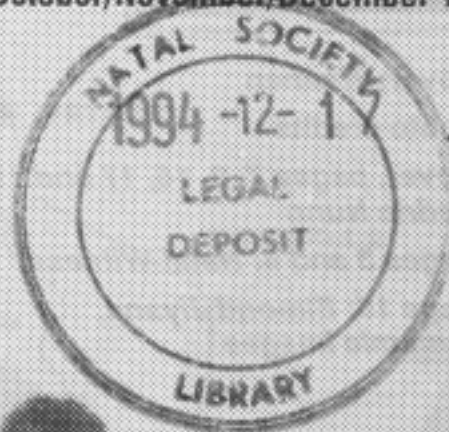


AFRA *News*

Newsletter of the Association For Rural Advancement

No. 30/31 October/November/December 1994



AFRA's new mission statement

Vision

AFRA is an independent, rural land service organisation that strives to redress the legacy of an unjust land dispensation in South Africa. We are committed to promoting the values of race and gender equality and participatory democracy.

Approach

AFRA will work towards this vision by:

- working in partnership with groups of black rural people in the midlands and north-western KwaZulu-Natal seeking land restitution, land redistribution and secure tenure
- building and strengthening democratic representative rural community organisations within and between communities, with particular emphasis on marginalised groups, including women, youth and the poorest
- lobbying and advocating at regional and national level for a just land reform programme within an integrated rural development framework

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



Cover: Weenen

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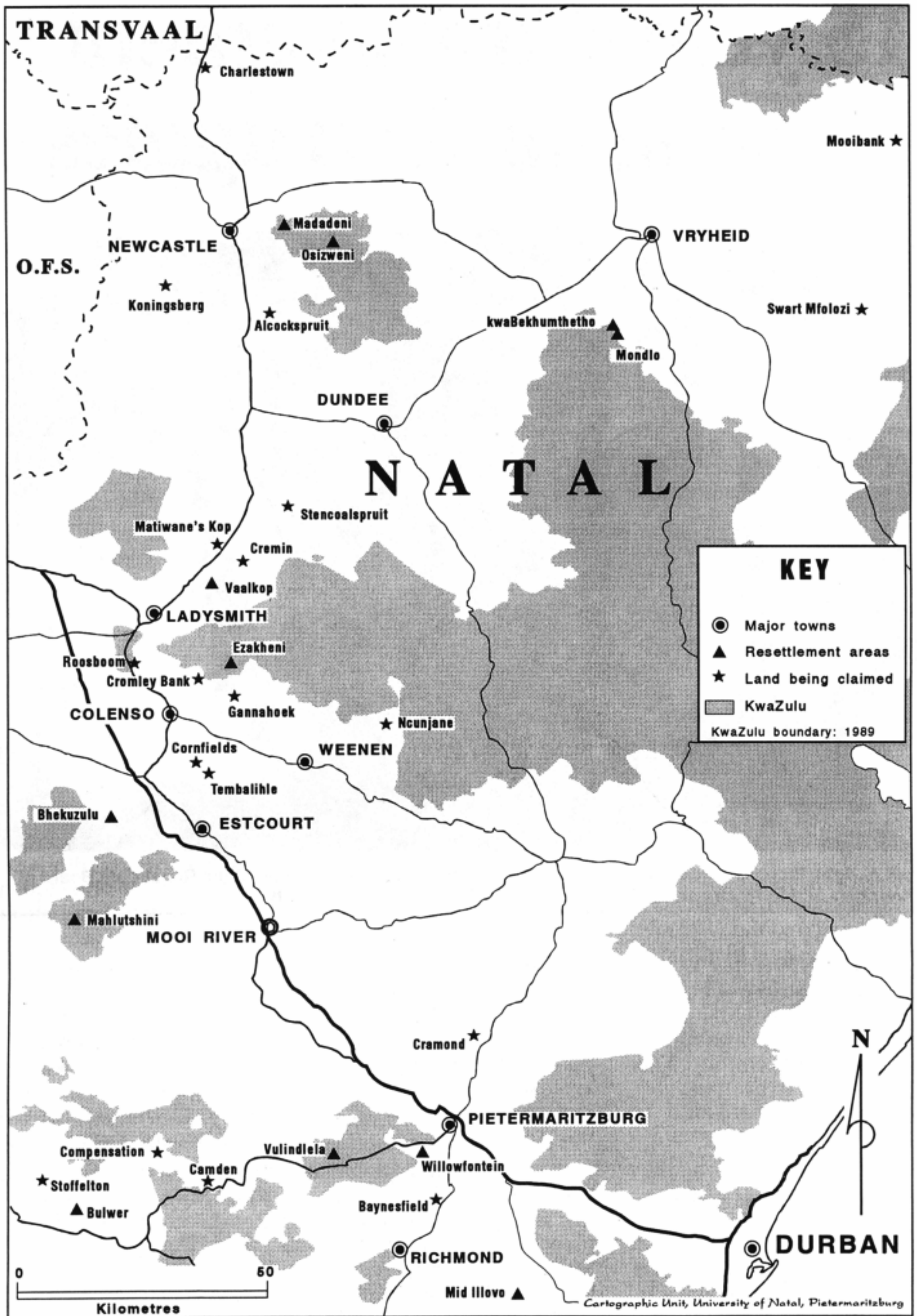
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AFRA's operational area



AFRA celebrates 15 years' involvement in rural land struggles



Left to right: Richard Clacey, AFRA director; Moses Mazibuko, chairperson of the Roosboom Board of Overseers and Peter Brown, AFRA founder at the AFRA anniversary party.

ON November 17, at the stroke of his pen, President Mandela closed the chapter on forced removals and committed his government to compensate victims of apartheid land laws.

In the lustre of this promise of reconciliation, it's easy to forget that behind the passing of the Restitution Of Land Rights Act lies decades of ordinary rural people's determination to see justice done. Elliot Mngadi,

Solomon Makhubu, Roosboom and Charlestown are the some of the thousands of people and places whose struggle against apartheid forced removal finally flowered in this Act.

AFRA is an organisation that has been centrally linked to this struggle. It was fitting, then, that on the day Mandela signed the Restitution of Land Rights Act, AFRA celebrated its fifteenth anniversary.

AFRA's founder, Peter Brown, recalled that the organisation's roots reach back to the 1950s and the Liberal Party, the ANC (under Chief Luthuli) and the Northern Natal African Landowners' Association.

It was then that Brown met Elliot Mngadi, son of a Roosboom landowner.

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Roosboom was an African-owned freehold property near Ladysmith in KwaZulu-Natal, bought in 1907. When the National Party government started its policy of "black spot" removal in terms of the 1936 Native Trust And Land Act, the Roosboom community was targeted for "resettlement".

