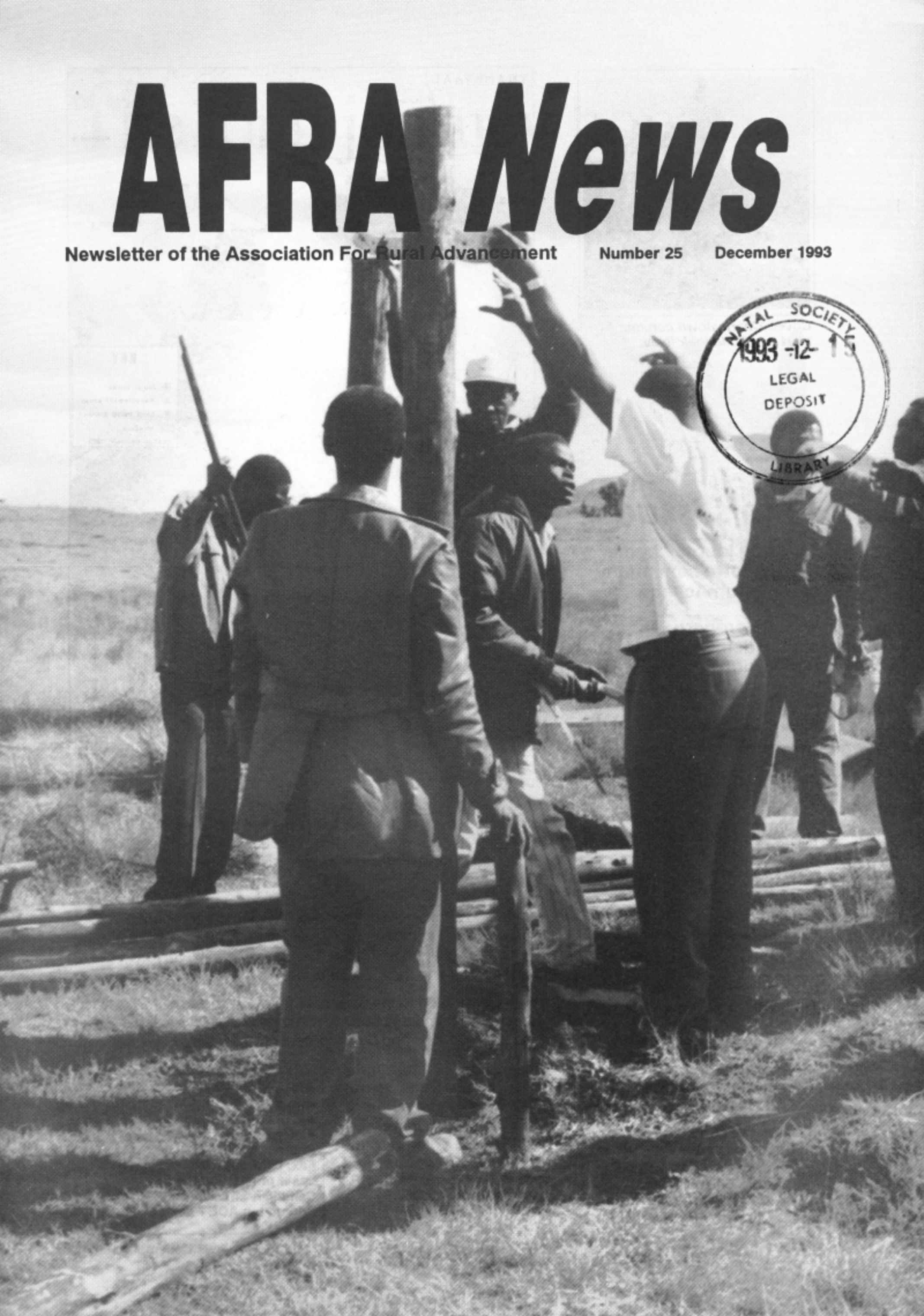


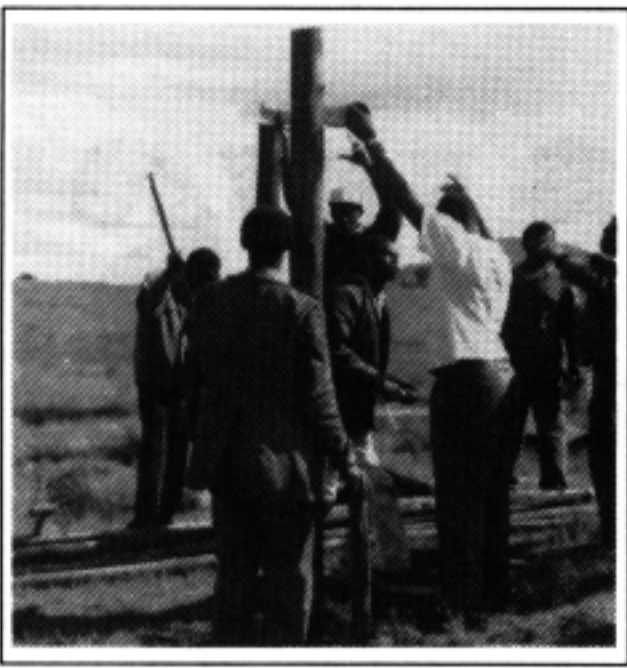
AFRA News

Newsletter of the Association For Rural Advancement

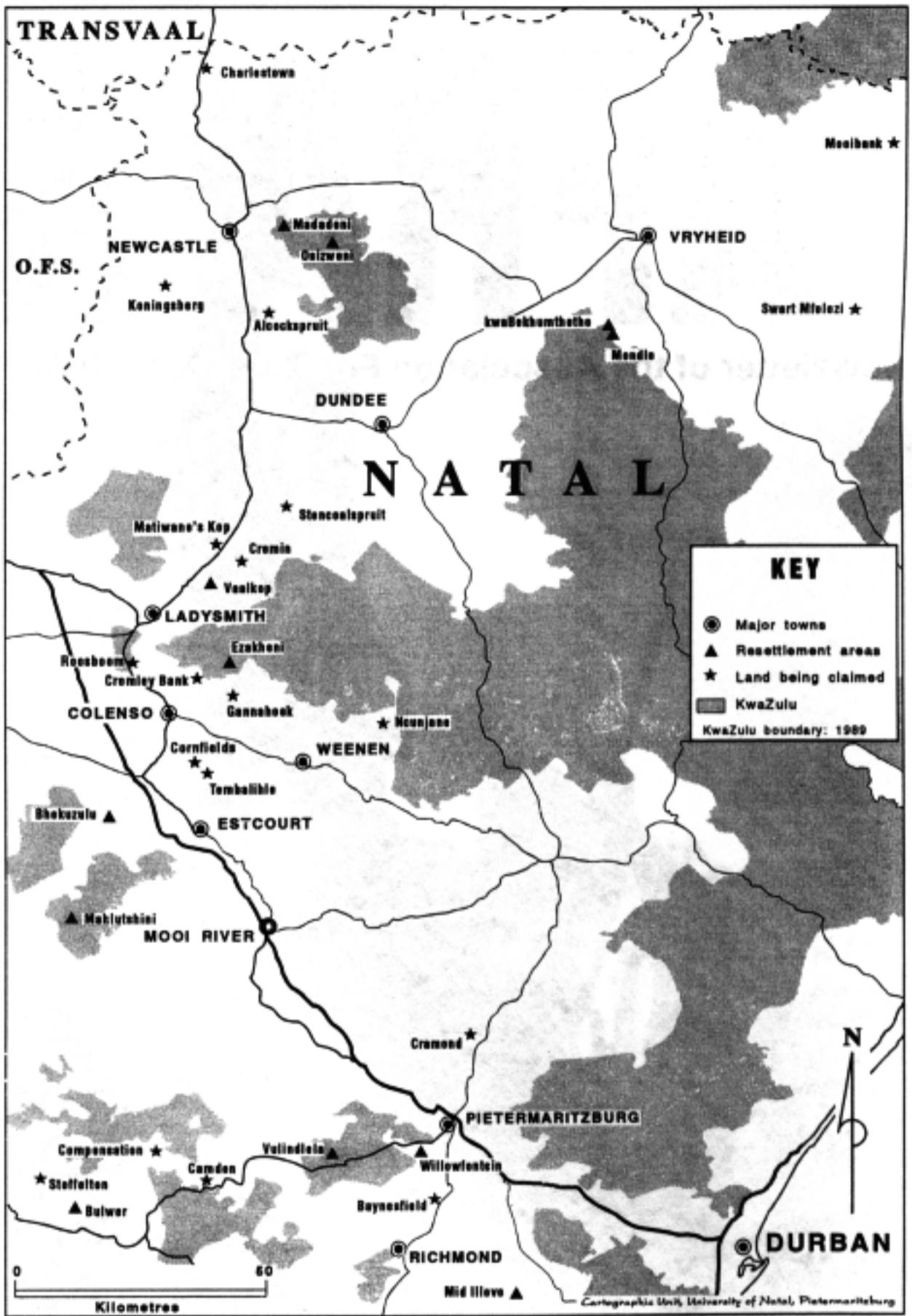
Number 25

December 1993





Cover: Charlestown community start to rebuild their lives.



In this issue

The long journey home: Charlestown community starts return to land **3**

Will the property rights clause deliver on restoration? **5**

Mooibank tenants win land rights from Mondi **6**

Natal communities prepare for national meeting **7**

Opinion: New government must redress wrongs of past 300 years **8**

AFRA News readership survey results **9**

1993: the year in review **11**

Rural and landless start to find their voice **12**

How others see the past and the future **14**

A to Z of rural land & development **17**

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.

