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Rural land struggles in the NCC I [IVES

BY ANINKA CLAASSENS

Umbhlaba

The Zulu word â\200\234Umbhlabaâ\200\235, has a much wider meaning than the English translation of â\200\234landâ\200\235. It also means the soil, and includes the English concept of the earth.

â\200\234The land. Our purpose is the land, that is what we must achieve. The land is our whole lives, we plough it for food, we build our homes from the soil, we live on it and we are buried in it. When the whites took our land away from us we lost the dignity of our lives, we could no longer feed our children. We were forced to become servants, we are treated like animals. Our people have many problems, we are beaten and killed by the farmers, the wages we earn are too little to buy even a bag of mielie-meal. We must unite together to help each other and face the Boers. But in everything we do we must remember that there is only one aim and one solution and that is the land, the soil, our world.â\200\235

Opening remarks by Petros Nkosi at a meeting to discuss the formation of a regional committee representing seventeen different rural communities in the South Eastern Transvaal in July 1989.

Photo by: Gill de Vlieg/AFRAPIX

Lesego Makganye on his land at Braklaagte before the incorporation

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Cover photo by Paul Weinberg

Land â\200\224 a birthright

Foreword by Wolfram Kistner

Eight times he was expelled from the farm on which he was born. Each time he returned. He lost his home and all his possessions. Nevertheless he did not stop returning to the farm on which he was born.

Why does this old African in the Eastern Transvaal show such incomprehensible tenacity in returning to the land from which he was expelled? Why is his behaviour typical of hundreds of thousands of Africans in South Africa who have been expelled from the land on which they lived?

In her study Aninka Claassens gives an answer (0 these questions. She derives her insights from her long standing experience as acommunity worker assisting African people and communities affected by the relocation measures of the South African government in terms of the apartheid policy. This policy deprives the majority of South Africans from access to land as a place of belonging.

Aninka Claassens describes the heroic struggle of rural Africans for retaining and recovering access to land. She outlines the multiple strategies they apply in this struggle. The courage, the ingenuity and the perseverance they show in the struggle can be explained only in terms of the relationship with the land on which they were born. To them land is not merely an economic asset. It is the place of belonging of a person at which he or she may live and die and be a human being through face to face relationships with people who are close to him or her. Land is space that has been set aside and shaped by humans to live together and depend on one another in an orderly way. Land puts its marks on people and they in turn put their mark on the land. The time of an important event in the life of a person is often described in relation to any significant event that happened to the land at that time. Land is a gift and entrusted by God to the present and future generations. Here they live in continuity with the forefathers who have given it shape and imprinted their mark on it in previous generations.

Not the person or group of persons who have acquired land and who hold the title deeds have the strongest claim on a particular piece of land, but those who occupy it and live on it In continuity.

The African conceptof land differs widely from the one held by white South Africans. Certainly they also value land as

a place of belonging, but more in the sense of owning the country as a whole and being allowed to shape it according to their own interests and desires. The main difference in their understanding of the land is their insistance, that God has given them this land by his guidance of their history and by the right of colonial conquest. In terms of the preamble of the Constitution of the Republic of South Africa, South African history starts with the coming of white people and with the dispossession of Africans of their land. God gives to the white people the whole of South Africa as the land of their own.

Traditionally African people do not recognise the principle of individual land ownership and the finality of title deeds that is based on this comprehensive concept of South Africa as a land given by God to whites, as the land they own at the

expense of the majority of South Africans. Nevertheless in the struggle to retain or regain access to land African people have made tactical compromises. Some have bought land and acquired title deeds. Others have hired themselves out as labour tenants to farmers in order to be able to stay on the land where they live. In both cases of tactical compromise, these Africans did not acquire a right they did not have before, but secured their right of access to land which they had by virtue of living on it continuously.

The value of Ms Claassens's 2002 study is enhanced by the numerous concrete examples of African struggling for their birthright in a particular area in the eastern Transvaal. At the same time the study has significance far beyond its regional limitations. It also shows how white people by relying merely on legally entrenched property rights based on colonial conquest, deprive themselves of their birthright of having a place of belonging. To many of them land is an entity existing apart from themselves. They consider the land to be available to them for exploitation irrespective of the life of the occupants living on this land. They can sell it whenever they like. In the eyes of rural Africans such people are miserable people. They who claim to be the masters of the land are the sojourners, the people without a place of belonging. In this way Aninka Claassens through her study highlights the land issue as one of, if not as the key issue of the apartheid problem. The struggle of rural Africans for their birthright points the way not only for their own liberation from oppression, but also for the liberation of the oppressors and for the restoration of the rule of justice.

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Rural land struggles in the Transvaal in the 1980's

Introduction

Land rights 1980 an uneasy ideology

Land has always been a contested issue in South Africa. In the centuries since the wars of conquest the legitimacy of white land-ownership is still not firmly established, especially in the rural areas.

In a recent trespass case in the Wakkerstroom Court, the magistrate became incensed that the accused testified that she had been born on the farm, as had her parents and grand parents. He shouted that this had nothing to do with the charge and asked her if she thought she had the right to go on living there just because she was born there. Didn't she understand about title deeds, about private property? Was she in fact saying that the farmer didn't have the right to get rid of people off his own land? When she said she knew no other home and could find nowhere else to go, he asked her how long she planned to stay on the farm in the meantime, One hundred years? Yes, she answered one hundred years if necessary.

Farm workers threatened with eviction routinely answer questions about land ownership obliquely. A white man called so and so says he owns the farm, or What white man tells you his name?

In 1988 the Standing Committee on the Illegal Squatting Bill heard submissions about the bill. Evidence that the bill removed all normal legal protection from people in "white" rural areas and provided for large scale eviction was received somewhat listlessly. But evidence that there are millions of people who have lived in these areas for generations under legal contracts with white land-owners and that the bill conflicted with their contractual rights elicited keen interest - especially from the farmers amongst the Members of Parliament. What contractual rights? Were we inferring that these people had a right to stay on the land? Is "birth-right" something which is in the law? The questions were not merely rhetorical, they were asked with keen interest.

Apart from being a primary source of wealth, control over land is the measure of political sovereignty. Wars are fought to extend or defend boundaries which are demarcated over land. Political conquest and land dispossession are processes which are intricately bound up with each other. In this country they took place simultaneously. Given this history and given the fact that 73% of the population is restricted to land rights in 13% of the country, it is not surprising that conflicting notions of land rights remain an explosive issue.

Conquest

The inequitable division of land did not begin with, nor was it caused by the 1913 Land Act. It is the result of wars of conquest fought by well-armed white settlers against black people armed only with spears, and of transactions where the goods paid by the new-comers were accepted as tribute by black kings and recorded as purchase price by the whites.

Ever since whites gained control of the majority of land in South Africa there has been a steady flow of measures to stabilise and maintain this situation. The Land Act was one

of these; so was the establishment of the reserves which subsequently became the Bantustans; so was the forced removal of over three and a half million people. Intrinsic to the process was an ideology that blacks be allowed to remain in the 'white' areas as servants only, never as independent producers, or co-owners. But the most pervasive ideological expression of this state of affairs is the notion of the sanctity of private property, a notion generally equated with transactions and title deeds, and seldom with wars of conquest. But sometimes it is: Eugene Terre'blanche has said 'My ancestors paid in instalments of blood for certain parts of the country. We bought land with blood and tears. We have a title deed on it.' He goes on to say '...it cannot be the property of the Indian or a Tswana'.

The Preamble to the Constitution of the Republic of South Africa leaves out both wars and transactions and skips straight to God: 'In humble submission to Almighty God, who controls the destinies of nations and the history of peoples, who gathered our forebears together from many lands and gave them this their own; who has wondrously delivered them from the dangers that beset them...'

The process of legitimising and attempting to stabilise and maintain the racial division of land has not been limited to ideological assertions. The last one hundred years have seen a devastating process of dispossession, removal and destruction. It has been violent because there has been black resistance throughout. Most resistance has been defensive, against further dispossession. But there has also been, on a smaller scale, a struggle to (re-)occupy and obtain land through whatever means possible.

In this paper I will look at some defensive and some offensive struggles about land in the 1980's. I hope to show how these struggles have emerged from, and been shaped by specific histories and traditions, and that choices made decades ago have had a major influence on the different forms that struggles have taken in the 80's.

The topic of 'rural land struggles' is too vast to cover in one paper. I have limited my case studies to the Transvaal and also to land struggles in the 'white' areas. These are serious

Photo by: Paul Weinberg/AFRAPIX

Farm workers on a white farm, in the Northern Transvaal.

limitations; they exclude the important struggles against Tribal Authorities and so-called Development Corporations in the Bantustans. They also exclude some of the responses to more subtle co-optive strategies being used by the state in other provinces.

Defensive struggles in the
Platteland

I will look at two different categories of people, people who have title to the land, land-owners, and those who have no legal rights to specific pieces of land. The first category covers the so-called 'Black Spots', farms bought by black people in areas that were subsequently restricted to white land-ownership. The second covers people who live in the same areas, in many cases also since before the introduction of the Land Act, but who never actually acquired title to land.

There was a song about the Land Act when it was introduced:

The Land Act song

We are children of Africa

We cry for our land

Zulu, Xhosa, Sotho

Zulu, Xhosa Sotho unite

We are mad over the Land Act

A terrible law that allows sojourners
To deny us our land

Crying that we the people

Should pay to get our land back

We cry for the children of our fathers

Who roam around the world without a home
Even in the land of their forefathers.

The people living in 'black spots' are these who adopted the sojourners terms - they bought the land back. The others are people who did not, either because they could not or because they chose not to. Since this initial division the two groups have used different strategies and different ideologies in their struggles to secure their rights to land.

A farmer and his family. Daggakraal, a freehold settlement.

Photo by: Paul Weinberg/AFRAPIX

The funeral of Saul Mkhize, Driefontein 1983.

The Surplus Peoples Project (SPP)Â® estimates that between 1960 and 1983 475 000 people were removed from black spots. By the early 1980â\200\231s the inhabitants of most of the farms owned by black people in the white platteland had been removed to the Bantustans. There were then fewer than ten â\200\234black spotsâ\200\235 left in the Transvaal. All of them were resisting removal.

