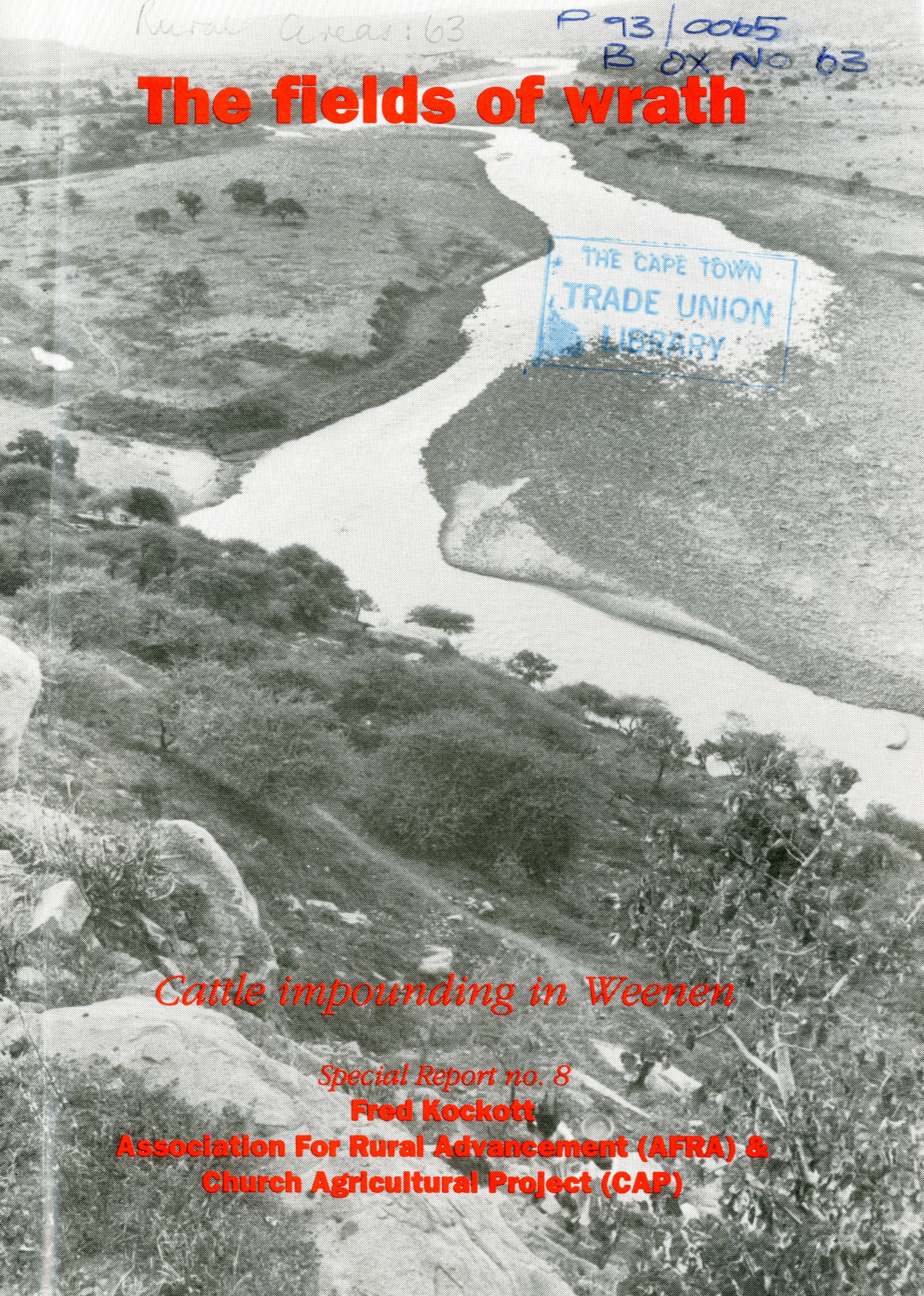
The fields of wrath



Cattle impounding in Weenen

Special Report no. 8

Fred Kockott
Association For Rural Advancement (AFRA) &
Church Agricultural Project (CAP)

The Fields Of Wrath

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Contents

Foreword

AFRA

This Special Report attempts to capture, in a very readable journalistic style, the fundamental complexity of the conflict in the Weenen District. It is an honest attempt to look beyond the comfortable stereotypes. Hopefully, it will contribute to a clearer understanding of attitudes to land and the conflict around land. There are no easy solutions to this problem. But, hopefully, this report will assist in the process of finding workable solutions to land struggles in Weenen and other neglected parts of South Africa.

CAP Management Committee

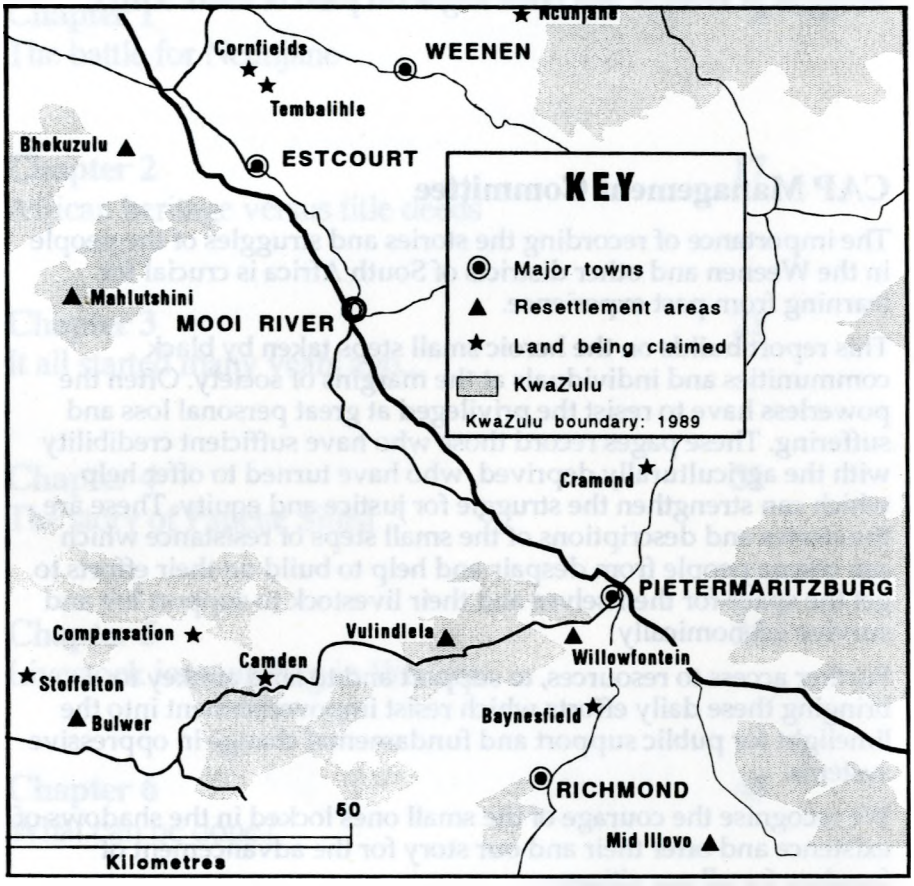
The importance of recording the stories and struggles of the people in the Weenen and other districts of South Africa is crucial for learning from past experience.

This report builds on the heroic small steps taken by black communities and individuals at the margins of society. Often the powerless have to resist the privileged at great personal loss and suffering. These pages record those who have sufficient credibility with the agriculturally deprived, who have turned to offer help which can strengthen the struggle for justice and equity. These are the stories and descriptions of the small steps of resistance which can rescue people from despair and help to build on their efforts to get the space for themselves and their livestock to support life and survive economically

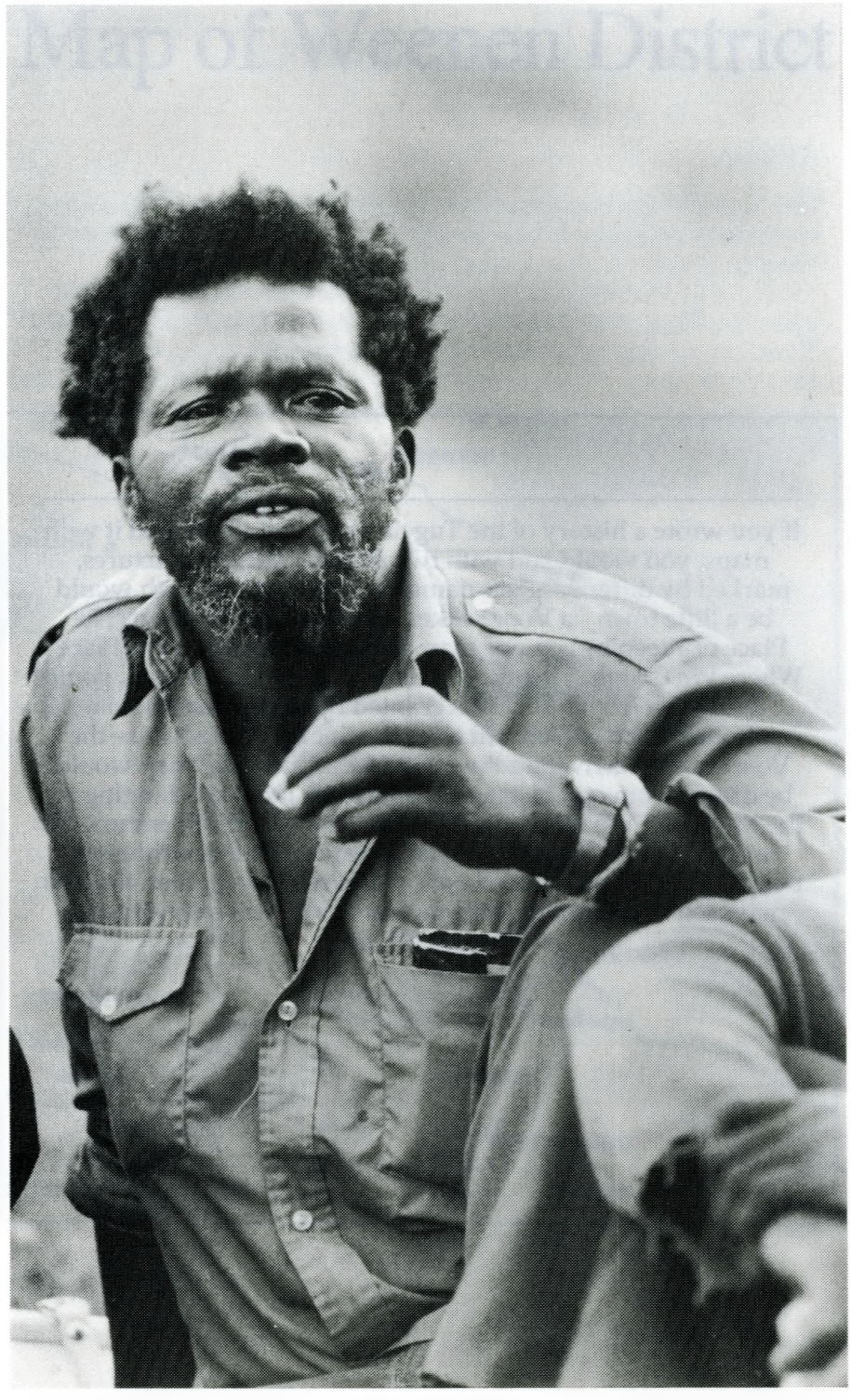
Further access to resources, to support and to land are key to bringing these daily efforts which resist impoverishment into the limelight for public support and fundamental change in oppressive systems.