AFRA News No.25
Published and produced by:
AFRA, 123 Loop Street
Pietermaritzburg 3201
Phone: 0331 457607
Fax: 0331 455106
Laser printer supplied by
Canadian Embassy
Printed by: ACE PMB

The views expressed in *AFRA News* are not necessarily those of AFRA.

The long journey home



STAR soccer player, Jeremy "Brown Bomber" Mdluli was the first person removed from Charlestown in 1976. Seventeen years later, on November 6 1993, he was back at his original site, starting to rebuild his life. Mdluli was one of 48 landowners who are part of the first batch of former

Charlestown residents returning to their land.

Charlestown is one of only two forcibly removed Natal communities to have its land returned as a result of recommendations from the government-appointed Commission on Land Allocation.

About 105 000 people in Natal were removed from "black spots," such as

Charlestown - freehold or black occupied land falling in a white area.

In the happy emotion that rippled through the returnees, people joked about the hardships of the removal. They recalled that the "Brown Bomber" was so tall and the tin shack he was allotted in Osizweni so tiny, that his feet stuck out of the doorway when he slept.

Combined with the spirit of forgive and forget, now that the community's first battle was won, was a determination to survive.

"I forgive those whites who were living here when we were removed. I forgive them now because I have got back my land," said 76 year old chairman of the Bambisanani Bathengi Charlestown Committee, Solomon Makhubu.

Just over 8 000 people were forcibly removed from Charlestown between 1976 and 1978 and resettled in Osizweni, a KwaZulu township outside Newcastle.

After the removal, Charlestown was reduced to a ghost town and today there are almost no job opportunities. Trump Clothing, the only factory in the town, last month retrenched about 150 of its workers. About 5 km away is Volksrust, home of the AWB, where employment possibilities seem equally grim.

Despite the bleak outlook, the returning people want to make Charlestown a success story. The Charlestown Development and Allocation Committee, a body set up to coordinate the community's return, is making provision of water and roads for the area a priority.

To meet urgent education needs of the returning community, a building which operated as a clothing factory before the removal will be converted into a primary school by early 1994. And ESKOM is likely to be asked to extend its electricity supply.

Makhubu was adamant that former residents must play a key role in running Charlestown. "Nothing must be done without us," he said. "We must build one

community which includes everyone who lives in Charlestown. We must elect a body which can represent everybody."

Developing the town would be difficult, he acknowledged. "The removal made us poor. But we are going to have to sit down and plan what to do about job creation and see what is available to help us," he said.

White residents of Charlestown have agreed to work with the returnees to develop the area. Charlestown Advisory Committee chairman, part-time farmer and biltong maker, Petrus Schoeman, who initially opposed the community getting back its land, said now that people were back, whites should help to make the town viable for all its residents. "I want to leave farming and apply myself to helping the people who are coming back and making the town work again," he said.

He believes one option is tourism. "We are near Majuba and people like to visit such old battle sites. Mahatma Ghandi also passed Charlestown in his march to the Transvaal. He was stopped at Volksrust. We, Afrikaners, Africans and indians who live in Charlestown should try to trade on this rich history of ours. A lot of tourists pass Charlestown. We should make them stop here and develop some craft industry related to our history," he suggested.

Schoeman and his committee also want to integrate former Charlestown residents onto the Charlestown Advisory Committee which advises the Development and Services Board

administering Charlestown. Money for development in Charlestown comes from local rates - up to about R390 000 a year.

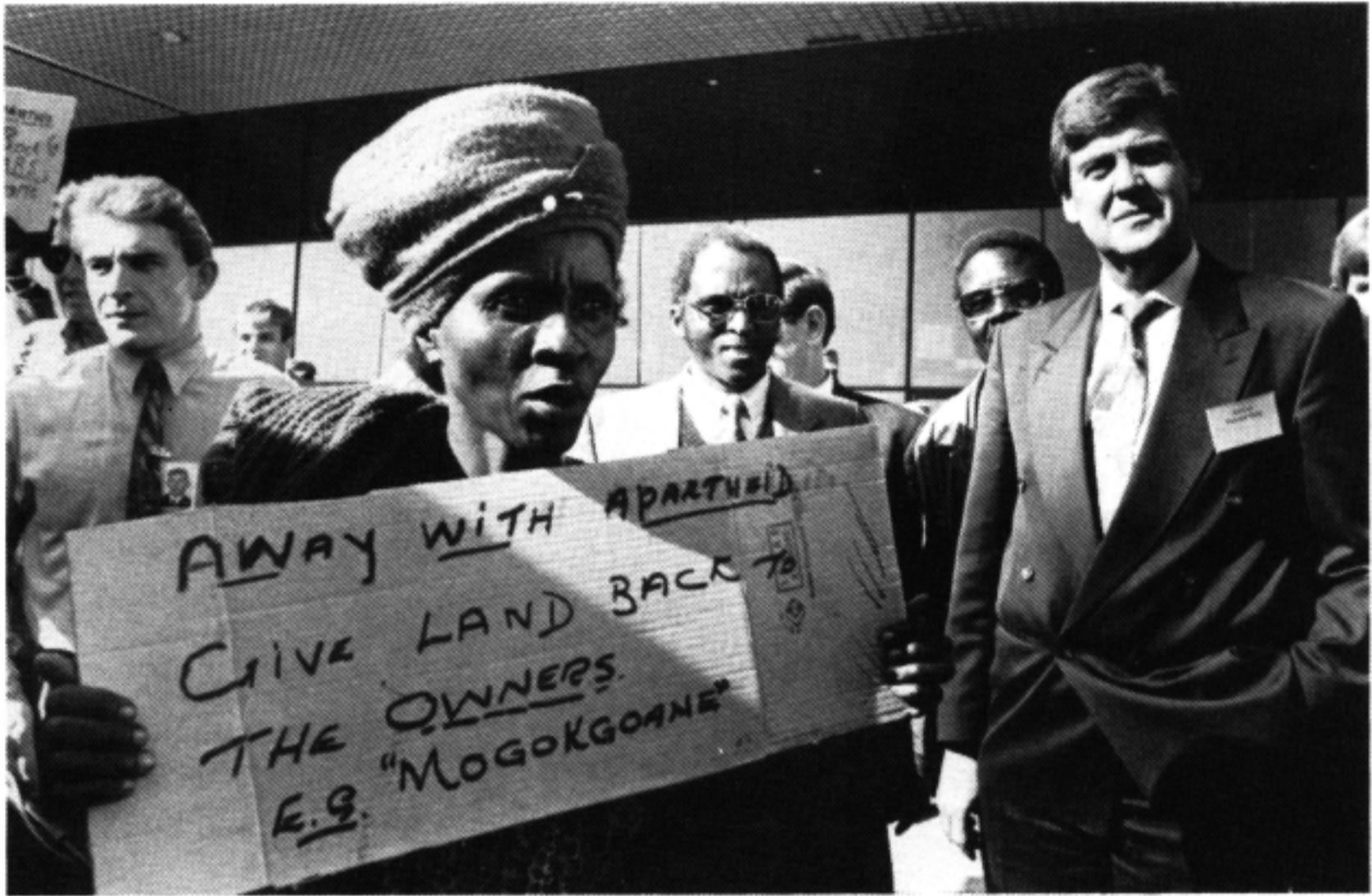
"We were looking at the committee maybe being made up of three representatives from the town proper and two each from Clavis and Clavis Extension," he said, "but we will wait until more people come back."

When asked his views about the community's forced removal in the 1970s, Schoeman said he would prefer to look to the future. "I'm sure they saw themselves as the victims but, at the time, we thought it would be better for them to be nearer a big industrial town like Newcastle. Looking back may open old wounds and is not always helpful. We are here now and we must look to the future," he said.

Nhlanhla Zwane and Signorant Dlamini, two young people who are returning, are doing just that. They are hoping for a more modern Charlestown under a new government, receptive to people's needs.

"We want to make a living from farming. We will buy additional land in Charlestown so that we can do this - if we can raise the money. We want electricity, tarred roads and clinics. And we want to vote for a government that will cater for the majority and who will hear what people need, not a government that just eats our money."

Will the property clause deliver on restoration?



ON November 15, the technical committee at the World Trade Centre responsible for drafting the property rights clause agreed on a new draft which will guarantee land restoration under a new government.

The technical committee amended the calculation of compensation for expropriation in the public interest, making it subject to other factors, not only market value. The technical committee also added a clause on restoration of land. This will apply to people who had their land rights removed after 1913.

It seems that the restitution clause also includes labour tenant and other communities, who have occupied specific pieces of land for generations.

In August, representatives from 80 communities,

including several from Natal, converged on the World Trade Centre to petition negotiators to hear their concerns about the proposed property clause. On that occasion, the ANC's Mac Maharaj assured them that the ANC would never agree to a property clause guaranteeing rights to those who enjoyed privileges through apartheid rule at the expense of those who had been deprived of rights under minority rule. And the NP's Dawie de Villiers undertook to ensure that communities' memorandum would be forwarded to the planning committee and the negotiating council for proper consideration.

The new clause seems to have taken note of rural communities concerns. We trust that the sensitivity displayed by negotiators in paving the way for resolving the sensitive issue of forced

removal will continue on other issues still to be resolved around land access under a new government.

Now that the clause and restoration of land has become a reality, legislation enabling the sentiments of the clause must be drafted and passed. The victims of apartheid land policy should be given every opportunity to influence what these new laws say.

And until the necessary legislation, it is crucial that further current government unilateral action around the disposal of state land is stopped. Recent, hastily passed new land laws should also be reviewed in terms of the property clause and its implications.

