

Land Rights Update

Camden Farm and Compensation

THE land claims by communities in these areas will form part of the Advisory Commission on Land Allocation (ACLA) recommendations on land in Impendle. ACLA official, Mr N van Rensburg said most of Compensation was already owned by black farmers, and this land would not be considered by ACLA. However, some 20 000 hectares next to Compensation was still owned by the state and recommendations would be made about this land. Regarding people living in the township section of Compensation, Mr van Rensburg said that the Department of Regional and Land Affairs was presently investigating how leasehold here could be converted to full title.

AmaHlubi to meet Estcourt Farmers

THE AmaHlubi community will be meeting with the Estcourt Farmer's Association and others in an effort to explore land claims in the Estcourt District. At a meeting with the Estcourt Farmer's Association on February 10 1993, the Association said it was keen to reach consensus about land claims in the District before the ACLA hearing.

The Association also distanced itself from a letter written by a government official in 1992. The letter, written by a Mr Redinger, and sent to the Ministry of Land and Regional Affairs, followed a meeting between Mr Redinger and the Estcourt Farmer's Association. It spoke disparagingly about the AmaHlubi and AFRA. The Farmer's Association agreed to write a letter distancing themselves from Mr Redinger's remarks.

ACLA is expected to hold a public hearing on the AmaHlubi land claim soon after March. The AmaHlubi land claim, of some 90 000 hectares in the Estcourt District, is the single largest claim from one community.

Alcockspruit land claim hearing

ACLA will be holding a public hearing on the Alcockspruit community's land claim on February 24 at Newcastle. *See page 10 for the Alcockspruit story.*

Gannahoek labour tenants take landowners to court

TWENTY families who live at Gannahoek farm in the Colenso District are struggling to remain on the land they have always called home. The families, who worked as labour tenants, found their security of tenure threatened when the farm was sold to new owners in 1991. After a year of very difficult negotiations, the Gannahoek community have now taken their matter to court. On February 24, 25 and 26 1993, the Supreme Court in Pietermaritzburg will hear oral evidence about the community's claim to

continue living at Gannahoek. Essentially the court will have to determine four things:

- Did the previous owner of Gannahoek, Mr McFie, agree that the families could stay on the land?
- Did Mr McFie tell three of the families that they could stay on the farm for the rest of their lives when he sold the farm?
- Were eviction proceedings undertaken at the Colenso Magistrate's Court by Performance Farming Enterprises (Pty) Ltd (PFE) withdrawn and does this mean that the families can remain on the farm?
- Did Mr Albers, the new owner of Gannahoek and PFE executive, tell the families on June 10 1991 that they would be allowed to stay on the farm for the rest of their lives?

If the court does not find in favour of the families regarding the above points, it will then have to decide whether the notices given to the families were reasonable.

Towards the end of 1992, the court granted an interim order which interdicted and restrained Shonalanga Safari Lodge (Pty) Ltd, the current owners of Gannahoek, from impounding cattle or goats belonging to the community or causing these cattle to be impounded. Shonalanga Safari Lodge (Pty) Ltd was formerly called Performance Farming Enterprises (Pty) Ltd.

The tenants also asked for the court to:

- set aside and declare to be of no force or effect Shonalanga Safari Lodge's written notice to the community in August 1992 that they pay a

monthly grazing fee from September 1992 for their cattle and goats

- set aside and declared of no force and effect a verbal notice from Shonalanga Safari Lodge that the families pay a monthly fee from October 1992 for their cattle and goats
- intedict and restrain Shonalanga Safari Lodge from issuing any instruction or demand directly or indirectly to any of the families which would or may interfere with their right of occupation of Gannahoek.

Shonalanga Safari Lodge (Pty) Ltd will have to show why the above should not be ordered when the matter goes to court on February 24 1993.

STOP PRESS

Shonalanga Safari Lodge has asked for a postponement of the court case, on the basis that they wished to reopen negotiations around the community's purchase of the farm. Both parties agreed to this postponement on February 5 1993.

Mooibank tenants in difficult negotiations with Mondi

NEGOTIATIONS with Mondi Forests are continuing, under difficult circumstances for the community. The families who still live on the farm want to keep cattle and grow subsistence crops - they want to retain their rural lifestyle which has sustained them for generations. Mondi wants to plant forests and one of the options they have put to the families involves moving to another farm owned by Mondi. When AFRA visited the Mooibank

community at the end of 1992, they said they felt intimidated by Mondi's actions, which included continued ploughing of land under negotiation. Mr Mbunga Nkosi told AFRA that people were very concerned. "We believed the negotiations were on track, but Mondi seems to have a different agenda. We feel trapped. Until there is agreement that we move to the other side where most of the kraals are, I am not allowed to plough or keep my cattle. I bought manure, planted my seeds, then Mondi came and ploughed up the seeds. I was at work at the time."

People said that although Mondi was negotiating, it seemed the company really wanted to drive people away from the farm. "Mondi wants to get rid of us because we are standing in the way of their trees. The community is not used to apartheid practices: that is why we are happy to share. Mondi is from a different background altogether. Mondi has all the laws on its side, not us.

"We are living in South Africa, which is very unique in the world. It is because we are black that we are having all these problems. When apartheid is dead the indicators of this would be a redistribution of wealth, no more evictions and removals from areas that are rich to poor areas, as is happening with Mondi. Mondi wants us to move to Wonderboom where it is dusty and rocky. They want to keep the rich farm for themselves," said Mr Zakhele Sithole.

Added Mr Mlomo Sithole: "Mondi has pieces of paper called title deeds. They can chop down the trees but not us, the people. They know we have a long history with

this land, yet they can still say the land is theirs."

The families have lived on the farm all their lives and have strong links to the land where their ancestors are buried.

National community meeting on land restoration

FOLLOWING their meeting in November 1992, communities from around the country will be meeting on March 27 and 28 to review the decisions they took about ACLA.

At the November 1992 meeting, communities decided to give ACLA until January 30 1993 to deliver. If ACLA did not, then communities said they would embark on other strategies to get back their land by March 1 1993. One of the options discussed was reoccupation of land from which communities were forcibly removed.

Communities also raised the possibility of appointing a People's Land Claims Commission. Communities warned the state president that if the government continued with unilateral land transfers to the homelands, then people like themselves would have no choice but to also take unilateral action.