We recognise the courage of the small ones locked in the shadows of existence and offer their and our story for the advancement of freedom for all our citizens.

Map of Weenen District



If you wrote a history of the Tugela basin and illustrated it with maps, you would end with two entirely different pictures, marked by different place names. At the centre of both would be a little town - a Voortrekker dorp, marked Weenen (The Place of Weeping) on one map, and kwaNobamba (The Place Where We Caught Them) on the other. The modern map would be drawn from title deeds granted by the British colonial adminstration and would trace the lineage of land since the Voortrekkers arrived in the early 1800s. The older map would be drawn from oral history and show the land as belonging to the Mchunus, the Mabasos, the Mbheles and the Mthembus. It's a map that has never been put to paper, but it is written in people's minds, and staked out by graves. Put together, the two maps tell of a primary struggle that has never really ended, a struggle for land.



Muziwabantu Majozi, a labour tenant who lives at Ncunjane.

Chapter 1

The battle for Ncunjane

IN 1991, on an old, unkempt farm in Northern Natal's Weenen, a farmer, assisted by neighbours and police, rounded up 184 head of cattle and 100 goats belonging to black tenants. As labour tenants, the people had enjoyed customary rights to live on and use the land for generations. The farmer, Peter Channing, had recently leased the land at R10 a year, which to his mind earned him unfettered rights to do what he wanted with the tenants. He first instructed them to pay monthly rent of R60 a kraal, plus R6 per head of cattle and R2 per goat. The costs were beyond the tenants' means, and they asked for reduced rentals. Channing responded by impounding their livestock, claiming a total of R21 250 in trespass fines.

Officials at the Weenen pound accepted the animals without question, as well as Channing's claim for damages. The claim was endorsed, as required by law, by two "disinterested persons" - in this case, two farmers who had assisted in armed round-up of the livestock.The saga on the farm and the exorbitant claim for damages, sparked an indepth investigation into livestock impounding in the Weenen district.

July 17 1991: When Muziwabantu Majozi saw three farmers arrive at the farm which forms part of Ncunjane, he wondered what was happening. He saw trucks and 10 police vans approaching from different directions. "What is the white man doing now?" he cursed.

Majozi had lived in the region since birth, as had his father, and grandfather. His first name, Muziwabantu means "homes of the people". The land, Ncunjane, is the name of the Mchunu tribal ward or isigodi. It covers several white-owned farms in the Weenen District. In the title deeds office in Pietermaritzburg, the two white-owned farms in dispute are known as Aston Lodge and Vernier.

Majozi grew up on the portion registered in the name of Waldemaar Gebers, whose family inherited the land as a wedding gift. About 30 black families had lived and farmed stock on this land for as long as they, their fathers and grandfathers could remember. They worked for six months on the Gebers' commercial farm in Wartburg, earning the right to live on and use Ncunjane.

Majozi started working on the Gebers' commercial farm before puberty. He worked in place of his father. The work was hard, and there were no wages, but at Ncunjane his family kept livestock, and became relatively affluent in rural African terms. The women cultivated the land, growing mielies, sorghum and beans.

Then, in the late 1960s, labour tenancy was abolished. All over the district, tenants were evicted from white-owned farms and driven into the desolation of Msinga, already overpopulated and overgrazed.

On Ncunjane about 25 families were allowed to stay on. Instead of providing six months free labour, adult males were now employed on Gebers' commercial farm on an annual contract for cash wages. As long as they worked all year round, their families were allowed to remain on Ncunjane. For another 20 years, they continued living as they had always done.

In 1986 Gebers visited his Weenen farm and told several families to leave Ncunjane as their labour was no longer needed. He gave the families written and verbal notice to leave the farm, but they made no attempt to do so. The farm was all home they knew. They had strong links with the land, which they had been living on before the arrival of whites.(1)

Moving off the land was inconceivable to them. Besides, there was nowhere for them to go.

In January 1989, Gebers again visited Ncunjane, and handed out more written notices. "Because you don't want to abide by my rules, I herewith give you notice to leave my farm Aston Lodge together with all your belongings and your sister-in-law ...," the written notice to Muziwabantu Majozi reads. Similar notices were issued to 12 other families.

The people again ignored Gebers' notice. Gebers instructed attorneys to obtain ejectment orders. The orders were subsequently granted by the Weenen Magistrates' Court. However, each time the court messenger tried to serve the eviction notices, the people ran into the bush so that there was nobody to receive the notices.

In June 1990 the Messenger of the Court arrived, escorted by police. The 13 families threatened with eviction were told to leave within seven days. Two weeks later, police arrived, emptied belongings from seven huts, loaded the occupants onto trucks and dumped them in Waaihoek, a resettlement area outside Ladysmith, about 100km away. Then the empty huts were burnt. On seeing what had

happened, an eighth family left. In spite of this, five other families, also threatened with removal, including the Majozis, managed to stay on.

Another year passed. "We continued living as we had always done. We grazed our cattle on the farm in the same manner as before," said Majozi.

Then a new white face appeared on Ncunjane. He gave the five families one month's notice to leave. He said the remaining families, 10 altogether, could stay temporarily as long as they paid rent for housing and grazing and reduced their livestock.

This was the new lessee of Ncunjane, Peter Channing. The battle was about to begin.

Peter Channing had moved into the Weenen district in 1990 and bought three farms on the Weenen-Msinga border. He also wanted to buy Ncunjane. Channing's ultimate goal was to consolidate all his land into a game farm. Environmentally it was perhaps a good idea but its flaw was that it made no provision for the people already living on the land.

"They have farmed free for too long," was Channing's view, "and they don't look after the land. They keep more livestock than it can hold."

"Besides they are a lawless bunch," he added. "They break down my fences, trespass on my land to get to Weenen, steal my calves and drive their cattle onto my farms to graze illegally there."

Other farmers echoed Channing's sentiments. For them the people of Ncunjane were a problem. "Their cattle carry diseases onto our farms," said Marcus Burgher. "They steal our dip poles, and burn our grazing. If we can secure that land, half our problems will be over."

Channing entered into an agreement with Waldemaar Gebers and the other absentee landowner of Ncunjane, Werner Seele. They gave Channing the lease of Ncunjane at R10 a year, and unfettered rights to deal with the black tenants.

"It is recorded that there are numerous illegal occupants on the farm and the tenant shall have full and unfettered rights to eject them or move them at his discretion," the lease agreement states.

At first Channing set conditions for the tenants. He wanted them to pay a monthly rental of R60 per kraal, plus R6 per head of cattle and R2 per goat. This represented a total monthly income of at least R2 700 for Channing. He also ordered the stockowners to reduce their livestock to 250 head of cattle and 300 goats by August 19, 1991.

The tenants asked Channing to reduce the rentals. "We recognise that though they are fair for white farmers, the costs are well beyond our means," a letter from the tenants states.

The tenants asked to be allowed to pay R10 per hut, R2 per head of cattle and 50 cents per goat. They also asked for another month's grace to reduce their stock, as people in the neighbouring locations could not afford to buy all the cattle at once.

"We welcome your attitude towards us and towards settling this matter amicably," the letter ended.

Negotiations never started. On July 17, 1991 - a month before the deadline Channing set for the tenants to reduce stock - all the cattle and goats on Ncunjane were impounded. Channing said he impounded the livestock because the tenants refused to eartag their cattle - a measure which would have enabled Channing to identify stray animals and livestock grazing illegally on his land.

Muziwabantu Majozi watched the farmers' trucks and police vans arrive. People thronged around, wondering what was happening.

They watched their animals being rounded up. A policeman told them that the cattle were being herded together to enable a search for stolen livestock. The cattle were driven to a neighbouring white farm.

While the cattle were being herded, Majozi saw his son arrested and loaded into the back of a police van. They took his brother next. Then a policeman came for him.

The Majozi brothers appeared in the Weenen Magistrates' Court the next day. An interpreter asked whether they were living on Ncunjane. They said: "Yes" and were summarily fined R100 or 50 days' imprisonment. The Majozis paid the fine.

On returning to Ncunjane, Majozi discovered that all his cattle and goats were gone, save for 20 kid goats. His 35 head of cattle and 127 goats, had been impounded, along with the livestock of other Ncunjane tenants.

When Majozi heard about Channing's claim of R21 250 for damages, he lapsed into despair.

"I wanted to die. I did not know what to do. My life had been hard, but I had never encountered such a problem. And I knew that once cattle were taken to the pound, many of them never returned."

Refusing to pay the fines, the black stockowners sought assistance from the Weenen-based Church Agricultural Farm Trust (CAP), which called on AFRA for help. A Supreme Court interdict was sought restraining Peter Channing from interfering with the lives of people of Ncunjane and ordering the Weenen Town Board to return the cattle. An interim interdict was granted in favour of the black tenants, allowing them to remain in undisturbed possession of the farms until the court made a final decision.

So began a drawn out and costly legal battle, involving several court hearings, criminal charges and counter charges. (2)

At Ncunjane, the dispute became violent. Grazing land on one of Channing's farms was burnt and Channing allegedly sabotaged the borehole from which the people drew water. More black tenants of Ncunjane were arrested and jailed for trespassing. Among those imprisoned were a crippled old man, an infant and five young children. Muziwabantu Majozi was subsequently shot and wounded in the leg by Peter Channing when he went to collect goats which had strayed onto Channing's neighbouring farm. Channing said he was impounding Majozi's goats when the man approached him, and ignored his warnings to stop.

"He kept on walking towards me. I shot in self-defence, claimed Channing.

Two more family members were arrested for trespassing the next day when they went to Channing's home to find out what had happened to Majozi. Thus erupted a bitter conflict at Ncunjane, typical of so many similar struggles in the Weenen District. It was a struggle over ownership, occupation and grazing rights between people who had been on the land for decades, if not centuries and more recently-arrived whites, with title deeds and guns.

An expensive legal dispute was sparked by the impounding of livestock on Ncunjane. The matter was resolved in an out-of-court settlement.

In terms of the agreement, Channing's R21 200 claim for damages was waived and the trespass charges against the Majozis dropped. The two farms, Aston Lodge and Vernier, which Channing has since bought, were leased to the tenants for two years, beginning January 1 1992. The tenants were also given first option to buy the land at the end of the lease for R350 000.

In terms of the lease agreement, each family would pay rent of R20 a month, plus R5 for every head of cattle and R2 for every goat, and to manage the farm in accordance with soil conservation laws applied by the Department of Agriculture.