➔ to page 6

A summary of what the clause says

- Every person or community who was dispossessed of rights in land after 19 June 1913 will be able to claim restoration of these rights. The cut-off date of 1913 for claims will most likely be agreed by parliament.
- Land claims will be processed by a specially set up commission.
- This commission will investigate land claims brought to it, mediate and try to settle land disputes, report to a court on claims that it cannot settle
- If unresolved land claims which the commission refers to the court involve state land, then the court may restore the land to the claimants. If the land is privately owned, the court may tell the state to buy the land or to expropriate it.
- If the state expropriates land, it must pay the current landowner compensation. The amount of compensation will be based on the property's market value, its history of acquisition, the value of investments in the property, how it is being used and the interests of those affected by its expropriation
- If land cannot be returned to claimants, the court may order the state to give the claimants other land or pay the claimants compensation for their loss or give claimants other alternative relief.

Mooibank labour tenants win land rights from Mondi



LABOUR tenants who have occupied a portion of the Louwsberg farm of Mooibank, near Vryheid, for several generations have persuaded Mondi Forests to allow them to continue to stay on the land and use it for their own purposes.

In terms of the agreement, the tenants will get land occupation and use rights on 250 hectares, which Mondi will have surveyed and fenced to separate it from the company's portion.

The only issue outstanding is the basis upon which tenants will stay at Mooibank. Will they have to buy their portion of Mooibank or will it be allocated to them?

It seems that Mondi may not insist that the tenants buy their portion. In a letter to AFRA in October, Mondi said it did not want the issue of payment for the tenants' portion to hold up negotiations.

Mondi bought the farm in 1990 and at first tried to evict all tenants living on the land so that it could establish

forests. However, 14 families refused to move.

These tenants resisted eviction threats and cattle impounding and eventually, in 1992, negotiations began around tenants' demand that they be allowed to stay on the portion of the farm which they had occupied and used for generations. Mondi suggested that they move to Wonderboom, another of its properties in the Louwsberg area. This was not acceptable to the tenants, and in 1993, Mondi agreed to drop its Wonderboom option and to allow tenants to remain at Mooibank and be allocated 150 hectares. But the tenants said this was not enough for grazing and cultivation and that the boundaries which Mondi proposed could mean that eight of the 14 families would have to move.

At a meeting between Mondi and the tenants on October 28 Mondi agreed to increase the tenants' portion to include fields that Mondi ploughed to plant trees but where tenants before used to grow crops.

Natal communities get ready for national meeting



A 17 person coordinating committee was elected to draw in other rural communities in Natal and to ensure that rural land and development needs are addressed in regional and national structures.

REPRESENTATIVES from 25 rural areas mainly in the Natal midlands and north western Natal met on November 20 and 21 to prepare for a national community land conference planned for February 1994. The national conference, organised by affiliates of the National Land Committee, will draw together rural people from all parts of South Africa to draw up a rural land charter around which to organise and to lobby political parties in the coming election.

At the Natal regional preparatory meeting, delegates identified several land related issues which they want addressed at

regional and national levels. These ranged from increased access to productive land and security of tenure to water provision and education facilities in rural communities.

Delegates also elected a 17 person coordinating committee to draw in other rural communities in Natal and to ensure that rural land and development needs are addressed in regional and national structures, such as the Regional Economic Forum. The committee comprised representatives from labour tenant, land claiming and landowning communities.

- Delegates to the meeting came from: Abekunene, Alcockspruit, AmaHlubi, AmaQadi, Baynesfield, Bergville, Camden, Charlestown, Colenso, Compensation, Cornfields, Cramond, Cremin, Greytown, Groutville, Hopewell, Impendle Development Forum, Ladysmith, Melmoth, Mooibank, Muden, Steincoalspruit, Stoffelton, Tembalihle, Weenen.

New government must redress wrongs of past 300 years

argues **Cosmos Desmond**

This opinion piece was written by Cosmos Desmond in response to ANC president Nelson Mandela's statement that white farmland would not be touched and that instead an ANC government would use SADF land for redistribution. Since then, the SADF has also responded.

The views expressed in this article are not those of AFRA. We welcome views on the issue of land restoration and redistribution under a new government from our other readers.

The ANC has already assured animal lovers that no land will be excised from the National Parks to make room for people. Now Mandela has promised white farmers that no land will be taken from them.

On the other hand, the ANC has said, "the redistribution of the land is the absolute imperative in our conditions, the fundamental economic demand. It will have to be done even if it involves some economic cost".

Demand cannot be met without land being taken from whites, since they lay claim to over 80% of all farmland and nearly 90% of potentially arable land. The land owned by such bodies as the SADF, which Mandela says could be made available to blacks, is minimal, when compared to the 83 million hectares "owned" by white farmers.

According to the World Bank report, Options For Land Reform, the total area of unoccupied state land suitable for farming is only 320 000 hectares.

Redistribution of land extends far beyond compensating those forcibly removed by the Nationalist

government. It is a question of redressing wrongs that go back over 300 years.

If only dispossessed people who have a legally recognised title to ownership are to be able to claim land, the proportion of land for african occupation would soar to 14,3% of the country. The addition of available state-owned land would increase this by 0,25%.

Most of the estimated 3,5 million people who were forcibly removed held no legal title to the land. They had already been dispossessed by white conquest and deceit. Their forced removal deprived them of what little hold on the land they had, destroyed their communities, reduced them to utter poverty and condemned many of them to death.

They were, and still are, the real "victims of apartheid" because they had no choice and no way of avoiding their fate. And if "white-owned" farmland is to be protected by a constitutional right to private property, as Mr Mandela has promised, they will remain such.

When landowners were forcibly removed, title deeds counted for nothing. Now, in the "new South Africa", they are sacrosanct.

The reason in both cases is the same: to protect the interests of whites. That is what apartheid was all about. What has changed? The effect will be the same. The only difference is that it will now be down in the name of upholding western, liberal values, rather than of racism.

Discarding the flimsy ideological cloak of racism might at least lay bare the essentially capitalist nature of apartheid, which will persist into the future South Africa and continue to be of great benefit to the elite, which will now include a few more blacks.

The effect of the removals cannot be reversed by the proposed move away from racism. The political and economic causes must also be addressed. This is not the place to do that. But one fundamental point must be stressed: land redistribution cannot be resolved within the framework of a western, liberal understanding of the concept of private ownership of property.

There is a much older, and nobler, tradition which sees land as a resource to be respected and nurtured for the sustenance of all. In african society, land does not belong to people, people belong to the land.

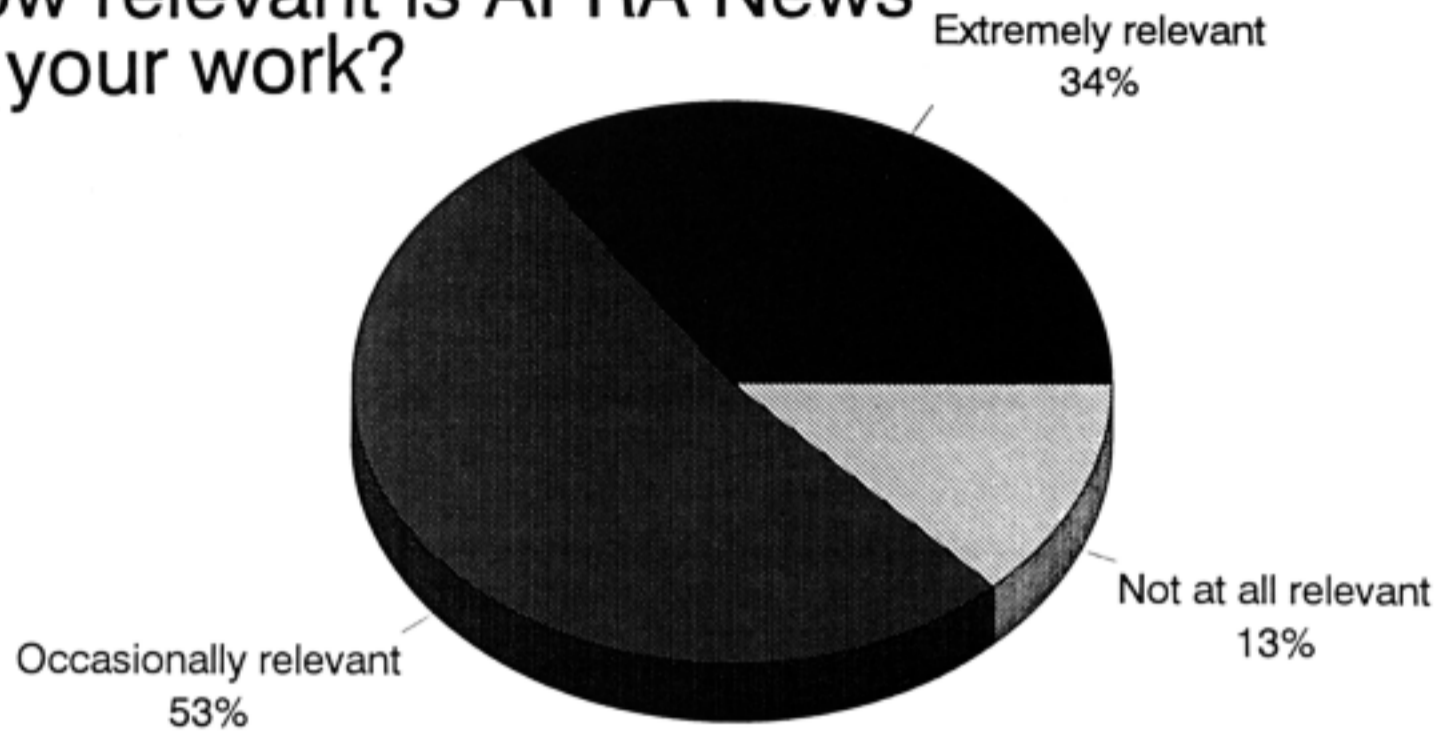
But then there is nothing remotely african about any of the proposals for a "new South Africa". Neither is there very much new. Perhaps it should just be called South.

