

. ANNEXUREzA G m P d; BXDSN Chi l q

TSITSIKAMA EXILE ASSOCIATION .ANNUAL REPORT OF 1992:

Since the 1990 state president's repeal of Group Areas Act laws, release of political prisoners and the unbanning of political organizations, we resolved to resume our struggle to regain our land. We started our struggle with the revival of the community structure to mobilize ourselves then followed with the involvement of the legal resource centre which has made it possible for us as part of its community empowerment process to start up a service structure within our community. We wish to say that this has been and still the only community on a national basis which has a service structure. We then joined other communities 'with the assistance of the national land committee ie NLC and pursued a joint process of pressurizing the state to address the land question with a special emphasis on the victims of forced removals. This has culminated in the formation of ACLA ie Advisory Commission On Land Allocation by the government. We also resolved as part of our programme of action to reoccupy our former land and also to picket on a national basis.

5 part of our programme of action, our community resolved in a convention which was held in Keiskamahoe on April 20-21, 1991 to settle 51 families in Clarkson. This is Moravian mission land which has been registered in the name of the church in trust for residents of the Mfengu community who have lived in Clarkson. The objective was to get a foot hold on to the land, also to exert pressure on to the state as well as the farmers who have purchased our land. We then approached the church and an agreement was reached to settle 51 families in Clarkson. This enormous task was performed with the assistance of our attorneys, and out of this, a constitution was drawn to this effect. An agreement was reached that the settlement of the 51 families will be a joint venture between the church and Tsitsikama Exile Association and our constitution as such is based on this principle. Hence two important documents called the Joint Venture agreement serving as our constitution together with the Land Availability grant document were drawn and adopted as our guiding principle documents. The basis of this settlement was that the character of the mission station would be maintained hence a need for formal housing to be erected. On this basis we then engaged the services of a professional team composed of a townplanner, civil engineer and a land surveyor for proper planning purposes. Through negotiation with the church two structures termed the working group and coordinating committee were established to look at the activities of the Clarkson settlement. The first body is called the Working Group and is composed of 5 members of the church and 4 member of Tsitsikama Exile Association termed TEA and its function is to do preliminary work and thus make recommendations to a higher body called the Coordinating Committee which is a body with powers to take decisions. The coordinating committee is composed of 8 members and both bodies have equal representation in the structure. We wish to state that the task of settling people at Clarkson has been one of the most difficult and complicated one in many ways with its constraints which have manifested themselves in different ways.

To mention a few we have realistic constraints of finance and planning which were riddled in many ways undermined by the people's expectations on the ground. In ' Keiskamahoe people always felt that the leadership was playing political games at the expense of their lives and future. A good example has been the fact that quite a number of the older people were gradually dying in Keiskamahoe without achieving their goal of either seeing or dying on their land. To quote the late Mrs Kate Msizi on the Agenda programme "I just want to go back to my land, even if I just go and die there" and this desire has been shared by most of the old people. At the same time the death of old people means losing a lot of farming and agricultural experience something which is going to have a devastating effect on our future plans. Presently what we are saying in the country is that we need an integrated approach of farming for our survival and hence this means a judicious mixture of the traditional methods together with the small scale as well as commercial farming methods.

One of our conspicuous problems has been the absence of a project manager which we have not up to date, been able to solve due to financial constraints. We have thus also mentioned this problem to some of our funders together with the .IDT but with little success so far. Presently we are surviving by squatting on our consulting engineers for casual support which is presently not being paid for. After we have designed a budget for the Clarkson settlement we were informed by the professional team that the soil condition was not suitable for ordinary houses but that a special concrete slab had to be built on to each plot before a house could be erected. We were thus forced to engage into unforeseen expenditure and cater for the foundations. Since we have very limited resources we were only able to finance the construction of only 10 slabs.

In as far as funding is concerned we were fortunate that Botshabelo Trust came to our rescue and approved our proposal for financial assistance though they did not approve our budget according to the format which we designed. We wish to state that our budget was based on realistic planning and encompassed all envisaged constraints. They have also been one of the forces behind the erection of the cement slabs on the basis that they were not prepared to be involved in a .transaction that would be a health hazard and a disaster at the end of the day. They have purchased building material in the form of corrugated iron, wood, doors and window frames amounting to R230 000.00. They have refused us access to the material and put the erection of the foundations as a precondition. We would also like to commend them for that. The foundations have unfortunately been very costly due to many reasons. Firstly because of the time constraint we had no choice of doing much survey but. to take the available resources, we therefore contracted a concrete mixing company to pursue this task for us and the costs thereof were R11 326.76 for seven slabs. Mesh and reinforcing steel costed us R8 573.00 for 12 slabs and we were fortunate to be able to persuade members of the community to supply free labour in the construction of these slabs and also in the building of wonderful temporary shelters to accommodate the families who have moved to the area.