In the carly 80â\200\231s the state adopted a softer line on removals than in the 60â\200\231s and 70â\200\231s, it spoke of â\200\234voluntary removalsâ\200\235 as opposed to forced removals. The new policy amounted to â\200\234persuadingâ\200\235 people to move by means that progressed rapidly from discussion, to withdrawal of health services, to demolition of schools, to withholding pensions and finally, in the Mogopa case, to surrounding the village with armed police in the dead of night. Notwithstanding the quick progression to the use of naked force, the state was ina more defensive position than it had been in previous decades. This was partly as a result of the publicity surrounding the exposure of the terrible conditions in the resettlement camps.â\200\235

I will give examples from two eastern Transvaal â\200\234black spotsâ\200\235 which fought, and won, long battles to avert forced removal: Dricfontein and Kwa Ngema. The stories are detailed and anecdotal because I wish to illustrate some of the many overlapping tactics and efforts which finally combined to challenge a balance of power which had seemed hopelessly stacked against the people.

These two land owning communities were able, by exploiting the excesses of the racial platieland, to turn the contradictions in the dominant ideology to their advantage.

Photo by: Paul Weinb:

They are very different from the non-landowners described in the next section who do not have this tactical manoeuvrability because they operate from outside the dominant ideological framework; as people without title deeds, they are people without land rights.

One purpose of the Driefontein and KwaNgema stories is to show how the various opportunities for tactical manoeuvrability were exploited in preparation for a comparison with labour tenants in the next sections. Another purpose is to show how local resistance grows out of local

tradition and style. A comparison of Driefontein and Kwa Ngema shows how, even in adjoining areas, responses may differ.

Often the forms this resistance takes initially appear unexpected and inappropriate to outside eyes. Yet it is only issues which are meaningful and dear to people's hearts that seize their imagination and galvanise community participation. Repeated assaults by the community at the local balance of power, were in large part, responsible for the ultimate success of these struggles.

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I will then look at the state strategy to incorporate black land-owning communities into the Bantustans by redrawing Bantustan boundaries rather than by physically removing people. This strategy gained increased momentum in the late 80s as a result of the successful struggles to stop forced removal.

The process of incorporation has caused worse physical violence and loss of life than the process of removing communities from one place to another. Incorporation takes place by the publication of a government gazette; no tangible physical process has to be imposed on the community to achieve it. Thus there are not the same opportunities for community resistance to avert the disaster before it happens. Communities such as Braklaagte and Bloedfontein which are threatened with incorporation are land-owning 'black spots' like the Driefontein and Kwa Ngema, but they are faced with a different, in many ways more difficult, government strategy than forced removal.

Driefontein 'small victories, big changes

In the early 80s the chances of averting forced removal in the south-eastern Transvaal black spot of Driefontein seemed bleak. The beloved leader of the community, Saul Mkhize, had been shot dead by a young white policeman at an anti-removals meeting. Despite the fact that the

unprovoked murder was witnessed by hundreds of people, the policeman was acquitted and the judge, in exonerating him of blame, referred to Mkhize as a â\200\234rude and arrogant manâ\200\235 who â\200\234had it coming to him.â\200\235

Piet Koornhof, then Minister of Co-operation and Development, made a concession after Mkhizeâ\200\231s death. The people would not be divided and sent to separate areas depending on whether they were Zulu, Sotho or Swazi, they would all be moved to one place. But they would still definitely be removed. Legally their position was tenuous: Section 5 of the Black Administration Act empowered the State President to order the removal of any Black person, Black tribe, or group of Black people from any area to any other area.

The Driefontein committee had been plunged into despair and mourning when Mkhize was killed. They were infuriated by the trial which acquitted his murderer. They were especially angry with the local commissioner about evidence he gave of events leading up to the day of the shooting.

The committee called their lawyers and instructed them to arrange a re-trial with a judge from another country. When it was explained that this was impossible, the committee said that, in that case, the local commissioner must be removed.

In rural areas like Driefontein the commissioner was the repository of all state functions. He heard trials, paid pensions, permitted or prohibited meetings, issued identity documents, authorised maintenance of roads and public buildings, conveyed government policy and communications, and he chose which local committee he would a as the authorised representative of the community.) In Dricfontein the commissioner did these things very selectively. He continued to recognise a committee whose period of office had expired and which was in favour of removal. Its members had been expelled from mass community meetings in his presence. He refused to approve pension applications, he refused to issue passes (thereby rendering young people unable to get jobs)and he refused to give permission for community meetings. He held money collected from the community for fixing the roads and refused to allow it to be used for this purpose. He said that pensions, passes, meetings and road repairs would all be forthcoming in the resettlement area after the people had moved.

The Council Board committee (of which Mkhize had been the Chairman) decided to challenge the commissioner on each and every one of these actions. Members of the committee called together people who were being refused pensions, or passes, or who had been unfairly treated in the courts. Large meetings were held (without permission) where statements were taken and strategies discussed. Lawyers advised on legal requirements. The pension strategy was that various old ladies who were clearly old, clearly destitute, and clearly resident in Dricfontein (the three requirements which entitled them to pensions) would go and apply for their pensions for the umpteenth time. But

they would be accompanied by a large group of people, including committee members. The arrival of this large group infuriated the commissioner and he responded, as usual, by telling the old ladies to take up with old men who could support them in return for services rendered.

Alternatively they should go and ask the Black Sash for pensions.

But the commissioner, as the pension officer, had no right to refuse pensions to those who fulfilled certain legal requirements as the old ladies all did. And the lodging of applications, filled out in advance properly and carefully by paralegal advisors had been witnessed by the large crowd. So a court order was sought to compel the commissioner to pay pensions. To prevent the matter reaching court, police vans were sent out at high speed to fetch the gleeful old ladies so that they could get their money by special individual payment.

This small victory was greeted with what seemed quite disproportionate delight and rejoicing. The issue was not just pensions, it was the defeat of the repository of state power and the heady possibilities that this opened up. These possibilities were quickly exploited.

The Council Board committee had long been ignored by the commissioner, and it was unthinkable that he would grant them permission to hold a community meeting. So the Council Board members all went to his office and requested permission for a meeting. They took with them an agenda and a list of speakers which was eminently reasonable. The commissioner responded by refusing them permission and adding that he would never, ever, recognise them or permit

Hilda Gamede fighting for her pension, Driefontein.

Photo by: Gill de Viieg/AFRAPIX

them to hold meetings. But the law requires that the commissioner must apply his mind to such applications and this hasty reply was clearly off the top of his head. Another application led to the first of a series of legal community meetings held in Driefontein.

In the meantime the committee was taking up other issues. They organised the election of a clinic committee and then the building of a wattle and daub clinic. They negotiated support from private doctors and funders to open a health service for Driefontein. (The community of 26 000 people had been left with no health services apart from birth control and inoculation after the decision to remove them became official.) More and more people were drawn into community activity. All this activity was directed at stopping the removal. It was to improve life at Driefontein in the face of the state's attempts to starve them out.

In the meantime the state continued with removal plans. Buses were sent to show people the proposed resettlement area, but nobody went. When officials came to make the arrangements necessary for moving 26 000 people they were met by vast crowds of people and challenged rudely whatever they said. There was a mood of defiance and aggression. The officials stopped coming over weekends and came during the day to speak to the women and old people who were at home. They got short shrift. The majority of people at Driefontein had always opposed the removal. But many had felt that the state was all-powerful and that it was impossible to win. This despair had been entrenched when Mkhize was shot dead before their eyes. But when the commissioner was forced to back down on issue after issue they began to change their views. He had been the embodiment of state power, just as Mkhize had been the symbol of hope and resistance. He was defeatable.

Whereas previously people had boycotted meetings and been silent and unresponsive when faced with government officials, now they flocked to all meetings, even to court cases at Wakkerstroom. Wherever a government official turned up, there they would be. They would argue with him, contradict him, laugh at him and challenge his views and the morality of forced removal.

The officials' job was to persuade these people to move. The state could not afford another murder, nor another forced removal like Mogopa. Both had been too recent, too publicised and had cost the Department of Foreign Affairs too dear. At one meeting Mrs Mkhize told the presiding officer that he should come with her and she would show him where she had dug her grave, next to her husband's. Then, when he came back to remove them, he should just shoot her so she could fall in neatly. There was a whole big pile of sand so he could cover her up with the minimum of effort. The common refrain used to taunt officials was this: 'Don't worry we're prepared to move. You just bring Saul Mkhize back to life and then we'll follow him out of here. But as long as he is in the ground here, we're staying here.'

The officials were having a difficult time. They came less and less often. Driefontein got a reputation for being

unreasonable and militant. The commissioner had said at the trial of the policeman who shot Mkhize, that any white who set foot in Driefontein risked his life. Whether they believed this or not, officials knew that there was no way they could accomplish anything resembling a voluntary removal at

Driefontein.

The Council Board was equally vocal at a higher level. Notwithstanding the fact that the commissioner still referred to the pro-removals committee as the authorised committee, the Council Board had won de facto recognition at all levels, by the sheer number and volubility of their supporters. They had various meetings with Cabinet Ministers and their deputies. At one such meeting Dr Piet Koornhof had a taste of what his officials were experiencing in less urbane surroundings than his Pretoria offices. Dr Koornhof had answers for every point and expanded at length on issues of religion, authority and the benefits of a nomadic life-style. The meeting lasted well into the night. The following extract from the minutes contains one of the numerous biblical references used by both sides.

Shadrack Mkhize I thank you for what you've said and for what you people have decided. But the people of Driefontein deny and refuse to be moved, let God be our judge. For we truly believe in God, the creator of everything, he placed us in Driefontein. In 1903 our forefathers found this place. There were arguments from 1907 until 1912 when there was agreement that we are belonging in this place, and the Governor General signed that we should belong in Driefontein for generations. All people believe God is there, let him be the judge.