Cosmos Desmond is a freelance writer and researcher. During the 1960s and 1970s he did research and writing around forced removals. He worked as a priest until 1973.

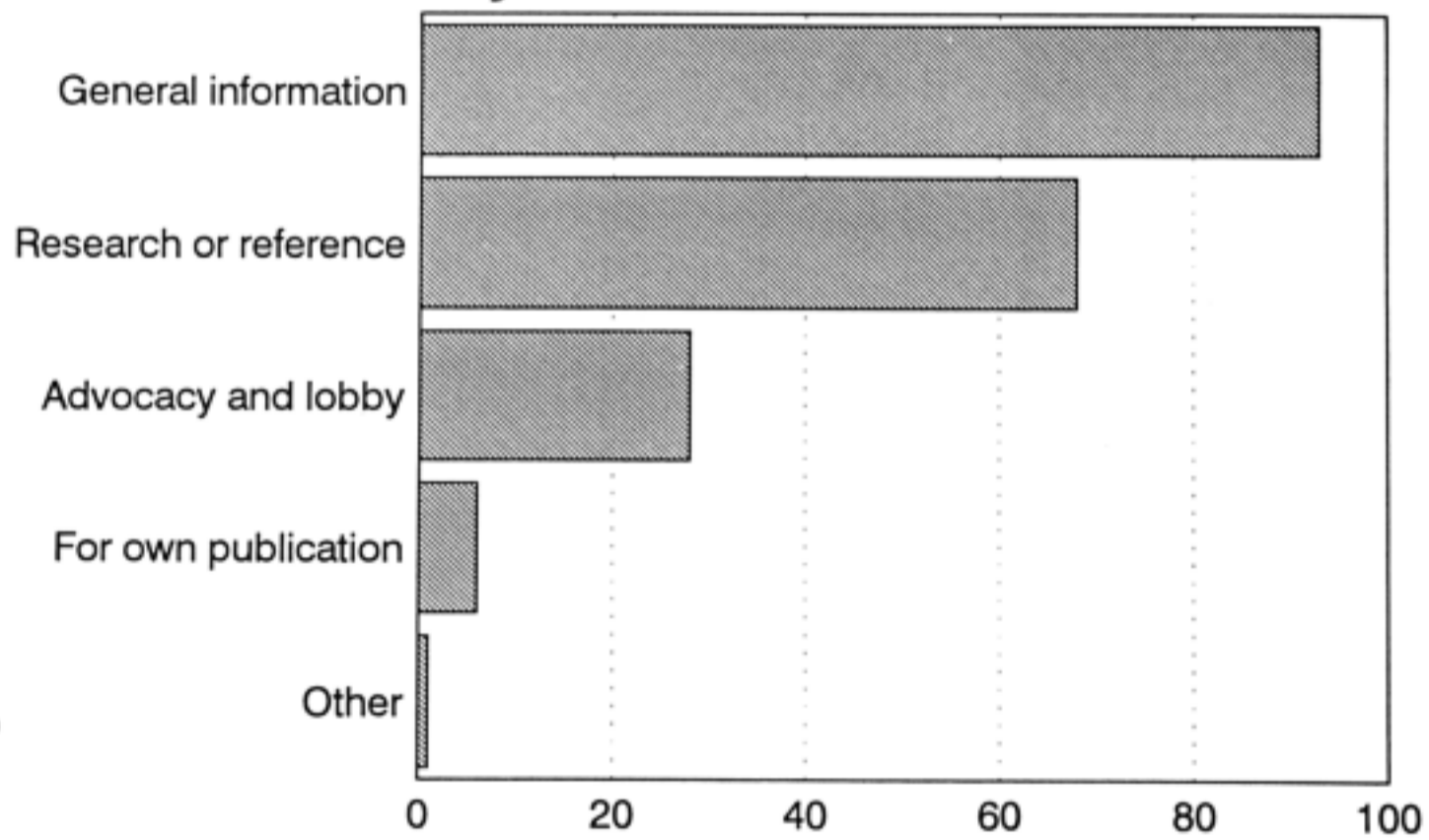
AFRA News readership survey results

AN independent research organisation, the Community Agency for Social Enquiry (CASE) conducted the survey for AFRA. AFRA's main concerns were around relevance and worth of publishing *AFRA News*, how it was used and whether its frequency was correct. We were also interested in who our readers are and what interests they have. Survey results are based on questionnaires received from 10% of the people who were on the *AFRA News* mailing list in June 1993. Nevertheless, CASE recommended that AFRA get a fresh commitment from people currently on the mailing list to ensure that those who currently receive the publication actually read it.

How relevant is AFRA News to your work?



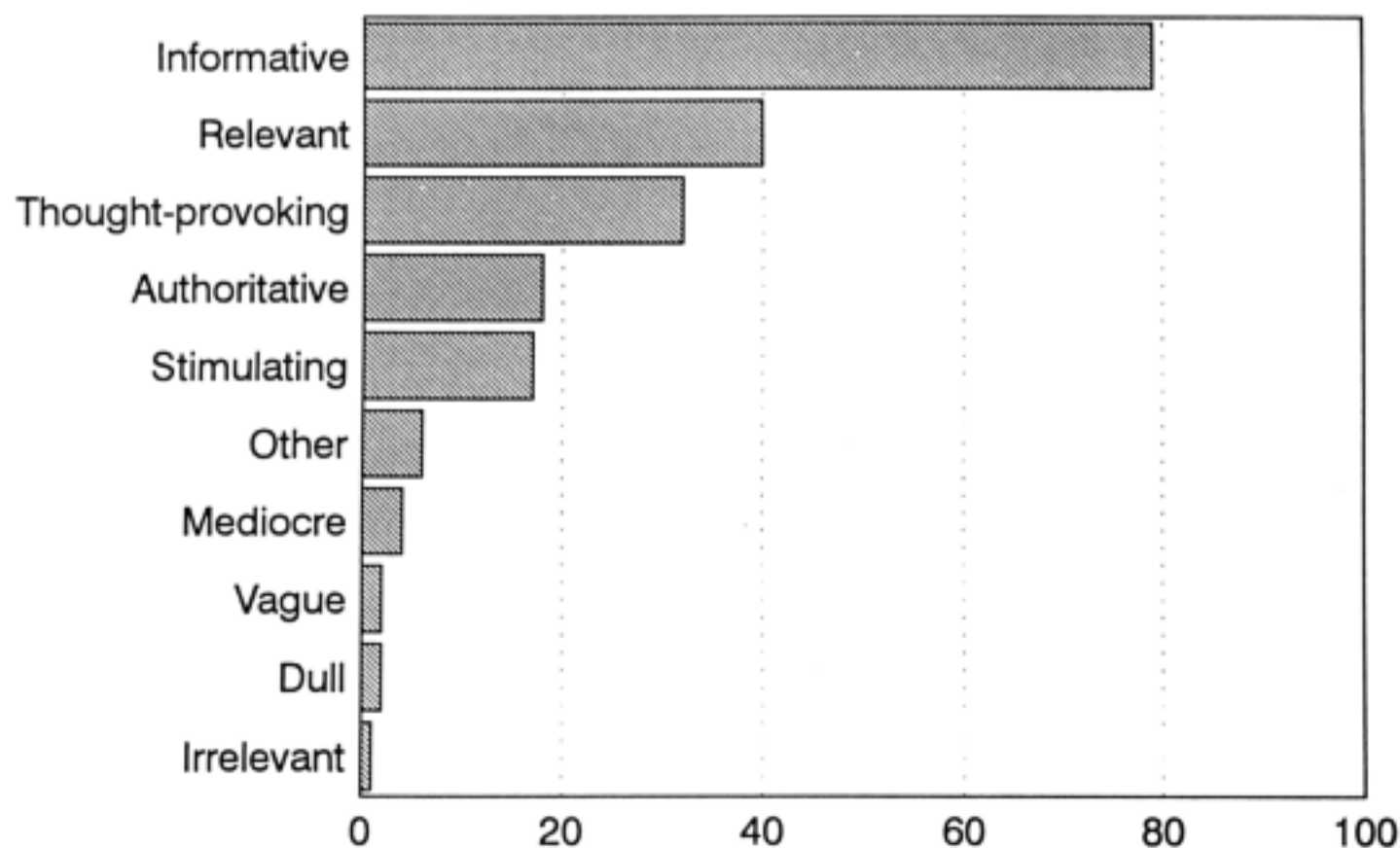
How do you use AFRA News?



Is it useful to publish AFRA News?

CASE concluded that responses to the readership survey show that *AFRA News* is appreciated, needed and serving a useful purpose. In general, the publication got high ratings for overall content and design. *AFRA News* had a longer shelf life than that usually associated with a newsletter and the size of the readership was greater than the size of the mailing list. About 82% respondents to the survey said they would be willing to pay for *AFRA News*.

Overall impression of AFRA News



Readers described content as informative, relevant and thought-provoking. They also saw it as a reliable source of information, that it reflected a commitment to rural victims of apartheid and presented a critical perspective on rural issues.

Who reads AFRA News?

Mainly men who fall into the over 40 years age bracket. Many work in the area of land and development and are educators or head projects.

What do they read in AFRA News?

The most read parts of *AFRA News* were Land Briefs and Land Rights Update. They liked interviews with people involved in rural land and development work. Readers were most interested in rural development, land rights and land reform (covering both land claims and redistribution). Policy debates and agriculture were of least interest.

What do they want to see more of in AFRA News?