We wish to thank OXFAM BELGIUM for their support because it is through their fund of R26 100 that we were able to construct these slabs. Apart from the problem of the cement slabs we are still faced with financial constraints for the installation of toilets and the construction of roads. We would also like to mention other organizations like the US. Aid which has also contributed 10 000.00 U.S. dollars for the supply of water but this did not cover the whole amount hence OXFAM U.K. came to our rescue and provided R15 000.00 for the completion of the water project, and today every plot is supplied with a tap. In as far as the toilets are concerned we managed to raise a sum of 10 000 U.S. dollars from the U.S. embassy for toilets though it did not cover the full amount, we managed to purchase 8 asbestos septic tanks, 16 toilets structures and some material for the for toilet installation. The amount could not cover labour costs hence all this equipment is still being stored pending the availability of the funding for installation. In this regard we have approached IDT who have asked us to submit a proposal to them on the basis that sanitation falls within their ambit. On the 12 December we had a meeting of all our committee members where we were trying to convince members of the Keiskamahoe community about the .present financial constraints. Hence we proposed a postponement of the date of the move until we find a solution to our problem. We wish to state that all our efforts fell on deaf ears because of the attitude of the people who were supposed to be moved. Due to this our committee met and decided to announce Monday 18 January 1993 as the day of the move.

it is with great pleasure for us to announce that we have reached the initial part of our goal, which is that of moving 12 families of the 51 families that we intended settling to Clarkson. This day has been one of the most important one to community members in Keiskamahoe where some of them for the first time since the 14 years of their removal shed tears of joy. This has in reality practically proved their dream coming true because most of them never believed that this day would ever come. During this day we have CBS television from the U.S.A. who came to cover this important event and we also had important guests from various sectors ie the E.Cape Council of Churches led by its President the Fit Rev Devilliers Soga, ANC E.Cape Region delegation and we were also fortunate to have delegates .from the Moravian Church who came to welcome us and lastly we were honoured to have Mrs Cindy Berman from the Christian Aid which is one of our principal funders from London paying tribute to this important day.

in 1991 during August our community forged sister city relationship with the city of San Fransisco in California in the U.S. through the sister city project; The resolution was officially announced by a former mayor of San Francisco Mr Frank Jordan and the official ceremony took place during January 1992. Our coordinator had the opportunity to represent the community during the official forging of the sister city community relationship between our community and San Francisco. He also addressed the Martin Luther King Celebration Day in order highlight our struggle, the South African land struggles, the reform laws of the country and their implications to the victims of forced removals on a national basis.

it was also through this visit that our coordinator had the opportunity of meeting organizations of lawyers like the lawyers' guild and the Advocate for Human Rights, which culminated in our case being taken to the U.N. High Commission for Human Rights in Geneva.

The coordinator also had the opportunity of meeting quite a number of influential leaders of different sectors and also was able to visit countries like Seattle and Memphis Tennessee. On his way back he made a stop in London and visited our funders and allies and through them he was able to visit the British Foreign office and state our case.

The sister city relationship have made it possible for San Francisco community members to visit our community many times. We had the opportunity of a visit by a strong delegation of activists late in 1991. After them we were visited by two wonderful lawyers Mr Cliff and Karen Ritcherson who went to stay in Keiskamahoek for a week and did a survey on the 51 families who were going to move to Clarkson. This year we were once again visited by a member of the sister community project and who first visited us with the strong activists' delegation . during 1991 and his name is Mr Chet Hewit. He also done a lot of practical work towards the move to Clarkson, to mention a few he drew a contract for the slab construction with the contractor hired by TEA and was present at all times in the site and assisted with coordination.

During December 1991, and after proceedings of the court case had come to a close, the State lawyers approached our lawyers for the purposes of settlement talks.

The lawyers for the 19 farmers wished to get the case to court as soon as possible. It was indicated that the case could go to court by late May or early June, and our lawyers started preparing for the trial. We wish to state that the state and the farmers firstly had different representation until lately that they are being represented by the same council.

