

NKUZI TIMES

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APOLOGIES

We apologise for the late distribution of this second issue of the Nkuzi Times. The delay was due to the passing away and funeral of the father of our Editor

THANKS

A big thank you to all who sent positive responses to receiving and reading the first edition of Nkuzi Times, this has encouraged us to continue writing and sharing

CONTACTS

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The views contained in this publication do not necessarily reflect the views of the Nkuzi Development Association, nor is the organisation responsible for the accuracy of information provided.

NEWS

Water At Last for Pensioners

It has been a 3-year battle to restore the water supply to the Mabhena family in Witfontein, Gauteng. Maria Mabhena (now 85 years old) and her daughter Emily (61) have lived on the farm for more than 45 years and are therefore recognized as legitimate occupiers with certain rights in terms of the Extension of Security of Tenure Act.

The problem started in January 2001 when Mr. Swanepoel who had recently bought the farm implemented changes, which impacted negatively on the lives of the Mabhena's. The new owner had a fence with no gate put up around the Mabhena's yard and house and cut all the water pipes. He then started to throw away their possessions in what he called a "cleaning campaign".

The two women fought back by barricading the road with old trees and tying red cloth around the yard to depict danger, all in an effort to stop the farmer entering their yard. The owner alleged that they were throwing stones at him and he called the police, of which the women denied the allegations. They threatened to kill the owner with muti if he came to their yard and said he has done enough by cutting the water pipes. They told him that he can't throw away their belongings, which they've collected and treasured for all their lifetime.

Kungwini Local Municipality represented by the ward councillor, Mr. Richard Sibanyoni, referred the case to Nkuzi. On intervening I took a statement from the occupiers, which was a bit difficult as they had a lot of unhappiness about the issues; they were often shouting and became emotional as they related the various incidents. I held several meetings with the owner to mediate on the issue of water provision and the general harassment of the occupiers. The owner did put a gate in the fence to enable the Mabhena's to come and go without having to climb a fence, but he did not restore the water despite agreeing to in the meetings. The matter was referred to the Nkuzi Legal Team in Polokwane, who then handed it to the Legal Resources Centre (LRC) in Pretoria to pursue the matter as they were much nearer.

Unfortunately the file was handled by different candidate attorneys in the LRC office and there was little progress. After I made numerous follow ups and wrote to enquire about progress on the case a summons was eventually served, but the owner did not respond. When Mr. Mashimbye, an Attorney who had been at Nkuzi, joined the Legal Resources Centre I pursued him to work on the file. As the owner had not entered any notice of appearance to defend the matter Mr. Mashimbye made a request for a default judgment against the farm owner. The application was dismissed as the Magistrate said it did not have a clear breakdown of costs.

I met again with Mr. Mashimbye to discuss a way forward on the matter and a new application for the restoration of rights was drafted and served. This time the order was granted in the Mabhena's favour. Mr. Swanepoel was ordered to reinstall the pipes for the water supply. However Mr. Swanepoel said that he did not have the manpower for digging trenches and asked for assistance. A meeting was organized

between the owner, Nkuzi and the LRC to try and resolve the issue. A letter was written to the Municipality to ask for their assistance with a grader to dig trenches as the ground is very hard. When the trenches were dug the Owner installed the pipes at his cost. Eventually on the 17th August 2004 the Mabhena's had running water again.

VIVA Nkuzi Project Officers!!!

Ntokozo Nzimande. Nkuzi. Project Officer: Farm Dweller Programme

Survival of the Fittest on Farms

Ndundu Sithole was referred to Nkuzi by the Vanderbiljpark Parliamentary Constituency Office. Ndundu and his family have lived on the farm Enselspoort for more than twenty years. The farm is situated about 50 kms west of Vanderbiljpark, close to the border between the Gauteng and Northwest Provinces.

The previous owner, who has now passed on, allowed the occupiers to keep and graze their livestock on the farm. The other occupiers have since left the farm to seek new job opportunities as operations came to a standstill following the death of the owner. Ndundu, his wife and their three children insisted on staying and are the only people left living on the farm. The family have 16 cattle, 3 sheep, 1 donkey and 1 horse on the farm.

When the new owner, who also owns land adjacent to the farm, took over he reduced the piece of land that Ndundu could use to about 6 hectares and fenced it so that their cattle do not mix. It is alleged that Ndundu took some pliers to cut the fence so that his livestock could access the land as they used to. When the new owner's cattle mixed with his he chased them with his dogs back to the landowner's other piece of land.

In February 2004 the landowner started threatening the family with eviction. Local police, whom Ndundu alleges are friends of the landowner's son, have also visited him late at night telling him that he should vacate the farm. The landowner claims that he has had enough of Ndundu's aggression. Ndundu's brother also attested that Ndundu gets even more aggressive when he is drunk. There have been nasty confrontations with the landowner's son and Ndundu challenging each other to fight. A number of criminal cases were opened against Ndundu by the landowner, but these have been dropped since Nkuzi intervened. Despite the difficulties Ndundu and his family remain on the farm and their livestock access enough grazing and are healthy.