Human interest type articles, success stories, conservation and environmental issues, AFRA itself and reports on rural development projects and strategies that have worked. Readers also asked for more photos and illustrations and more "investigative journalism".

What do they use AFRA News for?

Most people use it to get general information about rural land and development issues. About two thirds of readers use it for research and references purposes.

Only a quarter use it for advocacy and lobby work.

What are the options for AFRA News?

Although the survey indicated a general positive response to *AFRA News*, two areas should be explored more fully. Firstly, that few people use *AFRA News* for advocacy implies that *AFRA News* is not exploiting its full potential and should position itself better in relation to decision-makers outside the rural land and development sector. If AFRA's lobbying role is to be properly carried out, then land issues must be put on the agenda of policy-makers broadly. AFRA intends targeting these people specifically in 1994.

Secondly, *AFRA News* must cover more rural development issues. This is important, not only because many readers find this area interesting, but also because it will become the key challenge in 1994. Land claims is only a small aspect of land reform. The largest and most problematic area is that of land redistribution and rural reconstruction. Communities who recently regained their land have forced AFRA to address issues around resettlement. Resettlement itself has already placed enormous development and institution building challenges on communities.

Besides the resettlement challenges which will confront other successful land claiming communities, is the need to develop a realisable vision and programme for rural development and workable projects which can address rural poverty and landlessness.

Winners of t-shirts

THE following 10 people's names were drawn by CASE and they will be receiving their t-shirts soon.

- Andrew Maaladiatla
- Rosalee Wilson
- John Dixon
- MB Dyer
- Chris Vick
- P. Merret
- Tobie de Vos
- Dave MacDevette
- Malcolm Draper
- G Spiller

1993

FARM WORKERS
ARE THE MUSCLE
OF THE LAND

NO POWER
WITHOUT
LAND

12 - 13
Rural and landless
start to find their voice

14 - 16
Land and
development players
give their views

17 - 24
An A to Z of rural
land and development
issues

BANDMENT
OF UNDEMOCRATIC
COUNCILS.

the year in review

BACK to our lands
to advance

Rural and landless start to find their voice



On the eve of a democratic South Africa, there is a quiet but steady awakening of a rural people's voice. With the experience of an intransigent and apparently confused Nationalist Party government, rural people are reluctant to pin their

faith blindly on a new government.

The government-appointed Advisory Commission on Land Allocation failed to act as an effective mechanism for either land restoration or redistribution. Despite its patent inability to effectively handle the simple claims brought before it, the

Commission has now been given the responsibility to make recommendations on some 400 pieces of state land in Natal. Proposals for an alternative process to the Commission on Land Allocation have not been implemented, but are likely to happen once a new government is in place, in

terms of a clause in the bill of rights which guarantees restitution of land rights to victims of apartheid land laws and policies.

While debate about mechanisms for land restoration and redistribution raged on, the government continued to dispose of state land in various ways. Among these was the administrative transfer of about 1.2 million hectares of state land to bantustan governments. These agreements included possibilities of state land being transferred to ownership of "tribes" and parastatals in the bantustans.

The government also hastily passed nine new land laws affecting land distribution in July. The National Land Committee's Joanne Yawitch said the laws would effectively alienate large amounts of state land and land belonging to communities in favour of bantustan and tricameral authorities.

The laws would also entrench privatisation of land, and force privatisation of communal land on people without proper debate about other more creative options for secure tenure.

In response to government manoeuvring around land allocation, rural communities began to organise more widely under the banner of the "Back To The Land Campaign".

In August, representatives from 80 rural communities throughout the country converged on the World Trade Centre to protest against the proposed property clause in the bill of rights in the interim constitution.

Rural and landless communities and service organisations with whom
AFRA News December 1993



they work are planning a national community land conference for early 1994. Communities at the conference will draw up a land charter around which they will organise and also use to lobby political parties taking part in the election.

But while much attention focused on getting broad consensus on land claims, it remains unclear how and when substantial land reform will be managed.

And issues of rural local government and rural development have been largely neglected. Complicating factors in effectively addressing both have been the ambiguous status of bantustan governments and weak

organisation among rural people.

Forums proliferated and became potential centres of decision-making around development. But, in most of these, rural issues remained peripheral.

Various forums have now begun to seek ways to include rural concerns. But, the challenge remains of effectively including a rural community voice, when communities are still in the initial stages of organisation. Another challenge is to streamline and rationalise the plethora of forums so that emerging community organisations can effectively engage with them.

How others see the past and the future. . .

The message from rural communities was clear when they demonstrated at the World Trade Centre. But what do organisations involved in rural issues say? **AFRA News** asked some of the key players in rural land and development to complete four sentences:

1. 1993 was the year when the land question ...
2. The biggest land blunder in 1993 was ...
3. ... will definitely happen in rural land and development in 1994.
4. In 1994 our organisation will to help resolve the land question.

Here are the views of those who managed to do so. Those who were asked but didn't manage to reply were the Inkatha Freedom Party (IFP), Democratic Party (DP), Pan Africanist Congress (PAC) and Natal Agricultural Union (NAU).



African National Congress (ANC)

1. Land emerged as one of the most important issues which will need to be resolved in an equitable manner, for the sake of peace, justice and social stability in a democratic South Africa. It was the year when even the World Bank, for the first time in its history, announced that a major land reform programme was an essential component for development and economic stability in South Africa. And it was the year when the government-appointed Commission on Land Allocation confirmed all the reservations expressed by the democratic movement, in being unable to effectively deal with even some of the simplest claims put forward by rural communities.

2. When the government unilaterally went ahead with its plans to transfer land to Lebowa, Qwa Qwa and KwaZulu, despite opposition from a wide range of organisations.

3. The setting up of a land claims court, as well as the beginnings of a reallocation of resources to the rural poor and landless will definitely happen in 1994.

4. In 1994 the ANC will do its best to help resolve the land question.

Development Bank of South Africa (DBSA)

1. The land question entered the national debate with major organisations like the World Bank providing lessons of experience from elsewhere. That indicates that a land reform programme, where there is at least 30% of commercial farming land, needs to be embarked upon using the principle of the "assisted market" and given due consideration to restitution from a land claims court.

2. The inclusion of state/trust land into homelands, albeit under joint administration, effectively giving these areas a large social and economic asset prior to consensus being reached with all stakeholders as to who would have access to such land.

3. It appears that the "rural voice" via newly created rural forums and CBO structures will be more articulate and for the first time their problems and aspirations will be articulated in the national debate.

4. DBSA will continue to provide assistance in the form of providing both policy analysis/information and investment support in pilot projects which will contribute to finding longer term solutions to a range of public sector, non-government and community based organisations.

Land and Agricultural Policy Centre (LAPC)

1. The land question occupied its real place in the national debate. Land has long been treated as a marginal issue by the democratic movement. The NLC's Back To The Land campaign and a watershed land redistribution options conference, hosted by the LAPC, reminded us that South Africa shall never be "new" and "free" unless and until the land question is resolved.

2. The inclusion of property rights in a new bill of rights. The property rights clause is not itself a bad thing. However, any property rights clause should take into account the existing property relations and structural disadvantages of victims of past policies. The present property rights clause may negate the very purpose it purports to be serving, that is, the protection of the individual's property. There is a large number of people who were wrongfully and unlawfully dispossessed. A just and fair bill of rights should take this into account.

3. The much awaited NLC national conference will definitely ensure that a firm foundation for rural community involvement in land issues and rural development is laid. No government, no matter how committed it may be to resolution of the land question, will take seriously issues raised by an unorganised rural constituency. Organisation and grassroots participation will ensure that the land question and rural development are on top of the agenda of a democratic

government, not only in 1994, but always.

4. LAPC will embark on a national participatory research programme to help resolve the land question in South Africa. This research will be conducted in each region, as demarcated by the multiparty negotiating forum. We have no doubt that it will provide the most valuable information for a new government to use to resolve the land question.

National Land Committee (NLC)

1. Land began to get prominence on the national agenda, although it is still not being treated with the importance which it merits. Communities started to mobilise more visibly through the Back To The Land Campaign.

2. Disposal of state land through unilateral transfer to joint administration with bantustan governments and sales to individuals and corporations. Further blunders were the unilateral passing of nine new land laws and the inclusion of property rights in the bill of rights.

3. Increased mobilisation and organisation of rural and landless people to impact on rural land and development policies and reconstruction. The catalyst for this will be the NLC's national community land conference in February 1994.

4. NLC will devote more time and energy to building and strengthening community organisation and also feeding community experience into policy formulation and lobbying around rural and landless people's concerns.

National Party (NP)

1. Land really came to the fore in the debate on constitutional and socio-economic reform. It is encouraging to know that a transitional constitution has been adopted which makes provision for both the protection of property rights and restitution to deal with wrongs of the past. These are key issues in the land debate, without which reconciliation and development cannot take place.