Koornhof I respect what you say, I respect very highly what you say. I am also a great believer of God, its true that God knows what is best for us. God has placed on you and me responsibilities, he has given us a head to think with, he has told us you must not kick against the tentacles. He teaches us to obey authority, and teaches authority to obey his words, not to place a yoke on the people which they can't bear. I am going extremely out of my way to meet your principles as best I can.

Shadrack Mkhize I have read the Bible and I know it well, the old testament and the new testament. And in Kings we read the story of a man named Naboth.....

Koornhof (interjects) This is not at stake this is not a case of Naboth's vineyard. I know the story of Naboth's vineyard. If it was such a case, I wouldn't want anything to do with it.

Kwa Ngema â\200\224 hobnobbing in high places

Photo by: Paul Weinberg/AFRAPIX

Kwa Ngema 1983

At the same time, the black community adjoining Driefontein, Kwa Ngema, was fighting a battle to stop removal. The Ngemas are also land-owners, but they did not buy their land. It was given to their forefathers in exchange for services rendered to the Boers during battles against Zulu kings. Although transfer had not yet taken place when the Boers were defeated in the Boer War, the British decided to honour the Boer pledge and transfer finally took place as a grant from King Edward VII.

The Ngemas, when faced with the threat of removal, took some liberties with the exact details of their history and wrote to Queen Elizabeth of England asking her to intervene on their behalf. â\200\234Howâ\200\235, they asked â\200\234can the South African government have the right to take away from us, that which was given to us by your great grandfather ?â\200\235 The Queen gave the letter to Mrs Thatcher who took the issue up with Mr PW Botha who happened to be visiting Great Britain at that time. Mr Botha gave assurances that the Ngemas would be fairly treated and this publicised conversation provided Kwa Ngema with a protectively high profile.

The Ngemas believed in making contacts and seeing influential people. They invited a Nationalist Member of Parliament to visit them. They were eloquent, he was moved and promised to take up their case. They also contacted the Chief Ministers of both Kwa Zulu and KaNgwane and asked that they refuse to accept them into their â\200\234homelandsâ\200\235. Chief Buthelezi responded by saying that he could not assist them as this tragic policy was not of his making or

implementation. Mr Mabuza on the other hand immediately offered to meet them . He said that Pretoria officials had told him the Ngemas favoured removal, but that since he now had proof that this was not the case, he would refuse to co-operate with Pretoria in any way. He told the Deputy Minister of Cooperation and Development that KaNgwane refused to administer any land to which the Ngemas were removed. This left Pretoria with the embarrassing prospect of a â\200\234Black Spotâ\200\235 adjoining KaNgwane with no schools, no clinics and no structures of local government.

Mabuzaâ\200\231s stand was very important: it meant that the resettlement camp at Oshoek then being constructed for both the Driefontein and Kwa Ngema communities became a giant â\200\234white elephantâ\200\235 and Pretoria was left with nowhere to put the people.

A matter of style

The Driefontein committee was very sceptical of the

Ngemas hob- nobbing in high places and almost blew the alliance with Mabuza. They initially treated Mabuza in a similar way to any other official or cabinet minister. Mr Mabuza paid a courtesy visit to Mrs Mkhize on his way home from a meeting at Kwa Ngema. He happened to arrive during a legal clinic and about a hundred people were at the house. Nobody went forward to welcome him and there was an uneasy period of people shuffling feet and looking at each other while more and more people gathered together. Finally an old man said, "Well, Mr Mabuza, you have come

here and found us as we are; people who are being rushed down a swollen flooding river with no control over where we will be dumped. We are assaulted from all sides by bits of debris and now we have put out our hand in this chaotic water and grabbed something. And we don't know what it is; whether it is a stick to help us fight, or a snake to finish us off. The floor is yours to tell us which one you are.

Mabuza didn't turn a hair. He responded by saying that he understood that they, as independent land-owners would be suspicious that he was trying to extend KwaNgwane's sphere of influence over them but that was not his intention; he had come to make contact and to offer his assistance in whatever form they wanted. Ultimately a very constructive relationship developed which helped to avert not only the removal but also the state's subsequent attempts to incorporate Driefontein and Kwa Ngema into KaNgwane.

The Ngemas have a completely different style from the Driefontein people. They are always charming and courteous. For example they are on good terms with the very commissioner who is so disliked at Driefontein. When they meet government officials they shake them by the hand and enquire about their health and welcome them into their buildings. This is not to say that they go along with them. They laugh deeply and say "No, No, No, that is quite impossible, that is most unfair, we will never agree to that".

During the period when the removal was imminent, the Ngemas asked any officials who visited them to respond to their objections and engage with the issues they raised. Again and again the officials replied that the decision to remove them had been taken at a higher level and they were merely messengers. Again and again the Ngemas asked for the people who made the decisions at the higher level, the people who had the power to enter into debate.

And when they didn't come the Ngemas proceeded in their absence. Machinery which arrived to dig up the graves got broken. Numbers put on the doors of houses were painted over. A man who had agreed to the removal and subsequently been appointed chief by the state, died suddenly. His successor, who also agreed to the removal, died soon afterwards. Things like this were not common place at Driefontein.

At both Driefontein and Kwa Ngema the removal issue was complicated by the construction of a dam by the Department of Water Affairs. The dam was not the reason for the removals; it was a new project, the removal had been pending since the late 60's. Large parts of both areas were to be flooded by the dam. The Department of Water Affairs had never consulted the Driefontein or Ngema people, even though as landowners, they had legal control over the land. This was because the Department of Co-operation and Development had advised them not to bother; they had been that confident of getting rid of the people.

And so the dam was built and as the waters rose people at Kwa Ngema found their houses flooded and all their

possessions washed away. The Ngema lawyers brought an urgent application against the Department of Water Affairs that they empty the dam. The dam was a crucial part of a multi-million scheme and Water Affairs was furious that Co-operation and Development had placed them in such a

legally vulnerable position. Thus they agreed to settle the case by providing compensation so that people could rebuild their houses on higher ground within Kwa Ngema. Co-operation and Development was furious, they were busy trying to move people away and here was another government department helping them to re-establish their village on higher land in the same place. Water Affairs was not sympathetic, they assured the Ngemas that had they known that they had title to the land they would have gone through the proper legal channels before starting work. (In many ways it was lucky that this did not happen; there would have been no way to contest an expropriation for a public purpose like the construction of a dam.)

By 1985 the government was in a very defensive position in relation to Driefontein and Kwa Ngema. There had been publicised court cases; PW Botha had been confronted in England; KaNgwane had deprived them of a resettlement camp and both areas were flourishing in terms of the balance of power with local officials. It was clear that the majority of people in both places not only opposed removal, but that they would resist it physically and by all the means at their disposal.

The communities were called to meetings in Pretoria and told that the government no longer wanted to move them for political reasons; it had changed its mind. But there was still the matter of the dam. Large parts of their land were being flooded and the people affected would have to move.

Where to? Unfortunately the government could not give them adjacent land because just as it was now opposed to the forcible removal of black people, so it was opposed to the forcible removal of white people. The committees wanted to know whether this was the only reason? â\200\224 Of course â\200\224 Sure it has nothing to do with politics ? â\200\224 Of course â\200\224 So if there were no whites on the land adjacent to us, you'd let us have it ? â\200\224 Yes that follows logically.

And so the committees went home and identified various pieces of land around their farms which they said had been expropriated, or were empty, or were state land. Sure enough deed searches confirmed their local knowledge. But there was still not enough. So they approached Barlow Rand who had land in the area and asked for them to make a piece available to the state. Then the two committees sat down and worked out a distribution of the available pieces between the two areas and went back to the government with this information. The government was left with no choice but to give them the land. And so on 27th August 1985 Driefontein and Kwa Ngema were formally reprieved from forced removal.

Tactics/Maplan

At workshops held afterwards other black landowning communities asked how they managed to win â\200\224 what was the secret of their success. Moses Ngema, the chairman of the Ngema committee explained it like this: â\200\234Maplan, you must always have plans, whatever they do, you must be clever, you must look at it from all angles, you must think what have they done which is too proud, or too stupid. And you must organise people so they have always got something to do, an answer to give, a step to take. You must never wait to see what will happen next. Try something and know what you will use as a follow up if it doesnâ\200\231t work. And sometimes you must not restrain people, they must act according to what is in their hearts. If you are furious, let it come out or you will get sick and the Boers will win.â\200\235

There is no doubt that â\200\234maplanâ\200\235, tactics, call them what you will, have been an integral part of the black spot struggles. And also that these tactics grow directly out of local beliefs, concerns and even style. Driefontein and Kwa Ngema adjoin each other, and yet their tactics were different from each other, although complementary. An outsider can never predict which issue is going to grab peopleâ\200\231s imagination, unify them and inspire them to take risks and engage in mass action. It often takes months to understand the local histories and past battles which make an issue that seems quite tangential something which is deeply meaningful to people. Time and again actions around these issues do indeed highlight and challenge the very heart of the removal issue.

The process of forced removal is a very physical process. It requires the evaluation and numbering of houses, the moving of graves, the quantification of people and goods and cattle. It requires that set tasks be achieved on set dates. It is a process made up of a million arrangements all of which require interaction, at least in terms of obtaining information, with the people who are to be removed. As a result it provides for very concrete opportunities to oppose the process and to confront the actors on the other side. Because it is a tangible process, it is easy for rural people to deal with. The officials often overplay their hands because they are used to having unchallengeable power in relation to black people. Thus, the minimum of legal support can tip the local balance of power very easily.

Any victories however small are important in boosting the confidence of the communities and thereby drawing an increasing number of people into active, as opposed to passive resistance. They are also important in undermining the confidence of government officials. Often the shock of defeat is enough to shake them completely. They retreat, unsure of exactly what went wrong, but not prepared to risk the ignomy of defeat again. This official response occurs at both a national and local level. Instead of examining why the issue was lost and how to avoid the pitfall in future, officials jump to the conclusion that the law is inadequate. They back off completely to wait for parliament to add some strength to their arm in the form of a new law or an amendment to the existing law. Over the years the body of South African law which governs the removal and

Photo by: Gill de Vlieg/AFRAPIX

dispossession of black people has become an impenetrable forest of racial decrees and orders

Bitter experience in these areas and other black spots has shown that legal challenges that address laws such as the Black Administration Act are often doomed to failure. Where the legal challenge can be directed at less directly racial law, law which is ostensibly common to all South Africans, like pensions, or water law, or the law of contract there is a much greater chance of legal success.