The families agreed not to keep more than a total of 180 head of cattle and 300 goats, and undertook not to cut any large trees on the farm for firewood. Each family would plough no more than one acre of land, and agreed not to build any more huts.

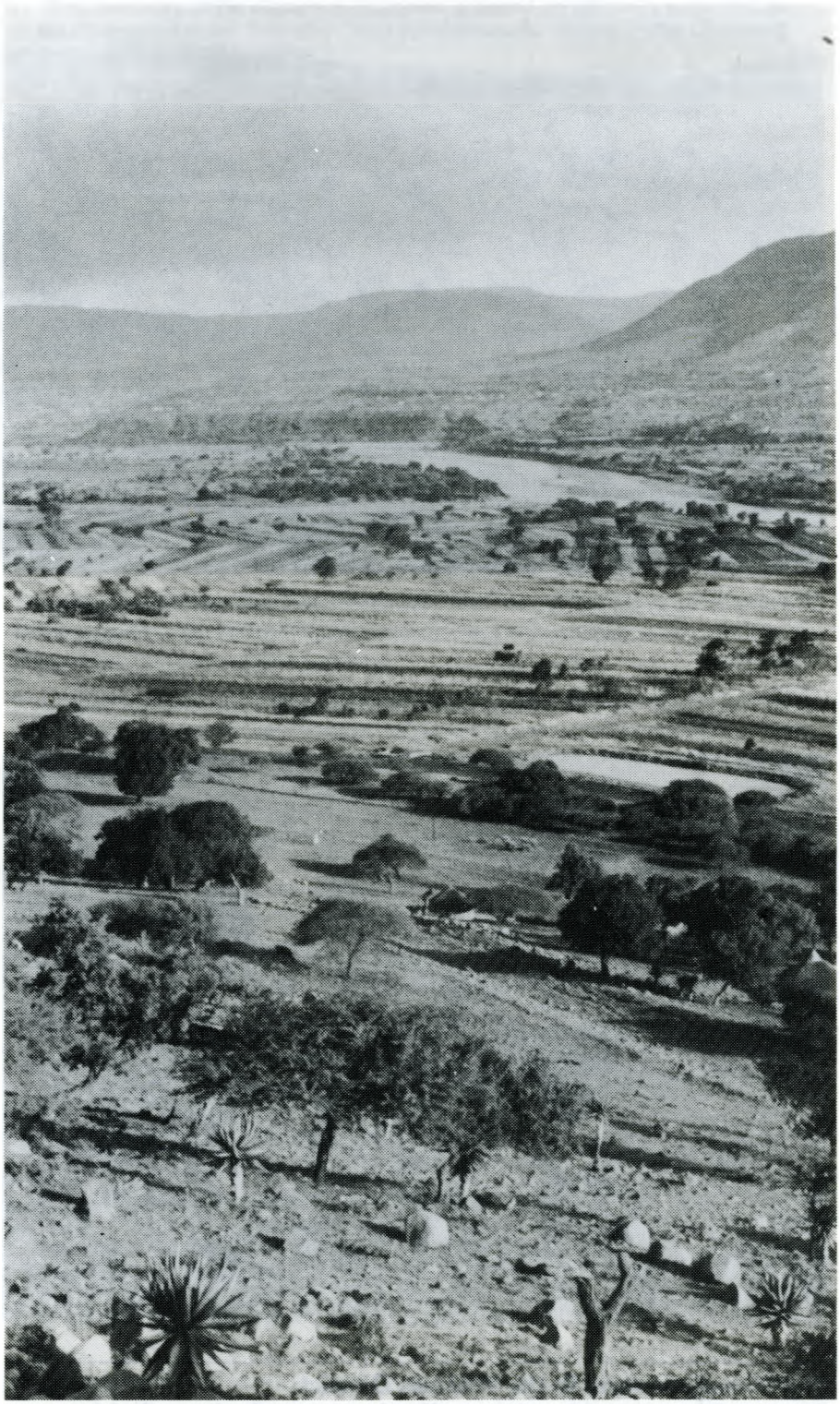
In return, Peter Channing agreed to instal, at his cost, a diesel pump and erect a reservoir to provide water for the families.

In terms of the settlement, both parties agreed to drop all civil and criminal charges they had laid against each other.

At Ncunjane, the African occupants had little to lose besides their cattle and goats. So, it is not surprising that impounding was used as a weapon in the struggle for the land. It was often said in the Weenen District that when some farmers wanted beer money, they impounded goats. When they wanted profits, they impounded cattle. In the battle for Ncunjane, even more was at stake.

1. This summary of the dispute at Ncunjane is based on affidavits submitted to the Pietermaritzburg Supreme Court by Waldemaar Gebers, Peter Channing and the tenants of Ncunjane.
2. The dispute cost the parties more than R50 000 each. The tenants' costs were covered by a donor agency.

Top: **Ncunjane farm in the Weenen District.**
Bottom: **Women at Ncunjane collecting water for household purposes.**



Arable land - the Tugela River flood plain.

Chapter 2
African heritage versus title deeds

IF you wrote a history of the Tugela basin and illustrated it with maps, you would end with two entirely different pictures, marked by different place names. At the centre of both would be a little town - a Voortrekker dorp, marked Weenen (The Place of Weeping) on one map, and kwaNobamba (The Place Where We Caught Them) on the other. The modern map would be drawn from title deeds granted by the British colonial adminstration and would trace the lineage of land since the Voortrekkers arrived in the early 1800s. The older map would be drawn from oral history and show the land as belonging to the Mchunus, the Mabasos, the Mbheles and the Mthembus. It's a map that has never been put to paper, but it is written in people's minds, and staked out by graves.

Put together, the two maps tell of a primary struggle that has never really ended, a struggle for land.

It is in this context that livestock impounding occurs. In terms of the law, title deed holders have unfettered rights to the land. However, on the ground, their rights are continually challenged by black stockowners searching for grazing for their cattle and goats, by people who see themselves as the original occupiers of the land.

In the eyes of black stockowners, livestock impounding is illegitimate as they believe the land from which the animals are impounded, rightfully belongs to them. "Whites never owned that land," said a man working for a local chief. 'They bought the right to own our work. That has always been the law."

In the eyes of white farmers, livestock impounding is their only peaceful recourse to discourage the poaching of grazing or trespass by livestock. One farmer asked: "Would you prefer it if I shot the cattle owners when they drive their herds onto my farm? And how can one impound cattle in the first place if it is not on one's land?"

One such farmer is Peter Gill. Gill is one of three white farmers on Weenen's eastern border. He does not mince his words about the conflict in the area: "It is simple. It's a struggle for land. A struggle between the haves and the have-nots. And the haves don't have that much anyway."

"I am not interested in the bigger, national issue as to who the land historically belongs to. I have got my title deed. I bought the farm, and I want to farm it."

Gill said he was tired of justifying himself, tired of talking, tired of being misrepresented. He set up an interview for me with his younger neighbours, Peter Channing and Marcus Burghers, both eager to talk of their woes.

"We are trying to protect our own soil, our own land. I did not buy this land to fight," said Peter Channing.

"We get bugger help from the police," said Burghers. "We have to do our own thing."

"People wash their clothes in my cattle drinking water ..."

"Two weeks ago, three head of my cattle were stabbed ... "

"They always cut the bottom strands of the fences so that the goats can come through ..."

"Someone shot my guards the other day ..."

"They are buggering around with my livelihood ..."

"We are not going to pack up our bags and leave ..."

"Yes, I've shot goats, but not 47 as claimed ..."

"A bit of kaffir psychology sorts them out ..."

"There's only one problem here. And it's coming from over the fence ..."

As Burghers and Channing talked I watched a man on horseback, a shotgun straddled across his legs, riding out through the gates to patrol Burghers' farm.

The Tugela River and the fertile land bordering it. The primary struggle for land in the Weenen District is one which has never really ended. It is in this context that livestock impounding occurs.

Msinga, the hottest, driest, most over-populated, overgrazed and poorest part of KwaZulu.

Chapter 3

It all started many years ago ...

REQUEST and demand urgent investigation, reads a memorandum Neil Alcock sent to the Institute for Race Relations shortly before his murder in September 1983.

Through the newly-established Legal Resources Centre, CAP fought and won a series of civil damages cases which had an immediate impact on the district. Farmers paid out damages for assaults and they repaid exorbitant fees claimed from black stockowners. Many of these cases continued and were settled, after Neil Alcock's death.

His wife, Creina Alcock recalls that the cases made the district distinctly jumpy. "Farmers would hit an employee, then offer six months on full pay, provided the matter wasn't taken to court," she said. "Eventually we found assault victims unwilling to bring cases because of the settlements offered by their employers."Neil Alcock had lived in the Weenen-Msinga District for eight years, directing the Church Agricultural Projects (later CAPFARM Trust) on three white-owned farms bordering Msinga. All the other border farms were unoccupied at the time. From the start, CAP offered the resources of the farm to the people in the location. Their cattle and goats grazed there, under conditions of management and vegetable gardens were established for community use.

After living at Msinga for about five years, the Alcocks developed a vision of how the area could be developed. In this vision, recorded in a document called Msinga 2000, furrows led spring water into Msinga's barren hills and into tiny gardens where vegetables grew in soils enriched with manure and phosphate-rich ash from cattle bones. Fruit trees shaded kraals surrounded by beehives. There were also poultry runs and fish ponds and each kraal had a solar cooker and gas digester, an oil drum designed to process dung into methane gas. The gas from the digester replaced wood as a fuel and

so the last trees in the area would be spared and help to stabilise the eroding slopes.

But Msinga's realities spoke louder than Neil Alcock's vision.

Traditionally the Tugela Basin is the home of several Zulu clans. Long ago, before white settlers arrived, wars between these clans were fought on open ground with traditional weapons and relatively few casualties. But in time, as the government's policy of separate development and forced removals impacted on the ground, poverty struck the residents of Msinga and faction fights, fuelled by the frustration of too many people crammed into land which had long lost its capacity to support them, evolved into more life-costly feuds involving automatic weapons. (1)

In 1979 the rains failed, grass withered and crops shrivelled. The rains failed again the next year. And the next. At the tin-roofed office of the stock inspector at Tugela Ferry, the list of cattle deaths grew long. (2)

Rather than see all their livestock die, black stockowners cut fences and turned their cattle and goats loose on white farms. White farmers responded, defending their grass with guns. The border became a battle zone.

Some farmers simply shot stray goats. Others impounded the animals, and found a way to profit fromthis, by levying steep trespass fines.

In one four month period in 1982, Mr L Aggliotti, CAP's neighbour, received R7 932 in trespass fees from black cattle owners. Aggliotti had no cattle of his own on the farm at the time. (3)

Some black stockowners charged that white farmers lured cattle onto their land with a view to exacting fines. (4)

"In one or two cases farmers may be making more money from impounding cattle than by farming," the chairman of the Weenen Farmers' Association, Joseph Le Roux, conceded to *The Sunday Tribune.*

After the press exposure, CAP was told that the government would investigate the border tensions between white farmers and Msinga residents, including allegations of irregularities with livestock impounding.