However, on 13 March 1992, an exploratory meeting in view of a possible settlement was held, and the meeting was held in Johannesburg between our lawyers the State legal team. Our team was led by Arthur Chaskalson SC, who was assisted by Geoff Budlender and Kobus Pienaar. At this meeting the state team informed our team that they have been given a mandate by the state to settle our case. They therefore asked our lawyers to come up with a package that would be accepted to the community. At the meeting it was decided that the legal teams would meet again on 10 April 1992 to continue settlement talks and also present the state attorneys with our proposal.

it was agreed that the court case was to be removed from the court roll, to be set down for early August so that all efforts could be concentrated on finding a negotiated settlement.

In the meantime our legal team informed us that a possible settlement from the State may include the following: _

1. Buying some of our former Mfengu land and restoring it to us;
2. Making available state forrest land formerly owned by us;
3. Paying compensation to us to buy our land or alternative land in the area,

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back;and

Assisting us to establish a residential settlement.

As a result of the informal exploratory talks between the two teams of lawyers the community then anticipated that there would be some necessary provision required by the lawyers in the form of a package that would be acceptable to the community. The community then held a convention with all its members from the South Western, to Border in Keiskamahoeek on the 7 April 1992. This meeting was facilitated by a agricultural specialist from exile by the name of Mr Fuzile Mkathini with the assistance Mr Ntsikelelo Kwezi of the Eastern Cape Land Committee, who after the convention submitted a substantial report to the association, an input was .also given by our lawyer Mr Kobus Pienaar who explained the legal process of our settlement. Out of this convention the community agreed to the following settlement proposal:

- a) A substantial portion of our former land for farming purpOses.
- b) Some state owned plantation
- c) An appropriate area for residential purposes and infraStructure and 500 houses built for the returning families
- d) Some form of assistance for the community to re establish themselves into the area
- e) Transport arrangement for the community to return to the area.

These findings were then submitted to our team of attorneys who in turn submitted them to the state as a basis of their negotiation.

The state accepted these findings but it took them 3 months to respond to our proposal and we wish to state that this process has been very much frustrating .because of the number of postponements which has been asked by the state, but nevertheless we excersized our patience until such time that they responded on the 8 September 1992 with a very disappointing proposal. For details and analysis of the proposal please see the legal report.

in orderfor the lawyers to take the process forward a need was established for the evaluation of the state proposal, to this effect we have approached the lDT for the appointment and funding of consultants who would then perform this task. This process was initiated by the leader of our team of attorneys Mr Arthur Chaskalson S.C. together with Mr Geoff Budlender who is the deputy national director of the legal resource centre and who is also part of our team.

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f ' They firstly met with the honourable Judge Jan Steyn who is the chief director of ' the IDT and explored means by which the IDT could be involved in our struggle. They then arranged for a meeting between themselves and Dr Sholto Cross who is the chief developmental consultant of the IDT and their meeting culminated into an exploratory meeting with our lawyer Mr Kobus Pienaar and our coordinator in Cape Town. This meeting was in turn followed by another one in Port Elizabeth on the 5 December 1992, in our offices between our committee, attorney and IDT delegation composed of Dr Sholto Cross and Mrs Jenny Mc Greggor. We firstly toured our former land and had an opportunity of meeting with some of the white farmers who have openly disputed the state's offer, claiming that the figures are very much an estimation based on no practicalities and this has thus strengthened our objective of having this offer evaluated. At the end of our meeting with the IDT representatives we agreed that there is a need for developmental and an agricultural economist to evaluate the process. We therefore gave IDT the right to interview applicants and thereby send them back to come and meet with us before a final decision could be taken as to whether to employ them or not and this process is still in motion. Presently we have a pending appointment with an experienced agriculturalist by the name of Mr Oscar Ashton on Tuesday 12 January 1993. After this meeting if things go all well we hope that Mr Ashton would be employed and start working so that by mid February the negotiation process could start.

At the time of our removal in 1977 we were in occupation of some 8 000 ha of agricultural land, 6 000 of this land had, during 1983 and after that, been sold of to 19 white farmers in the area.

However these farmers, though with substantial State assistance, have effected substantial improvements to the land, now developed it to intensive dairy farming units. Our legal team informed us that the State team indicated that their client's chief constraint in effecting restoration to us would be that the farmers would have to be compensated for the improvements they had effected to our land.