have received at the time of their removal
- that landowners be restored to their previous position by compensating



Cornfields, one of the communities campaigning to get back their title deeds.

them for the pain and suffering, economic underdevelopment and impoverishment caused by the forced removals process

- that communities' infrastructures that were demolished because of the government's apartheid and unjust deeds should be restored

Regarding new legislation around title deeds which was passed in parliament in June, the representatives said they were disappointed that they had not been consulted. Given the government's past promises around the return of title deeds and the lack of progress around their return, the representatives said they were sceptical that the new law would change anything in practice. In addition, they said, the government's demand for return of compensation before title deeds were restored would further delay the process.

The representatives told Mr van Dam that in June and

October 1990 memoranda were submitted to the government about the return of land and title to that land for the communities of Matiwane's Kop, Cornfields and Tembalihle. Although the communities were relieved from forced removal, their title deeds were not restored.

In May 1991 the issue was again raised in a memorandum with the now defunct Department of Development Aid (DDA). At the meeting with the DDA, the Department promised to take forward a process of restoring title deeds and various options for doing so were discussed with communities. However, nothing happened after the meeting and in March 1992 the Department of Regional and Land Affairs took over the functions of the DDA.

The DDA promised that communities would have their title deeds restored by December 1992. To date, this has never happened.

New land laws may preempt land reform

TOWARDS the end of the last parliamentary session, the government hurriedly passed nine new laws which affect land ownership, tenure, administration and allocation. The laws were passed within less than two weeks and this left little time for public debate about them or for public intervention.

The laws will allow the government to implement its process of preemptive and unilateral restructuring of land before elections for a democratic government. The new land laws will:

- transfer, in one way or another, large pieces of state and community owned land to bantustan and tricameral authorities
- entrench a process of land privatisation which will make it difficult to redistribute land
- force a policy of privatising communally-owned land on people without debate about what other more creative ways could be used to build security of tenure
- entrench complicated and bureaucratic process for managing land allocation in situation where communities get land. In most cases, such process are better handled at a local level by communities themselves.
- wreck any creative and constructive solutions that might be found to South Africa's very difficult land problems

What are the new laws?

1. The Abolition Of Racially Based Land Measures Amendment Act 110 Of 1993 which upgrades the status and power of the Advisory Commission on Land Allocation (ACLA) and gives it the right to investigate and make decisions and/or recommendations about various categories of state land.

2. The General Law Amendment Act 108 Of 1993 which amends other pieces of legislation such as the State Land Disposal Act, the Conversion Of Certain Rights To Leasehold Act, the Abolition Of Racially Based Land Measures Act of 1991, the Upgrading Of Land Tenure Rights Act of 1991. The amendments to the Upgrading Of Land Tenure Rights Act aim to make it easier to privatise communally owned land.

3. The Distribution And Transfer Of Certain State Land Act 119 Of 1993 which sets up a procedure through which certain state land will be distributed and transferred to private ownership.

4. Provision Of Certain Land For Settlement Act 126 Of 1993 which provides for the settlement of people on land set which the Minister of Regional and Land Affairs, and administrator or private landowner sets aside. Private ownership is the only form of tenure which is accommodated.

5. The Regulation Of Joint Executive Action Regarding Certain Land Act 109 Of 1993

6. The Regional And Land General Affairs Amendment Act 89 Of 1993

7. The Land Titles Adjustment Act No. 111 Of 1993

8. The Rural Areas (House of Representatives) Act 112 of 1993 (Own Affairs)

9. The Shortened Registration Procedures Of Land Amendment (House of Representatives) Act 76 Of 1993 (Own Affairs)

Participatory Rural

PARTICIPATORY Rural Appraisal (PRA) refers to a growing family of approaches and methods which are used internationally in work in rural areas. The basis of PRA is to enable rural people to share, enhance and analyse their knowledge of life and conditions to plan and act.

BEFORE the late 1970s development practice relied almost exclusively on conventional survey methodologies. Dissatisfaction with these started to emerge with evidence of their weaknesses. The result was Rapid Rural Appraisal (RRA) as an alternative approach. RRA aimed to address problems of bias in rural work, time taken to do surveys and produce results and the cost involved in investigations of rural life.

Some of the biases identified among rural researchers were:

- Seasonal bias where development workers "toured" rural communities during seasons that suited them. They tended to avoid seasons of extreme rain or heat although these were the periods when rural communities experienced most hardship.
- Spatial bias where development workers tended to concentrate on areas near cities or roads. Poorer rural communities were almost never in such accessible areas.
- Person bias where development workers

tended to focus on elite groups in communities who were mostly better-off and almost always male.