Then, on September 28, 1983, Neil Alcock fell victim again to Msinga's realities. This time he lost his life. He was murdered along with five other people, whom he was transporting home after a peace meeting between feuding factions. (5)

Nothing more was heard about livestock impoundings in the Weenen-Msinga district. The press let the issue die. In the meantime, turnover at the Weenen pound increased three-fold.

History

The soil is poor, and water scarce. The country is steep, stony and precipitous, full of thorns," a district magistrate remarked of Msinga a century ago, in 1893. He declared the area unfit for "European occupation".

"If purchased by Europeans it will only be with a view to subletting to natives in the near future," the acting Chief Native Commissioner of Natal later wrote. (6)

And so "kaffir farming" began. Whites bought up the land. Instead of farming it, they let people live on the farms in exchange for labour.

"Free labour for sale, the farm Loraine," an advertisement in a 1914 newspaper reads. (7) The land was the farm the Alcocks now occupy - Mdukutshani, The Place of Lost Grasses.

White absentee owners did not care about what happened to the land on which the labour tenants lived. Some never even drove onto their farms. They merely arrived at the gates every six months, dropped off one load of labour and picked up another. As long as they could exact six months labour from every man on the property, sometimes also from his wives and children, they were satisfied.

For years there were no whites on the white farms surrounding Msinga. The land was allocated to black people as part payment for their work on larger white commercial farms.

This practice of labour farming became known in apartheid government circles as "die beswarting van die platteland" (the blackening of the countryside). The government produced a report in 1959 claiming how an exodus of whites from the countryside was accompanied by a growth in the black population on white-owned farms. The report contained a map on which farms "occupied by natives" were shaded black. Besides three small patches, Weenen was shaded completely black.

The crowded farms were ploughed without rest, year after year. No soil conservation laws were enforced, no agricultural programmes developed, and no education provided on the labour farms. Black tenants produced their crops without assistance, loans or subsidies. They produced for their own survival. The red soils wore out, as did the veld that had to sustain thousands of cattle and goats.

The labour farms came under increasing attack from soil conservationists and more progressive farmers for being neglected, overpopulated and overstocked. (8)

"The desperate condition to which this part of the country has been reduced must be seen to be realised," said ecological researcher, Oliver West, in 1936. West was involved in an extensive ecological research project in the area, spread over 30 years. On a map, John Acocks, a plant geographer who also worked in the district,

coloured the Weenen-Msinga area red. The map was produced with the 1951 Desert Encroachment Committee Report. The Msinga district lies within that area of Natal marked desert-to-be. (9)

"The existing conditions are so disturbing, indeed in some places so appalling that nothing but a national emergency should permit their continuance," West's colleague, John Phillips, later wrote.

The ecologists' words were ignored. (10)

It was only when white liberals agitated for the abolition of the six-month free labour system that the government acted. The same authorities who originally legitimised labour farming, outlawed the practise.

"Labour farms are an evil," Mr LJ Neethling, Bantu Affairs Commissioner at Weenen, told the *Daily News* in April 1968. "Modern day slave camps," said an official of the Department of Agriculture. (11)

Seemingly compassionate words for government officials. But they had their own reasons for ending labour tenancy. Abolishing labour tenancy was seen as a means of "cleansing" the white farming areas. Little compassion was shown when forced removals were carried out during the 1960s. Removals in Weenen began in 1969. Police moved in with guns and helicopters, burnt down huts and drove the people into the desolation of Msinga. The removals continued for three crisis riddled years. (12)

In the end, more that 22 000 people were pushed off the Weenen farms, into relocation sites in Msinga, in some cases right next to their former homes and grazing grounds.

As labour tenants, many people had accrued extensive herds, 50 head of cattle or more, and were well-off by subsistence standards. They were prevented from taking their livestock to these new "homes" and had to sell their animals, at whatever prices were offered. White farmers flocked to the forced stock sales from as far as the Orange Free State, and bought up thousands of head of cattle and goats, often at a third or a quarter of their market value. (13)

"Our milk cow, which was a fine heavy producer, was sold for R30," said Dombi Khumalo, a woman whose family was moved to Sashlumbe, a desolate strip of land on the northern bank of the Tugela River. "For our other beasts we got R18 (a two year old heifer) and R17 (a one year old ox). For our biggest goats we got R6 and for the smaller ones, R3 or R4 each." (14)

Many stockowners refused to surrender their animals and smuggled them into Msinga. (15) Hundreds of cattle and goats roamed Msinga's rocky ground. With no grass to browse, the animals strayed back onto the white farms, their old grazing grounds. It was easy then for cattle to roam. In the early 1970s, not much of the land was farmed by whites. Like Ncunjane, most were owned by absentee landlords.

As police patrols fell away, the Weenen farms became a grazing reserve for Msinga cattle. (16) Previously, when black stockowners had tenure of the land the rule was that no green tree be chopped. But rules had fallen away in the desperate struggle to survive. The deserted farms provided not just free grazing, but also cooking fuel for the location.

The veld deteriorated further. Weenen farmers using their land objected vociferously to absentee landowners. The untended farms created problems for them and pressure was brought to bear on the Department of Agriculture to do something.

At first, the Department tried to coax the white landowners to start farming their Weenen lands for a profit. They dangled the carrot of higher subsidies. If a white Weenen farmer put in fencing, completed watering points, and reduced stock on overgrazed land, he could claim the highest subsidies available to farmers in the country.

A three-year project, the Weenen Thornveld Programme, was launched in 1975 with two simple aims:

- improve the veld drastically
- increase red meat production by 100% (17)

But many landowners still did nothing. Although "labour farms" had been outlawed, labour-tenancy had not disappeared. Black people clung to the system as it was the only means of securing access to land outside the already overcrowded Msinga. They were prepared to work for very low wages as long as they were given land to live on.

"The farmers were scared of disturbing their labour force," said agricultural officer, Daryl Twiddy. "If they forced tenants to reduce stock, they faced the risk of the labourers retaliating while working on the commercial farm and sabotaging the reaping or planting."

At first the Department of Agriculture was sympathetic to the farmers' dilemma. The three years set down for the Thornveld Programme stretched to 10.

"We churned out farm plans and statistics and spent a lot of time in the thornveld," said the former district agricultural officer, Stuart Armour. "Then we stopped. There was not much point in carrying on. When we revisited farms we found some improvements, but they fell far short of what was required."

The Department tried to get tough: it laid down stock limits for each farm, and set deadlines for farmers to achieve the desired results. One absentee landlord, JC Boshoff was repeatedly warned that his Weenen land was overstocked. Boshoff did not know how to handle the problem, as the animals belonged to his labourers. After failing to take action, he was charged and convicted of overgrazing the veld under the new Conservation and Agricultural Resources Act of 1983. The Act allowed for a maximum penalty of R5 000 for a first

offence, R10 000 for a second. But implementation was tentative. Boshoff, the first white man to be prosecuted under the new law, was fined a paltry R300.

The Department of Agriculture warned Weenen farmers that further damage to the veld would not be tolerated. "We will lay down stock limits per farm," SD le Roux, deputy director of Agriculture for Natal, told Weenen farmers at a meeting in August 1985. "We will do stock counts out of the blue. We will lay more charges under the new Act." (18)

Rather than deal with problems on their Weenen farms, some absentee landowners sold their Weenen land to young aspiring farmers attracted by the good beef country and the best subsidy rates available in South Africa.

To clear the land of "surplus people", white owners evicted the African occupants. Since 1985 more than 1 700 tenants have been evicted by farmers, mostly in the Ngwenya Valley. In most cases, tenants were forcibly driven off the land. Huts were destroyed and livestock impounded.

So began a battle of strength, cunning and wits, between white farmers and black stockowners. As the case of Ncunjane has shown, the conflict is by no means over. It continues to this day and is exarcerbated by increasing unemployment and population growth.

Since the days of Neil Alcock, livestock impounding has increased steadily, as well as the fines that farmers levy. While some farmers charge R3 for every head of cattle found on their land, others have increased the fines to R200 or more, claiming thousands of rands in damages each time they impound livestock.

"The farmers can impound and impound and impound, but it makes little difference," said Twiddy. "Some cattle are herded onto farmers' lands so often, that they have become conditioned to trespassing. They hear a truck, or see a white farmer coming, and they know its time to duck back across the fence."

The Basic Facts

MSINGA, to passers-by, is stunning and beautiful, storybook Africa. But look closely, the beauty of the area is a deceit, a sneer. Msinga is the hottest, driest, most over-populated, over-grazed and poorest part of KwaZulu. (19) The conditions are harsher than words in print could ever suggest. The people sell and buy little. There is a resources constraint, a market constraint, an infrastructure constraint, a technical possibility constraint. An "underground economy" has emerged where survival depends largely on theft, poaching and the cultivation and sale of dagga.

Dagga is without question the best cash crop in the area. Some of the finest comes from the Tugela Valley. Five paces of square land can yield the dagga grower R200. (20) It thrives on soil which experts have labelled "low potential" and not arable. The Cannabis plant grows at the edges of caves, in walled gardens, among stalks of mielies, all over Msinga's hills, mountains and valleys. When police raid the area, as in the summer of 1987/88, everyone suffers. In the late 1980 raids, the SAP burnt thousands of sacks of dried dagga, and destroyed several hundred tons of green dagga estimated to be worth R3 million, at wholesale value. Even trade in Weenen slumped as a result.

Besides dagga, there are few ways of generating income in Msinga. Msinga's men spend their lives as "labour units" in single-sex hostels on the Vaal Reef, in the gold mines, on construction sites or at security companies - wherever they can find a job. Their women and children wait, sometimes for a year, for them to return home. Some never do.

In Msinga, old cultivated fields have vanished completely, opening up extraordinary expanses of stone: bedrock.

As Neil Alcock's widow, Creina wrote: "In 100 years a centimetre of dust will have grown from the rock. In 10 000 years there could be soil to plough. For a man in a hurry, however, bedrock is the end of time. When he hits bedrock he is face to face with nothing."

In Msinga, there are thousands of people face to face with nothing. Wherever you look, its strange, stony landscape is dotted with huts. In 1954 the government-appointed Tomlinson Commission calculated that the Msinga area could only carry 2 100 families and 17 400 head of cattle. Later estimates reveal that Msinga carries seven times more humans, cattle and goats than it can support.

Paths leading from the clusters of huts and shanties are well worn. There are no trees nearby. Many paths lead across the border of KwaZulu and onto Weenen's white-owned farms where trees can still be found.

Weenen's 133 white farmers have about 80 500 hectares of grazing veld, 2 000 hectares of irrigated fields and 110 hectares of dryland

pastures. (21) There are dams, fresh gardens, shops and markets. But environmental conditions are certainly not pristine.