"In 1964," recalled Brown, "Elliot organised a conference, attended by more than 1 000 delegates from 'black spots' in Natal."

The conference sent an appeal to the government to end 'black spot' removals. The government's response was to ban Elliot Mngadi and confine him to the Ladysmith District.

"Along with the rest of Roosboom, he was removed in 1976. He was offered compensation for the loss of his property, but challenged the amount in court. A year later, he got more than twice the amount originally offered him," Brown remembered.

Mass removals had begun. After Roosboom came Charlestown, where African people first bought property in 1911 and with whom Selby Msimang, ANC member and member of the Natives Representative Council, was closely associated.

Mr Solomon Makhubu of Charlestown remembered the ruthless arrogance with which people were treated. "When I tried to explain that the land was mine, legally, and that I didn't want to move, the reply was: 'Put that land on wheels and go with it'."

"Black spot" removals continued throughout the 1970s and early 1980s. When AFRA was formed in 1979, its main role was to help rural Natal communities to resist removal and to publicise its effect and extent.

An important product of this period was a set of comprehensive research reports, used to raise public awareness of forced removals and to lobby support from foreign governments and human rights groups in South Africa.

The reports documented the extent of forced removal in the four provinces and still provide a reliable record which the new government uses extensively.

Between 1960 and 1982 3,5 million people were forced out of their homes, 745 500 of them in Natal, according to the reports.

In 1990 the National Party government was forced to reprieve communities under threat of removal and to start reviewing its racist land laws. By 1991 the Group Areas and Land Acts had been scrapped.

In response to the changed context, AFRA began to transform itself from a short-term crisis and resistance organisation to a long-term advocacy and development one. It was preparing for post-apartheid land reform and rural reconstruction.

With forced removals at an end, rural communities began to demand restoration of their land rights, lost under apartheid. The National Party government saw things differently. "We must forget the past, let bygones be bygones," was their view.

This did not sit well with those who had been forcibly removed. They began reoccupying their expropriated land and the former government was forced to return land to some of these communities.

In 1991 it established the Commission on Land Allocation, with the limited brief of making recommendations on the allocation of state land. Although it fell short of the restitution communities demanded, Roosboom and Charlestown were among the dispossessed communities who successfully used the Commission to get back their land.

Spurred on by their gains, communities campaigned to expose the limitations of the former government's policies on land claims and to popularise their demand for a land claims court as a mechanism to deal with land restitution. This campaign has now come to fruition in the Restitution Of Land Rights Act.

In this context, does an organisation like AFRA have a future? AFRA director, Richard Clacey, believes it does.

"Of the 3,5 million people forcibly removed under apartheid land laws, 'black spot' removals accounted for only 614 000. The largest category of removal - about 1 million - was that of farm tenants and farm workers," he explained.

Clacey pointed out that the land needs of most of these people are likely to be addressed under a land redistribution programme, rather than the restitution promised by the new Act.



The Roosboom community put their land claim to the Commission on Land Allocation in 1992. Although it fell short of the restitution communities demanded, Roosboom and Charlestown were among the dispossessed communities who successfully used the Commission to get back their land.

Redistribution will provide access to land for landless people generally disadvantaged by apartheid land laws, while the restitution mechanisms now being put in place require lodging specific claims to specific pieces of land.

AFRA, itself, has focused on establishing a precedent of land rights for farm tenants that have occupied and used land for a long time.

"We made an important breakthrough with an agreement reached in early 1994 between farm tenants and Mondi forests, where Mondi ceded a quarter of the farm it legally owns to the tenants," Clacey said.

In 1993 AFRA also began to address land redistribution. This was through assisting the freehold communities of

Cornfields and Tembaihle to acquire 8 000 hectares of additional land through a government subsidy scheme. They were the first communities to do so.

Clacey said AFRA's experiences with the "nitty gritty" of redistribution in these two communities could help to refine the redistribution mechanisms used in future.

AFRA intends to walk the road of "critical partner" with the new land ministry. Clacey said it would be important for the land reform programme to balance the needs of people seeking land for commercial agriculture and those who needed it for survival.

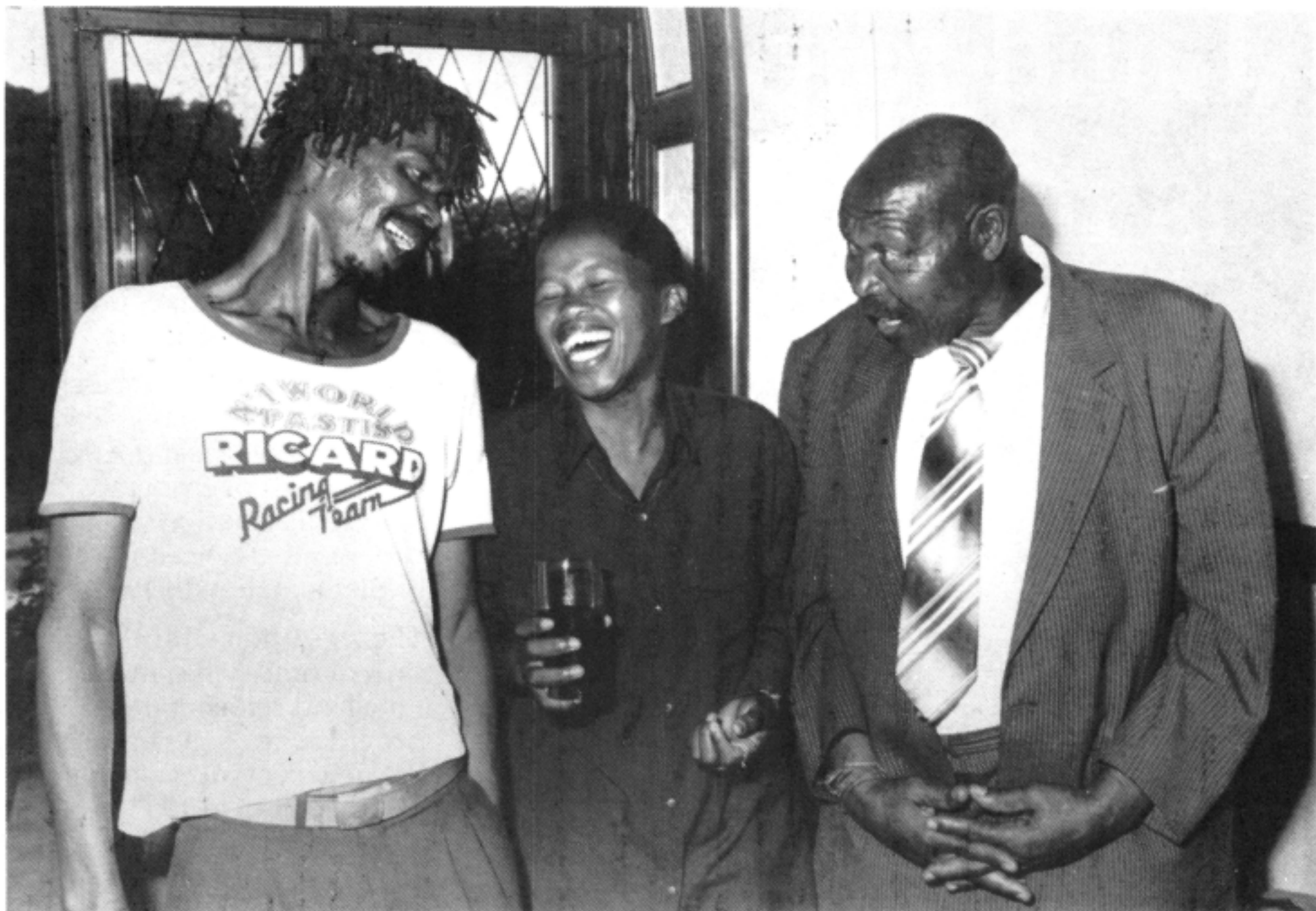
"As an independent rural service organisation, we'll monitor and critique the