- Political bias where development workers tended to work in areas that supported their own political leanings.
- Diplomatic bias. Courtesy and convention often inhibited development workers from asking about and meeting poorer community members.

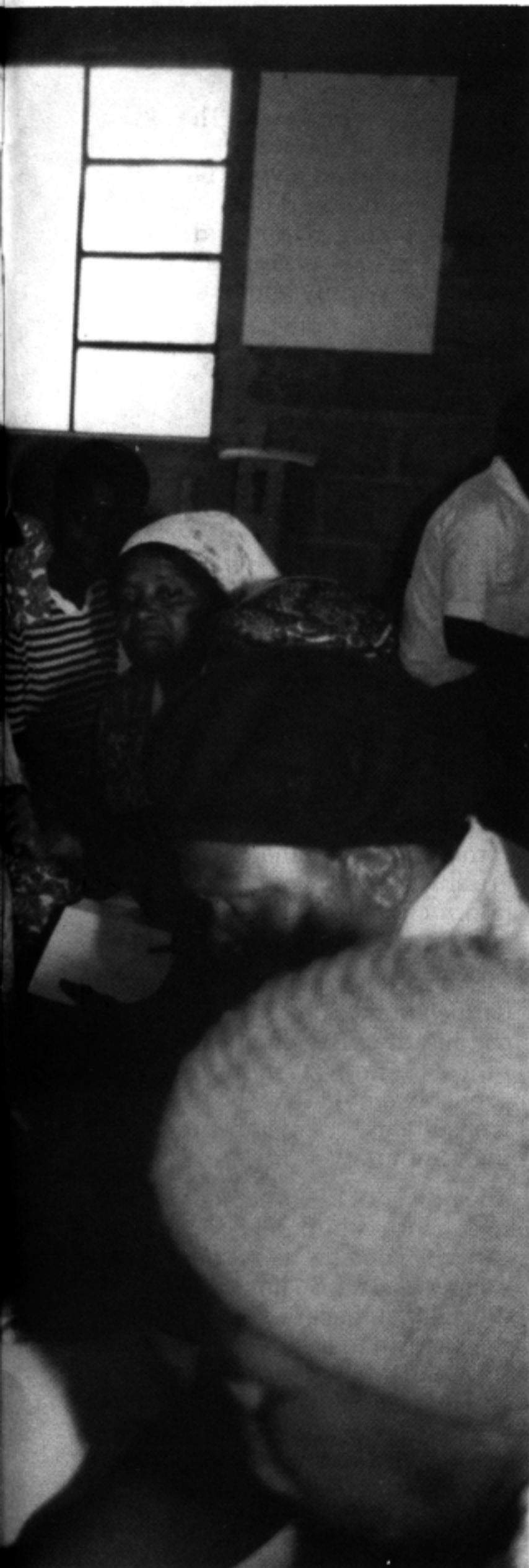
In the mid-1980s "participation" and "participatory" entered the RRA vocabulary and RRA itself, until then accepted as a very cost-effective, valid and reliable method of rural research, was seen as having two inherent problems. Firstly, RRA served the interests of outside professionals. Secondly, it took away information from rural communities.

There were experiments with "participatory RRA" in Kenya and India. It was during the Kenya experiments with "participatory RRA" that the term Participatory Rural Appraisal was coined.

At the same time, in India, an explosion of innovation in rural research methods was happening, especially among non-government organisations. In some villages, village volunteers showed they could facilitate PRA processes themselves. Government organisations got involved early on and received and promoted training in PRA methods.



Appraisal



Although there are lots of similarities between RRA and PRA methods but their approaches are quite different. Effective PRA needs a radical shift in the role of outsiders who work in rural communities. It needs the outsider/researcher to take on the role of facilitator or convenor, rather than investigator or analyst. It also needs local rural people to own and use the information that comes out of PRA exercises, rather than outside researchers or development workers owning and using this.

Most PRA principles have emerged through practise - finding out what does or doesn't work and why. In general there is agreement on the following principles:

- learning should be from rural people themselves, be direct, on-site, face-to-face and draw on local physical, technical and social knowledge
- the "tourism" method can be offset through being patient, listening rather than lecturing, being unimposing and seeking out marginal groups in a community
- being prepared to trade off quantity of information against relevance and accuracy against speed (accepting that it is better to be approximately right than precisely wrong)
- using a range of methods, types of information and investigators to

cross-check information (called triangulating)

- facilitating rural people's investigation, analysis, presentation and learning so that they do it themselves and are able to present and own the results of information gathering themselves
- facilitators should constantly examine their behaviour and try to do better throughout the PRA process

