

# Farmers' unions blast R1bn land claims, fearing squatter camps on their property and threats to SA's food safety

## 20 000 labour tenants eye farmland

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STEPHAN HOFSTÄTTER

JOHANNESBURG — Negotiations with farmers begin in earnest this month over about 20 000 land claims lodged by labour tenants that are likely to cost taxpayers at least R1 billion.

Moderate and conservative farmers unions vigorously oppose the process, fearing successful claims could pave the way for squatter camps on their doorsteps and threaten food security.

Historically, labour tenants were granted the right to live on, graze and cultivate land in exchange for working for farmers without payment.

In terms of the 1996 Labour Tenancy Act those who continue to live on and use the land can now lay claim to it, raising the spectre of small pockets of communally owned land being created within the boundaries of private farms.

AgriSA believes the law is "unconstitutional" and will create "poverty traps" in rural areas.

"It will have a negative impact on the property rights of farm owners," said the union's deputy president Laurie Bosman.

He believes the farms are too small to be a commercial success.

The two provinces hardest hit are KwaZulu-Natal and Mpumalanga, each with about 10 000 verified claims, though these figures are disputed. Verification of all claims was completed at the end of last month.

"We will now meet with farmers to see who agrees the claims are valid and who wishes to contest them in court," Star Motswege, a senior land affairs official in Mpumalanga, said yesterday.

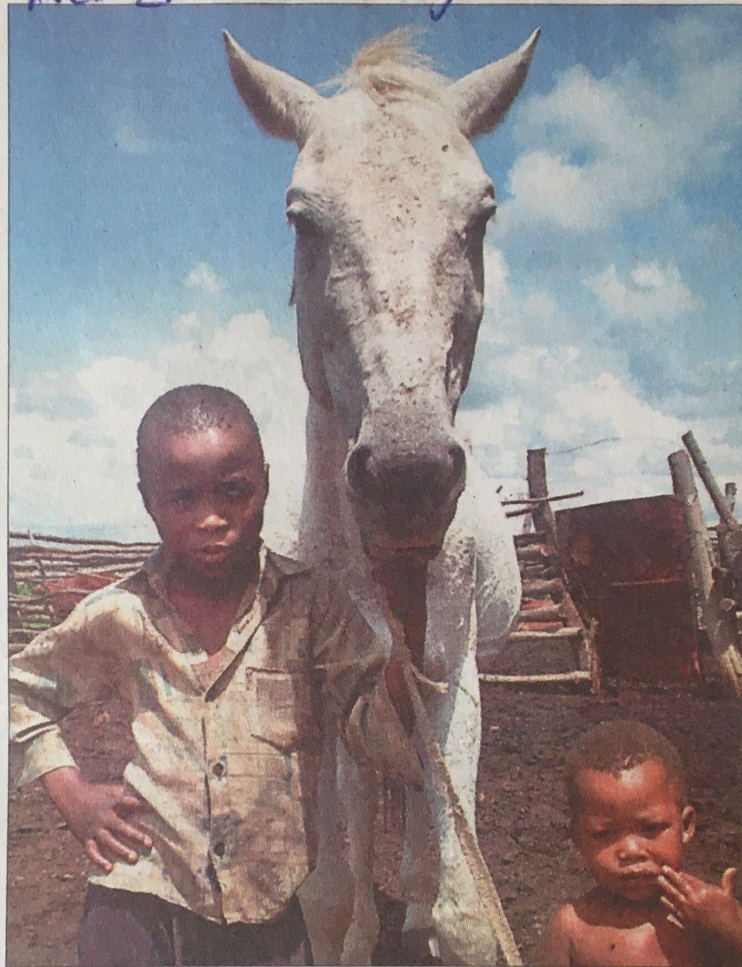
He conceded that potential conflicts loomed.

"We have had cases of farmers closing roads and cutting off water, but dealing with these issues is part of the negotiating process," he said.

Mdu Shabane, KwaZulu-Natal's land affairs director, confirmed yesterday that about 10 000 verified claims remained to be settled in his province.

"We have already starting issuing notices to farmers and [have] received some responses," he said. "Crunch time will come when we unpack the implications."

Shabane said fears of squatter camps



**MILKED:** Mkereker Masina's grandsons on the farm he worked on for decades and now owns near Carolina, Mpumalanga.

PICTURE: STEPHAN HOFSTÄTTER

mushrooming on commercial farms were unfounded. The programme was focused on creating viable agricultural entities, he said.

"If we don't do this in a sustainable manner we could jeopardise food security and cause massive job losses."

Shabane refused to put a price tag to the process before he submitted a budget proposal to department heads later this week, but did concede cost implications were "quite huge".

