



TRAC

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Transvaal Rural Action Committee

DIAMONDS ARE NOT FOREVER



One of the remaining small diamond mining operations at Boskull in the Western Transvaal. Pic: Paul Weinberg

Welverdiend is one of seven villages on the diamond diggings in the Western Transvaal. It consists of 659 people living in a cohesive village on section 12 of the farm Welverdiend 361, 23 Km north of the town of Lichtenburg in the Western Transvaal.

The community is facing the threat of removal from land they have occupied since 1926.

Both the state and the present landowners are threatening to destroy the village and remove its

inhabitants. The landowner is threatening to exercise his rights under the Prevention of Illegal Squatting Act to demolish the village, and the State has charged 33 family heads under the same act with illegal occupation.

A Sketch of Welverdiend ~ 1926

Welverdiend grew up spontaneously on the flat maize lands of the Western Transvaal when the land was proclaimed public diamond

diggings in 1926 at the time of the great diamond rush. It housed the black labourers who worked for diggers who had staked out claims on the land. In the late 1920's the community claim that they were given the sites on which their houses now stand by the " Diggers Committee" and the Lichtenburg Town Council. Their right to residence on this proclaimed mining land was covered by section 30 of the precious Stones and Minerals Act of 1927 (since repealed) and was controlled by the mining commissioner in Klerksdorp.

'P Kopje,' a large dump a few metres from the village was the richest deposit in the district. Between June 1926 and October 1927 alone 89 641 pounds sterling worth of diamonds were extracted (about R10 million at to days prices). The scene at P Kopje was frenzied. According to reports in the Johannesburg Star of the time, blacks worked for white diggers "on the mountain of gravel like ants on a gigantic ant heap....huge stones were hurled laboriously and dangerously, only to be shovelled back when the space they are occupying is required.... picks rise and fall, spades carry gravel,sand and water into grinding circular machines. The dust rises like a barrage, or the smoke from some erupting volcano."

Wolverdiend Today

Today the great overgrown dump of P Kopje looms over the peaceful village of Wolverdiend. There is no more digging there, although small operations still continue in the district. A few donkeys wander amongst the houses. They are used to fetch water bought from elsewhere at R5 per barrel, for the people are now forbidden by the landowner to draw water from the nearby borehole on the farm.

Yet Wolverdiend has survived as a contented cohesive community. As work on the diggings has declined, the inhabitants have found work elsewhere. According to a survey done by TRAC in March 1992, 58% still work in the immediate vicinity, on the farms and diggings or are self employed in the village. 14% commute to Lichtenburg, where they work in factories, shops and as domestic workers. There is a community built school, a graveyard, and an active church life. Crime and alcoholism are almost nonexistent. It

has all the signs of a stable long established community. The survey showed that the average length of residence of families in the village is 59 years, with only 14% having been there for less than 50 years.

But since early 1990 this peaceful life has been undermined by an old apartheid ghost - the threat of forced removal.

Attempts at Forced Removal

The first indication of the problem came in March 1989 in a letter sent by the mining commissioner to Wolverdiend and 6 similar communities on the diamond diggings of the Western Transvaal. This letter said that control over permission for them to reside on the proclaimed land had passed from the Department of Mineral and Energy Affairs to the title deed holders of the farms on which the villages are situated. What this implies is that the present landowners have the legal right to remove the villagers from the land and demolish their homes irrespective of any previous permission they might have had to reside there.

In January 1990, Mr J Mouton who purchased section 12 of Wolverdiend in July 1989 approached the police to help him evict the community. Criminal charges of trespass were laid but later withdrawn when argument was led that it would be absurd to convict someone of trespass for being on land on which they were born.

In June 1990 Mouton approached the Transvaal Provincial Administration (TPA) to invoke provisions of the Prevention of Illegal Squatting Act to evict the people. The TPA issued notices to members of the community to leave the area by a particular date failing which they would face eviction. Following the issuing of these notices a meeting was held between the TPA and the community leaders on September 13, 1991. At this meeting the TPA gave the following as reasons why the community should agree to move:

- The farmer was threatening right wing action similar to what had been attempted at Goedgevonden in May 1991;
- The TPA wanted to avoid possible conflict with the rightwing;

- The farmers feared stock losses and crime from a destitute community comprising mainly unemployed people and dependants of migrants.