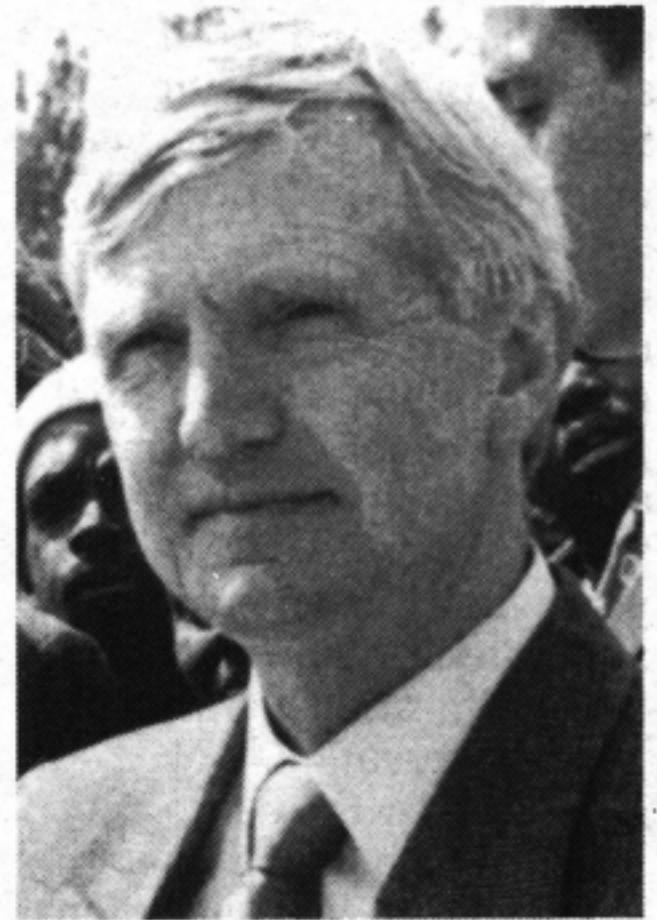
At the same time, 1993 has been a year in which attention was focused on steps to promote access to land within both an urban and rural context. Within the government's national housing programme, large amounts of funds were allocated for provision of land and infrastructure. Steps were also taken to initiate a programme to enable rural communities to gain access to land for settlement. The Agricultural Credit Board has established a programme which focuses on the needs of small, emerging farmers.

2. No blunders, as far as the NP is concerned. But it *would be* a blunder if parties were to conclude the year by pointing fingers at each other on the important and sensitive subject of land, rather than constructive engagement by all in dealing with the needs, aspirations and fears of land reform.

3. No predictions, but the NP believes the following objectives should form the basis of a common goal, serving as a bonding element for concerned parties:

- promotion of access to land rights
- promotion of certainty regarding land rights and property

- judicious use of land as a non-renewable national resource
- implementation of a feasible restitution programme to address past injustices



4. The NP will strive to ensure that land reform receives the priority it deserves and is tackled within an integrated framework, in the urban and rural context. Within the framework of a rural strategy, the approach will be to address the problems of poverty, malnutrition, the need for land and unemployment. The NP will strive to deal with restitution fairly and expediently, as well as promoting small farmer and rural settlement by state-funded support schemes. Where state land is available, it will be allocated to this end, but funding programmes will also be available to afford people the opportunity to obtain private land in a market-oriented process. These programmes came into being in 1993 and will be actively promoted to enable their fruition in 1994.

A - Z of rural land and development in 1993

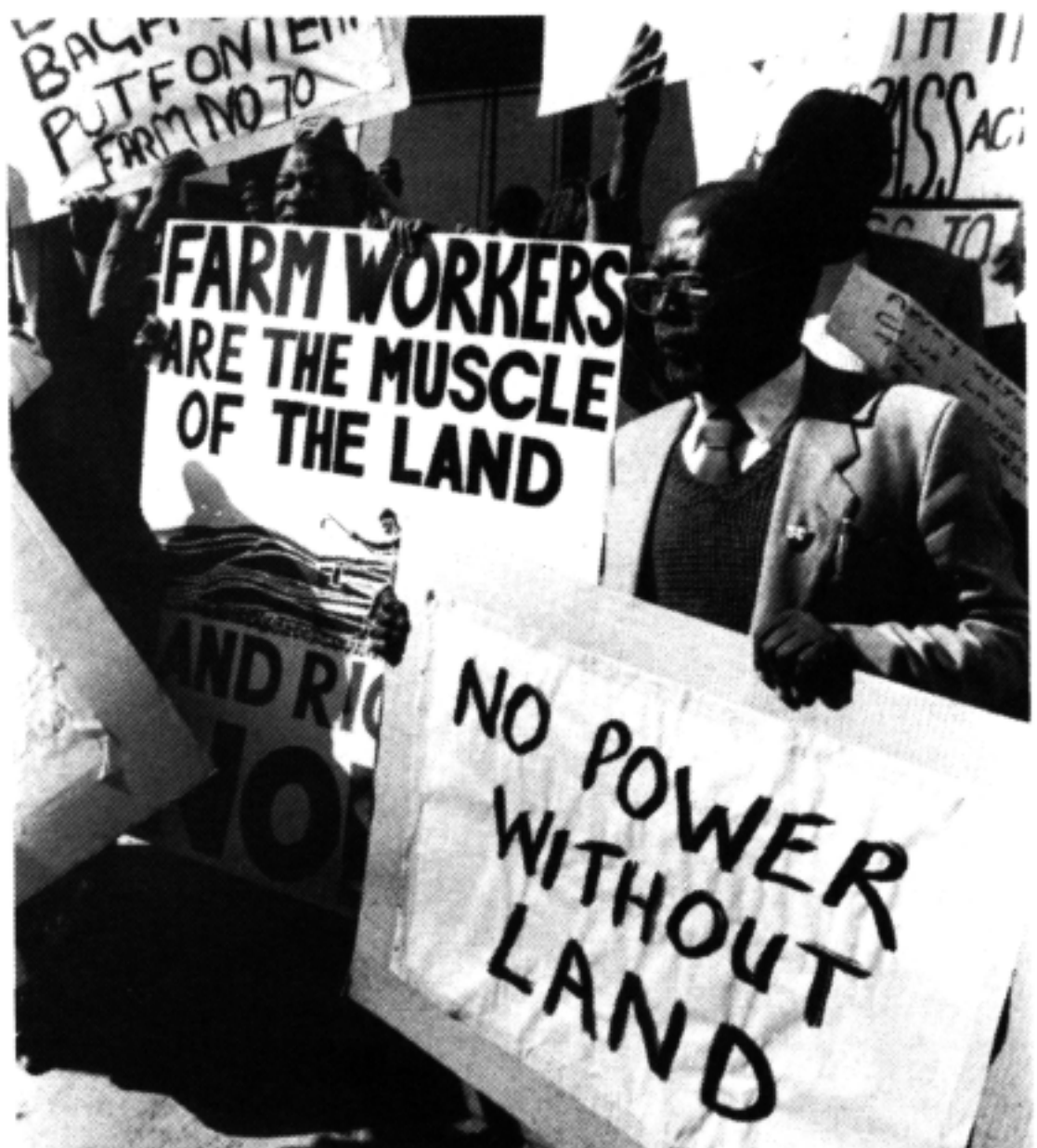
A **ACLA** - The government-appointed Advisory Commission on Land Allocation failed to act as an effective mechanism for either land restoration or redistribution. Since the Commission was established in 1991, it has heard 42 cases. Of 23 cases on which it made recommendations, 11 were claims from removed communities. Only six of the communities who brought claims will have their land returned. Despite its poor record with these limited cases, the government has now entrusted to the Commission the enormous and complex task of allocating more than 900 pieces of state land in Natal.

and irregularities involving R78 000 worth of firearms and ammunition.

BACK TO THE LAND CAMPAIGN - In response to government manoeuvring around land allocation, rural communities began to organise more widely under the banner of the "Back To The Land Campaign". Rural communities and service organisations with whom they work are planning a national community land conference for early 1994. Communities at the conference will draw up a land charter which will serve as an organising tool and a document of demands to lobby political parties standing for election.

C **CLAIMS** - The proposal for a land claims mechanism, able to make decisions about land claims and land disputes, began to get wider support from among others, agricultural unions and World Bank researchers in South Africa. Proposals for an alternative process to the Commission on Land Allocation has not been implemented, but is likely to happen once a new government is in place in terms of a clause in the bill of rights which guarantees restitution of land rights to victims of apartheid land laws and policies. The World Bank proposed either an administrative tribunal or a land claims court to deal with claims. Claims

B **BANTUSTANS CORRUPTION** - In September auditor-general, Henri Kluever disclosed that there was evidence of theft and administrative incompetence, corruption and lack of control in five bantustans. In KwaZulu there were "serious shortcomings in the systems of internal checking and control as well as a disturbing failure to adhere to financial regulations and instructions". There were also unaccounted for missing firearms in the KwaZulu police reaction unit and quartermaster's store and 101 cases of theft