The department of land affairs previously estimated it would cost more than R500 million to settle claims lodged in KwaZulu-Natal alone. This figure could rocket as legal costs mount from

farmers successfully opposing the claims in court.

Researchers have also pointed out that because government funding is calculated according to the number of beneficiaries, new supposed tenants were brought in to bump up the grants.

"This puts the land under strain," said Ruth Hall of the University of Western Cape's programme for land and agrarian studies.

Financial constraints would hamper implementation, she said.

"The land-reform budget is already over committed by half a billion. The law has noble intentions but has set up a process impossible to carry out."

### Dreams of land restitution

STEPHAN HOFSTÄTTER

CAROLINA, Mpumalanga — A single brown envelope containing R100 is all farm labourer Mkereker Masina has to show for over six decades of work on a Mpumalanga farm.

"I still have the envelope," he says in a voice choked with emotion. Like millions of South Africans, Masina exchanged his labour for the right to live, cultivate crops and graze his cattle on the land of his ancestors.

This form of slavery prompted many black farmers to leave farms *en masse*, a move now considered forced removal under racist laws and subject to compensation in term of the Restitution of Land Rights Act.

But those who remained can lay claim to the land they still occupy and buy it with a government grant. Verification of claims was completed late last month, and negotiations will now begin in earnest with farmers whose land is under claim.

Masina was one of the programme's early beneficiaries. His family received a R128 000 grant.

They bought 90ha of land, a tractor and increased their herd of cattle.

"This is an investment for my children — when I pass away I will have something to pass on to them," he said.

The conservative Transvaal Agricultural Union has slammed the law as a "blatant onslaught on property rights in agriculture".

"Farmers will have to write off 200ha of their land, which could turn into a squatter camp of 20 000 people," said the union's Willie le Wies.





**SAAMBOU:** Johnny Vogel (a landowner) and Frans Mathopa (the Marabala community leader) in the large packaging shed at Boomzien farm in Dendron, Limpopo.

PICTURE: STUART LOWMAN

Five farms handed back to a community that was dispossessed by apartheid

# Murder farm handed to landless

Monday 02 Feb 2004 Page 4

STEPHAN HOFSTATTER

**BOOMZIEN FARM** — A giant packing shed in northern Limpopo became the venue for a historic signing ceremony this weekend which saw five farms handed back to a community dispossessed under apartheid.

The entire political spectrum of land reform was represented. Regal Land Affairs Minister Thoko Didiza shared the stage with firebrand chief land claims commissioner Tozi Gwanya, as well as local and regional government dignitaries.

The shed was crowded with a motley assortment of Marabala clansmen and women, their traditional leaders, and representatives of a rural NGO and the Landless Peoples' Movement — both bodies highly critical of the government's land reform policies.

At the rear sat a group of white farmers and their wives. They had come to witness the end of an era in a district notorious for racial intolerance. Some had sold their land willingly; others felt they were victims of a political process they opposed.

But their grievances became a footnote

to history in the making.

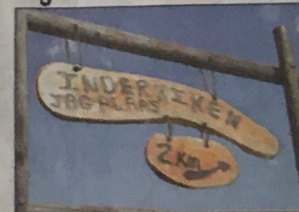
"Never again shall this beautiful land witness the pain inflicted on a people ... subjected to slavery or racially motivated crimes such as the murder of Tshepo Matloga," thundered district mayor JG Motludi to rapturous applause.

Matloga was killed and punched to death by Northern Province rugby players on a "team building" camp held on the neighbouring farm Inderhiken, one of the five being handed over. Many locals see it as poetic justice.

The Marabala were forced into feudal servitude on their ancestral land by white farmers who demanded four months free labour for residence rights. A racist murder in the early 1960s prompted a mass exodus. Many lost their livestock and were reduced to abject poverty in a crowded township nearby.

Winning back this blood-soaked land became symbolic redress for Matloga's murder and all it represented.

Racist expletives remain an everyday occurrence in the streets of nearby Polokwane, where blacks are made to feel unwelcome in Northern's watering



**SIGN OF THE TIMES:** The farm on which Tshepo Matloga was killed.

hole the Castle Bar.

Crowds chanted "Kill the Boer, kill the farmer" at race riots that broke out during the trial of Matloga's murderers, who included the son of a farmer at the back of the hall.

The signing ceremony, therefore, represented more than the handover of title to land — it became a victory over racial oppression everywhere.

"People can now walk on their own land without the fear of being murdered," said Gwanya, expressing a widely held view.

"The hungry can have food to eat, the homeless somewhere to live. All can walk freely now in the streets of Pretoria, Cape Town and Polokwane without fear of being arrested for not carrying a dompas."

Didiza also made it plain that those opposed to restitution could be subject to an expropriation law signed last week. "We will pray for them that their hearts may be softened ... but we can't negotiate endlessly," she said, referring to four farmers in the district resisting the sale of their land, one implacably opposed to it.

