

Mooibank tenants break land rights barrier



Mr Mbunga Nkosi, a representative of the Mooibank families, and Mr Roger Whittaker, a director of Amcoal, the company which owns Mooibank, shake hands after the agreement is signed. It is the first agreement of its kind to be signed and recognises the tenants' land rights.

LABOUR tenant families in northern Natal with only their cattle, pride in their ties to the land and unity in their refusal to move took on two of South Africa's mightiest companies and secured an agreement recognising their land rights, the first of its kind.

The families signed the agreement with Anglo American Coal Corporation (Amcoal) and Mondi Forests which gives them legal ownership to land they have occupied and used for generations, although they have never held title to that land.

The land is on the 1042 hectare farm Mooibank, near Vryheid, which Amcoal bought in 1989 as part of its forestry operations in the area and it is managed by Mondi. Mondi, one of South Africa's largest forestry companies, is owned by Anglo American Corporation, of which Amcoal is a subsidiary. Mondi controls about 155 000 hectares of forestry land in KwaZulu/Natal.

Mr Mbunga Nkosi, a labour tenant signatory to the agreement said his joy was indescribable.

The agreement marks the end of almost two years of negotiations between the tenants and the company and determined resistance on the part of the tenants to threats of eviction and suggestions that they move to alternate land.

"If I look back to the time when Mondi first came to the area, I never would have thought things would end like this. I'm glad they changed their attitude to what it is today. And I would be very happy if Mondi does a similar thing with people it finds on other land it buys," Mbunga said.

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He said the first thing he would do when he got back to the farm was show his family the signed agreement and tell them history had been made.

"I'll tell them how bright our future is and that we don't have to live in insecurity and fear anymore."

The agreement gives the families legal ownership of 260 hectares (25%) of the farm which they will manage through a trust comprising household heads.

In exchange for legal ownership of the 260 hectares, the families will grow one crop of gum trees, planted by Mondi, on 25 hectares of their land. While 25 hectares of the families' land is used to grow the trees, they will graze their cattle on 25 hectares of Mondi's land adjoining the tree plantation.

Mondi and the families will form a six person joint management committee to monitor maintenance of the tree plantation. While the families will be responsible for maintenance of the plantation, Mondi will provide technical advice and be responsible for harvesting the plantation in the year 2000.

The families have the option of growing further crops and harvesting these, to generate ongoing income in the longer term. There are advantages and disadvantages to doing so.

"On the whole, gum plantations are very profitable," said Mr Frank Kruger, the head of the CSIR's Forestek Division. "If they continue to grow the

trees after the year 2000, it enables them to enter the formal market and to have an assured buyer for the wood. But it will be important to ensure a flexible use of the land and adequate risk sharing between the families and the company," he said. "Mondi should work with the families to address these issues." Kruger said it would be in the families' interests to negotiate prices in advance. But, he added, it was possible that they could sell to other, smaller companies, which were likely to be set up.

If the families decided to use the land for other purposes, this could involve substantial cost - about R45 875, according to 1993 figures. "If you want to change from gum trees to another crop you have to remove the tree stumps," Kruger explained. This involves removing the stumps and the roots, gathering them together, burning them and ploughing the land. Steve Button of the Forestek Nelspruit office said that in 1993 this whole operation cost about R1 853 per hectare.

Kruger also warned that there was concern that gum trees had an effect on soil fertility. "It's not absolutely clear what this is," Kruger said, "but some research indicates that if you want to convert to another crop you have to fertilise the soil.

"Gum trees apparently tend to deposit organic matter on the soil which interferes with growth of other plant species."

Commenting on the agreement, Mr Roger Whittaker, a director of Amcoal, said it set the tone for how the company was likely to deal with labour

tenants in similar situations elsewhere. Amcoal had not, he said, entered into this type of agreement before.

Mr Colin Harvett, a general manager for Mondi, said the company would tend to deal sympathetically with similar cases it encountered in the future. He said he expected other forestry companies, such as Sappi and HL&H, to adopt a similar attitude.

That other forestry companies would follow suit, was confirmed by the Farmworkers Research and Resources Project's Dave Husey.

Husey said he'd been involved in negotiations with HL&H and Sappi where these two forestry companies had also indicated their willingness to tacitly recognise labour tenant land right by ceding portions of company owned land to them.

"On existing plantations the companies are saying they'll give people legal title to a portion of the land which they can use for their own residential and agricultural purposes.

"I believe this attitude change has come about because the companies realise that ongoing local level conflicts could threaten their trees and land.

"What the companies are still not prepared to consider, however, is extending land rights to people who they have already evicted. So, we have a situation where the lucky ones are the people who've resisted eviction and managed to stay on the land," Husey said.