PRA may be used effectively in participatory appraisal and planning, participatory implementation and monitoring, investigation of topics and training and orienting villagers and outsiders. It has been used effectively to investigate:

- natural resource management areas of work, such as, water and soil conservation, forestry, fisheries, wildlife reserve buffer zones, and village resource management plans.
- agriculture - crops and animal husbandry, irrigation design, markets and marketing potential
- equity programmes - identifying credit needs, sources and interventions, finding and selecting poor people for programmes, identifying income earning opportunities.
- health and nutrition - nutrition assessments and monitoring, planning and locating water supplies

➤ to page 22

PRA in South Africa

PRA is fast becoming a familiar and popular aspect of rural work in South Africa. AFRA has on its own and through the Midlands Rural Development Network (MIDNET), contributed to this growth.

In mid-1992 discussions on PRA as a methodology for work in rural areas started, informally, in AFRA. In October 1992, AFRA piloted a study on the effects of drought, using basic PRA methods, in the Stoffelton community of the Bulwer area in Natal.

The results of this pilot study increased enthusiasm about PRA. Through the PRA exercise conducted in Stoffelton, the community was integrated into a drought relief process which greatly enhanced community organisation and the Stoffelton Advancement Committee, the community's organisation, was able to get emergency water relief for the community.

PRA training

AFRA distributed the pilot study widely within the National Land Committee (NLC) and MIDNET, the networks to which it belongs. AFRA also encouraged and supported other interested individuals to experiment with PRA techniques. The Indian NGO, MYRADA, who were centrally involved in pioneering PRA development in India, later asked AFRA to allow it to use the pilot study in its training programme in India.

Increased awareness and enthusiasm about PRA created needs for training. MIDNET and the School for Rural Community Development, based at the University of Natal in Pietermaritzburg, took responsibility for this training. They secured an experienced Indian trainer, James Mascarenhas, to run a training programme in April 1993 to address the demand for PRA training among NGOs. The training programme, held in Bulwer, Natal and using fieldwork in the Stoffelton community, drew 26 NGO participants from South Africa and Namibia. The skill of the trainer and the enthusiasm of trainees contributed to the programmes' success and out of this programme grew needs for further training and networking around PRA experiences. Participants in the April 1993 training have since produced a PRA training manual and further training programmes are planned for November/ December 1993 and February/March 1994.

International exchange

A South-South PRA Practitioners Exchange is being held in September 1993 in India. Kamal Singh, of AFRA's Drought Project, and Ntshane Moroka of the Orange Free State Rural Committee are the South Africans attending. We hope this contribute to future international South-South networking.

PRA and power: some cautionary words

PRA was developed as a tool to increase community ownership over development processes. The emphasis and focus of processes should always be the community and the agenda, timing, nature and product of PRA processes should rest firmly with the community.

Although PRA techniques generate vast amounts of information, PRA is not a new research fad. We must guard against simply extracting valuable information from communities for use by NGOs or consultants who have contact with the communities. Doing this would be no different from conventional research processes. Instead, we should ensure that information remains the "property" of the communities and that they are able to use this information to analyse, plan and act.

PRA processes can only happen in the context of a community's development process. The best (and probably only) PRA "consultants" are members of the community.

The power of PRA methods to enhance community capacity contains its greatest danger as well. So it is crucial that there be some mechanism to ensure good PRA. Such "quality control" should ensure that the greatest benefits go to the community and not those who are already in powerful positions.



Charlestown community ready to return to land

IN December 1992, the Charlestown community of the Newcastle District won back their land from which they were forcibly removed in the 1970s. After the community's removal, Charlestown became a ghost town. In preparation for their return, the community has had to ensure that basic services, such as, water, roads and schools were set up. These basic services have now been installed and the community will be meeting in early September to decide on a date for their return.

Bop game park may deprive people of livelihood

MORE than 30 000 people could lose their livelihood as a result of the Bophuthatswana government's decision to establish a 7 500 hectare game park in the Madikwe area. The park is about 30km away from the Southern Sun Lost City complex. Local residents and chiefs said they were not consulted about the park, which is expected to be completed within a year.

(New Nation: July 9 - 15 1993)

Thukela Biosphere farmers negotiate with black landowners

NEGOTIATIONS around the needs of black landowners who will be affected by the Thukela Biosphere Reserve began in August. The communities of Cornfields and Tenbalihle, whose land borders the reserve, managed to persuade the farmers to make additional land available to them.

A land acquisition technical committee, consisting of members of the two communities, NGOs who work with them and experts who may be coopted, has been established to identify which additional land the communities want and to determine what are the land needs of the two communities. This committee is expected to put proposals to the biosphere farmers by the end of September 1993.