government's land reform programme when the interests of marginal rural people are threatened," Clacey promised.

Clacey confirms, however, that AFRA and the new Ministry of Land Affairs share perspectives and will work together.

"AFRA's past experience and future strategies are a sound basis for us to act as implementing partner with the new government and rural community institutions to meet the RDP's land reform component in KwaZulu-Natal."

Page 7 for photos of AFRA's 15th anniversary party.



Left to right: Zukwa Madlala of Camden Farmcommunity, Busi Molefe of Stoffelton community and Msoli Bhengu of the Baynesfield community.



Left to right: Steve Lawry of the Ford Foundation, Sally Howes and Peter Kerchhoff of PACSA.

Land reform is more than restitution



The Restitution Of Land Rights Act, passed in November, could effectively entitle about a third of the 3,5 million South Africans who fell victim to forced removals to seek redress.

A key element of addressing general landlessness will be the new government's land redistribution programme, poised for implementation in 1995. The legs upon which this programme will stand are nine land reform pilot programmes - one in each new province.

THE Restitution Of Land Rights Act passed in November, could effectively entitle about a third of the 3,5 million South Africans who fell victim to forced removals to seek redress. What about the remaining two thirds who may not qualify for restitution?

A key element of addressing general landlessness, says the Ministry of Land Affairs, will be the government's land redistribution programme, poised for implementation in 1995.

The legs upon which this programme will stand are nine land reform pilot programmes - one in each of the new provinces - to be implemented in 1995 and 1996.

Some districts already identified

Districts earmarked for these pilot programmes will be finally identified by January 1996. They will cut across current magisterial districts and will offer as wide a range of conditions and land access options as possible.

Some provinces have already identified likely pilot districts, still to be ratified at provincial cabinet level.

In the Eastern Cape the district will cover Queenstown and Ezabalen, in the Orange Free State it will be Botshabelo and Bloemfontein, in the Northern Cape it is likely to be the Richtersveld conservation area and KwaZulu-Natal is likely to opt for the Estcourt/Weenen area.

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Pilot districts will test land reform models

The broad aim of the pilots is to ensure that bulk state resources for land reform get to those sections of communities who are most disadvantaged, create an environment that enables historically disadvantaged farmers to get increased access to land, build the capacity of rural people to plan and manage development and to build cooperation between different levels of government, government departments and non-governmental organisations so that there is an integrated approach to rural development and reconstruction.

In this way the pilots will act as test sites for identifying appropriate financing mechanisms for planning, land transfers and service delivery and appropriate systems and institutions to administer land in a sustainable way.

According to the Ministry, experiences gained from the pilots will be fed into on-going policy development of a more comprehensive land reform programme.

As a concept to help avoid mistakes of an overly ambitious large-scale programme, the land reform pilots seem a viable option. But their implementation could hit several stumbling blocks.

An obvious potential problem is that they could be too limited in scope to satisfy rising expectations about land reform.

Overcoming potential problems

Joanne Yawitch, special advisor to the Minister of Land Affairs, Derek Hanekom, admits that the pilots are likely to raise people's expectations.

"People who fall outside the provincial pilots which are selected will want to know how the pilots were chosen and will want to know what happens to their land needs. But you can't prevent rising expectations. It's a matter of managing these," Yawitch believes.

She says that one way to do this is to set up consultative forums, as part of the provincial pilots, which will draw in a wide range of stakeholders. Provinces should also start identifying other areas for land reform, outside of the provincial pilots.

"Although the provincial pilots will form the cutting edge for drawing lessons for a national land reform programme, they will not be the only sites of land redistribution in 1995.

"The Department of Land Affairs budget has some money for continuing to redistribute land through a government subsidy scheme, for example," she said.

Implementing the programme

The pilot programme, as a national concept, falls under direct responsibility of the Department of Land Affairs which has appointed a management team, headed by a Pilot Programme Manager.

This team will run the programme on a day to day basis and make recommendations to a national task force, also established by the Department.

In an attempt to draw in a range of stakeholders, the national task force comprises representatives from each of the provincial governments, the national Departments of Housing, Agriculture, Water Affairs and Forestry and Land Affairs, the National Land Committee, the Land and Agricultural Policy Centre, the National Rural Development Forum and a representative from the RDP national team of the President's office.

Pilot district offices in each province will be the core implementers of the programme and will be answerable to a provincial land reform steering committee.

This steering committee, comprising the provincial government, the Department of Land Affairs and non-government stakeholders, will decide how policy is applied in the province.

Within provinces the main challenge will be to ensure that different government departments work in a coordinated way so that there is integrated development within pilot districts.

see page 10 for what's happening with the KwaZulu-Natal land reform pilot

KwaZulu-Natal moves ahead with land reform pilot



Weenen: Scene of heightened conflict over land access recently, is one of the areas which will form part of the pilot district in KwaZulu-Natal.

ESTCOURT and Weenen should be the land reform pilot district in KwaZulu-Natal, a provincial pilot district selection task group has recommended. This recommendation will be taken to the KwaZulu-Natal cabinet for ratification in January 1995.