Its solution was to move the people to Boikhutso township in Lichtenburg where it would provide sites and rudimentary services. It said its role would be to liaise with the authorities at Boikhutso to identify the land, arrange the removal, and help families obtain funds from the Independent Development Trust (IDT) to buy the sites and build new homes.

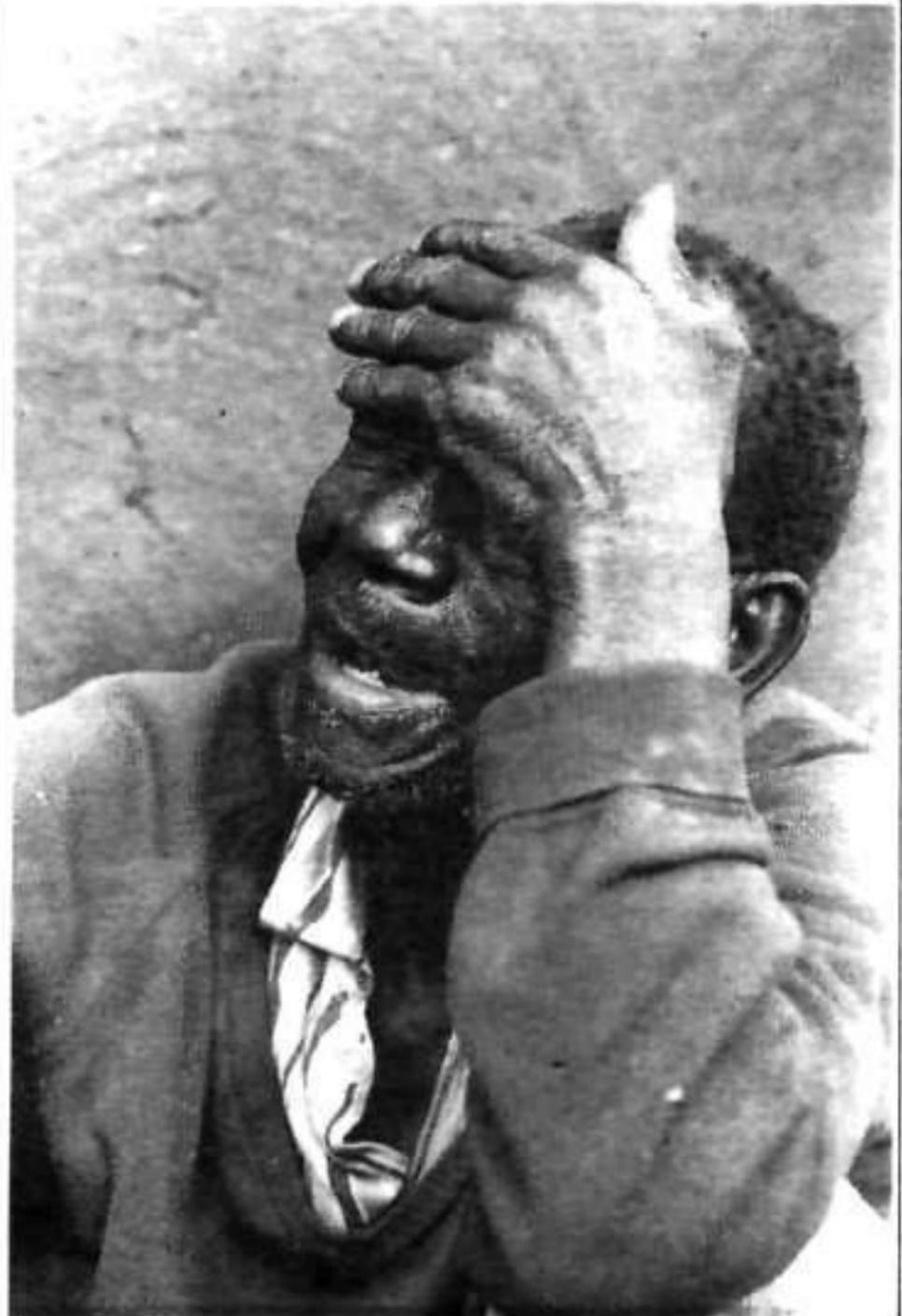
The community totally rejected this "offer" and the reasons for it, giving the following as their reasons:

- Removal would break up their community;
- They would lose their homes which are built of brick and not transferable;
- They feared crime and added expenses in the township;
- The cultural and psychological need to be near the graves of their ancestors.