Finally, both the Driefontein and Kwa Ngema struggles focussed on the fact that the people were land-owners. This was used in the various legal strategies, in the case presented to state officials and extensively in the publicity and lobbying. What options are open to black people if even those who own land are subject to arbitrary removal and dispossession? How strong is the protection of private property if it can be negated by political whim, depending on the race of the title deed holder? There was a widespread response to these concerns.

Incorporation â\200\224 a new State strategy

In 1985 Minister Gerrit Viljoen announced that the policy of forced removals had been suspended. This announcement followed successful struggles all around the country. It took place during a period of political challenge by the unions, and the UDF, and during the heyday of heady optimism when popular mass action was the order of the day and the state was making major concessions against apartheid.

With the introduction of the state of emergency in 1986 and other repressive measures these concessions stopped. A classic forced removal took place at Langa (Uitenhage) in 1986 and then a massive removal from Crossroads to Khayelitsha. The state plans more. Minister Heunis has given the names of various areas that â\200\234must goâ\200\235. Notwithstanding these setbacks some of the earlier gains have not been lost. Unusually, rural people have fared better than their urban counterparts. The post-emergency removals have been of urban people and the areas cited by Heunis are all townships. But this does not mean that the state has given up on getting rid of rural people.

Since Mogopa in 1984, there have been no forced removals of black land-owning rural communities. The state has a new strategy for dealing with these areas. They are to be incorporated into one or other Bantustan. This does not involve the physical removal of people, rather the redrawing of homeland boundaries to include their land.

Incorporation is not a tangible process. It is something which is done far away in Pretoria at the Government Printerâ\200\231s office. As Chief Pusey Sebogodi of Braklaagte has said, â\200\234How do you fight the drawings of a pen?â\200\235 This does not mean that incorporation is a â\200\234hands-offâ\200\235 process. On the contrary, all the recent incorporations (Moutse, Botshabelo, Braklaagte, Leeuwfontein and Peelton) have been much more violent than most forced removals. Invariably the Bantustan authorities have immediately moved in, rounded up people and viciously assaulted them. In all cases people are told that they must now realise that

Photo by: Gill de Viieg/AFRAPIX

Moutse villagers attacked by Mbokodo â\200\224 a vigilante force established and backed by the Kwa-Ndebele authorities, January 1986.

they are under the Bantustan, they are told to shout pro-Bantustan slogans and when they refuse they are tortured more. In Moutse over 300 people were tortured in this way on the night of the incorporation which was New Year 1986. In the subsequent turmoil at least 20 people died. In Braklaagte, over 80 people were seriously assaulted over Easter weekend in 1989. In Leeuwfontein 11 people were killed on the 1st July 1989. Nine of them were policemen and the Bophuthatswana police have instituted a reign of terror in the village in retribution for the police deaths.

These communities had developed an anti-Bantustan reputation in the years that they resisted removal and subsequently incorporation. Attacks by the Bantustan authorities are directed at the whole community, so that while certain leaders get particularly vicious treatment, old grandmothers, priests, businessmen and village elders are not exempt.

There have been legal challenges to the incorporations. These were won at Moutse and Botshabelo and were major setbacks for the state's independence plans for Kwa Ndebele and Qwa Qwa respectively. They were also very important victories for the communities concerned which had been systematically persecuted by their hated hosts and living under perpetually unstable conditions since the incorporations took place.

But legal action at this level does not help provide the tangible victories for local struggle that consolidate organisation and tip the balance of power before incorporation becomes a fait accompli. As long as the issue is fought in the Supreme Court or the Appeal Court the major actors will remain lawyers from either side. And lawyers for the community side are in a vulnerable position because, when presented with the fait accompli of an incorporation they have to challenge the fact in terms of the very law designed to implement it, the National States Constitution Act and the Borders of Particular States Act. Once in this arena all the bush war advantages of a multi-faceted common law approach are lost. And we are in that familiar cat and mouse game of successful legal challenges leading to a series of amendments to the principal Act until all the loopholes are closed.

In Moutse the legal challenge to the incorporation was finally won in the appeal court on the basis of ethnicity; the incorporation of 100,000 Sotho people into an Ndebele homeland is inconsistent with the (apartheid) legislators' intention of ethnic consolidation. This argument was the only possible way to reverse the hated incorporation; both the lawyers and clients were fully aware of the irony of using apartheid ideology to undo apartheid. But the ramifications of the irony are not yet fully played out. During the period of opposition, unprecedented alliances developed. The previously conservative Tribal Authority joined forces with the young comrades, the women and the civic association established by Moutse migrants on the Witwatersrand. There was a period of physical uprising which mobilised tens of thousands of people. Then there were years when the population put their hope and faith into the outcome of the

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court-case. Ultimately the case was won. But in those years the ideology of working within the prevailing institutions had become dominant. Now a government commission has

been appointed to address Moutse's future. While the comrades and the migrants assert that the long battle against KwaNdebele was a battle against the Bantustan system and that Moutse should be administered as part of the common area of South Africa, the Chief and Tribal Authority argue that as North Sotho people they should fall under Lebowa. The traditional Tribal Authority is asserting that it is the established leadership and the other partners in the alliance have played their role and should now retire gracefully. A clever legal point has reinforced an already inherent conflict of interests in the society.

Hopefully local strategies will be developed that will force the main actors into the ring at an earlier stage of the process. If these are supported so that some concrete victories are won we will be back in the arena where rural people are strongest and the law is least biased against them.

Struggles without title deeds â\200\224

non-landowners

Photo by: Lesley Lawson/AFRAPIX

The Modensela and Ngoteni families are threatened with eviction after five generations on the farm.

â\200\234Black spotâ\200\235 dwellers are not the only people who have occupied farming land in the â\200\234whiteâ\200\235 rural areas for generations. There are parts of South Africa where black families have lived and farmed on what are now white-owned farms since before the period of conquest. This situation does not apply all over the country. Generally it occurs on poorer agricultural land and in areas bordering land reserved for blacks. In richer highly capitalised agricultural zones like the Western Cape, the Natal Midlands, and the Western Transvaal capitalist relations of production are firmly established and black people on the farms are wage labourers and their families. Their struggles are for improved wages and working conditions rather than for access to land.

The following section does not apply to these highly capitalised regions, it applies to areas such as the South Eastern Transvaal, Northern Natal and parts of the Free State where black people have been living on the same farms for generations, and more feudal relations still exist. My examples are drawn from the South Eastern Transvaal.

There are vast numbers of black people living on white farms who are not wage labourers or their dependants, this number is increasing. Charles Simkins has analysed government figures and shown that the ratio of Africans to whites on farms has soared since the 50's. He found that, in absolute terms, the number of rural blacks outside the

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bantustans rose by about 2 million between 1951 and 1980.Â® This is despite the fact that the number of people employed in agriculture has dropped steadily since the 50's and despite the fact that well over a million people have been forcibly removed from white farms since the 60's.

These figures bear testimony to a process of tenacious resistance and return in the face of overwhelming odds. There has been a barrage of laws directed at destroying black farming on white land, and a violent physical process of ejection.) The Surplus Peoples Project figures show that farm dwellers have been the largest category of people affected by forced removal. They are also the most legally disadvantaged people in South Africa. This situation is especially significant when one considers that 80% of South Africa is white farm land and that about 30% of the African

population lives in these areas.

The terms

The struggles that people have fought to keep occupation of land which is their historical home, but which legally belongs to white owners, have been very different from the black spot struggles.

There has not been the same tactical approach. This may be because black land-owners could maximise the contradictions in dominant ideologies like the sanctity of

private property and the notions of equality before the law. Black tenants, on the other hand, have tended to reject these ideologies and disdain the terms of the opposite side. The notion of land-ownership is always contested, however obliquely. Again and again tenants refer to the white farmers as transient sojourners and to themselves as the permanent inhabitants of the farms.

Questions as to who owns the farms often elicit responses like the following one from a person threatened with eviction:

â\200\234The whites have not been here for long. This one has been here for six months. The one before was just the same. The one before him was a doctor from Ermelo and he was just like this one ... We are the people who live on the farms, we are not people who are visiting or people who are passing through. We were born here. Another place we have not seen. We were born right here on this farm.â\200\235

There are individual families who have been evicted from, and returned to the same farms many times. (One old man, Sergeant Yende, from a farm near Driefontein, did this eight times.) In this process people suffer incredible loss, often their houses are burnt down, their cattle are impounded and they must spend periods in jail. But they persist with a conviction that pays scant attention to the formal and legal mechanisms used against them.

This disregard for the terms adopted by the white farmers, by the courts and by the dominant institutions in society (for example the police) is not something new. In 1929 there was an appeal court case between a white land-owner (de Jager) and a black tenant (Sisana). De Jager was the new owner of the farm, having bought it from a certain van der Westhuizen in 1927. The facts of the case are set out in the 1930 appellate division law report.

â\200\234In December, 1927, the plaintiff (de Jager) met the defendant (Sisana) and other native squatters, informed them that he had purchased the farm and offered to employ their labour in return for occupation and grazing rights. They were told they were to quit the farm if they were unwilling to contract. The defendant took up the attitude that he was not satisfied that the farm had been sold ... Defendant said he could not supply labour to any other master than van der Westhuizen without the latterâ\200\231s consent. In giving his evidence the defendant claimed that if van der Westhuizen does not come back he was entitled to live on the farm without working.â\200\235

Sisana had been convicted in the Magistrateâ\200\231s Court, won an appeal in the Supreme Court, then lost when de Jager took this decision on appeal. In giving judgment the Appellate Division stated: â\200\234It is unfortunate for respondent that the outcome of the extraordinary attitude which he took up is that he is mulcted in heavy costs and will have to leave the farm where he was born and has always lived. Whether his attitude was due to childlike simplicity, or to perverseness, or to some other cause, I do not know, but however one may pity him, the evidence indicates that there

Sisana's attitude was not at all extraordinary. It is very common that tenants insist that a contract continues to exist for as long as they fulfill their obligations in terms of it and it has not been properly ended. They ignore attempts by farmers and the police to alter the terms unless this is done by agreement. This attitude is neither a child-like simplicity nor perversity; it is a simple disdain and rejection of the legitimacy of the farmers' behavior.