In 1983 the Department of Agriculture surveyed the veld condition of every farm in the district, grading the veld on a scale of 1 to 4. The findings were meticulously mapped and measured, and presented to the farmers at a meeting at the Weenen Town Hall in August 1985. The results showed that nearly 20% of Weenen district - 15 600 hectares - was "irreparably damaged". These are the basic facts of the Weenen District. (22) In 1985, the CAP Newsletter, Tough Talk About Bare Space, quoted the following for Weenen:

- white-owned cattle = 12 023
- black-owned cattle = 5 593
- goats = 9 399

There were 153 farmers. Of the farmland, 13,6% was made up of labour farms, 14,8% was used for winter grazing only and 71,6% was used throughout the year.

The Department of Agriculture estimated that a cattle enterprise in the lowveld needed 1 500 hectares of land. About 86% of the Weenen farms were smaller than that.

From 1949 to 1950 Weenen labour farms carried 31 112 black-owned cattle. White-owned cattle numbered 12 062. From 1964 to 1965, when the labour tenant system was being rooted out, the number of black-owned cattle dropped to 11 621 and the number of white-owned cattle rose to 13 142. (23)

In Msinga there are thousands of people face to face with nothing.

1. Daily News editorial, September 30, 1983 and Riaan Malan: My Traitor's Heart.
2. CAP Newsletter, July 1980: It Serves Them Right
3. CAP Newsletter, November 1982.
4. My Traitor's Heart: Rian Malan.
5. To date, Neil Alcock's murderers have not been brought to book. Murder charges against 13 men arrested for the killing were withdrawn on instruction from the Attorney General. No reasons were given. The general view in the Weenen area is that the killing was an organised crime.
6. CAP Newsletter, August 1985: Tough Talk About Bare Space. This was said by a former Director of Agriculture for Natal, Dr P Hildyard, at a public meeting in Weenen in 1985.
7. CAP Newsletter, December 1984: No Ordinary Farm
8. The Suplus People's Project Reports 1983, Volume 4, Natal
9. CAP Newsletter, December 1984: No Ordinary Farm
10. CAP Newsletter, December 1984: No Ordinary Farm
11. CAP Newsletter, December 1984: No Ordinary Farm
12. The Surplus People's Project Reports, Volume 4, Natal
13. The Surplus People's Project Reports, Volume 4, Natal. In Weenen the prevalence of farms with large tenant populations made the abolition of labour tenancy an explosive issue and authorities ran into serious local resistance. Many people hid their possessions and loaded trunks and packages were filled only with stones. As soon as they were offloaded at the relocation sites, in some cases hundreds of kilometres away, they returned to their old farms in Weenen.
14. The Surplus People's Project Reports 1983, Volume 4, Natal. After her removal to Sashlumbe, Dombi Khumalo lost her husband, brother-in-law, and only son - all killed in faction violence.
15. According to Weenen farmer, Peter Opperman, about 19 000 cattle were smuggled into Msinga.
16. CAP Newsletter, December 1984: No Ordinary Farm
17. CAP Newsletter, August 1985: Tough Talk About Bare Space
18. CAP Newsletter, August 1985: Tough Talk About Bare Space. To date, JC Boshoff is the only white farmer to have been charged for overgrazing.
19. "Msinga - flashpoint in KwaZulu": Daily News, May 14, 1983
20. "The wicked weed": Weekly Mail, December 4, 1986
21. Figures supplied by the Department of Agriculture and Technical Services.
22. CAP Newsletter, August 1985: Tough Talk About Bare Space. At the meeting the district agricutlural officer Stuart Armour showed slides of the erosion. The contrasts were startling. Green, well-managed irrigated lands lying next to shale deserts. "Recognise your farms?" asked Armour.
23. CAP Newsletter, August 1985: Tough Talk About Bare Space

Legally, little has changed to give labour tenants security of tenure. They live in the shadow of eviction and destruction of a way of life which offers at least some security.

Chapter 4

The story of Papene Sibisi: the realities of being a labour tenant

WHEN he was first given notice to leave the farm in August 1979, Sibisi and his family sat tight. The farm was the only home they knew. The events that followed were as grim as they were predictable.

Sibisi was arrested for illegal squatting and fined R90 or 90 days' imprisonment. Soon afterwards his wife and two of his children were also arrested and fined R20 each. They paid their fines and returned to the farm. In November 1979, the farmer impounded 15 of Sibisi's cattle and all his sheep and goats as "strays". The bill to release them came to R557.68, of which R360 went to the farmer for his damages claim. Sibisi borrowed money, bailed out his cattle and returned to the farm.

Then, for reasons unknown - Sibisi said he invoked the aid of a witchdoctor - the farmer allowed Sibisi and his family to remain on the land. In return, Sibisi gave the farmer an ox, and sent his daughter and son to work for the farmer. For a year life continued much as before.

In January 1981 Sibisi received another scrap of paper, a second ultimatum to leave the land. His daughter had failed to report for work one morning. "I'm tired of your family," the farmer told Sibisi.

Sibisi put on his city clothes and travelled to Pietermaritzburg for legal help. The lawyer said that the farmer was within his rights and that there was nothing the law could do.

Sibisi spent days trekking from place to place in Weenen, trying to find another farm on which to live. He steadfastly refused to sell his cattle. On the day his notice expired, the farmer impounded all Sibisi's stock. This time the bill was R2 292.04. Sibisi had to sell 10 of

his cattle and 30 of his goats to raise the money. Meanwhile, the farmer destroyed the seven huts that made up the homestead where Sibisi was born, finally forcing him to move off the land. Sibisi sought refuge in a disused church building on a neighbouring farm and found grazing for his severely reduced herd at R2 a beast a month. That was the last that was heard of him.

Labour tenants still trapped

In terms of the law, nothing has changed since Sibisi was evicted from his home. The Prevention of Illegal Squatting Act removes any discretionary powers that the courts could have over evictions.

"If a person is living on land without the landowner's consent, he is termed a squatter, no matter how long he has resided there," said the lawyer who handled Sibisi's case. "If the landowner has complied with the correct procedures, the court can do nothing for the person threatened with eviction." The result is that hundreds of ordinary people have become criminalised because they seek to remain on land that they have occupied for generations.

Although outlawed in 1960s, labour tenancy continued, particularly in Weenen and surrounding districts. It offered thousands of people a minimum subsistence through grazing rights and provided an escape from the overcrowding of the reserves. It was also the only system that many farmers could afford. In some cases, relations between farmers and tenants were good. However, the system was abused and many people lived in abject poverty, ill-fed, ill-clothed, and paid sub-starvation wages. (1)

Press investigations in the 1970s and 1980s showed that tenant labourers were virtually held to ransom. (2) They could not break out of the system, since to do so would mean eviction of their families and destitution.

Tenants' rights to live on the land and to work it for their own subsistence depended upon them providing regular labour for the white landowner. The tenants had strong associations with specific pieces of land, often stretching back several generations. The land on which they lived was a link with the past, offered continuation with a way of life, passed on through the years and provided a secure base from which to interact with a rapidly changing and harsh world where there were few openings.

So desperate were people to remain on the land that some families, who did not have enough older children of their own, hired children from other families to work for them. Parents of these surrogate workers could be paid as much as R100 every six months. (3) "We do all this because we love our homes and are prepared to do almost anything to stay," a woman told fieldworkers. (4)

1. "The men who work for nothing.": Sunday Tribune editorial July 15, 1973
2. "The Plight Of Those Still Working Under The Defunct Labour Tenant System": Natal Witness, December 27, 1975. "Paying Rent In Children": Rand Daily Mail, February 20 1980. "It Won't Die: Government banned tenant labour but Natal farmers still hiring whole African families for starvation wages": Sunday Tribune, July 13, 1980 "Government Gets Shock Farm Labour Report": Natal Mercury, September 17, 1982. "'No Pay' Farm Work": Natal Witness, September 17 1982.
3. Surplus People's Project Reports, Volume 4, Natal.
4. AFRA files.

Remnants of old kraals at Ncunjane. The Ncunjane labour tenants have strong associations with specific pieces of land, stretching back several generations.

The Weenen cattle pound. Black stockowners believe that livestock impounding is a white tool for making money.

Chapter 5

Livestock impounding in Weenen

THE practise of livestock impounding has been abused and this has given rise to a belief among black people in the area that livestock impounding is a white tool for making money.

There was anger in the voices of stockowners when they spoke of the pound. Most of them did not understand the administration procedures, nor the calculation of transport fees and pound fees, including the costs of feeding and herding. They talked of the pound fees as "interest", and referred to the pound as "isijele" - the jail.

"It is the farmer's big business," one black stockowner told me.

"Yes, they make big money," said another. "Many animals never return ... "

A visit to the Weenen pound

"You can't have random access to the records," Weenen's Town Clerk, Louis Cunha, told me.

His reasons ranged from: "Some of the matters are sub judice"; "I don't want to get caught between the parties"; "We just act as collecting agents"; "The parties claims are nothing to do with us"; "Those are private matters, and I do not have the right to show such records to you."

When I next returned to the Weenen pound, I was armed with a copy of the Weenen Pound Ordinance. Paragraph 28 reads: the poundmaster shall keep detailed records of all transactions. These records "shall be subject to the inspection of any person during office hours".

The laws governing livestock impounding in Weenen

Weenen has its own laws regarding livestock impounding, and does not fall under the Natal Provincial Pound Ordinance. The laws are fairly wide and open to abuse, particularly with respect to the calculation of trespass fees.

"No questions are asked when livestock is impounded," the poundmaster, Louis Cunha said. "We are just the agent," he explained. "All that is required is a letter stating who the impounder is, where the cattle are from, and the amount of livestock. The letter will also state the owner's claims for damages (trespass "fines")."

According to the Weenen Pound Ordinance, the estimate for damages must be endorsed by "two disinterested persons, being landowners or registered voters", in other words, white farmers.

While the Natal Provincial Ordinance makes provision for the owners of impounded animals to appoint an assessor of damages, such a clause does not exist in the Weenen Pound Ordinance and no one appears in a hurry to introduce one.

With cattle speculators buying and selling impounded livestock, and reselling it back to the black community, the number of livestock in the region is not reduced. The cattle merely changes hands, and ends up trespassing again, and impounded again.

The official line

Weenen's Town Clerk, Louis Cunha, who administers the pound, dismissed allegations that certain farmers benefitted by impounding livestock. No local farmers had impounded animals more than once in the past year, he said.

"Most of the impounding is done in Greytown, Bergville and Estcourt. In Weenen the impounding is seasonal. The absentee landlords come and check their farms every six months - when the grasses start to grow. They arrive and find their land being farmed for them. Because people are using the farmer's land illegally, the cattle are impounded."

What is most significant, and confirmed by the Weenen Pound records, is that black stockowners with limited resources, no markets, no security of tenure and no financial backing, are the people paying the price for the wasted environment. Since 1982 hundreds of thousands of rands have been paid by black stockowners to the Pound, most of which has gone into the pockets of white farmers for damages to their veld.

The Weenen Pound records

Analysis of the Weenen Pound records for the period January 1990 to January 1992 showed that several Weenen farmers impounded livestock frequently, claiming thousands of rands damages each time. Indeed, five farmers claimed more than R62 000 between them during that period. Peter Channing's claim of R21 250 was the highest.