In another case about a kilometre from Ndundu's farm, Jacob Bofelo has also been denied access to the grazing that he used to enjoy in the past. Jacob worked on the farm for 25 years until he was fired for refusing to sell all of his livestock. When Jacob was told to remove his livestock, including 13 cattle, he thought he had no choice and approached another farmer with the intention of buying fodder to feed his cattle. Unfortunately the farmer refused saying that Jacob was causing his

former employee trouble. Jacob then resorted to grazing his cattle on the road side, but his former employer arranged for a grader to remove the grass on the road side.

This matter has now been referred to the Wits Law Clinic so that an urgent application can be made for the restoration of Jacob's grazing rights. In the meantime two of his cattle have already died and the others are hungry; trying to eek out a precarious existence on the side of a busy road.

These two cases project a dichotomy: Ndundu's arrogance has helped him to defend his rights and his cattle are healthy, whereas Jacob who did not want to argue is watching his cattle starve.

Kgalema wa ga Kalauba. Nkuzi. Project Officer: Farm Dweller Programme

Magoebaskloof Farm Occupiers Under a Cloud

The dispossession of rights to land that happened during the apartheid era still happens today ten years into democracy. The most vulnerable and affected are farm workers and occupiers on privately owned farms. Many of these evictions do not conform with the procedures required by law. The victims have little if no information about legislation protecting their tenure rights and as such they are displaced without recourse to justice.

The vulnerability of farm occupiers particularly in the Limpopo Province is said by some victims to have been exacerbated by land claims lodged on farms. Mr Ratladi, Ms Mokhomola and Mr Mojelele, all of whom have been evicted during the last months from farms in the Magoebaskloof area, under the Greater Tzaneen Municipality, believe they were evicted as a result of a land claim lodged on 124 farms by the Makgoba tribe.

The Makgoba claim is on land that contributes massively to the agricultural economy of the Province with major operations being forestry, tea and tropical fruits. The area is also an important tourist destination and has been targeted by the provincial government for further tourism investments. The claim was met with mixed feelings from the owners many of whom have questioned the validity of the claim and criticised the Commission for the Restitution of Land Rights for excluding them during the investigations on the validity of the claim. Economists have raised concerns about the future contribution of the land to the economy of the Province and the employment of an estimated 3,000 farm workers in the area. The claimants on the other hand are eager to have ownership of the land returned to them and will do anything in their power to ensure the realisation of that dream. This situation puts the Commission under immense pressure to ensure that there is no disruption to the process.

While the debate about the claim is heating up the future for farm workers and occupiers, particularly those who are not part of the Makgoba tribe, remains uncertain. They live with a continuous fear of being evicted by the present owners,

who are frustrated by the land claim, and could face a similar situation under the Makgobas', who may not want outsiders on their land once the claim is settled.

Sello Khoza. Nkuzi. Researcher

IN BRIEF

Madimbo Land Claims Settled

A group of community claims on the Madimbo Corridor were settled on the 14th August 2004. Amongst others the Minister for Agriculture and Land Affairs, the Deputy Minister of Defence and the Nkuzi Director addressed thousands of community members who attended the ceremony to mark the return of 27,000 hectares of land along the Limpopo River to communities who had been removed. Nkuzi has assisted the communities on this land claim for six years.

For a number of years the military, who controlled the land, opposed the restoration of the land to the community. In the year 2000 hundreds of community members attempted to march onto the land in protest at the slow pace of resolving their claim. Some who were arrested at the protest are still due to appear in court on the 13th September. In 2002 a letter writing campaign was launched by FIAN (Foodfirst Information & Action Network) International asking members and supporter to write to the President of South Africa and the Minister of Defence demanding the return of the land to the impoverished rural communities who had been removed.

Municipality Donates Bakkie to Nkuzi

The Waterberg District Municipality donated a bakkie (1 ton pickup truck) to the Nkuzi office in Modimolle. The bakkie was handed over by the Executive Mayor on the 10th August. The bakkie is being used to assist farm dwellers in the District. It was donated to Nkuzi in recognition and support of the services rendered to the community by Nkuzi. Nkuzi is grateful that the Municipality was able to turn good co-operation and moral support into practical support in the form of transport that is always needed for getting to the farms.

Land Claimants Visit Zebediela Estate

Twenty four members of land claimant groups around Makhado, some of whom have received land already and some who are still waiting, visited the Zebediela Estate on the 23rd August. Zebediela, the largest citrus estate in South Africa, was returned to land claimants in 2003. It is now managed by a joint venture company that leases the land from the claimants. The company is controlled by an investor who brings capital and expertise, while the claimants and workers are also shareholders. The visitors toured the estate and met members of the management,

workers and claimants. Nkuzi organised the trip for the claimants from Makhado to learn from a settled claim that is working.

Makhado Land Conference

The Makhado Land Conference happened from the 25th and 26th August at the Mountain View Hotel. The conference was attended by around 100 local delegates and national and international speakers, including the Minister for Agriculture and Land Affairs. The conference gave a strong endorsement of the integrated approach and plans for land reform in the area that Nkuzi has been developing with the Makhado Municipality.