The group turned down a proposal that Vulamehlo and Umzinto, on the south coast be chosen as KwaZulu-Natal's pilot

district because Estcourt and Weenen offered a broader range of land transfers and beneficiaries. Institutions in the Estcourt and Weenen area were also mainly land related. NGO support had stimulated several community-based organisations which had recently come together with white farmers in a negotiating forum to address land and related problems in the area. Government had also been involved in the

establishment of this forum. These land reform institutional arrangements would facilitate the pilot programme.

The provincial pilot district selection task group forms part of a provincial Land Reform Pilot Project Coordinating Committee, made up of government and NGOs.

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At a meeting of the Committee on December 5, another task group was elected to assess the role, composition and function of the Provincial Land Reform Steering Committee and the Pilot District Office. The Land Reform Steering Committee will oversee the pilot programme in the province. Both the steering committee and district office will be established in early 1995.

The task group comprises:

- Richard Clacey (AFRA)
- Steve Shone (Natal Agricultural Union)
- Sue Lund (Department of Land Affairs' National Pilot Programme Manager)
- Neil Fox and Kathy Pitout (Natal Provincial Administration)
- Fred Kars, MM Mkhwanazi and Theo van Rooyen (KwaZulu-Natal Department of Agriculture)
- A representative from the KwaZulu-Natal Department of Traditional Authorities, Conservation and Environmental Affairs

New structures to make RDP work

THE Land Reform Pilot Programme is one of the programmes falling under the RDP. A cornerstone of the RDP is to ensure integrated and sustainable development. One of the challenges facing implementation of RDP projects is how to effectively coordinate different government line functions and to draw in NGOs so that projects are successful. Here we look at how the RDP will be implemented in KwaZulu-Natal.

JACOB Zuma, KwaZulu-Natal Minister of Economic Affairs and Tourism, is responsible for implementing the RDP in KwaZulu-Natal. He will be establishing an RDP unit within his ministry to act as the main point of contact for government and civil society to address the RDP.

The unit will also be involved in day-to-day coordination of RDP projects and will initiate processes for the provincial government to develop longer term economic plans. Besides the KwaZulu-Natal Ministry of Economic Affairs and Tourism, there are several other structures through which the RDP will be implemented.

The Provincial RDP Cabinet Committee

This has been established and is the main decision-making structure for the RDP within the provincial government. Zuma chairs the committee.

Interdepartmental Committees

These aim at harnessing all line ministries and departments to achieve an integrated development approach. They help the RDP Cabinet Committee to implement RDP programmes. They are expected to be fully functional once RDP programmes have been finalised.

Interdepartmental Task Groups

These will be established to assist with specific implementation and coordination of defined RDP projects, such as the land reform pilot project. They will aim to draw together all available expertise in the province - government as well as non-government.

Provincial RDP Council

The current Regional Economic Forum (REF), comprising organised business, labour, communities, non-governmental organisations and government, will be restructured into an RDP Council. This will be a statutory body and will provide a formal arena for partnership between civil society and government. The Provincial RDP Council is likely to have regional and sub-regional counterparts.

The REF's Land and Agricultural Technical Committee is likely to play an important role in shaping new land reform structures, such as the Provincial Land Reform Steering Committee.



community will be getting access to 8 552 hectares of state land (27 farms), through an 80% subsidised land purchase in terms of the Provision of Certain Land for Settlement Act 126 of 1993. AFRA is presently assisting the community to negotiate occupation of this land.

Special loans available to small farmers

SMALL farmers will be able to get loans of up to R25 000 as production credit. The loans would only be available to small farmers who could not get credit at other financial institutions because of lack of surety. Applicants will need written proof of their inability to get loans from such other financial institutions.

Provincial governments will be functional by 1995

ALL provincial governments should be fully functional by April 1995, although it could take another year after that for administrative structures to be restructured, according to Roelf Meyer, Minister of Provincial Affairs.

Local government elections

OCTOBER 1995 remains the target date for local government elections, despite delays in the establishment of transitional local government structures.

Technical aspects of the elections will be dealt with by the Local Government Elections Task Group, jointly chaired by Khehla Shubane

and Frederick van Zyl Slabbert. The task group is not a statutory body, as the Independent Electoral Commission was, and has to work within the time frames set by the political decision-makers. The most it can do is to offer advice if time frames are not realistic.

The task group will compile a diary of target dates for preparing for the elections. Provinces are expected to monitor local progress in terms of these dates and to report regularly to the task group. In areas where no local authorities exist, the Regional Services Councils would be responsible for the elections.

Transitional structures are expected to be in place by January 1995 and the government was finalising new regulations for local government. These would be proclaimed in the Government Gazette in December.

Local government and RDP funds

DUBBED the "hands and feet of the RDP", local government is expected to provide access to services such as sanitation, water, transport, electricity, primary health care and housing.

Local government structures are also expected to extend local control, manage local economic development and redistribute public resources, according to the RDP White Paper.

As an incentive to encourage the formation of legitimate local government structures, RDP funds will only be paid out to local areas which have established a transitional council in terms of the Local Government Transition Act.

Former government's land commission disbands

THE Commission on Land Allocation (CLA), a body established by the former government in 1991, stopped operating at the end of September. CLA will be replaced by the new Land Claims Commission and Land Claims Court, which will have powers to resolve land claims, whether or not the land is privately owned. Claims for restitution which CLA was unable to resolve will be forwarded to the new Land Claims Commission.

AmaHlubi to get additional land

IN the face of the previous government's refusal to acknowledge the Estcourt AmaHlubi's land claim as a restitution case, AFRA has in the past six months been assisting the AmaHlubi Board to negotiate an acceptable alternative arrangement.

This has been achieved to the satisfaction of all parties involved. As a result, the



Local government applications for RDP funds would have to be supported by agreements on the financing and operation of new and rehabilitated structures.

Applications would have to show that budgeting and planning for the amalgamated area would be managed in an integrated way and that resources would be used for the benefit of the whole amalgamated area.

Plans to build RDP capacity

BY November none of the R2,5 billion set aside for RDP projects in May had been spent. In four months' time another R5 billion is due to be handed over.

The main problem has been that provincial and local government lack adequate skill, including submitting business plans. The RDP Department has begun a capacity building programme to address these problems.

A task group will also be meeting other government departments to analyse their programmes and to help them redirect their expenditure.

The task group will submit a report in February 1995, but will continue a long term analysis from January to July. It will then make recommendations to the Cabinet about which programmes should get priority.

World Bank gets involved in local government

THE World Bank is working closely with the government to develop strategies for a local government renewal programme. Also called Operation Self-reliance, the programme covers urban and rural areas and is part of President Mandela's special projects.

It is hoped that urban and rural upgrading schemes can be linked through a campaign spearheaded by Thozamile Botha, Deputy Minister of Constitutional Development and provincial commission chairperson.

