Chapter Six

THE DUNNS OF KWAZULU/NATAL

Jonny Steinberg's book 'Midlands' - about a farm murder in the Natal midlands - is an excellent piece of investigative journalism. It gets to the heart of the terrible schisms in the daily life of rural communities.

Steinberg waxes lyrical about Alan Paton's introductory paragraph from Cry, the Beloved Country: "There is a lovely road that runs from Ixopo into the hills. These hills are grass-covered and rolling, and they are lovely beyond any singing of it. The road climbs seven miles into them, to Carisbrooke, and from there, if there is no mist, you look down on one of the fairest valleys of Africa".

The famous American talk show host Oprah Winfrey has "discovered" South Africa. She told her audience recently what a beautiful country it was, one of her favourites. She then donated Cry, The Beloved Country to everyone in her audience. Clearly, she was intoxicated with Paton's expressive prose, and his eloquent descriptions of the land of the Zulus.

It is indicative of the drastic changes that have taken place in our country that Paton's widow has left South Africa – she was mugged and departed in disgust at what she called a rampant crime wave. Moreover, Paton's beloved Natal is reverting to a savage battleground of souls and bodies which Steinberg has evocatively portrayed in his book.

Of all the provinces in South Africa, KwaZulu/Natal is the most shocking in the ferocity of its antagonisms. The evil which now permeates the rural areas is pernicious and seemingly inexorable.

Land invasions, intimidation, murder, theft, arson, rape and assaults – these are the hallmarks of a province which seems to be out of control. Ms. Pat Dunn, descendant of nineteenth century British settler John Dunn (who married several Zulu wives) is a victim of just about every "gross violation of human rights" which Amnesty International defines. She told our researcher she had written to Chief Gatsha Buthelezi to complain about the behaviour of his people, where youngsters are adrift in a sea of disrespect for life and property, and where tribal warlords kill and intimidate at will, with little chance of conviction and incarceration.

His reply on 26 November 1998 expresses "distress" at the situation but he simply advises Ms. Dunn to take the matter to court. "As a descendant of King Cetshwayo who gave the land to John Dunn, I find it unacceptable that the descendants of Dunn should be robbed of their rightful inheritance".

Since 1998, of course, things only worsened.

The new South Africa has not been kind to the Dunns. Pat left South Africa in 1971 to escape apartheid. She settled again in this country in the mid nineties, and she is shocked at what she finds. She and her family have battled for over 100 years for their land, land which was given to her forefathers by the Zulu chief Cetshwayo. After 83 years, the Dunn family eventually received title to the land which was theirs by right of inheritance.

This land area, situated in a narrow coastal strip between the N2 highway and the sea, immediately to the north of the Tugela River, has historically been owned and farmed by the descendants of John Dunn and his Zulu wives. It adjoins, to its north, a

“reserve” area known as Macambini Tribal Authority, headed by a chief Inkosi Mathaba. By the early 1990s, Mathaba, an IFP strongman, was widely feared, and linked in numerous reports to widespread violence in the area which left many dead or injured. This resulted in hundreds of people fleeing their ancestral homes. Mathaba was subsequently found by the Truth and Reconciliation Commission to have been among prominent provincial leaders responsible for deploying hit squads, leading to “gross violations of human rights, including killing, attempted killing, arson….” [(1)]

Under the direction of Chief Mathaba, people started moving on to the land owned by the Dunn descendants from 1993 and by the mid 1990s, the illegal invasions had gained momentum, and the occupants were building solid structures. [(2)]

Local farmers – the Mangete Landowners’ Association of which Ms. Dunn is chairman - applied to the High Court for an interdict to halt the invasions. This was never finalized because Chief Mathaba lodged a land claim in terms of new legislation (Restitution of Land Rights Act 22 of 1994). Thus the interdict was put on hold until the finalisation of the land claim.

Despite the fact that the claim was weak, and was declared so by the Land Claims Court, Mathaba didn’t relinquish it, and the matter dragged on. All the while, illegal invaders continued to move on to the Dunns’ farms. (The invasions took strength after the 1994 elections). Some of these illegals had come from far away, including one family which had been displaced by the violence perpetrated by another chief further north. (Shades of history here!).

The legal property owners and their families, among them the Dunns, were subjected to murder, rape, robbery, threats, intimidation and arson. Sugar cane crops were regularly burnt, especially in the dry season. Ms. Dunn told us she had been burnt out five years in a row, and that her harvest had been well below normal. The local Community Hall, built by the farmers without government help, was destroyed by fire. Dunn appealed for police help, but nothing was done.