The Weenen Town Board, which administers the pound, also impounded livestock on five occasions (a total of 100 head of cattle and 180 goats) charging R200 per head of cattle and R35 per goat - a total of R26 230.

More than R240 000 was paid to the Weenen Town Board for the release of animals during 1990 and 1991, more than half of which was in respect for farmer's claims for damages.

Contrary to the Weenen Town Clerk's statements, the records revealed that most of the impounding occurred within Weenen itself. The records showed that while 332 black stockowners had livestock impounded in the two year period, only seven white farmers were affected.

Most of the stockowners were tenants on Weenen's farms and stockowners of Msinga. Black stockowners on Weenen's farms paid more than R105 000 for the release of impounded animals. Residents of Msinga paid R36 059.

There was a vast discrepancy between the "fines" that farmers levied for damages to their veld or crops. While some farmers routinely charged R3 a head of cattle, others have increased the "fines" to R200 a head, and sometimes even more.

While black stockowners complain bitterly that the trespass "fines" often bear little or no relation to damage to the veld, white farmers argue that grazing is scarce and worth the fines that are charged. "If people will go to the extent of cutting your fence to put the cattle in your grazing lands, it means that the grazing is valuable to them," said the chairman of the Weenen Farmers' Association, Joseph Le Roux.

Making riches out of others' misery

The wanton abandonment of the Weenen-Msinga district has given way to corruption surrounding the livestock impounding. I came upon several stories of farmers generating cash by impounding black cattle and goats.

A former magistrate told how one farmer impounded livestock whenever he needed extra cash to buy new machinery, farm equimpment or parts for his car. Farmer Peter Opperman told a story of a man who had bought land with a good water supply. For years black stockowners had been bringing their cattle onto the farm to drink as there were no alternative watering points in the vicinity. Although the new owner did not farm the land or keep any cattle on it, he denied this right to black cattle owners. Instead he employed a person full time to impound trespassing livestock and exact fines. "He made money by doing that," Opperman said.

There were also stories about a former policemen in the district who had acquired livestock through dubious means. It was alleged that he regularly stole livestock from black stockowners. The policemen was charged with a number of counts of stocktheft, but the case against him was only partially heard when the charges were withdrawn. The man subsequently resigned. The police announced that a departmental inquiry was to be held into the circumstances surrounding his resignation, but in June 1977 the then Minister of Police, Jimmy Kruger, announced in Parliament that no inquiry had been held. "He was a skelm," said Weenen farmer, Graeme McIntosh of the former policeman. McIntosh is a former Progressive Federal Party Member of Parliament. McIntosh would not elaborate. Nor would anyone else. I later established the ex-policeman still owned, or rented land in Weenen. He had recently impounded livestock.

Most of the stories I heard, however, were outdated and hearsay.

Then I heard about two businessmen in Weenen, who regularly bought livestock from the pound. I decided to speak to them and learn about their business. I learnt that the pound was a source of good bargains. Both businessmen had become cattle speculators buying and selling to and from the black market. Whenever black stockowners could not afford to pay the full trespass fines, the secretary at the pound phoned them and told them how many cattle were impounded, how many the owner was prepared to sell and at what price.

"And we buy it much cheaper than it will be auctioned," one of the speculators said. "If I had started this twenty years ago, I would have retired by now, said the other.

I told the speculators that I had inherited land near Mooi River and wanted to buy cattle. "I hear Weenen's the best place for cheap prices," I said.

One speculator escorted me to his paddocks, near the pound, and showed me a herd of 30 to 40 beasts. The speculator rents the land from a local farmer, and resells the livestock back to the black community. Sales were quick, and it was easy to dodge tax, I was told. The speculator spoke of the good relationship he had with the officials at the pound. "They know me well."

Inspired by stories I had heard of individuals buying livestock through dubious means, I floated a story to the speculator.

Over a cup of tea we talked. I told the speculator I was friendly with a farmer who wanted to sell his land. The farmer had terminated the labour contracts with people living on his farm and had served eviction notices on them. The families had lived on the farm for generations, and were refusing to move. And so the farmer was going to impound all their livestock, more than 80 head of cattle and scores of goats, and fine the cattle owners at least R200 a head of cattle and R40 a goat - a total of about R20 000.

It was all above board and legal. The farmer would be following the letter of the law. He stood to earn thousands of rands, and as the families would not be able to pay the fines in full, they would have to sell large numbers of the livestock. This is where the speculator came in. I asked him to buy livestock on my behalf. "You are used to buying and bargaining," I told him. "I would not be able to extract as good prices as you."

Without hesitation the speculator swallowed the story. "Yes, we will be able to get good prices. When the cattle owners feel the pinch like that, you can drive a good bargain." The speculator immediately negotiated his commission. I told him that I wanted to get at least 40 head of good cattle with R20 000 - an average of R500 a beast.

"That might be difficult," the speculator responded, "but I can assure you we will get a good deal. We will pay much less than what it's worth. The owners will be up to their necks."

And so the intricacies of the deal were worked out: where the cattle would be held and when they would be picked up. I told the speculator I would phone him in advance to tell him the day when the impounding was scheduled to take place.

"What about VAT?" the speculator asked. "We will have to pay VAT."

I remained blank.

"I tell you what," the speculator responded. "I'll arrange it so the owners pay VAT."

"We're being robbed," say black stockowners

There are no laws protecting black stockowners from exorbitant trespass claims. There are no checks to see whether the fines are accurate, only pieces of paper with neighbouring farmers' signatures endorsing the damage claims.

Although cattle owners could challenge these trespass "fines", the odds are weighted against them. It's the farmers' words versus theirs, and the pound is run by white officials on first name terms with most local white farmers.

When animals belonging to black stockowners are impounded, there are no ears to listen to owners' grievances and no banks loaning them money. There is only a long, dusty walk to the pound where they are likely to meet Weenen's cattle speculators, cheque book in hand, ready to drive a hard bargain and pick up some impounded livestock at half its market value.

The pound records showed that in 1991 and 1992 more than 78 stockowners could not afford to pay for the release of their impounded animals. They subsequently sold at least 122 head of cattle and 74 goats, mostly to the two Weenen businessmen turned cattle speculators. The records showed that the two businessmen bought at least 101 head of impounded cattle and 69 goats during this period.

While these private deals verge on extortion, the black stockowners see the speculators as fulfilling a need. "If we could not sell some of our impounded animals, we would lose them all," a labour tenant said.

The records showed that 133 head of cattle and 83 were never collected from the pound within 30 days, and were subsequently auctioned.

In May 1992, the Weenen Paralegal Office was established at Mdukatshani. The Weenen Paralegal Office is one of 17 rural paralegal offices working with the Community Law Centre (CLC) towards empowerment of rural communities. Black stockowners in Weenen, Msinga and Nambithi are now using the Weenen Paralegal Office to challenge trespass, damage and pound fees. The CLC and the Weenen Paralegal Office were handling more than 30 files in February 1993 relating to the problems the community is experiencing with the stock impounding by local farmers.

"We're defending our land," counter white farmers

The losses that farmers experience in the Weenen district are very real. "Fencing is not cheap," said Gert Opperman, a farmer on the Greytown-Msinga border, not far from Weenen. Opperman impounds livestock frequently.

"People from Msinga almost live on my farm. I'll show you 400 goats on my farm, Impala, right now. In this drought, the goats are competing with my cattle. On average a goat eats 1,1kg of food a day, and drinks 6 litres of water a day. If there are 400 goats on your land each day, they eat about 500kg of food. Multiply that by 365 and and see how much it amounts to.

"The water they drink is water that I pump from the Mooi River into two reservoirs. It then gravitates into 23 troughs. I built this system and paid for it, and now people use it all the time, free of charge. On the other side of the fence, the people have no costs. They see grazing and water on my side, so they cut my fences and push their animals through."

The chairman of the Weenen Farmers' Associaton, Joseph Le Roux, argues that the trespass fines tally with the transgressions on the farmers' lands. 'The cattle owners go to the pound, pay the fine, and the next day the cattle are back on the farmer's land. The farmer impounds them again and charges damages of R120 a head. The same thing happens again. This means that the owners think that the charges are worth the grazing. So the charges rise to R150 a head of cattle, or even more, until such time as the owner stops bringing the cattle back."

A revision of laws

According to the Weenen Pound Ordinance, only white voters were eligible to assess damages claims. Besides the inability of black people to effectively challenge trespass claims, even if they owned land, all the necessary safeguards seemed to be there.

The problem lies not in the laws, but in their implementation and the fact that landowners are presently all whites, while the majority of stockowners are black. Under the present circumstances, black stockowners have no interest in the pound whatsoever.

For as long as black stockowners do not have access to land which they could legally call their own, livestock impounding in Weenen will remain, as they say, the white man's business in both senses of the word.

Madodonke Majozi, a labour tenant from Ncunjane.

Chapter 6

What can be done?

I ADDRESSED this question to farmers, agricultural officers, spokesmen for government, organised agriculture, labour tenants themselves and other interested parties. While most said that there were simply too many people, too many animals and not enough agricultural land, they differed over who has rights to this land what to do.

Weenen farmer, Marcus Burghers said that the state should buy at least 20 000 hectares of land on the eastern border of Weenen and start an agricultural project for stockowners of Msinga and tenants on the land.

"If we were offered R400 a hectare as compensation, we would give up the land," said Burghers. "Two farmers could intially manage the project. We could facilitate agricultural training, control the grazing and chopping of firewood. Regular cattle auctions could be held to keep the numbers of livestock down. At the moment cows in Msinga are breeding, but almost all the calves are dying."

"Something has to be done," said Burghers, "or else the disputes will continue. Look at what has happened at Ncunjane. The two parties have spent more than R50 000 in legal costs and both parties are very unhappy."

Former Progressive Federal Party parliamentarian and Weenen farmer, Graham McIntosh said that urban centres already have the infrastructure and that if the urbanisation process, which is already occuring, was supported and planned in conjunction with sociologists, whole families could be moved into more socially secure environments with access to schools, clinics and jobs.

"Rural people are used to the cities. For a long time they have worked as migrant labourers," said McIntosh. "It would be much better for men already working on the Vaal Reef to move their

wives and families into a decent environment, rather than leave them in a rural slum."

McIntosh said that incentives, such as R5 000 cash benefits and the provision of houses, could be used to entice people to relocate in the cities. "In this manner, the government could depopulate Msinga, and alleviate the pressure on the land."

McIntosh conceded that the unequal distribution of farming land between blacks and whites has given rise to land hunger which needs to be addressed. He believed the problem will best be solved by the free enterprise system.

"Blacks can now buy commercial farming land," said McIntosh. "Land ownership must change on the basis of willing buyer, willing seller. He believed that the government should make funds available to select blacks "who have the ability to farm commercially".

"It is finding blacks with the entrepeneural ability where the problem lies," said McIntosh. "It is quite clear that not everybody presently on the land can be livestock farmers."

McIntosh is supported in his arguments by the Weenen Farmers' Association, of which he is a member, as well as other representatives of organised agriculture.