The campaign will involve community-based organisations, non-governmental organisations, trade unions and the private sector.

Objectives of the programme are to rehabilitate and expand local government structures and to accelerate the democratisation of local government structures.

The framework of the programme will be published in March 1995, in a second RDP White Paper.

Forums established in KwaZulu-Natal to negotiate land access

FORUMS comprising farmers, farm tenants, government departments and NGOs have been set up in Weenen/Colenso/Muden and Vryheid.

The Weenen, Colenso and Muden forum aims to resolve land hunger in the three districts. It was established after farm tenants in Weenen threatened to occupy farms in the area. After meetings with the Minister of Land Affairs, farmers and farm tenants were persuaded to enter into negotiations to resolve the land disputes.

A subcommittee, composed of farm tenants, farmers, the police and local magistrate was also established to deal with unfair evictions.

The Vryheid forum arose in the context of ongoing evictions from farms in the area and also involves all stakeholders.

Baynesfield land dispute to go to land claims process

A MEETING in October to try to reach a negotiated settlement on the Baynesfield land dispute, hit deadlock when representatives of the Joseph Baynes Trust revealed that their recent Annual General meeting saw no possibility of accommodating the former labour tenants of the Estate. They said the matter should be referred to the Land Claims Court, yet to be established.



The tenants have not claimed ownership of the land. Instead, they have asked that the use and occupation rights which they enjoyed, before their eviction from the Estate in 1974, be reinstated.

The deadlock at the meeting, the third since the tenants' threatened reoccupation of the land in September, came as a shock, since there were signals that the Trust wished to reach a negotiated settlement with the community.

Although the Land Claims Court is an option open to the community, AFRA believes that an out of court settlement would have benefitted the parties far more.

The Land Claims Court process is itself based on mediation and negotiation, similar to that attempted so far with the Trust. If the dispute simply goes directly to the Land Claims Court, battle lines will be a lot starker and the prospects of good neighbourliness will be more remote after the court decision.

It is hoped that even if the Land Claims Court process is used, this will result in a settlement which gives

expression to the spirit of Baynes' will. In his will, Baynes said the Estate should be used "in practical illustration of what is possible to be done by development; and creating a centre of industry, education and beauty for the public benefit and for an ever increasing number of persons".

Alcockspruit community poised to return to their land

THE Alcockspruit community is poised to return to the land that was taken away from them by the apartheid government. In December 1993 the community was informed of the government decision to restore the land. Nevertheless, the speedy return of the community has been hampered by a number of factors.

One of these has been a lack of state funding for land use planning and basic infrastructural development at Alcockspruit. AFRA has negotiated partnerships between the community committee and a number of provincial and national departments and a plan of action was worked out.

To deal with the shortage of funds, successful representations were made to the land affairs department to access state funds, which they have undertaken to do through the RDP.

Alcockspruit is one of three KwaZulu-Natal communities who are part of the special presidential lead projects.

Another obstacle was the issue of repayment of compensation. Ever since the findings of the

Commission on Land Allocation were made known, under the previous government, the community has protested against the condition that "compensation" must be repaid.

Under the new government it has been possible to negotiate some community contribution to their own development, in lieu of repayment of compensation.

A further demand by the community was that they should be allowed to hold the bulk of the land communally, instead of in numerous individual titles. This was agreed to by the state, and AFRA has been assisting the community to reach consensus around a common vision for how the land should be used and managed.

Cornfields and Tembalihle to get money for services

TRANSFER of the 8 000 hectares of additional land which the two communities negotiated in 1993 was finalised in November this year.

Besides their negotiations for the additional land, the two communities have also been involved in planning development projects for their areas.

Recently, the Natal Provincial Administration (NPA) agreed to provide R200 000 for a bridge in Cornfields, R130 000 for building a community centre, also in Cornfields and R30 000 for toilets in Tembalihle.

There is also a proposal to establish a district water committee to manage supply of water from the Bushmans River.

1994

the
year
in
review

THE RDP commits the new government to settle land claims, dating from apartheid dispossession since 1913, and to redistribute 30% of South Africa's agricultural land within five years.

Important legislative and policy changes in land reform occurred in 1994, but the land question remains one of the most complex and emotional issues facing the democratic South Africa.

Existing records of forced removal under apartheid indicate something of the scale of social disruption resulting from such removals. It is estimated that between 1960 and 1982, 3,5 million people were forcibly removed and almost 2 million were under threat of removal.

Within this number, the single biggest category of removal was that of labour tenants and farmworkers - about 1 million - who had no legal title to land.

In KwaZulu-Natal, about 745 000 people were forcibly removed between 1948 and 1982. Farm evictions in the province accounted for about 300 000 of this number and resulted largely from the abolition of labour tenancy and mechanisation on farms.

Will the new land reform programme make a difference?

Restitution

In November 1994 parliament passed the Restitution of Land Rights Act, aimed at providing a process of restitution for people with specific claims to specific pieces of land. The Act provides for a land claims commission and land claims court to resolve claims for restitution of land rights lost as a result of racial land laws and going back no further than June 1913.

Labour tenants are specifically mentioned. In its definition of what constitutes a right in land, the Act says this means "any right in land whether registered or unregistered and may include the interest of a labour tenant or sharecropper..."

All land claims must be lodged with the Commission within three years of the Bill becoming law. The Commission will help land claimants to document their claim. It will also help to settle land claims through mediation and negotiation. If the Commission cannot settle claims, these will go to the Land Claims Court, which will also ratify agreements reached at Commission level.

The Court will be able to order the transfer of state land and expropriation or purchase of land in private ownership. If privately-owned land is expropriated, the state will have to compensate current owners, taking into account the history of the property's acquisition, its market value and the interests of the parties involved, among other factors.



This man's demand has been met. The Restitution of Land Rights Act provides for a land claims commission and land claims court to resolve claims for restitution of land rights lost as a result of racial land laws and going back no further than June 1913.

Depending on the claim, the Court could award claimants alternative land, just compensation or alternative remedies, if it does not restore land to claimants.

Awards will take into account compensation claimants received at the time of their dispossession and this compensation will be deducted from the award. Awards will also take into account whether parties

refused to negotiate or tried to obstruct settlement. Attempts to evict claimants or to sell land in dispute will result in contempt of court orders.

The Court will be a specialised court of law, which will be able to receive any evidence which it considers relevant, even if such evidence would not be admissible in another court. Appeals on Land Claims Court decisions will go to the Constitutional Court.



Where rural communities do get back their land, they will get government assistance to resettle there. Ten communities who had their land restored under the former government have been earmarked as presidential lead projects, with money allocated to help with resettlement and development planning. In KwaZulu-Natal the communities are Roosboom, Charlestown and Alcockspruit.