They insisted that they are a stable community able to support itself. (The TRAC survey supports this).

They called on the TPA to buy out the owner of the land, and to develop the village as a township. The TPA refused to promise this on the grounds that it does not have the funds. It did however drop the charges

On the 17th December 1991 Mouton took matters into his own hands. He demolished 25 buildings in the village with the police in attendance. He did not need a court order to do this under the provisions of the Illegal Squatting Act. During January of 1992 he made repeated threats to return and demolish the rest of the village, giving 14th February as his deadline. On the 17th February lawyers for the community obtained a *temporary interdict restraining him from doing this*. In early April Mouton made an offer to sell the 106 ha portion of the farm for R226 000, at a price much higher than its market value. The interdict expires in the middle of June. If "negoti-



Looseboy Mokgoro, a 91-year old resident of Welverdiend faced with forced removal. Pic: Paul Weinberg

ations" with the landowner/TPA are not taking place by then, there is a real danger that the interdict will be lifted. And this would bring up again the threat of imminent demolition.

Concurrently with the threat to demolish, the state has laid charges to evict 33 members of the community under the Prevention of Illegal Squatting Act.

The Role of the State and the Illegal Squatting Act

Welverdiend is one of at least 7 communities of similar history and occupation on the old diamond diggings of the Western Transvaal. The others are situated on Uitgevonden 355 and Grasfontein 356 (Slaap) in the Lichtenburg District, Blauboschkuil 229 (Boskuil), Kareepan 336, and Oersonskraal 250 in the Wolmeranstad District and Klipfontein 344 in the Bloemhof District.

All of the communities have been approached by the TPA and told that they will have to move to the townships of the neighbouring towns. Except for Werverdiend, none of them are at present being pushed to do this by the landowner. Nevertheless, under powers given it in terms of section 6e of the Prevention of Illegal Squatting Act, the TPA and the Western Transvaal Rural Services Council have set up a committee with powers to remove anyone from any land in the entire Western Transvaal **IRRESPECTIVE OF WHETHER THEY ARE THERE WITH THE OWNERS PERMISSION, PROVIDED THEY ARE NOT WORKING FOR THE LANDOWNER.**

Therefore it is impossible to avoid the conclusion that the state has retained its powers to effect forced removals without consultation or consent of those concerned by using the Illegal Squatting Act.

An Uncertain Future

Unless the TPA agrees to buy the land on which these villages stand and officially recognise them as townships, they will be demolished and the people forcibly removed. By June a decision on Werverdiend must have been reached or the interdict will lapse. The TPA is pleading lack of funds to expropriate the land, but there are recent precedents such as at Swanniesville near Krugersdorp where they did expropriate land to prevent the landowner evicting the occupants. The TPA is regarding the Werverdiend case as a precedent for the other six. If they are removed they will proceed to move the others and over 4000 people could be involved.



Residents of Werverdiend fetching water from nearby diggings. Pic: Paul Weinberg

Conclusion

Apartheid is not dead. People who have been living for decades on land can still be easily evicted by the state and landowners by a law like the Prevention of Illegal Squatting Act just because they do not hold title. It must be remembered that such people were never able to obtain security of tenure under the Land Acts which were only repealed last year.

These communities are not recently arrived shack dwellers. Nor are they squatters. Nor are they homeless. But removal would make them so. They are established communities being threatened with forced removal by legislation which makes no recognition of historical occupation or previous permission to stay.

The morally correct solution is for the communities to be allowed to continue to live on the land they have occupied for decades. The TPA must spend the money that they would have spent removing them and resettling them elsewhere, on expropriating the land and providing normal services.