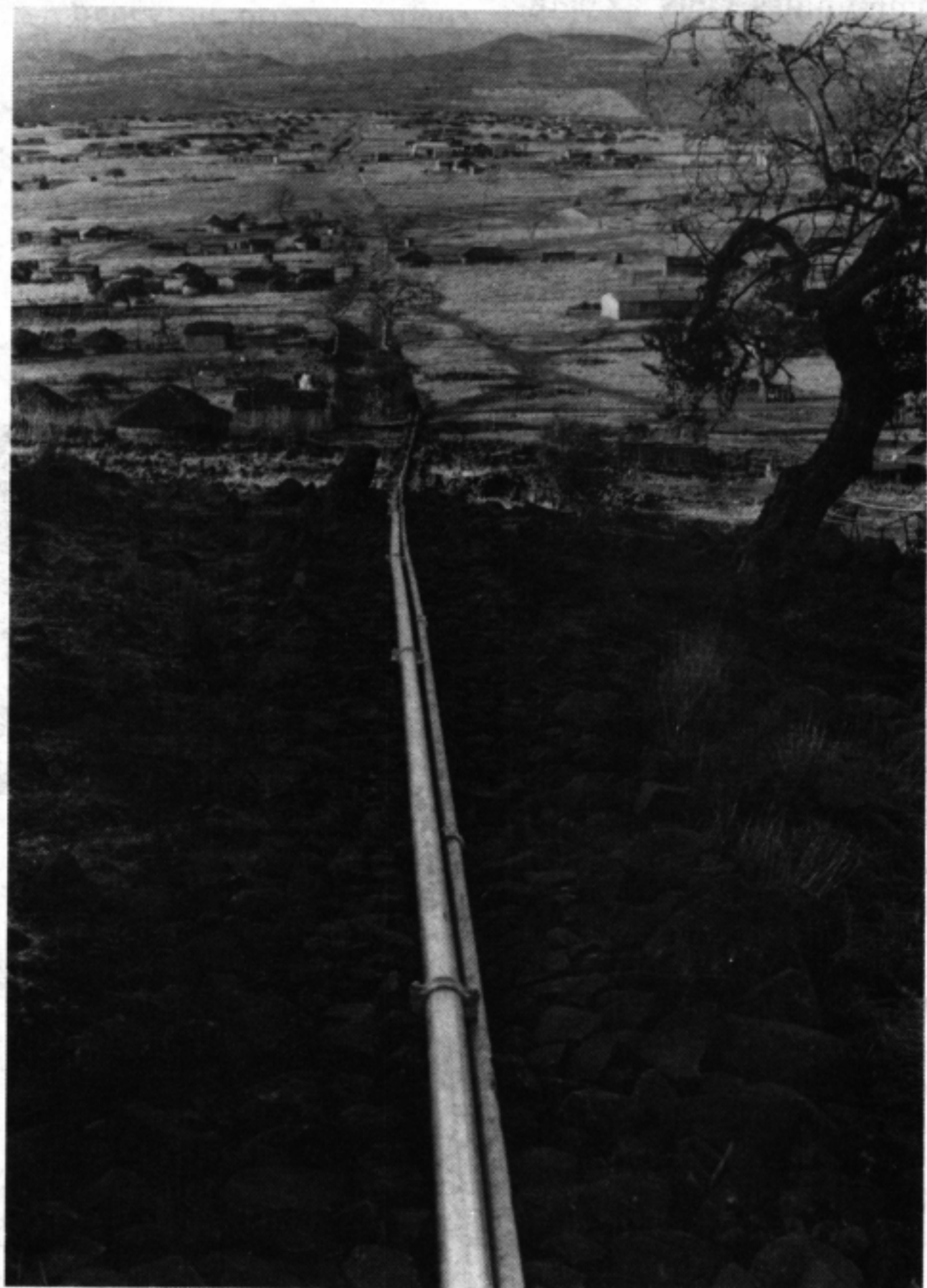
which would qualify include black spot, bantustan consolidation and labour tenant removals. The Bank said white property owners who may have been expropriated through racial land policies would be excluded from the land claims process, on the assumption that they were adequately compensated and had access to the political process denied to victims of apartheid.

COMPENSATION - The Natal communities of Roosboom and Charlestown had their land returned in December 1992. Then the government demanded that they repay the land value compensation they received when they were removed. Other communities who were "compensated" when they were removed and who get back their land are likely to face the same problem, according to a confidential document from the Commission on Land Allocation to the state president. Erik Buiten, Chief Director, Land Reform in the Department of Regional and Land Affairs, said the government had to be sensitive to specific cases and had to think in terms of the consequences for other rural and urban communities with land claims. We cannot treat them all the same," he said.

CONSERVATION - In Natal, the Parks Board and farmers in the Colenso/Estcourt/Weenen area tried to clean up conservation's bad image among rural black communities with their idea of a biosphere reserve. While the interests of black landowners were relatively easy to meet, labour tenants are still some way off from feeling secure.

D DROUGHT - Despite torrential rains in September and October, none of the country's dams are full and the drought has not ended, according to Water Affairs hydrology director, Stefan van Biljon. Allocation of government drought relief funds was in general biased towards the commercial white farming sector. In April 1993, the director of the South African Drought Relief Agency pointed out that of the estimated 10 million people living in rural areas, 93% were african, Yet the government, in its drought aid, had allocated R703 per rural white and only R13 per rural african. In February, the director general of agriculture, Frans van der

Merwe acknowledged the bias in government drought relief allocation and undertook to work with the National Consultative Forum on Drought in future in allocating drought aid. In June 1993, the Department of Agriculture said that more than R100 million would be spent on drought aid in the 1993/1994 financial year and that more than 10 000 farmers were dependent on this aid for survival. The drought highlighted the need for medium and long term plans to deal with drought as an recurrent phenomenon. During the height of the drought, almost 50% of work was on repairing boreholes.



DBSA - According to the DBSA, small farmer agricultural yields compared favourably with those of commercial farms, but more land had to be made available to small farmers. Apartheid had relegated South Africa's black farmers to marginal land and the current support system for farmers hampered black farmers from buying land in South Africa.

DAGGA - Possibly the best cash crop in Weenen. Some of the finest quality dagga is said to come from the Tugela Valley. And the crop is easy to grow, thriving in soil that is considered low potential and not arable. Five square paces of land could bring the grower about R200.

ELECTRIFICATION - About 3,5 million urban households are still without electricity and about 75% of South Africans do not have electricity. At the moment ESKOM is putting electricity into 200 000 households a year. They are hoping that, after the April election, conditions will be conducive to putting power into 500 000 households a year. At that rate, the electrification backlog could be eliminated in seven years time.

EDUCATION - According to the Department of Education and Training (DET), about 472 275 pupils attended farm schools during 1993, compared to 476 466 in 1992. The DET attributed the decrease to migration from rural areas as a result of the drought. The DET said the average teacher:pupil ratio on farm schools was 37:1. According to the National Education Policy Institute (NEPI), farm



schools in non-bantustan areas of South Africa accounted for about 27% of DET enrolment and 35% of DET teachers. NEPI said that pupils, teachers and parents at farm schools were dependent on the goodwill of farmers on whose property the school was. These farmers were often both the employers of the parents and farm school managers. Schooling had become an instrument of social control at the disposal of farmers, said NEPI. The DET raised subsidies for building farm schools from 75% to 100%.

FARMWORKERS' LABOUR LAW - On August 6, COSATU and the SAAU agreed on a separate Agricultural Labour Act (ALA) to cover farmworkers. The ALA will include some provisions of the Basic Conditions of Employment Amendment Act and the Labour Relations Act. But, changes to their provisions will not automatically apply to the ALA. The ALA will not include provisions from the Wage Act or wage

determination regulations. Main features of the ALA are that:

- seasonal workers, hired to harvest crops or weed land, are exempted from parts of the law
- farmers can negotiate with workers to work for 56 hours a week for a period of four months, provided the average working week over a 12 month period is not more than 48 hours a week.
- labour inspectors have only limited access to farmers' offices, if these are inside farm homesteads
- a Special Labour Court for agriculture will take the special circumstances of a farm into consideration before reaching a decision. There will be no right to appeal decisions of the Special Labour Court to reinstate workers. The decision can only be taken to the Industrial Court for review.
- there may be no legal strikes - disputes will be settled by compulsory arbitration

FORUMS - Forums proliferated and became potential centres of decision-making around development. They include the National Consultative Forum on Drought (and its regional equivalents), the National Economic Forum (and its regional equivalents) and the Natal-based non-government caucus, the Democratic Development Forum. But, in most of these, rural issues remained peripheral. Various forums have begun to seek ways to include rural concerns. The challenge remains of effectively including a rural community voice, when communities are still in the initial stages of organisation. Another challenge is to streamline and rationalise the plethora of forums so that emerging community organisations can effectively engage with them.

G GOLDSTONE - Whether or not the government heeds the Goldstone Commission's recommendations was called into question over joint administration land deals with the bantustans. Although the Commission recommended that there should be a suspension of further transfers of land to KwaZulu, on the grounds that this could exacerbate conflict in Natal, the government went ahead and concluded the agreements, anyway.

GROUP AREAS REMOVALS - The second largest category of forced removal and one which has not yet produced many land claims. At least 834 400 people were forcibly removed under the Group Areas Act by 1982. When a mechanism which can address all land claims is set

up, it is likely that claims from this category will increase.

GOVERNMENT OF NATIONAL UNITY - While being touted in current electioneering as a way of securing unity in a democratic South Africa, it's a concept which many people have difficulty getting enthusiastic about. Whether it will actually work to unite South Africans who want to bring changes to the lives of people or as a brake on any significant shifts, remains to be seen.

H HOUSING - More than 10 million people live in informal housing in South Africa and the 10 bantustans. The World Bank found that in the PWV area about 75% of african households do not have access to water on site and almost 50% live in structures built of impermanent materials.

HEALTH - Tuberculosis in South Africa is 10 times more prevalent than the average rate in developed countries. The child mortality rate - an international indicator of a country's development - is more than double what it should be in terms of South Africa's Gross Domestic Product (GDP) and the worst in sub-Saharan Africa. In terms of its GDP, the child mortality rate in South Africa should be 34. Instead it had reached 72. South Africa currently spends about 47% of its total health expenditure on 23% of the population and 55% of doctors serve only 30% of the population. As long as this continues, health services and health will not improve.

INDIGENOUS LAW - Also called customary law, came under fire at multiparty negotiations as a measure which serves to oppress women and as possibly conflicting with the freedoms set out in the bill on fundamental rights. The end result is that indigenous law will be subject to regulation by law. Traditional authorities, the custodians of customary or indigenous law, will be recognised and have an essentially advisory status at different levels of government.

J JSBS - What will their future be in the new South Africa? Given their access to funds and resources it is unlikely that they will be sidelined.

JOB CREATION - The National Economic Forum has R 300 million for job creation nationally. Communities who want to use this money for job creation projects in their areas were invited to send proposals to the Regional Economic Forum.