Where rural communities do get back their land, they will get government assistance to resettle there. This includes support services such as access to water, financial help and agricultural extension services.

Already 10 communities who had their land restored under the former government have been earmarked as presidential lead projects, with money allocated to help with resettlement and development planning.

In KwaZulu-Natal the communities are Roosboom, Charlestown and Alcockspruit.

Redistribution

But demands for land will not only come from people who were removed from specific pieces of land through apartheid legislation.

Generally, all black people have been disadvantaged through apartheid policies. In terms of the broad land reform approach of the new government, general land hunger will be addressed through the land redistribution process.

In KwaZulu-Natal there are about 133 000 landless households, Data Research Africa found, while about 85 000 households have access to only garden-sized plots.

The Ministry of Land Affairs plans to use a mixture of market and state mechanisms to address land hunger and to redress the racially skewed land-holding pattern in South Africa. These include incentives to bring land onto the market, taking over indebted or underused land, removing financial and legislative obstacles to black land acquisition, strengthening existing tenure rights of people who already occupy land and state grants or subsidies.

Targets for redistribution will be state-owned land, indebted land and underused land. Important test sites for redistribution models will be the nine provincial land reform



Generally, all black people have been disadvantaged through apartheid policies. General land hunger will be addressed through the land redistribution process. In KwaZulu-Natal there are about 133 000 landless households, while about 85 000 households have access to only garden-sized plots.

pilots. About R315,81 million is available to implement these.

In addition, the Department of Land Affairs apparently has firm commitments from the central government to fund state-assisted land acquisition for seven rural communities involving 2 400 families and 25 000 hectares of privately owned land.

The Ministry of Land Affairs will publish a White Paper on Land Reform early in 1995, outlining a concrete programme for land redistribution.

Land reform and agriculture

Although the appointment of former ANC Land Desk head, Derek Hanekom, as Minister of Land Affairs, signalled a shift, six of the nine provincial agriculture portfolios were given to the NP after the April election while only three went to the ANC. Heading the Ministry of Agriculture is Kraai van Niekerk, the former Minister of Agriculture under the NP government.

The Ministry of Land Affairs is a national ministry which does not have provincial portfolios.

Although it has departmental branches in provinces, these lack capacity at present and in KwaZulu-Natal the department has played an insignificant role in resolving land issues in the province.

To an extent, the national minister filled the gap, acting as a facilitator and mediator in disputes, such as, the threatened occupation of farms in Weenen in October. Although this defused tensions and led to former antagonistic parties agreeing to negotiate, Hanekom is unlikely to try to sustain such local-level personal involvement.

▼ 1994 - the year in review

As the land reform programme (restitution and redistribution) moves into the implementation phase, the Ministry of Land Affairs will increasingly have to rely on cooperation from local players, if it wants to see provincially-based initiatives succeed. In most provinces the key player is likely to be the Ministry of Agriculture.

The Ministry of Agriculture is expected to deal with issues such as provision of agricultural extension services but tension is already developing over who will actually drive the land reform process. If it is driven by Agriculture, it is likely to be biased towards commercial farming (large scale or small scale).

Even if the promise of redistributing 30% of South Africa's productive land was met, if this meant that all or most of this land only went to the better-resourced black small commercial farmers, the overall promise of the RDP - of improving the lives of the majority of South Africans - would not have been achieved. Land needs go beyond wanting land for commercial agricultural purposes.

The reality is that many rural people rely on subsistence farming to survive and perceive land an important safety net which at least provides a place to live when joblessness hits a household.

Data Research Africa found that in KwaZulu-Natal there are about 233 000 subsistence farmers, compared to 64 000 black commercial farmers, 6 500 white commercial

farmers and 3 000 commercial smallholders.

One way for the Ministry of Land Affairs to deal with the situation is to ensure that provincial implementation of land reform is overseen by committees comprising members of its own department, provincial governments and non-governmental organisations.

Soon after his appointment, Hanekom acknowledged that his links with the NGO sector was one of the strengths he would draw on in his new job. NGOs in the land sector could well play a key role in ensuring that a more balanced vision of land reform gets implemented and succeeds. Not only do these NGOs have deep roots among rural communities, they also broadly share Hanekom's vision of what land reform should deliver over the next five years.

Rural local government

A crucial element in the land reform process will be the role of rural local government. At present, the transition to a democratic rural government dispensation is bedevilled by several problems.

The first of these is the lack of clarity in the constitution regarding the role, powers and functions of elected rural government vis-a-vis traditional authorities. Chapter 10 of the constitution says that traditional authorities will be granted ex-officio status on elected local government bodies. At the same time, Chapter 11 of constitution

entrenches the role of traditional authorities to exercise competency with regard to "traditional affairs". There is no clarity on what will be the respective roles of traditional authorities and elected local government, particularly concerning land allocation, which traditional authorities regard as part of their traditional affairs.

Pressure from the IFP could see chiefs being specifically accommodated in local government legislation. The present Local Government Transition Act does not specially provide for chiefs and traditional authority structures, except as ex-officio members of such structures. Chiefs (amakhosi) in the province have threatened to boycott local government elections unless their position is negotiated. They claim that proposed local government structures could reduce them to ceremonial figures. In October the KwaZulu-Natal legislature passed the controversial Traditional Leaders Bill, despite a walkout by ANC members of the provincial parliament. The Bill provides for a House of Traditional Leaders with the power to advise the provincial legislature or cabinet on all matters related to traditional authorities and customary and indigenous law, including indigenous land tenure and related matters.

A second problem is that the transition process appears to be urban biased and little attention has been given to the process of transition in rural areas. Rural local government is important in facilitating land reform, service delivery and the success of the RDP, but rural