However, others argue that comprehensive processes of land reform far beyond the repeal of aparthied land laws are necessary to rectify imbalances in land ownership. There is a call from a range of people - lawyers, sociologists, environmentalists, and even a number of farmers - for the establishment of a land claims court to resolve land disputes.

The ANC adopted the idea of a land claims court in its 1992 policy guidelines on land. In these policy proposals, the ANC said that priority will be given to victims of forced removal. The ANC argued that the market will not address the unequal distribution of land. "The very discrimination which forced people off the land, has deprived them of the capacity to buy the land back. The market could even aggravate present inequalities.

"It will be unjust to place the whole burden of the costs of transformation on the shoulders either of the present generation of title holders or on the new generation of owners. The state therefore must shoulder the burden of compensating expropiated title holders where necessary."

Regarding labour tenants, the policy document said that an ANC government would protect land occupation and use rights of former labour tenants and share croppers and their families, who have had a long association with particular pieces of land. And no one will be evicted from land or have his or her home destroyed, unless a tribunal or another court has considered the availability of alternative accommodation.

"Land should be leased, and in some cases, even sold to tenants," said the editor of the Farmer's Weekly, Mike Fisher. "Leasehold works with tenant farmers in Europe. There is no reason why it should not work here."

In most other countries, people like Weenen's labour tenants would enjoy secure rights to the land. In fact, if Weenen's labour tenants lived in Europe, many of them would actually own the land they live on.

"In terms of the laws of prescription in Europe, once people have occupied and utilised land for more than 30 years, they become its owners," said Anninka Claasens, a legal researcher who has done extensive rural fieldwork and now specialises in land issues at the Centre for Applied Legal Studies at the University of the Wtwatersrand. "The basis of land reform in Europe for the past century, and South East Asia for the past decade," said Claasens, "has been the concept of land to the tiller."

While many farmers express fears that land will be further denuded if given to labour tenants, Farmers' Weekly editor, Mike Fisher, said that once tenants have secure rights, they will take responsibility for the state of the land and obey the conservation laws. "Basically, if a guy has got a stake in the land, he'll look after it," said Fisher.

"That's true," said the Director of the Natal Agricultural Union, Steve Shone. "The problem, however, is that there are too many people on the land and too much pressure on a natural resource. If land is simply allocated on the basis that it is needed, it will be disastrous. There needs to be creative development and people presently on the land need to investigate other forms of generating wealth."

Mike Fisher argued strongly for the development of rural villages. "Instead of people sprawling all over land, they should be brought together into stable communities. In that way, proper infrastructure could be provided. Lights, water and sewerage could be laid on, as well as schools and clinics."

Fisher's rationale was that while land around the villages could be farmed productively, the villages would create alternative job opportunities.

"At the same time the villages could provide a secure home for farmworkers and enable them to sell their labour to the best market," he said. "At the moment farmworkers are chained to one employer. They have to accept whatever wages are offered or lose their home."

The concept of farm villages was raised about seven years ago by large companies like South Africa's Sugar Association. While the idea seems sensible, there are fears that in practice the villages could become pools of cheap labour and the inhabitants trapped in an impoverished social environment without access to land.

"Those advocating rural villages conveniently ignore the central issue, the need for redistribution of farming land," argued Joanne Yawitch, director of the National Land Committee. "I am also sceptical of models which are imposed without consultation with the people for whom they are designed. There needs to be a broader policy giving labour tenants secure access to agricultural land and supporting the establishment of groups of small farmers. They must be given the same kind of support and services which enabled white farmers to become producers."

Yawitch said that it would be unrealistic to imagine that everyone on the land could become succesful stock farmers and producers. She argued for the development of subsistence agriculture schemes and provision of rural services and infrastructure to enable people to develop small businesses associated with agriculture, like dairy processing plants.

The advocates of rural villages argue that effective rural services cannot be taken to scattered settlements. They say that if village cores are created with attractive facilities and opportunities for entrepeneurs, people will move in voluntarily.

The Institute of Natural Resources, based at the University of Natal, Pietermaritzburg, has developed a rural service centre at the Biyela Development Project near Eshowe in Northern Natal. There is an agricultural training centre, a clinic, and offices for extension staff.

"It is an ideal working model," said Institute of Natural Resources Project Manager, Professor John Erskine. "People are already moving into the area, attracted by the facilities. A few small industries will soon be opening."

"It's a question of creating opportunities where the people are. Instead of people moving to the cities and taking all their problems with them. Not all the people on the land can be livestock farmers. Not all of them want to be, but they want to carry on living in rural areas. If infrastructrue is provided they could start butcheries and other small businesses associated with agriculture. What is most important is strategy and proper planning," Professor Erskine said.

But Joanne Yawitch cautioned that, "above all development plans must be supported by the people they are designed for. Strong systems of local government enjoying the people's confidence are needed. In that way, residents can voice their own needs and participate in the development of the area. It is no point just having a blueprint."

Over the last few years the Natal Provincial Administration (NPA) has looked toward urbanisation as a solution for the "surplus people" on land. However, the squalor of the cities and sprawling shack settlements point to the failure of urban centres to absorb the influx of people. Most of the people can find neither jobs nor homes. Consequently, there is growing recognition of the need for land-based strategies in the rural areas. The Physical Planning

Directorate of the NPA is of the view that the implementation of a rural settlement strategy would go some way towards solving the problems of landlessness and homelessness in the Weenen District, and, if given the opportunity, will investigate the feasibility of acquiring land for displaced people. If such a feasibility study proves positive, then the Directorate would, among other things, motivate for innovative finance schemes to support small scale agricultural projects.

What some of the key players say...

KwaZulu Minister of Interior, Stephen Sithebe

"The development of Msinga must be the responsibility of the KwaZulu Finance and Investment Corporation. They are the economic arm of this government. Security of land tenure for labour tenants in Weenen is a matter for negotiations between the NPA and KwaZulu Government. The matter has not yet been on the agenda of the Joint Executive Authority (JEA), but I am in charge of land matters in KwaZulu and I will get the JEA to discuss the issue. It is a difficult situation because the land is privately owned. I have talked to both farmers and tenants and impressed on them that it is important to change their attitudes and learn to peacefully coexist. People must adapt to the new circumstances of the 1990s."

Director of the Natal Agricultural Union, Steve Shone

"The problem of land hunger is not confined to Weenen-Msinga area. All over Natal there is a large population density on land. It is an enormous problem to address. At the moment we are debating the issue with the Five Freedoms Forum, and many ideas are being expressed."

Director of the National Land Committee, Joanne Yawitch

"Weenen's labour tenants have kept their toes on the land. Their only skills are agricultural. Concessions are going to have to be made to them. Under a more sympathetic political dispensation, tenants might risk invading pieces of land, and occupying it, leading to worse conflict."

Muziwabantu Majozi, a labour tenant from Ncunjane.

Ncunjane revisited

What do the African people of Ncunjane say? I decided to return to Ncunjane to find out. Upon my arrival, the first people I came across scattered from their kraals to hide in the bushes. I drove on to the home of the induna where I met Muziwabantu Majozi and other tenants.

Under the shade of a thorn tree we sat talking. An old gogo, the induna's grandmother, talked of days long gone, a world of wagons and ox carts. "There were not so many of our type (labour tenants) then. We saw very few white people - only soldiers and messengers of the court. Our ancestors were real farmers. Food was plentiful then and people used cattle for ploughing. People milled their own flour, slept in goat skins and made shoes out of the forehead of an ox."

The induna, sporting plastic beads and sandals made out of a car tyre, pointed to an expanse of bedrock. "That used to be a maize field."

The interview turned to the present. I was told the tenants' "hearts would be uplifted and freed" if they could own the land. "But we don't have the strength to buy it," said Majozi.

I told Majozi that the farmers were concerned about the state of the land and complained that it was being ruined by people like themselves.

"You see where you car is parked," Majozi replied. I looked down upon a field of blue shale and stones. "That's what this whole place will look like if we don't get help."

"We don't want to go back to the pre-white man days. We want an extension officer to come and advise us," said the induna.

As Majozi and the induna talked of the land, others pointed to the sky. "There has been no rain," they said.

"The river is dry ..."

"There is no water ..."

"We can't plough the land ..."

Weenen farmers have been hit hard by drought, but they have always received aid. Under the South African Drought and Flood Distress Relief Act white farmers in drought stricken areas have received millions of rands worth of aid in the form of feed, grazing and transport subsidies. These tenants have had no assistance: no agricultural extension services, no financial backing, no markets. Instead, they have faced bitter disputes, cattle impoundings and violence. How would white farmers would cope under circumstances faced by the people of Ncunjane, with no tractors, dams or markets?

"There have been too many cattle on this land. It is overgrazed," repeated Majozi, still staring at the stony field.

"We need more than just help to look after the land," said the induna. "We want cooperatives and butcheries to sell our cattle to. When we are asked to reduce stock, there is no one to buy our cattle. The location is too full."

The induna talked of the need for a local clinic, a market place and industries in Msinga. "People don't want to go Johnnesburg to find work."

Everyone began to speak at once.

"We want jobs nearby ... ";

"We need businesses ...";

"We want to sell the things we make ... "

"We need schools ..."

"We want our children to learn. They must not grow up like we did."

Here were the "lawless bunch" blamed for "bad farming" and laziness, talking a similar language to the environmentalists, farmers and advocates of rural villages. If the tenants were given incentives, access to markets and finance, could they not prosper on the land, bolstered by alternative forms of generating income?

Money and resources will have to flow from the towns into the countryside like water into the fields. If it does not, the district will wither and the desert tracts will expand like a disease - South Africa's cancer of underdevelopment.

I left the tenants of Ncunjane, pondering their fate. If they got the money to buy the land, who would advise them and give them finance? They want to build a dip, and perhaps even a dam on the dried up river bed of Ncunjane. But they cannot do that. They do not own the land. They want jobs for people who cannot live off the land, but they do not want to lose them to the squalor of the cities, where employment is unlikely to be found. They want their children to be educated, but the local school is miles away, overcrowded and understaffed. They want elder children to learn to farm, but there are no "barefoot" universities in the district. A pregnant woman sat under a tree. What future lay ahead for her child not yet born? How will the new South Africa treat the people ofNcunjane?

Nyoni Mchunu, Ncunjane labour tenant.

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Annexures

1. The extent of livestock impounding by farmers in different districts

District	No. farmers	No. cases	No. cattle	No. goats
Weenen	29	88	740	899
Estcourt	13	37	345	107
Drakensber	9	15	139	-
Greytown	5	13	35	36
Middelrus	2	5	10	32
Ladysmith/ Colenso	2	2	2	18
Unknown	2	2	12	-

Weenen farmers were responsible for most cases of livestock impounding. More than 700 head of cattle and almost 900 goats were impounded by 29 Weenen farmers. They claimed a total of R115 990 in fines (trespass fees) This amount excludes the fees charged for transporting the livestock to the pound. Most livestock impounding occurred in Ngwenya Valley and on Weenen's eastern border, that is, on farms bordering Msinga.