A recent case in the Wakkerstroom Magistrate's Court illustrates that this disjuncture of contractual interpretation has not improved in the intervening 50 years.

A young man, Joseph Nhlabathi, lived and worked on the farm Geelhoutboom. He had been born on the farm, as had his father who was buried there. He worked fulltime for Riaan van Wyk in exchange for a wage of R45,00 per month and the right to keep his cattle, sheep and goats on the farm. (This right was the substantial part of his remuneration.)

Then a new white man (van Zyl) came to the farm and announced that there would be a new system on the farm; people would earn higher wages (R80) but could no longer keep their own stock on the farm. Nhlabathi ignored this communication and continued to work for van Wyk, who still farmed the adjacent land. Van Zyl then served Nhlabathi with a 4 weeks' notice of eviction telling him to vacate the farm, with his family, his goods (he has extensive building on the farm), and his animals. In response to this Nhlabathi hired another man to work for van Zyl. He paid this man R100 per month. (This is a common practice in the area.) For several months this man joined the group of labourers who reported for work every morning although Nhlabathi did not introduce him to van Zyl or explain why he was working for him.

While this man was working for van Zyl, Nhlabathi was arrested for trespass on the basis that he had not vacated the farm within the notice period of the 4 weeks' notice. In court Nhlabathi testified that he was providing labour for van Zyl and that he had continued to do this, at considerable expense to himself throughout the period of notice. He said that this maintained the contract and cancelled the 4 weeks' notice and the notice. He therefore had the right to remain on the farm, even if he himself continued to work for van Wyk who had, in any event, never properly explained the change of ownership.

Nhlabathi would not budge from this position despite both the Magistrate and the Public Prosecutor's fury and righteous indignation at his stupidity. Nhlabathi stood in the dock, young and dogged and desperate and repeated that the farm was his home, his parents were buried there, he had done nothing wrong and he would not leave. Clearly for him van Zyl's conduct and the entire legal system was irrelevant. He occupied the farm by an age-old contract in terms of which blacks acquire access to land in exchange for

providing labour. He was providing labour for two masters, let alone one; he had the right to stay.

The rights Nhlabathi was asserting are not very different from those asserted by the black spot communities; rights won through a contract with the white conquerors of the land. But the position from which they were asserted is infinitely more vulnerable all alone in a court that dismisses his reality as stupid and perverse.

Some struggles

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Community of Cornfields under threat.

The isolation and loneliness of tenant struggles has sometimes been broken by group action and legal victories that tip the local balance of power with white farmers. Some recent examples emerged in three different situations.

e Arrest and eviction of individual families from farms

* Eviction of whole villages from forest land

Assault and murder by white farmers

Individual evictions

When a South Eastern Transvaal farmer decides to evict a tenant family he will generally give them a trek-pas. This is a letter which says that the person, his or her family and all their livestock and cattle must vacate the farm by a certain date. If the family hasn't left by that date the farmer reports the matter to the police and lays a charge of Trespass or Illegal Squatting. The head of the family is then arrested forthwith and brought to court.

In most cases the only basis for challenging eviction is the unreasonableness of the circumstances of eviction and the shortness of the notice period. Sometimes farmers give a week's notice and generally two weeks or a month.

Recent legal defences have been based on the fact that a contract has existed for decades, and that the tenant has not breached it, and thus is guilty of neither trespass nor squatting.

Old Natal judgments were useful in (re-)establishing this defence in one of these cases, Makala Zikalala vs Groenwald (1 the judge states:

Photo by: Gill de Vlieg/AFRAPIX

One's knowledge of conditions of this country convinces one that it is difficult for a native to find a moment's notice new land upon which to settle. To remove his kraal takes some time when he has found the land. The right of occupation of the soil has, from the earliest times, been a fertile source of social and political trouble, and it is incumbent upon the Court to see that the rights of tenants,

as regards notice, especially in a country like this, are being properly safeguarded, when they are being turned off land.

Eviction of villages or settlements

In the South Eastern Transvaal large forestry companies are buying up land which used to be individual white farms. With the land come people who have lived there for generations on the basis that as long as one or more able-bodied members of the family tender themselves for employment, the rest of the family will be allowed to live there and keep cattle and plough land allotted as their family fields. On some farms there are large villages of black people in this position, especially in situations where the previous owners had been absentee landlords.

The policy of the forestry companies has generally been to employ some of the people and evict the others. The plan is to move those to be employed from their disgraceful mud structures and to accommodate them in housing schemes where schooling, water and health facilities are provided. Only the nuclear family may be accommodated in the family housing and families will be allowed vegetable gardens and perhaps one or two cattle, but not the large herds and extensive lands they presently use.

Again and again these schemes are met with massive resistance. The smart new houses stand empty and people insist on staying in their mud houses with their large families. Crowds of people tender themselves for work every morning and those for whom there is no space refuse to leave the farm. Even the most progressive companies are forced to resort to eviction notices and criminal prosecutions. Their only explanation for this is the childlike simplicity or perverseness of the rural black.

Recently the successful defence of criminal prosecutions has opened the way for negotiations between villagers and companies. The villagers have explained the terms of the contract which has governed this land, and their lives for the past century. They have proved that they were born on these farms. They have shown that the extended family is necessary for their survival; there must be enough people in a family both to provide labour for the owner of the land and to farm the area which is theirs as payment for their labour. They have said that their inherited wealth and only real security is the cattle that belong to them and it is no easy matter to dispose of their stock. They have said the new housing schemes have no space for fields, or cattle or decent independent family life. They have stressed that they are more than willing to work in the forest, they need the cash wages that go with this employment.

They have said that the important aspects of the system can be reduced to written contracts which determine the number of cattle, the size of the field allowed, and even the size of the family as it is defined in Zulu custom. Some companies have accepted these conditions and the notion of a contract that regulates the relationship.

In 1987 there was an unusual meeting between the management of Hunt Leuchars & Hepburn and a group of villagers who had been served with eviction summonses. The meeting took place in a patch of open land in the forest. One after another the villagers stood up in the long grass and explained how they had been born on the land, they gave the names of the white farmers they had worked for as the land changed hands, and explained how, when HL & H bought the land, they had been employed on a seasonal basis depending on the demand for labour. Now, HL & H was introducing progressive measures such as a permanent fulltime employment and family housing and because they were amongst those who had been recently retrenched, they must leave the farm forever.

When everyone present had finished describing his or her life there was a long silence. The management was hidden in the long grass. Only the tops of their heads were visible so no-one had been able to gauge their response. Then the group personnel manager stood up, and he apologized. He said he had been responsible for the new measures, he had thought they would be improvements. Now he saw they would never be accepted by the people if the whole fabric of society had to be forcibly destroyed for them to exist. He said every person present could stay on the farm for the rest of his or her life and the summonses would be withdrawn. He sat down. There was dead silence in the forest, this stretched on and on. He jumped up and said that perhaps they didn't believe him. He told them his name, and his position and assured them that he had the authority to implement what he had said.

The villagers were too amazed to respond immediately. Then one after another they stood up and made tentative speeches of thanks. After he had left there was incredulous wild rejoicing.

Other negotiations have not been so dramatic, nor depended so much on an individual's changed perception. But forestry companies in the area have stopped evicting people on the same scale and with their previous self-righteousness.

Assault and murder by white farmers

Farmers often act as though they have absolute power and control over the lives of the people who live on their land. Assault and murder are commonplace. Very few prosecutions are brought against whites who assault blacks, even when charges are laid. Those prosecutions that do take place are half-hearted and even when they result in convictions, whites seldom serve prison sentences.

All institutions in the Transvaal platteland are fundamentally racist; shops, the police, the post offices and the courts. This can be related to the way in which race is functional to the balance of power in these areas. The only real edge that white farmers have over black farmers, is that they own the land. The only reason they own the land is because they are white. And by owning the land, they gain control over the black farmers in the area who must work

for them on their terms, to keep a toehold on the land.

Political power, access to land, free labour, all these things depend on skin colour alone. So skin colour must be asserted as a meaningful reality; blacks become less than human - a lower species whose inferior position must be re-asserted daily.

It is not surprising that black life is cheap in this context. Ensuring that farmers are brought to court, pushing for convictions and, at the least, instituting civil claims for damages become challenges to the balance of power in these areas.

Farmers have always been able to rely on the implicit (or explicit) support of the local police and courts and so their absolute power is seldom challenged. As soon as the tenants have legal representation and cases of assault are won the farmers become profoundly disturbed and unsettled.

Christina Nkosi
threatened with eviction
from the farm Zaathoek.
Her family has lived
there for generations.
She herself was a young
girl during the Boer War
at the turn of the century.

Photo by: Lesley Lawson/AFRAPIX

Photo by: Cedric Nunn/AFRAPIX

Seargent Yende back in his homestead after his eighth eviction.

Legal support - adopting what terms?

Legal support in the three kinds of situations described above often seems to adopt the very terms of the dominant ideologies which labour tenants reject.

The old Natal judgment quoted earlier as useful in defending tenants against summary eviction sets out this contradiction. The judge states that in a country such as this, where land has been a fertile source of social and political trouble, it is incumbent upon the Court to see that the rights of tenants ... are being properly safeguarded, when they are being turned off land.

To assert that notice should be proper, contracts written down and that murderers should go to jail is hardly revolutionary stuff. In fact these are all demands that legitimise and stabilise the present order of things. Lawyers using the legal defence that one month's notice is unreasonable for a labour tenant have been concerned that they are focussing the issue on reasonable notice rather than on other, more permanent rights. What happens when the farmers start to give a year's notice ?