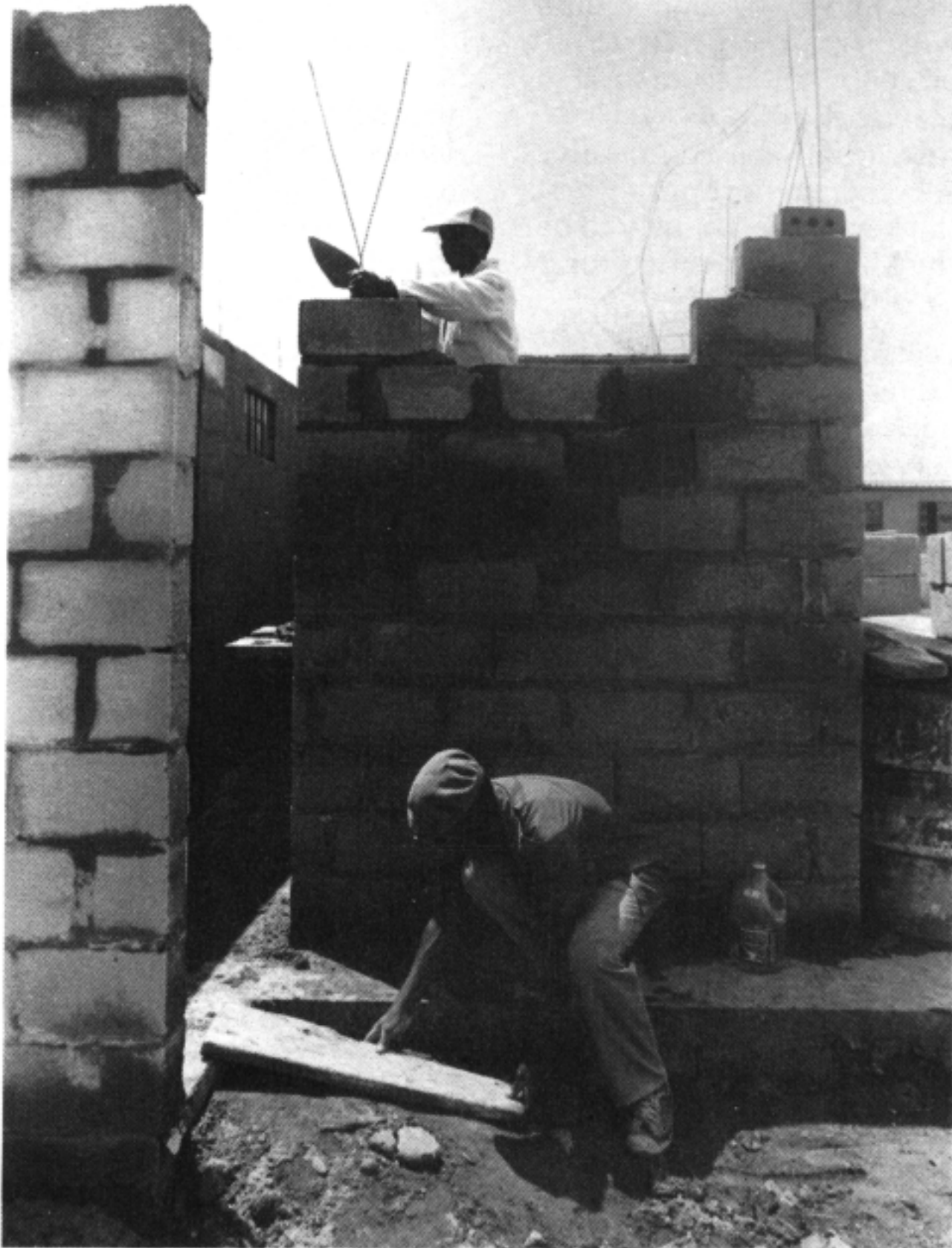
▼ 1994 - the year in review

communities face a real possibility of being marginalised, so reinforcing the poverty cycle.

Currently, rural communities are ill-informed of the process and lack capacity to engage effectively with the local government transition process.

Although rural communities want to control their development, they do not have the capacity to take on local governance roles that will be expected and needed from them if they are to do this.

Our experience has shown that training is not effective if it is not part of ongoing organisational development work and support, or if people are unclear about how it is linked to meeting practical needs they have. Training leadership and committees is not enough for developing democratic, accountable leadership structures. People in those positions are inevitably the more advantaged, educated and influential in the community. While such people have an important role in leadership, it is not realistic to rely on their goodwill alone in ensuring accountable and representative structures. Training of leadership should go along with broader participatory community processes where the more disadvantaged get the space to make their contribution and to be seen as part of the community resource. Broader participation in assessment and planning processes allows more possibility for community members to demand accountability from their leadership.



Although rural communities want to control their development, they do not yet have the capacity to take on local governance roles that will be expected and needed from them if they are to do this.

Implementing democratic and effective rural local government has been further complicated by the formation of the Ingonyama Trust in April 1994, where 3 million hectares of former KwaZulu was transferred to a trust of which the Zulu King is the sole trustee. A cabinet committee has reviewed the Trust, and has

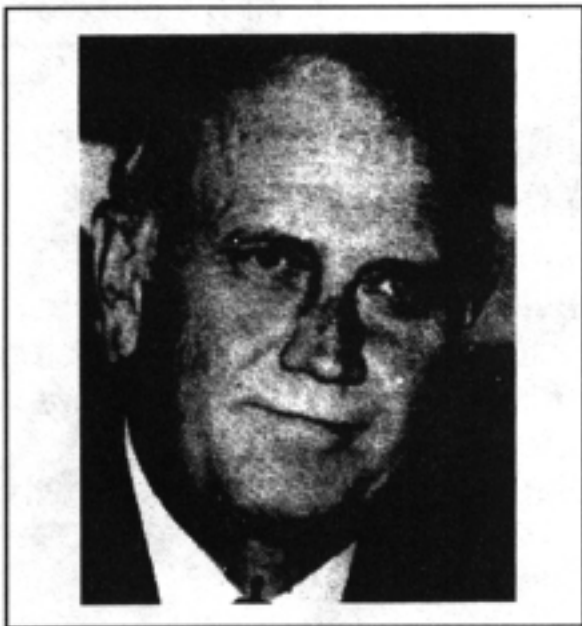
recommended that it be retained with amendments based on a set of principles still to be revealed. Submissions to the committee raised concerns about the powers of land allocation, settlement and planning being vested in tribal authorities without ordinary rural people, particularly women, having any real power or say in this process.

And now for something a little different ...

The Annual AFRA Awards

IF you think we've forgotten you, look for your name below. Unfortunately, limited funds forced us to restrict our awards to nine. Our heartfelt apologies to those who may feel offended because they weren't selected this year.

Deputy President FW de Klerk and the National Party



The Pinocchio Cup & individual sets of Richard Nixon "Tricky Dicky" cufflinks

for secretly transferring 3 million hectares of state land in KwaZulu-Natal to the Ingonyama Trust on the eve of the April election and still managing to talk about transparency and trust, etc., etc. with straight faces.