In the Estcourt district, 13 farmers impounded livestock - a total of 345 head of cattle and 32 goats - and claimed R35 169 in fines.

In the Drakensberg district, 9 farmers impounded livestock - a total of 139 head of cattle - and claimed R 10 155 in trespass fees.

In the Greytown area, 5 farmers impounded livestock - a total of 35 head of cattle and 36 goats - and claimed R6 416 in fines.

The other cases of livestock impounding were isolated incidents on farms near Middelrus, Ladymsith and Colenso.

In two cases it could not be established where the livestock, 12 head of cattle, had been impounded, as no addresses were recorded on the receipts.

2. Impounding in the Weenen District

There were 88 incidents of livestock impounding in the Weenen district, involving 29 farmers.

In the Ngwenya Valley, nine farmers impounded a total of 178 head of cattle and 142 goats and claimed R30 221 in trespass fines.

On the eastern border, eight farmers impounded a total of 261 head of cattle and 328 goats and claimed R37 818 in trespass fines. (Most of the livestock impounding occurred on farms now owned by Peter Channing - namely Goedehoop, Lilyfontein and Winterpoort.)

On the western border, two farmers impounded a total of 67 head of cattle and 187 goats and claimed R9 999.

On the Nkaseni farms, five farmers impounded 69 head of cattle and 31 goats, and charged R4 622 in trespass fines.

In Weenen central, four farmers impounded a total of 65 head of cattle and 31 goats and claimed R7 100 in trespass fees. The Weenen Town Board also impounded 100 head of cattle and 180 goats on townlands and charged R26 230 in fines.

The analysis revealed that the impounding of livestock on Ncunjane by farmer Peter Channing was the biggest round up of cattle and goats in the district.

The next biggest round up occurred on Weenen's townlands when the Weenen Town Board impounded 68 head of cattle, claiming R13 600 in trespass charges. On another occassion the Weenen Town Board impounded 178 goats and 26 head of cattle and claimed R5 200 in trespass fees.

A Ngwenya valley farmer, G Van der Westhuizen of Blaaukrans, impounded 61 head of cattle on the 26/10/90 and claimed R12 000 in damages.

Other farmers who impounded more than 20 head of cattle at one time were Shroeder J, of Mona farm, Wilkinson C of Kaffirs' Kraal, Peter Gill of Elena Berg, Stoffel Buys of Middelplaats,, JC Buys in Ngwenya Valley.

The farmer who impounded most frequently was the vice chairman of the Weenen Farmers' Association, Stoffel Buys, of Middelplaats on the Weenen's western border. Buys impounded livestock on 11 occassions - a total of 54 head of cattle and 187 goats - and claimed a total of R9960 in fines.

Only five other farmers impounded livestock on more than five occassions. They were Nkaseni farmers, H Laatz and Van Rooyen, A Gray and Peter Channing on Weenen's eastern border, and Ngwenya valley farmer JC Buys.

Van Rooyen impounded cattle on seven occassions - 25 beasts - and claimed R75 in damages.

H Laatz impounded a total of 4 head of cattle and 17 goats and claimed a total of R174 in trespass fines.

A Gray impounded livestock on eight occassions - one head of cattle and 89 goats - and claimed R2 465 in fines.

Besides the large round up of 184 head of cattle and 100 goats on 18/07/91, Channing impounded on four other occasions.

JC Buys impounded a total of 47 head of cattle and 66 goats and claimed R12 020 in fines.

3. The range in trespass fines

There was a vast discrepancy in the amounts claimed for damages by individual farmers. While many farmers fined the stockowners R3 a head of cattle, others routinely charged R200 a head, and sometimes even more. eg. On one occasion, the chairman of Weenen Farmers Association, Joseph Le Roux, impounded 16 head of cattle and charged the stockowners R4 450 (R278 a head). In comparison, M Calvesly, on the game farm Uitkyk, impounded 13 head of cattle and claimed R39 in damages. On another occassion a farmer impounded a bull and claimed R1 000 in trespass fees. The bull was subsequently sold for R269.41.

4. Transport charges

The Weenen Pound Ordinance limits the amount that farmers can claim for transporting livestock to the pound to R150. However, on 10 occasions R300 was charged, and two occassions, R600.

On the 11/10/90 Mondi Forests impounded 26 head of cattle and charged R600 in transport fees. (Receipt 2477)

On 16/01/91 Estcourt farmer MD Schiever of Driefontein impounded 59 head of cattle and charged R600 for transport. (Receipt 2512)

On two occassions, two farmers claimed R300 when impounding only 6 head of cattle. They were Greytown farmer G Opperman and Winterton farmer MD Gray-Loris. (Receipts 2474 and 2498)

In the other cases where R300 in transport charges was charged, the farmers had impounded at least 15 head of cattle or more than 20 goats.

On the 27/12/90 farmer Botha PR of Portington, near Loskop, impounded 30 goats and charged R300 for transport. (Receipt 2506)

On the 21/02/91 farmer L Le Roux of Wondergeluk, also near Cornfields inpounded 16 head of cattle and charged R300 for transport. (Receipt 2522)

On the 11/09/91 Drakensberg farmer, farmer R H Renton, impounded 28 head of cattle and charged R300 in transport. On the 28/10/91 he impounded a further 46 head of cattle and claimed another R300 in transport fees. (Receipts 2601 & 2639)

On the 18/07/91 farmer Peter Channing impounded 184 head of cattle and 100 goats. He claimed R100 transport fees in respect of the cattle and R300 in respect of the goats. (Receipt 2569).

On the 24/09/91 farmer L A Peterson of Prospect farm, adjacent to Conrnfields, impounded 17 head of cattle and charged R300 for transport. (Receipt 2616)

5. The time of year when livestock impounding is most prevalent

The analysis of the incoming receipts revealed that the livestock is impounding seasonal. Most impoundings occur during the late months of winter, when the grass is scarce, and spring, when the grasses start to grow.

6. The number of people who had animals impounded

Livestock owners	Payment (fines and pound fees)	Livestock released	
		cattle	goats
332 black stockowners	R248 237	1 486	855
7 white farmers	R1 633	15	

More than 330 black stockowners made payments to the pound for the release of impounded livestock between January 1990 and 1992. During the same period no more than seven white farmers collected impounded livestock - a total of 15 head of cattle.

7. Impounding of white farmers' livestock

On three occassions white farmers' livestock found straying on public roads was impounded by the South African Police. In the other cases, livestock was impounded by neighbouring farmers. The white farmers paid a total of R648 in fines - transport fees plus trespass claims.

8. Impounding of animals belonging to black stockowners

Black stockowners paid more than R248 000 to the Weenen pound for the release of 1 485 head of cattle and 885 goats.

The majority of stockowners (204) were either tenants living on white farms in the Weenen district or residents of Msinga.

A further 81 stockowners were from the Estcourt district, living in areas such as Gannahoek, Tembalihle, Cornfields, Wembezi, Ntabamhlophe, Loskop and Draycott. Another 47 stockowners came from the other districts, namely the Drakensberg, Ladymsith, Mooi River, and Greytown areas.

9. Amounts paid by stockowners for release of livestock

The Weenen pound received at least 489 payments from black stockowners. More than half the pound's income - R141 864 - was received from stockowners in the Weenen and Msinga districts.

10. Origin of impounded animals

Most of the impounded animals originated from white farms in the Weenen district. Labour tenants were the group most severely affected by livestock impounding. People living in Mhlangana in Msinga (on the eastern border with Weenen) were the next largest group of stockowners who had livestock impounded frequently.

The Msinga District

The majority of the Msinga stockowners affected by livestock impounding resided in Mhlangana, on the eastern border with Weenen. More than 40 stockowners from this district paid almost R14 966 for the release of 145 goats and 55 head of cattle.

Ten stockowners from Tugela Estates collected 77 head of cattle from the pound. At least six Msinga stockowners came from as far as Tugela Ferry to collect 37 head of cattle which had been impounded.

11. Stockowners affected frequently

Many stockowners made several payments to the pound. In most cases, they simply could not afford to pay for the release of their livestock all at once, but had to raise the necessary cash, or borrow money. They thus collected the impounded animals in batches.

For instance, one stockowner, made nine payments in one day, totalling R4 174, for the release of 43 head of cattle that had been impounded. Another stockowner from Mhlangana made 6

payments in two days for the release of 11 goats which had been impounded on a farm in the eastern district of Weenen.

In some cases it took stockowners up to three weeks to collect all their animals.

In at least 19 cases, stockowners, mostly residing in Mhlangana (Msinga) and Ngwenya Valley (Weenen) had animals impounded more than once. For instance, a Msinga stockowner, V Langa of Mhlangana in Msinga, had livestock impounded on four occassions by three farmers on the eastern district of Weenen. He made eight payments to the pound to collect 9 head of cattle and 12 goats.

12. Sales from the Pound

Sales from the Pound	cattle	goats	Amount paid
Public auction	133	83	R88 900
Private deals	122	74	unknown

On more than 120 occassions black stockowners could not afford to pay for the release of their impounded livestock and they sold at 122 head of cattle and 74 goats to enable them to pay the fines. A further 113 head of cattle and 83 goats that were not collected within 30 days were auctioned.

When stockowners sold impounded livestock to pay the pound fees and fines, they struck private deals with individuals. For example, on one occassion a stockowner residing in Msinga, Duma Simanga, owed the pound R1 806 for eight head of cattle that had been impounded. Simanga sold three head of cattle to a Weenen businessman, M M Gangat, to enable him to pay the pound fees and fine. In such instances the Town Board secretary might record the name of the person who bought the livestock, as happened in this case. The receipt then stands as proof that a sale took place.

The number of deals that were struck, and actual number of impounded animals sold in this manner, could be a lot higher than this analysis reveals, as no records were officially kept of such transactions. In many cases, the deals could have been struck without the knowledge of the officials at the pound. As the transactions are private deals between the stockowner and the buyer, it was also impossible to establish the price that individuals paid for the livestock.

The private deals

The outgoing receipts reflected that at least 85 private deals were struck with stockowners who could not afford to pay for the release of impounded livestock.

Most of the deals were struck by two cattle speculators. They purchased 101 head of cattle and 69 goats that had been impounded betweeen January 1990 and 1992.

Only seven other individuals bought livestock in this manner - purchasing a total of 21 head of cattle and five goats.

Public auction

When livestock has been impounded for 16 days, the pound master is required to advertise in the Official Gazette of Natal and in a local newspaper, all the animals that have not been collected. The advertisement must give:

- the age of the animals
- their sex
- any distinguishing brands or marks
- a notice that such animals will be sold within 14 days if they are not collected

A total of 133 head of cattle and 83 goats were sold by public auction between January 1990 and 1992. The most frequent buyer was one of Weenen's cattle speculators, who bought livestock at every auction, held every three months, and purchased a total of 48 head of cattle and 40 goats. He paid the pound R32 976 for these animals.

The remaining livestock that was auctioned was bought mostly by white farmers. Only two black stockowners bought livestock at the public auctions.