K KWAZULU - In October the multiparty negotiating council's task group on discriminatory legislation turned their spotlight on the scores of laws in KwaZulu which infringe on freedom. The laws confer drastic and despotic powers on the KwaZulu chief minister, including pledges of loyalty by civil servants, rights of the KwaZulu chief minister to banish tribes and the KwaZulu Legislative Assembly's power to summons before it people it believed to have done wrong. Despite the existence

of these laws, the KwaZulu chief minister and IFP president, nevertheless felt justified in criticising the recently negotiated interim constitution as undemocratic. He called for support to fight for democracy and said everything should start with a just constitution. In November training camps, said to be for training self-defense units, were uncovered in Natal and KwaZulu. And in preparation for a possible closing of the financial tap from South Africa, the KwaZulu Legislative Assembly in November announced that they were establishing a solidarity fund to sustain the bantustan. The KwaZulu government has called for, voluntary of course, contributions of R20 or more from those who support the KwaZulu stand.

LOCAL GOVERNMENT - As an interim measure, rural local government arrangements are likely to mirror those for the urban sector. Broadly, these involve racially-based councils being replaced by non-racial transitional councils. These non-racial transitional councils would be comprised equally of people drawn from statutory bodies and non-statutory bodies, such as civics. Non-racial councils will oversee existing local government administrations and prepare for local government elections. They will also work out new boundaries of councils and wards and finalise municipal voters' rolls. In rural areas, interim district councils could play similar roles. They could also coordinate local services

provided by the variety of line ministries and parastatal agencies.

LAND LAWS - In the June/July parliamentary sitting, the government hastily pushed through nine new laws affecting land distribution. The National Land Committee's Joanne Yawitch said the laws would effectively alienate large amounts of state land and land belonging to communities in favour of bantustan and tricameral authorities. The laws would also entrench privatisation of land, and force privatisation of communal land on people without proper debate about other more creative options for secure tenure.

MORATORIUM - The call for a moratorium on the sale and/or transfer of state land was made regularly in 1993 and to an extent heeded. Although joint administration transfer deals were made around state land with bantustan governments, these were not implemented on a wide

scale. The caution most likely results from the wide-ranging opposition to these deals and a realisation by that they could lead to much greater complications than at first anticipated. However, the present government is still set on trying to dispose of as much state land as possible before a new government is in place. Through its Commission on Land Allocation, it has invited submissions from parties who may wish to claim this land. Given the Commission's poor showing in dealing with limited, straightforward claims from removed freehold communities, we can expect disaster in its attempt to allocate the huge tracts of state land now under its scrutiny.





NNGOS - With the changing political context in South Africa, international funders are reviewing their funding approach. The main concerns are

- the political shift from resistance to development and the need for NGOs to shift their focus or face shrinking budgets
- poor management of funds by some NGOs
- a desire for communities to have more control over funding - challenging the gatekeeper role which NGOs have played as conduits for donor funding.

A study is being undertaken to look at a more sustainable funding framework for NGOs. Among the questions being addressed are:

- to whom should NGOs be accountable for explaining their costs -their own members, community-based organisations, funders, clients, statutory bodies?
- how should NGOs recover their direct and indirect costs?
- how do NGOs secure sustainable funding to develop, market and

implement specialist services?

- how should NGOs price their services?

Besides the challenges of a changing political and funding environment, NGOs will also face increasing competition for clients from semi-government agencies such as the DBSA and the IDT who may be able to claim greater capacity to deliver product.

ORGANISATION - Rural communities started to organise themselves in 1993. Some results of increasing organisation among rural communities, is the limited success which labour tenants have had in negotiations with individual landowners. Tenant communities campaigned for recognition of their land rights. The ANC in its land policies has undertaken to recognise labour tenant land rights and the World Bank in its land reform proposals for South Africa has suggested that labour tenant land claims be part of a future restoration process. Demonstrations by Transvaal communities

resulted in them forming a joint land task group with the Department of Regional and Land Affairs.

PROPERTY RIGHTS CLAUSE - In August, representatives from 80 rural communities throughout the country converged on the World Trade Centre to protest against the proposed property clause in the bill of rights in the interim constitution. Their objection to the clause was that it would entrench current (white) property rights and would effectively make large scale land restoration and redistribution financially impossible for a new government to implement. The result of the demonstration, the first of its kind for rural communities, was an amendment to the clause which will oblige the state to take factors other than market value into account when determining compensation. World Trade Centre negotiators also agreed to include in the bill of rights a clause guaranteeing restoration of land rights to victims of apartheid dispossession. The cut-off date for claims has been set at 1913.

QUESTIONS still to be answered. While much attention was focused on getting broad consensus on land claims, what remains unclear is how many of the estimated 3,5 million forcibly removed people are likely to want to return to their land, how many want to farm and what the costs of land restoration will be. What is also unclear is how



and when substantial land reform will be managed. And we still need a reconstruction programme able to lift rural areas out of their poverty.

REDISTRIBUTION - The World Bank has suggested a basic grant and a matching grant to meet land redistribution needs. The basic grant would be enough to pay for a major share of a rural housing site and would be available to people who meet the requirements for redistribution. The matching grant would support increased access to productive land and those wanting land would provide part of the purchase price. The Bank argued that if beneficiaries were exempted from paying for part of land redistribution, and current owners and farm creditors also had to be compensated, the state would have to pay all land acquisition costs. Given large resource requirements for other social needs, redistributing land on only a grant basis would mean either drastically reducing numbers of beneficiaries or

stretching out the programme over several decades. But redistributing land will not break the cycle of rural poverty. Interlinked with land redistribution must go a rural and urban reconstruction programme which will be able to address at least the basic needs of access to water, health care, education and jobs.

RECONSTRUCTION - As part of its plan to tie a future ANC government to addressing the needs of South Africa's disadvantaged, COSATU, SANCO and the NECC are jointly hosting a summit in December to which they have invited a range of civil society organisations. They plan to hold a much bigger conference of civil society organisations in March 1994. The aims of the December conference are to develop a common perspective and strategy to deal with the challenges of transition, to ensure a continued and central role for civil society organisations in a post-apartheid South Africa and to discuss a concrete programme of reconstruction and

development that will serve as a guide for a future government. The fourth draft Reconstruction and Development Programme developed by COSATU and the ANC essentially lists the kinds of things which most people would like in a new South Africa. However, it is intended to develop the current draft list of demands into a programme specifying the extent of different needs and time frames for implementing proposals. If this happens, the programme could serve as a standard against which a future government's success or failure can be measured.

SSTATE LAND - The government continued to dispose of state land in various ways. Among these was the administrative transfer of about 1.2 million hectares of state land to bantustan governments. These agreements included possibilities of state land being transferred to ownership of "tribes" and parastatals in the bantustans. The World Bank estimates that there is 320 000 hectares of arable unoccupied state land still available.

TTITLE DEEDS - Although two Natal communities had their land returned, landowners in these have not yet got back their title deeds. The present government remains confused about how title deeds will be returned speedily, efficiently and economically. Another headache that the new government will have to sort out.

TENANTS - people who have no title to land but who have lived on specific pieces of land for generations may, under a new dispensation, have their land rights recognised and protected. In the meantime, such people, when faced with eviction, have had to rely on their own resources and tenacity to try to win security of tenure. Labour tenant and farmworker eviction is the single biggest category of forced removal which occurred in South Africa. By 1982 about 1 129 000 labour tenants and farmworkers had been removed and another at least 150 000 were under threat of removal.

U UNIONISATION OF FARM WORKERS - The Farmworkers Research and Resources Project (FRRP) estimates that there are 30 000 signed up and 15 000 paid up farmworkers in trade unions. There are at least seven unions organising farmworkers. Three of these are COSATU affiliates and one is a NACTU affiliate.

V VOTE for a democratic South Africa - A survey by the International Republican Institute released in November showed that 80% of eligible voters are extremely likely or quite likely to vote in next year's election. Other results from the survey were that 57% of people had already decided which party they would vote for, that people would vote to bring peace and freedom for all to South Africa and to improve living conditions. More than two thirds of those polled did

not think apartheid had ended. Preparations for next year's elections are stepping up. There will be about 80 000 ballot boxes at about 8 500 polling stations across the country. These and the voters who will use them will be protected by about 60 000 security forces. All police leave has been cancelled for the election period. The Department of Home Affairs is providing free photos for people applying for ID books. And churches are planning a national day of prayer three days before election day in 1994.

W WORLD BANK - South Africa holds 1,7% of World Bank shares. This makes it the Bank's number 14 shareholder in the world and the biggest shareholder in Africa, said Chad Dobson, of the World Bank Information Centre, at a workshop hosted by the Group for Environmental Monitoring and the Institute For African Alternatives. He said that under a new government, South Africa could occupy the Africa chair at the World Bank. In October 1993, the World Bank presented its land reform proposals for South Africa. Despite criticisms of its market-based approach, the Bank's proposals are probably the most comprehensive around land reform so far.

WOMEN - The ANC is the only party contesting the elections which has so far set aside a specific quota of its election candidates for women. A third of the candidates on the ANC election list will be women.

X The most important letter between now and April 1994. Where will rural people put their X? Will many of them be too scared to make an X at all? Will conditions allow them to make their X? Voter education and enforcing conditions which will allow voters to make up their minds are especially crucial in rural areas.

Y YES to a new constitution, even if it doesn't contain all the hopes and aspirations of South Africa's majority.

Z RADIO ZULU - The radio station with the largest number of listeners - 5 million - gave AFRA air time on eight different occasions to talk about land issues and to field questions from callers. The programmes helped AFRA to popularise current issues around land to people who have little access to other forms of information. It also helped us to deepen our understanding of the range and scope of land problems in South Africa.

Sources: Commission on Land Allocation, AFRA newspaper clippings, Institute of Race Relations, Forced Removal in South Africa - SPP Volume 1: General Overview.