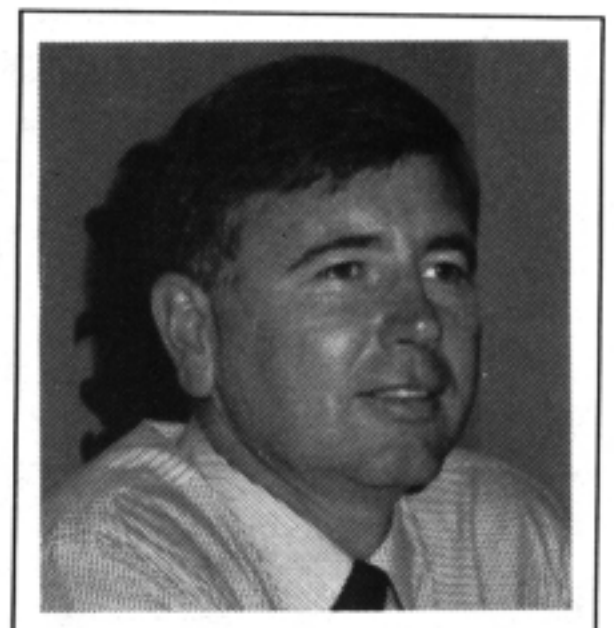
George Bartlett, KwaZulu-Natal Minister of Agriculture

The Subsistence Farmer Of The Year Floating Trophy & an all expenses paid week's holiday in Weenen with Derek Hanekom

for clawing his way up the agricultural ladder despite the repressive legislation disadvantaging white farmers. Bartlett was a small part-time farmer who sold vegetables

from the back of his bakkie. He then became NP Minister of Energy Affairs and this year was appointed KwaZulu-Natal Minister of Agriculture. He brings with him specialist drawing skills in departmental organograms.

Natal Agricultural Union (NAU)

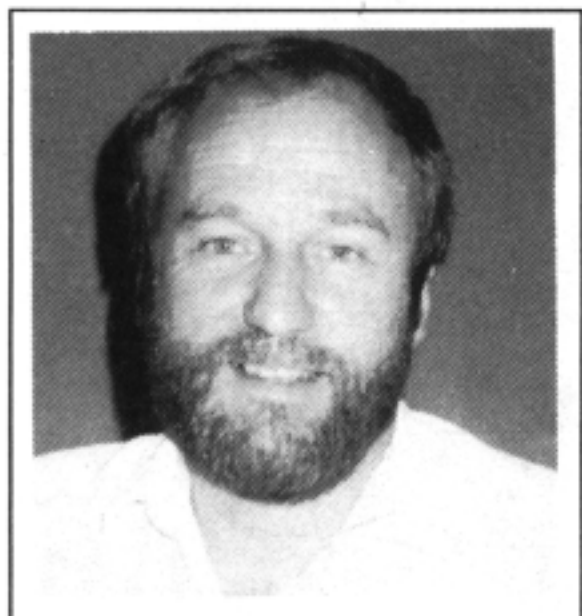


Steve Shone, NAU director.

The Damascus Road Light Bulb

for their conversion to the new land reform programme.

Derek Hanekom, Minister of Land Affairs



Directorship of the Weenen Health and Racquet Club & the Cuning Stunts Floating Trophy

for doing aerobics and still managing to visit far-flung rural areas to resolve problems, attend various functions, run his ministry efficiently and suffer the comfort of having to drive a R200 000 Mitsubishi Pajero.

Harriet Ngubane, IFP MP and former member of the Commission on Land Allocation

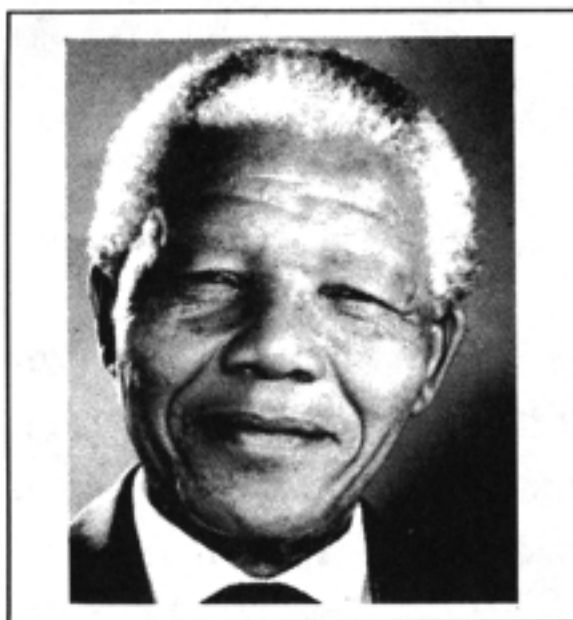


The Indigenous Chameleon Certificate

for arguing passionately that the Restitution Of Land Rights Act is inadequate and discriminates against a large number of people, after serving on the

former government's Commission on Land Allocation which frustrated hundreds of rural communities because it would only allocate unoccupied state land.

President Nelson Mandela



The Operation Vula Shield for getting the former SADF to reveal, at last, how much land it owned by saying it wouldn't be necessary to expropriate white-owned farms because there was enough SADF land to be used for redistribution.

National Land Committee (NLC)



Brendan Pearce, NLC director.

The Tight Sphincter Muscle Award and a year's subscription to Land Update

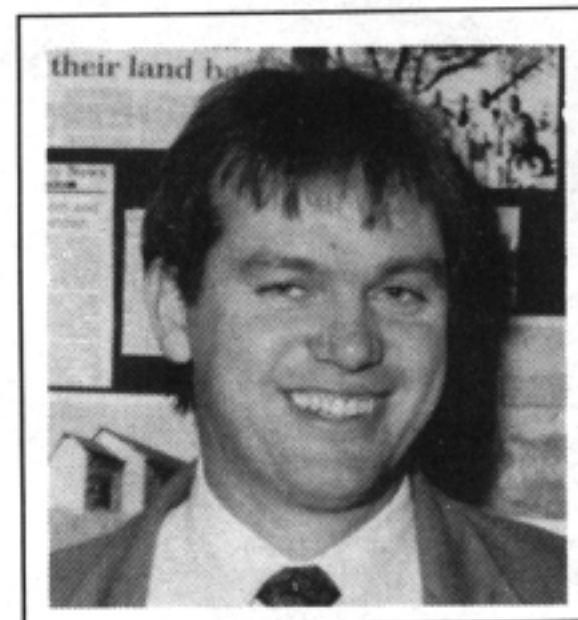
for helping us to see the dark cloud within every silver lining.

Sue Lund, Joanne Yawitch, Bahle Sibisi

The Golden Slave Bracelet and a five year supply of milk and honey for managing to eke out a living on their new, post-NGO salaries.

And last, but certainly not least ...

Association For Rural Advancement (AFRA)



Richard Clacey, AFRA director.

The Navel Gazer Of The Year Magnifying Glass

for interminable internal investigation, evaluation, research, planning, strategising, etc., etc. to establish what we should do, where should go, with whom, when, how and why.

The AFRA
executive and staff
wish all our friends
and readers a happy
and peaceful
Christmas
and
New Year.