But the tenants and black spot committees have pooh-poohed these concerns. For them the issue, at this stage, is to win and by whatever means available . Any challenge to absolute control by the white farmers is seen, by both sides, as a significant shift in the balance of power. The issues of race, power and land are so inextricable that a challenge to any one aspect is seen as a threat to the entire order.

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Last ditch stand?

Yet the victories won are few and far between, tenant struggles remain essentially vulnerable and isolated. In this context the do-or-die attitude taken by individual tenants in returning to their farms again and again, and in asserting their rights in the face of an ideology which does not connect with their own, seems suicidal.

The significance of this stand is that it is shared by hundreds of thousands of people who adopt it because they have no alternative. Each individual act of defiance and resistance may seem suicidal, but together they amount to an expression of the permanent instability and pressure that will exist while black farmers are restricted to tiny

over-crowded reserves and vast areas of agricultural land lie open and reserved for whites only. Not even the barrage of laws introduced to prohibit black tenancy and the violence of the evictions in the 60 and 70s could reverse the tide of black people to this land. In the immediate term the position of tenants district by district and family by family remains very vulnerable. A family threatened with eviction faces terrible suffering whatever choice it makes - whether to resist or move to the Bantustans.

There can be no real improvement in the lot of labour tenants until there is general recognition of their position and the positive contribution that they can make as farmers. This would entail an ideological shift to a recognition that decades of occupancy give them the right to some form of security of tenure on the land. It would also entail an acceptance of the notion that blacks on the platteland can be there as independent producers, not just as employees or servants.

Conclusion

Black spot dwellers have used a very tactical approach to resist dispossession. This choice was made long ago; they are the people who entered into the conquerors' terms and bought their own land back. Labour tenants are a much more ideologically marginalised group. They do not have the same position to maximise, all they can do is assert that they have a right of occupancy of the farms where they were born. In the face of the dominant ideology of land ownership this often appears a last ditch stand with no prospects of success. The different choice that the two groups made a century ago - whether to buy or not - has led to different histories. But there is an underlying similarity far greater than the differences. Most Black spot communities were forcibly removed and lost their land in the 60s and 70s despite having entered into the conquerors terms and bought it. The two groups of people certainly see themselves as fighting a common struggle and see each other as allies against the Boers. There has always been interaction

between them. Evicted tenants take refuge with relatives in black spots. There is a constant stream of tenants consulting the Driefontein and KwaNgema committees about threatened evictions.

This overlap has an objective base. Both groups are fighting for the rights of ordinary contractual relations, the one sale, the other tenancy. Both can easily be met within the parameters of capitalism. They challenge platteland society only in relation to racial power and control.

The difference is that the black spot people believe in the title deeds which have been the measure of their compromise, and also their flimsy protection in the conquerors world. Tenants on the other hand have never seen either a title deed or a lease agreement. Their experience is contained within the parameters of birth, death and life on the same land that their families have always occupied.

The offensive position â\200\224 some implications for the future

Empty land â\200\224 an empty page ?

The three examples described so far (Driefontein, Kwa Ngema, labour tenancy) all exist in one magisterial district, Wakkerstroom. If one drives through this area it looks under-utilised and empty. Driefontein and Kwa Ngema are tucked out of view from the main roads.

It is the kind of area which one can imagine that future land-reformers would put down for immediate re-allocation. But how and to whom? Because this land is not empty. There are as many people in Driefontein and Kwa Ngema as in the town of Ermelo. And the wattle and daub structures scattered on the farms house a cumulative total of tens of thousands of people.

Leaving out of consideration the white farmers (a luxury which will never be practically possible) there are at least three different groups of people who have a historical relationship to the land and lay claim to it.

The labour tenants are in occupation of the vast white farms. They are the â\200\234landed gentryâ\200\235 of the area. In many cases they are petty chiefs and healers who are consulted by large numbers of people. They have cattle and extensive homesteads and their children have high status in the marriage market. For them, when the Boers go, the farms will be theirs.

The black spots are extremely over-crowded. They have become refugee camps for people evicted from the white farms. There is not enough land left to farm or for grazing. Also when the farms were initially acquired down-payments were made on other land in the area and people believe that they were cheated out of these farms and have a right to them (see next section for tension arising out of land hunger in the black spots).

And then there are the inhabitants of the vast resettlement camps in KaNgwane, made up mainly of people who were removed from the white farms. There is a constant traffic between these areas, from KaNgwane back to the farms, and then evicted from the farms into KaNgwane again. These people are in the most desperate position of all.

People in all these categories have fought courageous battles to retain access to farming land. In some cases their houses have been burnt down and they have been forcibly loaded onto trucks. In some families people have died fighting for the land.

In this context land is an explosive issue. Battles for land in the 80â\200\231s have not been confined to battles to stave off dispossession. There are also constant struggles to get land. Some of these struggles have been slow insidious processes made up of individuals settling on land or returning to farms. Each family has had to fight tenaciously against

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overwhelming odds. This process is not negligible, vast numbers of people are involved. Even if there has not been an academic focus on rural land reoccupation the SADF is well aware of it. Concern about this â\200\234uncontrollable processâ\200\235 has been a major factor in the severe new controls

in rural areas introduced in the latest Amendment to the Illegal Squatting Act.

But some of the processes of getting land have not been slow or insidious. Whenever an opportunity to acquire land is perceived there is a chaotic scramble.

Land is a major resource around which racial competition and black anger often crystallise in South Africa. Even small tracts of land become the centre of intense wheeler-dealing if it seems likely that access may be opened up, and the logjam of racial apportionment of land eased.

Recent events at Driefontein bear testimony to this.

Offensive struggles
Driefontein explodes

Driefontein in 1989 is a secure area. It has weathered attempts both to remove it and to incorporate it into KaNgwane. In the last decade the vast majority of the population has been drawn into concrete struggles at one time or another. During the course of these the Council Board committee changed from being a group of male land-owners dominated by Soweto businessmen, to one where there is an equal proportion of land-owners and tenants, with a couple of women playing important leadership roles. There have been no major schisms in the community since the rift with the pro-removals group was healed.

From this point of view and compared with other parts of South Africa it seems a haven of rural bliss and tranquility. The realities of life in Driefontein belie this. It is very over-crowded and there is serious poverty, but relative to other areas it has a great deal going for it.

Then in late 1988 the issue of purchasing a neighbouring farm came up. A group of tenants brought a letter to the Legal Clinic asking the Black Sash to intervene with our father, the State President to give them land. The letter, written in English, detailed the suffering of the Driefontein tenants at the hands of their exploitative land-lords;

We need a Trust Area for our suffering community of Driefontein. At the moment we are oppressed by the land owners (Stand owners). Under these people we are not allowed to possess properties such as live stock, free enterprise businesses, modern houses and enough ground or land for crop farming ...

â\200\234Sir, we are living in squatters and shacks, we are oppressed and there is no way to stretch our arms and legs. How long shall we suffer in our fathers land? We are your children. We desperately need your help and your Cabinet. Our products will benefit your people all over the Republic of South Africa even yourself. We will apply the Free Enterprise System.â\200\235

The Council Board committee representative who was assisting the legal worker, and was himself a tenant, asked for examples of instances where landowners had oppressed tenants. The group of tenants were genuinely confused; what was he talking about? They had never said such things. They just wanted land. Their letter was translated into Zulu for them and they dissociated themselves from the parts complaining about the Driefontein landlords. They would not say who had written the letter. They said those parts should be cut out and the letter sent to the State President.

Meetings were held between the Council Board Committee and the rapidly expanding group of tenants seeking land. The meetings were tense. A vocal group amongst the tenants accused the Council Board of having failed to procure enough land for all the people at Driefontein. The Council Board accused some of the tenants of stirring up trouble. The committeeâ\200\231s explanations about the legal difficulties of buying white farming land were clearly seen as wilful obstructionism by the tenants. The Council Board committee explained that it had always intervened to stop landlords evicting tenants; indeed half of its members were tenants. The new tenant leader insisted on referring to the committee as a group of land-owners.

The ever increasing number of tenants who attended the meetings shifted from side to side as the argument went back and forth. It was clear that they would support whichever side promised land. Finally the Council Board proposed that a joint committee be set up to identify land and work out strategies for pressurising the government to lift the legal restrictions on blacks buying this land.

At the first meeting of the joint committee none of the vocal tenant leaders arrived. But many other tenants did. They were nervous about recent developments and they wanted to check out the legal situation.

They said that the tenant leaders had met up with a â\200\234Domineeâ\200\235 van Rensburg who had made a deal to buy the next-door farm on their behalf. Anyone who paid R400,00 would get a share in the farm. The purchase price was R400 000,00. The Saturday before he had set up a table on the road outside Driefontein and collected R85 000,00. The Council Board was well aware of the money collection. Hundreds of people had swarmed around the table all day long. Tellers from Boland Bank collected the money and armed guards were present. Mr Van Rensburg declined to explain more than that he was from the Internasionale Christelike Gemeente and the money was for the purchase of a mission farm.

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All that was known about Mr van Rensburg was that he was the Personnel Manager of the Natal Tanning Extract factory at Iswepe. The Council Board had earlier assisted various workers to take legal action against Mr van Rensburg for retrenching them after 45 years with â\200\234pensionsâ\200\235 of R15,00

per month,

Enquiries with NG Kerk offices in Pretoria and Johannesburg drew a blank on a church named â\200\234Internasionale Christelike Gemeenteâ\200\235. The local official from the Department of Development Aid told the Council Board committee that he knew nothing of the project. The Council Board asked their lawyer to investigate and in the meantime warned the people who were flocking to them for advice as to whether to go and pay the following Saturday, that the whole thing looked very dubious.

In the meantime Mr van Rensburg assured the lawyer that he had the interests of black people at heart, that he had investigated all the legal constraints and had been given the green light by Minister Heunis and Deputy Minister Roelf Meyer of Constitutional Development.

This proved correct, Constitutional Development had approved the scheme. The Department of Development Aid then became involved and assured the Driefontein people that they would stand by and guard their interests. They would insist that each person who had contributed got registered title deed to an individual plot, there would be none of this mission farm story, and no-one need fear that â\200\234Colouredsâ\200\235 or â\200\234Indiansâ\200\235 would be allowed to participate, as Mr van Rensburg had â\200\234threatenedâ\200\235.