Manavhela in Business

Before the talking started at the Land Conference the Minister, Thoko Didiza, took time to visit the Manavhela community who received land through the settlement of their land claim in 2002. The chicken houses on the Poultry farm were full of chickens and the group are finishing the construction of a new irrigation system for further production. The Ben Lavin Manavhela Nature Reserve and the lodges in the reserve continue under the management of community members. While there is room for improvement the Manavhela claimants are in business and prove that the current crop of land reform disaster stories are not the whole picture.

OPINION

Strengthen the Rights of Farm Dwellers

Any move by government to strengthen the land rights of black farm dwellers needs to be supported. The article "Report recommends 'widescale land seizure'", written by Hofstätter in ThisDay 30th July 2004, reveals that Department of Land Affairs officials have proposed a range of measures to improve the situation of farm dwellers. The proposals, made at least two years ago, include the critical step of "creating a class of non-evictable occupiers". Farm dwellers young and old continue to be victims of attacks on their rights, including evictions (*examples of such cases are shared in other stories in this issue of Nkuzi Times*). It is a sad history that has put black farm dwellers into this situation and ten years of half hearted reforms have brought little change; there needs to be decisive action.

Sadly Hofstätter did not give much information on the DLA proposals or reasons for them, rather choosing to dramatise them as a recommendation for "widescale land seizure" and ending the article with yet another ill informed reference to Zimbabwe. Just as concerning was the fact that Hofstätter only got comment from farmers unions. There are other views and a very important debate, on the transformation of farm tenure arrangements, that needs to be taken up.

According to the Statistics South Africa Census 2001 there were 2,897,383 black people living on farms and smallholdings in 2001. Some people have claimed that the true figure is much higher. One thing is certain there are millions of black people living on predominantly white owned farms and most of them do not have secure tenure. This phenomenon is not an accident of history, it is a result of apartheid policies that deliberately stripped black people of the land they owned and occupied and continued to make it illegal for them to own land anywhere in the country. Black people in rural areas were forced to live in an overcrowded Bantustan, with the permission of a chief, or live on a farm with the permission of a white land owner. For millions farms became and remained their homes.

Until farm dwellers get secure homes of their own and opportunities for their own production they will remain dependent and vulnerable and the power relations in rural areas will not change. Creating a class of non-evictable occupiers is a step in the right direction. I am not sure how the DLA propose defining non-evictable occupiers; they have still not released the proposals for public discussion. However I am sure the proposal is not to make every farm occupier and worker non-evictable. The Extension of Security of Tenure Act currently defines a class of "long term occupiers" who are afforded additional rights. These "long term occupiers" are those who have been on the farm for ten years or more and are over sixty or disabled. To expropriate all land occupied and used by such occupiers would not involve an enormous amount of land and by definition it would not affect land used by current farm owners.

Securing existing access to land is a critical first step, but the intention should not be to continue the poverty trap many farm dwellers and workers are in. There needs to be a proactive programme to provide land for farm dwellers within

commercial farming areas and additional support to enable them to succeed on that land. Just as the latest housing programme has begun to define what "sustainable human settlements" could look like in urban settings so the Department of Land Affairs needs to start defining what "sustainable human settlements" could look like in rural farming areas.

The Freedom Charter set as one of its bold aims that "[t]he land shall be shared among those who work it! Restrictions on land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and hunger." It is time that steps are taken to make this declaration a reality. This may sound idealistic, but so did the demand that "[e]very man and woman shall have the right to vote". The current situation of farm dwellers is an unacceptable apartheid legacy that has to be addressed and soon.

Marc Wegerif. Nkuzi. Programme Manager: Research and Policy

OBITUARY

Farewell to an Activist for "love's Revolution"

Boudewijn Wegerif passed away on the 21st August 2004 at the age of 68. Boudewijn died of cancer after spending his last weeks in a hospital in Sweden in the company of family and friends. He remained an activist to the end campaigning, largely through his web site (www.whatmatters.nu) and e-letters, for a world free from the shackles of the current money system. He is remembered by many as the man who walked from the north of Sweden to Cape Town. He described the three year journey as "a walking prayer for the earth". This was only one of many journeys he took in his eventful life that amongst other things saw him exiled from South Africa in the early 1970s.

Boudewijn leaves behind three daughters and four sons including Marc Wegerif, the Nkuzi Research and Policy Programme Manager.

Rest in peace Boudewijn - may we all be inspired by your commitment to seek a better and more loving world.

"What Matters to Me is Love's Revolution. I want to see an end to all forms of usury - all systems, banks, factories and farms that exist primarily for money-measured gain. I want to see an army of economic liberation take shape, of disarmed lovers of life who are ready to be persecuted, lose their right to bank accounts and mortgages, go to prison, be killed even as they destructure the world and restructure it into an interlocking, global hive of small-scale economies of love." Boudewijn Wegerif