But reconciliation was the dominant theme. Didiza and Gwanya both made conciliatory gestures to white landowners. Community leader Frans Mathopa urged farmers to "work together with us, but don't rob and exploit us again".

Farmer John Vogel, who will lease part of his land from the community and stay to offer expertise and commercial partnership, took the podium to welcome the audience "to this farming community", ending his awkward speech with a Sotho proverb: "There are no problems, the rains are coming."

## THE FACTS

- **Total size:** 7 147 hectares (five farms)
- **Total land cost:** R18.5 million (R4 million paid for Inderhiken)
- **Total government grants:** R1.9 million
- **Total number of beneficiaries:** 1 500
- **Appelfontein:** commercial potato and cattle farming (new owners plan to expand production)

## Marabala Land Claim Settlement

- **Boomzien:** commercial potato and cattle farming (new owners plan to introduce maize and cabbage)
- **Combros:** commercial potato and cattle farming (new owners plan to introduce garlic and cotton)
- **Inderhiken:** game farming (new owners negotiating with existing clients to continue hunting there and plan to introduce more game)
- **Potsdam:** potato, dairy and poultry farming (new owners negotiating to buy dairy and broiler house)



# 'First they took my son, then my game and now my farm'

STEPHAN HOFSTATTER

INDERHIKEN, Limpopo — "Let's just get one thing straight," barks Nick Botha, striding across his manicured lawn to greet me with a vigorous handshake. "I didn't invite you to my home."

The Bothas aren't talking to the press. Not since their son murdered a black poacher on their game farm, which led to race riots in nearby Polokwane. "They called this 'Murder farm,'" says his wife, Elsie. "How is a mother supposed to feel about that?"

With these pleasantries out the way we switch to more contemporary topics.

That morning a cavalcade of government bigwigs roared up to their doorstep for a speech and photo opportunity. The Botha farm was one of five being handed back to the community, which lost their ancestral land under apartheid, and Tshepo Matloga's murder here at the hands of white rugby thugs lends it special significance.

The Bothas were informed almost two years ago that there was a claim on their land.

"It was a shock for me," concedes Elsie, whose family has owned the farm for five generations. "But I accept we must move on."

Despite putting on a brave face, Saturday's land hand-over ceremony on a neighbouring farm clearly has rubbed salt in the wound.

"First my son was taken from me, then my farm, then my game and now my cattle," says Elsie. "They've taken away everything I loved most."

Nick doubts the new owners can farm



LAND HAND-OVER: Nic and Elise Botha of Inderhiken farm in Dendron.

sustainably. "My greatest wish is that they don't ruin this place," he says. "It's happened in Natal, the Free State and the Northern Cape. You can't give land to people with no farming experience. Just look at Zimbabwe."

He hastens to add he's not comparing this morning's events to what happened to our northern neighbour.

In fact, the new landowners already have business plans on the table. Earlier that afternoon community leader Frans Mathopa elaborated.

Much of the land is used for large-scale commercial potato farming. "We want to scale up production," he says, by bulk-buying seed and fertiliser and sharing equipment and marketing costs with former landowner John Vogel, who will remain on his farm.

Mathopa said he would continue farming game on the Botha land, but the community was not prepared to lease it to them. "They don't see Africans as people," said Mathopa.

## From young man with a future to destitute slave with nothing

STEPHAN HOFSTATTER

BOOMZIEN FARM — To this day Piet Matome can't believe how swiftly his fortune changed.

One day he was a young man with a future: he had eight cattle, 10 goats, six donkeys, and enough land to plough to support a family; the next he was left with nothing.

"The farmer came up to me and said: 'Your time has come. Vat jou goed en fokkof van hier [take your stuff and fuck off from here].'"

Like so many others driven from their ancestral land under apartheid, Matome's crime was refusing to become a slave. "The farmer said if I wanted to stay here I must work six months for free for him," says Matome, 79.

He declined. "The same day he took my cattle, opened the gate and chased me out. When I tried to resist he raised his fists and shouted: 'Ek sal jou dood skiet — loop! [I will shoot you — go!]'"

Matome moved to a crowded reserve, where he built four huts for his wife and eight children. They lived off a tiny mealie patch dependent on variable rains.

"To this day, I could never afford to buy cattle again," he says. "To this day I have nothing."

That was over 40 years ago. On Saturday the 79-year-old was back on his land. "Today I feel great," he says. "All I need

now is rain. Then I'll be able to plough and we can eat again."

Phineas Mosegi, 70, tells a similar tale.

"When the white people came here we were living happily, but they told us every household must pay a tax of four pounds ten."

Those who didn't have cash had to pay in kind — usually a bag of maize.