The result of this has been to revive old community divisions. The tenant leaders say that the Council Board committee was jealous of more people becoming landowners and so advised them not to participate. The businessmen on the Council Board committee came home from Soweto and said that this proved their previously unexpressed reservations about allowing tenants on to the committee: these people should be expelled and the committee revert to its previous membership of male land-owners only.

None of these issues is settled, least of all the purchase and transfer of the new land, but people on all sides are saying there will be bloodshed before it is resolved. Everyone in Driefontein has a strong and desperate desire for access to land or more of it. The fury at obstacles in the path of this desire is not directed at the state, but at other groupings within Driefontein. The tragedy is that Driefonteinâ\200\231s present predicament is a result of state action. It is overcrowded because it has become a refugee camp for people evicted from white farms in the area. In court case after court case when labour tenants charged with trespass or squatting plead lack of alternative accommodation, the magistrate says â\200\234What about Driefontein, or Daggakraal, or Kwa Ngema â\200\224 there are black farms with lots of space for youâ\200\235. The Driefontein landlords charge a yearly rent of R20 to R40 per tenant family. This is much less than the return they would get from the land if it were used for crops. The

agricultural base of the community has been eroded over time and there is not sufficient grazing for cattle whether by land-owners or tenants.

Everyone wants and needs more land. The white farms around are being steadily depopulated by their white owners. The logical thing is that the state allow black farmers to purchase the land. But one cannot blame the Council Board committee for being caught off guard by the government's completely unprecedented decision to allow black people to purchase more of the very land from which they have been trying to evict black people for decades.

Holgat - hopes raised and dashed

Hearing the news of Holgat's expropriation.

It is neither necessary nor inevitable that black peoples' desire for land should implode self-destructively. Other recent developments contain very positive possibilities.

In 1984 the South African Council of Churches passed a resolution that its member churches should make mission land available to dispossessed black people. Generally this land, usually mission farm land, was scheduled or released in terms of the Land Act so fewer legal restrictions on black ownership apply.

In 1987 the SACC raised money to purchase a farm, Holgat, in the Western Transvaal from the Hermansberg Mission of the Lutheran Church. This land would otherwise have been sold to white farmers and its status as released land wasted. It is a beautiful, fertile farm right in the heart of the district from which hundreds of thousands of Tswana people were moved into the Ramatlabama and Marico resettlement camps in Bophuthatswana.

A trust was established with three groups of people as beneficiaries; the Mogopa people who were then living under terrible conditions in Bophuthatswana; the Machavie people who had been moved seventeen years before; and the

Photo by: Gideon Mendel

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farm-workers who lived on the farm, many of whom had been there for more than ten years.

Throughout that year many weekend workshops were held with about 80 people representing the different groups. The workshops discussed questions such as;

* How should the farm be allocated? Kept as one unit or divided into three units for the three groups?

How should the land be allocated? Kept as big fields or divided into family plots?

What kind of farming should be practised? Maize and cattle or mixed farming?

Where should the housing be established? Three different villages or one village? On richer land for better vegetable plots, or on poor land to release the

richer land for fields?

How should production be organised? â\200\224 Who would work, and for what? â\200\224 Wages or the final crop?

How should the crop be divided?

What about the herd of Brahmin cattle that was included in the purchase price? Who would own this? Who would care for it?

What would be the status and role of migrants who worked in Johannesburg, but were members of the community?

What would happen to the white farm houses on the farm?

What did people think about the trust document and the form of ownership?

How exactly should beneficiaries be defined? Who could be considered members?

What sort of community committee should there be? How should the different groups be represented in it?

How should disputes be resolved?

These questions were all very pressing. The farm was to be available from the next ploughing season. It had machinery and cattle. Some money had been raised to finance the first seasonâ\200\231s ploughing but otherwise there would not be external financial support for the farm. It was not a â\200\234projectâ\200\235, it was a transfer of land.

All the participants stressed that the success of the first seasonâ\200\231s production was crucial. It would provide them with their future running costs. It would also show the surrounding white farmers that this was a viable agricultural project and was not the beginning of an invasion of â\200\234squattersâ\200\235. The three groups were very different. The

Mogopa people had farmed their land until 1984. They had never used complex machinery and advanced methods but were very experienced in the general organisation and management of their farms. They had a system of land tenure based on share-cropping which led to high land

utilisation and spread the benefits of the crop between -

entrepreneurial farmers and old people and migrants who could not, or did not, want to plough their fields themselves. The farmers among them had established relations with the local Korporasie where they ordered their requirements and sold their produce. They were confident and experienced within these parameters.

The farm workers on the other hand had never had much to do with organising community resources, or with the ordering and marketing of agricultural goods. However they had a good deal of experience of the processes of extensive farming. They could use and maintain the big machines (huge tractors and combine harvesters) which came with the farm. They were also experienced in the processes of when and what to plant, how to protect from pests and the organisation of work necessary to maximise the pressured times of planting and harvesting. (Their skills were probably unusually advanced; the mission farm had run on a participatory model where the workers discussed and allocated the production tasks for the day, week or month.)

The Machavie people had lost their land a long time before. All their agricultural implements were rusted and broken, and many of the young men and women had had to go off to find other ways of supporting themselves. Thus the community was dominated by old people whose whole lives were bound up with the past - the loss of their land.

At first the three groups eyed each other warily. The farm workers were quiet and observant; they had the choice of participating or not. The Mogopa group was in the majority and also very familiar with the support agencies, TRAC, EDA and the SACC. They made the first overtures to the others, assuring them that since they were in such a clear majority, issues would have to be settled by consensus rather than voting or dominance of numbers. A major factor in breaking down barriers was that people were staying together. Meal times and evening discussions in the bedrooms were where the real soundings-out took place.

After days and days of discussion the following decisions were made. There would be one village and no segregated living areas within it. It would be built on the most rocky, least productive land. Each family would have a yard big enough for a vegetable garden and keeping small animals. The white farm houses would be used for offices and for a school.

The farm would continue to be farmed as a single unit. The fields would not be broken down and divided. But mixed farming projects such as pigs, rabbits, poultry and vegetables would be introduced over time to cut down the reliance on the mealie and sunflower crops. The herd of cattle would be kept as one unit and used as the group's

The farm labourers would be responsible for organising production, especially in the next seasonâ\200\231s ploughing. But everybody would be drawn into tasks at certain times of the year â\200\224 for example planting and harvesting. The migrants must contribute cash to pay for the farm labourersâ\200\231s living expenses for the first year. They would carry the major burden of work, both in putting the crops into the soil and looking after the cattle. Everyone in the community must have a stake in agriculture, whether by cash contribution like the migrants, or by labour at seasonal times of the year. Finally the crop would be divided between home consumption and a proportion to sell for the next yearâ\200\231s costs. The benefits would be spread according to contribution with the farm labourers earning the equivalent of a salary for their full time work.

All this may sound like an easy ideal model, but there were days of discussion about the â\200\234what-ifs?â\200\235 What would happen if the first crop failed? How much money did the farm workers need for subsistence in the first year? What if some migrants refused to participate?

There were very positive discussions about building on the different skills and experiences of the three groups. The farm labourers made a speech about how they appreciated Mogopaâ\200\231s experience of being independent and in control of a whole enterprise; they on the other hand knew about advanced farming methods, but only on a production level.

A serious problem was that a sector of the Machavie group wanted the community representation system to be on the model of a chief and council â\200\224 and the chief to be the Machavie chief. The other groups â\200\224 and a section of the Machavie people rejected this model out of hand; their own experience of chiefs had been too devastating. It was clear that the Machavie chief and a group of followers would split off.

Notwithstanding this difficulty the process was very inspiring. The farm workers who saw the move as the chance of a lifetime, blossomed from being tentative and suspicious to become positive and pragmatic in all their proposals. For the Mogopa and Machavie people it held out a promise of ending their present suffering, even though it was not the land which they still regarded as home.

And so the final arrangements for the move and for the first seasonâ\200\231s ploughing were made. Just as these were completed, we were informed that the farm had been expropriated by the government.

Reports were received that the local Lutheran minister and a delegation of white farmers had complained to Pretoria, and Pretoria responded just before transfer of the land was registered in the deeds office. And so we are back at what remains the primary antagonism in relation to land in South Africa; racial control through the state.

Photo by: Paul Weinberg/AFRAPIX

The community at Mogopa return to bury Isaac More, five years after they were removed.

The struggle for land in the 1980s has seen some advances, but it is by no means won, or nearly won. Millions of people still have the threat of removal, eviction or incorporation hanging over their heads. Valiant local struggles are still in the balance. Right now (October 1989) a group of people are camped at Mogopa, surrounded by police and waiting for the results of the State's application for a court eviction order. Scores of people at Braklaagte are badly injured following a Bophuthatswana attack on their village after its incorporation earlier this year, and the people of Postdam, moved unlawfully into the Ciskei, have marched over the border and into South Africa for the third time. The village of Leeuwfontein is deserted by men because of constant police raids, ostensibly looking for the people who killed Bophuthatswana police at an anti-incorporation meeting.

The struggle for land remains primarily a defensive one against further dispossession by the state. Struggles to secure more land exist, but are extremely vulnerable. The odds against rural people are great.

Yet the outlook is not entirely bleak. The 1980s have seen developments and openings which provide opportunities and possibilities that did not exist before.

Land struggles obviously take place in the context of wider

political developments. The early 1980s was a relatively open period. Mass based organisations such as the Unions and the

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UDF mobilised popular support and initiated various campaigns to challenge the state. In this arena the state responded by trying to legitimise its position and stabilise the situation through various reforms. It distanced itself from the more crass ideological aspects of apartheid. The principle that blacks could be in the common area of South Africa only as temporary servants and employees was jettisoned. The pass laws were repealed and the Restoration of South African Citizenship Act introduced. It had become clear that certain Bantustan leaders would never opt for independence. This combined with concessions in the pass laws and citizenship meant that the internal logic of the Bantustan policy has been dealt a severe blow. All the ground rules for the state changed, and this has made concessions more possible than in the sixties.