A committee of community members and farmers to resolve any disputes which may arise in the interim was also established.

Government makes money available for land purchases

THE government has set aside R25 million in 1993 to help communities buy agricultural land. This is in terms of the Provision Of Certain Land For Settlement Act 126 of 1993. To get assistance, communities must identify the land they want to buy and the current landowners must be willing to sell. The Department of Regional and Land Affairs will then investigate the land in question to see whether it is viable and suitable. If the property is found to be

suitable, the community will have to pay 5% of its market value, as determined by land valuers. The government will pay a subsidy of up to 80% of the price and the Department of Regional and Land Affairs will pay the remaining 15%. The community will be expected to repay this 15% to the Department of regional and Land Affairs over a five year period, starting one year after the land was bought. The interest rate on repayment of the 15% has not yet been worked out.

National African Farmers' Union to join SA Agricultural Union

The National African Farmers' Union (NAFU) will join with the mainly white South African Agricultural Union (SAAU). SAAU president, Boet Fourie, said the time had come for black and white commercial farmers to join forces and speak with a united voice for organised agriculture. He said that NAFU and the SAAU had been in contact for some time and had an "excellent" relationship. The SAAU had represented black farmers for a long time through the SA Cane Growers' Association, he said. "We could have a black office bearer soon," he said, referring to the SAAU. *(Farmer's Weekly: August 6 1993)*

Farm schools education crisis

FARM school children have the most inadequate buildings, the least qualified teachers and the fewest available places in schools, said Ken Margo, national coordinator of the Rural Education Forum. He said that the laws regulating farm



schools had largely remained unchanged since formulated by Hendrick Verwoerd, the Minister of Education in 1953. Farmers on whose land the schools are built have complete control over provision and management of the schools, although the Department of Education and Training supplies teachers, furniture and books.

About 6,2 million farmworkers and their dependents live on South Africa's 65 000 commercial farms. There are about 5 671 farm schools but although their number has been increasing since 1989, 230 have closed.

Transport is a major burden for parents who earn an average of R250 a month. Transport to and from school may be as high as R80 a month. There have also been reports of farmers illegally keeping children out of school to work on farms. About 60 000 children from the homelands work under contract on farms. (*Financial Mail: August 6 1993*)

IFP asks farmers to "help their workers to vote"

FARMERS should get involved in ensuring that we "get the right election result for the country, the region and for yourselves,"

KwaZulu Deputy Minister of Works, Velaphi Ndlovu, told a Mooi River farmers' meeting in July 1993. "We need you to organise meetings that we can address. And most of all we need you to become skilled enough to undertake voter education with your workers. If all farmers in Natal were to help their workers to vote and to vote for what is right for them, then the farming community has played its part." He said the IFP did not believe radical land reform and emotional redistribution measures were the simple answers to addressing imbalances to benefit black farmers. The IFP valued existing farmers and what they were doing and were therefore not going to do anything rash, he said. (*Natal Witness: July 22 1993*)

ANC suggests land reform Act

THE ANC suggested that a land reform Act would be the most effective way to address land redistribution. Mr Ezra Sigwela of the ANC's Land Desk said at a meeting in Kokstad on August 3 1993 that all political parties at the multiparty negotiating forum should agree on such an Act. The basic aim of such an Act would be to set up a land claims court. He said the ANC wanted to guarantee existing property rights but to do so would contradict the greater need to address injustices in property ownership. (*Natal Mercury: August 4 1993*)

Billions of taxpayers' money for drought

THE current drought in South Africa has cost

taxpayers about R9 billion over the past 18 months. Official statistics put the cost of drought aid at R4,3 billion but this could be as high as R5,5 billion. Additional food imports to offset crop losses cost R3,5 billion earlier in 1993 and were still rising. (*Natal Mercury: August 9 1993*)

R469 million allocated for drought relief

A FURTHER R469 million was allocated for emergency drought relief and will come into effect on August 15, the Minister of Agriculture, Kraai van Niekerk announced. The emergency aid is made up of:

- R133 million as continued aid to the TBVC states
 - R88 million to assist farmers with debt consolidation
 - R81 million to stock farmers in extensive grazing areas (R600 million was made available to them over the past five years)
 - R50 million for low-interest production loans to stock farmers in drought-stricken extensive grazing areas
 - R52 million to areas with emergency water shortages - for sinking boreholes and erecting pipelines
 - R45 million for interest subsidies on re-establishing loans to farmers for re-establishing long-term crops and vegetables
 - R20 million to the sugar industry
- (*Natal Witness: August 6 1993*)