"One day I was working in the mealie field when the farmer's son came up to me and said 'from now on you work for me for free for four months.'"

When Mosegi refused he was told to go. "He came every day, beating people, telling us to leave. So we moved," he says meditatively.

Albert Mogawa, 75, feared the wrath of his feudal overlord even when he was working on a mine in Johannesburg. He was 33 when he ran away from the farm rather than submit to slave labour. "The mealies were high in the fields, but I didn't even tell my mother or father because I knew they'd want to keep me here," he says.

He didn't dare write home for fear the farmer would alert the police he had left his home district without a "trekpass".

Like a serf bonded to her owner, Matshene Malekane was driven off the land when the farmer sold and left. "We asked him where we should go and he just said: loop! [go]." At 80 she feels too old to move again, but this is a new beginning for her 52-year-old son.

# Dumped on the highway after working for 10 years

TUESDAY 20 JAN 2004 Page 3

STEPHAN HOFSTATTER

JOHANNESBURG — Ten years of democracy have brought a grim reward to a retired Western Cape couple — they were evicted and dumped on the side of the road with all their possessions.

Farmworker Frikkie Pypers, 73, his wife Katriena, 70, and their children and grandchildren have lived on a citrus farm north of Cape Town since 1994.

On Friday the sheriff of the court arrived at their cottage, loaded them up with their furniture and dumped them under a tree between the N7 highway and the farming village of Citrusdal.

The local council later offered them a tent to sleep in, but they opted to stay with relatives.

"They feel very disappointed and heartsore about this," said their daughter, Magrieta Pypers, 26. "We've lived happily in this house

all these years and now they just throw us out on the street."

The move sparked community protests which turned violent. Citrusdal police confirmed yesterday that a large, "riotous" crowd converged on the farm late on Friday.

"It took some time to disperse them," said Citrusdal police spokesperson William Reid. "We are investigating a case of holding an illegal gathering and riotous behaviour." By yesterday afternoon no arrests had been made.

Local activists say this is just the latest of a string of cases in the region of racist magistrates siding with white farmers against black farmworkers.

"This shows the current laws can't protect the rights of farmworkers," said Andries Titus, an organiser for the Surplus People Project.

According to land affairs officials, orange farmer Hennie Burger

decided to evict Pypers and his family after dismissing him following a labour dispute.

A land affairs report submitted in 2001 to the Land Claims Court, which automatically reviews eviction cases in terms of the Extension of Security of Tenure Act, recommended the eviction order should not be granted.

Reasons cited included the trauma it would cause the Pypers because of their age and the local council's inability to offer suitable alternative accommodation.

But last October the land claims court upheld the eviction order because the Pypers had not been living on the farm for the minimum of 10 years required by the act.

A report published by the Programme for Land and Agrarian Studies last year pointed out that the act had generally proved ineffectual in protecting tenure rights of farm workers.

# Squatters, farmers revel in judgment

Feb 28 May 04 page 1

STEPHAN HOFSTÄTTER

JOHANNESBURG — In a resounding victory for landowners and the homeless, the Supreme Court of Appeal ordered the state yesterday to pay damages to a farmer whose land was invaded by 40 000 squatters.

The ruling also entitles the squatters to continue occupying the farm near Benoni in Gauteng until suitable alternative land is found for them.

This is the first time damages have been awarded to someone whose constitutional property rights have been infringed and it sets a legal precedent for farmers seeking redress for land invasions.

The ruling reinforces a constitutional court judgment last year that the state, rather than individual landowners, has an obligation to provide housing to squatters who have nowhere else to go.

The Gabon squatter camp on the farm near Daveyton made international headlines at the height of the land grabs in Zimbabwe in 2000 when a small settlement mushroomed to almost 20 000 people and then doubled in size.

Though the landowner was granted an eviction order, he was instructed to pay a deposit of R1,8 million to have it executed.

This was far more than the value of the land and sparked fears that state-sanctioned land grabs were spreading to South Africa.

Appeal judge Louis Harms ruled yesterday that the state had infringed the constitutional rights of Modderklip Boerdery and the squatters "by failing to provide land for occupation by the residents of Gabon informal settlement".

The agriculture and land affairs department might have to pay considerable damages, which could lead to further court action if price negotiations fail.

Gillingwe Mayende, director-general of land affairs, declined to comment before receiving legal opinion.

Zohr Omar, the squatters' lawyer, described the decision as "a victory for everyone".

"I went to court to prevent my people from being evicted and this ruling does that," he said.

"White farmers will be reassured because their ownership rights have been fortified, the international investment community will go hip-hip hooray.

"[The judgment] strikes an interesting balance between the rights to housing and property."

AgriSA, the commercial farmers' union, which participated as a friend of the court, welcomed the ruling.