Not only the political climate has changed. There have also been basic shifts in the economic priorities which informed much of the history of removal and eviction. These open up

an entirely new set of pressures and possibilities.

Put crudely; the situation has changed from one where mining and industry were threatened by a labour shortage to one where unemployment is so bad that it is creating problems of political instability.

The context of the Land Act and also the legislation to stop tenancy and destroy black farming was to destroy the

independent base of a potential source of labour and thereby proletarianise all blacks. The ideological stress on the concept that blacks were fitted only to be servants of white masters was intrinsic to this process. Now the pendulum has swung in the opposite direction. Capital and the state are touting 'small businesses' and the informal sector as possible solutions to the problems of unemployment and marginalisation.

In this context the idea of blacks farming land which is being under-utilised and de-populated by whites is hardly inconsistent. On the contrary the Development Bank has stressed the importance of small-scale black farmers and even hinted at the abolition of the Land Act. There is growing disenchantment with the inefficiency of heavily subsidised large-scale white farmers and the state is no longer committed to propping up unviable enterprises at whatever the cost.

The present period of opportunities, contradictions and pressures has led to some very anomalous results. In one small area of the Western Transvaal are 3 rural communities which have become well known for their resistance to forced removal. All 3 are 'black spots'. One of

Conclusion
grassroots resistance 'a
a reality on which to build

The situation is confusing and depressing but also wide open for exposure of the contradictions in state policy and the use of concessions as precedents.

The combination of determined local resistance, legal support and publicity can be a very strong one. The inhumanity of the removals policy and the unlawful actions of local officials who are confident of absolute power over black people provide opportunities for successful challenge and exposure. The fact that there are new pressures on the state and the consistency of its Bantustan policy has been blown right open, also provide opportunities that can be maximised by rural communities.

It is important that the major removal or incorporation threat be broken down into issues that are winnable at the local level. On the one hand this steers legal challenge away from overtly racial law and provides more prospects of victory.

these, Mathopetad, was reprieved by Minister Gerrit Viljoen in late 1988. Its position as a farming community, although surrounded by white farms is secured.

Another, Mogopa was removed in 1984. Since then people have made various attempts to get their land back. In spite of an Appellate Division decision holding that the removal had been unlawful, Viljoen refuses to allow them to return to Mogopa. Those who have gone back in defiance of his instructions are threatened with eviction. Viljoen has offered them alternative land on the borders of Bophuthatswana as compensation for Mogopa. He has given a cabinet undertaking that should they accept such land it will always remain part of South Africa and never be incorporated into

Bophuthatswana. This is because he accepts their strong reservations about their future under Bophuthatswana.

In the same year as he made this promise to the Mogopa people, Viljoen met with the Braklaagte committee. They had requested a meeting to put their vehement objections to the threatened incorporation of their land into Bophuthatswana. Notwithstanding these, Viljoen signed an order incorporating their land into Bophuthatswana.

The Mathopes are allowed to farm land surrounded by whites, the baKwena baMogopa are not. The baKwena baMogopa are saved from incorporation into Bophuthatswana by a Cabinet undertaking. The Braklaagte community are not. Instead they are catapulted into the heart of the â\200\234prickly pearâ\200\235, as

Mangope has called his â\200\234countryâ\200\235.

Matthew Kgatitswe addresses a meeting at Mogopa shortly before their removal.

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Photo by: Paul Weinberg/AFRAPIX

Daniel Molefe talks about his determination to stay at Mogopa despite the fact that the group of people who have reoccupied the land

are surrounded by police guard.

On the other it strengthens the position of the rural community in relation to the local balance of power. This has significant results; increased confidence leads to increased participation at a concrete level. If the state receives security reports that a community is strong, organised and militant it backs off the removal in that area because it knows that it will have to use violence to achieve its ends and that this will be publicised and challenged. The removal or incorporation becomes very expensive and since there is no over-all cohesion in state policy any longer an ad hoc decision may be made that this particular project is not a cost-effective in national terms.

When removals are challenged primarily at a high legal level the major actors become the lawyers from either side. The outcome of the struggle depends not on community strength, but on their cunning, intelligence and hardwork. This is not say that victories in the Appellate Division do not redress the balance of power. They are major challenges to state policy and power, and as such advance the objective position of rural people. But it is only battles which are fought, experienced and won at a community level that expose both the contradictions and possibilities for organisation inherent in rural society.

Rural society, like all society is not egalitarian and democratic per se. Sometimes the heroic battles that rural people have fought have fed into romantic projections of a group of a valiant peasants fighting for a just and free future.

The reality is often not at all like that. One of the reasons Soweto businessmen fought the Driefontein removal was

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Photo by: Gill de Vlieg/AFRAPIX

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because they wanted to set up shops and bar-lounges on their plots. Some of the strongest people resisting removal at Kwa Ngema are people who are the masters of labour-tenants themselves. The more secure the land, the more profitable the production of their free labourers. Often the labour tenants who take militant stands in court are patriarchs whose income depends on the extraction of labour from their wives and children.

In local struggles it has been necessary that all the different groups and sections of society form alliances to fight the

common enemy. Thus tenants and landlords have united, men and women, young and old, chiefs and comrades, migrants and tribal elders. These alliances have often led to new roles and status for previously disadvantaged groups. In Mogopa for example women were not allowed to attend village meetings before the removal issue became serious, but during the crisis women began to attend meetings, then speak, albeit on their knees. Then they spoke standing up. Soon they became leaders in their own right. Nobody quibbled, women were arguing with the police, re-building roads and taking great risks to re-occupy land.

Sadly periods of victory have always seen attempts by the previously established leaders to re-assert control and undermine the groups who were their allies during the crisis. But this has not been a linear process, the experience and confidence gained by women, tenants and the young have made them very unwilling to be squashed back into their inferior positions.

Again and again state threats have had a unifying and politicising effect on previously segmented or apathetic communities. Local resistance to a common threat has often become a process of rapid learning, political alliances and role changes. As such it has provided opportunities for progressive transformations that are generally rare in traditional society. If land issues are addressed primarily at a national level or in the supreme court this local transformation does not take place and victories often serve to further entrench the position of the established leaders. The matter of internal divisions and conflicts of interest is a complex one. There have been great leaps forward, set-backs and betrayals. Many of the institutions and traditions of rural society are conservative and hierarchical. These will not change merely by the assertion of a more enlightened point of view. Land remains the source of wealth and sovereignty for all groups. The resolution of racial inequality in South Africa will not mean that land is no longer a contested prize. There are serious divisions within black rural society and different sides have opposing interests.

It is important to look beyond the romantic stories of rural struggles to the conflicts, divisions and inequalities within rural society. This is not a never-never job for after the revolution. We cannot expect the state to continually provide the â\200\234luxuryâ\200\235 of assaults that unify, galvanize and politicise people. In fact there have been instances recently where the state has used co-optive strategies that exploit existing divisions in rural society.

In stressing the importance of local struggle I do not wish to suggest that other levels of challenge and intervention are not crucial. The Freedom Charterâ\200\231s ideological challenge to the present constitution, lobbies around the abolition of the Land Act, debates about land reform, legal challenges to state power and action in the Courts are just some of the critical aspects of a challenge to the status quo. There is a need for the various progressive forces involved in the land

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question to work towards supporting rural people in the development of principles and priorities on which to build a unified land policy.

But any land strategy or policy in South Africa will only be viable and progressive if it is built on the traditions of the land struggles that already exist throughout South Africa. For this to happen rural people must have a voice in government and particularly in policy making for the rural areas. To say this is to state the obvious but even now rural issues are neglected by political organisation and there is a glaring lack of rural leaders in national political structures. The problem lies not only in the existing urban focus of the Mass Democratic Movement (MDM) and the Trade Unions and in the general ignorance about the realities of rural life, but also in the fact that rural leaders are often disadvantaged in a national political context. They do not have the same experience, exposure and education as urban people. Thus eloquent, democratic and militant rural leaders will often sit quietly in national meetings so that they can observe, gauge and understand the forces operating around them.

In order to redress the existing urban bias it is not sufficient that some rural leaders be invited to participate in national political forums. Urban people, political leaders and policy

makers will have to educate themselves about the realities of rural life and the history of rural struggle. They will have to consult rural communities and leaders on their own terms.

The land issue is not an empty page that requires some man to come and write on it. Every piece of land in South Africa has a history and people who lay claim to it. An appropriate land strategy must be based on a proper understanding of the traditions, beliefs and dreams that have inspired people to fight the battles they have fought. Only a policy that grows out of these traditions and incorporates the dreams and concrete necessities that people have been fighting for, will get popular support.

NOTES

(1) Eugene Terre blanche quoted in HAP

Land in South Africa

2) R.T.Caluza (quoted from Working Life by L.Callinicos)

(3) Surplus Peoples Project 1985 Forced removals in South Africa Ravan

4) This process is described in TRAC publication 1984 Myth of Voluntary Removals

(5) Cosmos Desmond 1967 The Discarded People and SPP (op cit.)

(6) The functions of commissioners have since changed.

(7) Minutes of Meeting held in Pretoria 30.5.83

(8) Quoted in H. Bradford "Reformulating Resettlement" in Social Dynamics 14(1) 67 - 74, 1988 - Simkins 1983: 123.

9) SPP estimates 1,1 million. Baldwin (1974) cited in M. Morris in Farm Labour in South Africa (eds) Kooy & Hendries 1977, estimates that 1 396 000 farm dwellers were moved between 1960 and 1974.

(10) The legal and physical restrictions that have been imposed on black farmers and tenants are described in Toehold on the Land, TRAC publication May 1988. This publication discusses labour tenancy in its historical perspective.

(11) Uprooting Poverty, Wilson & Ramphela, Norton, 1989, p.24.

(12) Law reports 1930. A.D. pg 71

(13) 1922 NLR at 152 and 153.

(14) Toehold on the Land, TRAC publication, May 1988.

(15) Indicator SA Vol 4 No 4.

Photo by: Lesley Lawson/AFRAPIX

Kwa Ngema 1985.

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