She has been threatened telephonically – “once they brought a coffin to a meeting which Chief Mathaba addressed and which I attended. On the side of the coffin was written ‘Pat Dunn’. The coffin was marched to the cemetery and burnt.” She continued: “We have had numerous robberies and break-ins. They came one day looking for work. They took our revolvers and took what they wanted.”

“They took my car – it was found burnt out on the highway. The second time, they killed one dog and poisoned the other one. Four armed men shot my husband and they beat me so badly they broke three vertebrae. I think they were sent by Mathaba. It’s back to the jungle here. I have lost all respect for the Zulus”.

The police were called in, but nothing materialized.. (This phrase was repeated to our researchers right throughout South Africa). “The police go through the motions”, says Ms. Dunn.

The youngsters commit the crimes and they are fed the story that the Dunns stole their land by the older chiefs. It’s a distorted view of history, says an angry Ms. Dunn. Mathaba is the epitome of evil.

(In March 2001, it was reported that the N2 highway was built through his tribal lands. Despite the fact that he already had 30 000 ha of land, he told the roads department he had nowhere to settle the families who had lost their land to the road.. The department then bought four of the Dunn farms to resettle those displaced by the road. Instead, Mathaba settled his family on the farms and claimed that he personally paid for them!)[(3)]

The Dunns don’t know how many squatters are on their land. “They occupy any land that has not been planted”, declares Ms. Dunn. “We found it hard at the

beginning to raise funds. We struggled. We were not white enough for the previous government, and now we're not black enough for this one. We are treated with contempt. Tongaat Hulett (the big sugar company) withdrew their assistance and we were left high and dry. We were burnt out relentlessly."

The Year 2000

Press articles from the year 2000 reported that farmers were abandoning land. At the time Agriculture MEC Narend Singh said "it is an increasingly serious problem, with valuable agricultural land being used for accommodation".[(4)] He suggested that an audit be conducted to determine the extent of what he called 'unauthorised occupation' on state-owned and privately-owned property country-wide.[(5)] (We heard no more of the audit!) Police spokesman Captain Vishnu Naidoo also said at the time the farmers' allegations would be investigated.[(6)] Farmers have heard nothing further about such an investigation.

Further comments along the same lines as the above were made in June 2001 by Chief Buthelezi ("The KwaZulu government will not allow a precedent for Zimbabwe-style land invasions in the province"), King Goodwill Zwelethini (he called a meeting attended by 2000 "to deal with the growing crisis"), and Provincial Safety and Security MEC Nyanga Ngubane ("government will leave no stone unturned to bring the 'barbarians' – the invaders – to book").[(7)]

This type of behaviour has become a hallmark of the present government. Promises to "look into the matter", to "come back to" the complainants, to appoint a "commission of enquiry", to "address the problem" are made, but nothing happens. In most cases, the situations actually worsen. Derisory laughter greets official promises now, laughter from all shades of the population. One sees the trend after a few years. Just examine the press clippings of yesteryear!

Pat Dunn believes that this type of inactivity actually supports land grabs.[(8)]

During 2000/1, farmers told of problems plaguing the area near the Nonoti River "but would not give their names for fear of reprisals", according to press reports. A farmer's wife said a gang had brazenly stolen her vegetable crops. "There was nothing we could do. Even the armed guards which made farming uneconomical, were helpless as groups just took our crops". Farm labourers, who feared for their lives, would not come to her assistance.

South Africa's Afghanistan

Zulu chief Michael Umbogazi was reported at the time as subletting farm land (which did not belong to him) to squatters for R30 a month. This practice has worsened. In today's KwaZulu/Natal, it is a common practice, but the price has gone up to R1 500 a plot. The national government is clearly powerless to do anything, and the provincial government even less so. The power is in the hands of the warlords. We have another Afghanistan in South Africa's midst.

Today, invasions threaten the whole province. A similar situation to Mangete occurs in Nqabeni on the south coast of KZN where affected farmers are coloureds.[(9)] The local chief is allegedly involved in these invasions, and he reputedly has close links with the notorious Mathaba.

In Nonoti, an area south of the Tugela River, it has been small scale Indian market and sugar cane farmers who have been affected to the extent of having been driven off their land by invaders and, as in both Mangete and Nqabeni, there are

allegations that their land has been ‘sold’ by whoever has orchestrated these actions.[10]

In the Verulam area near Durban, Indian market gardeners have been targeted by violence, the most recent example being the cold-blooded murder of a married couple in the presence of one of their children.

Other areas where encroachment and invasions are occurring are Kranskop and Vryheid. (See the stories on these areas).

Papers were served on Mathaba by the Mangete Landowners’ Association after his land claim was “settled”. As the judge was moving towards finalizing the interdict against him, Mathaba appeared in court and declared he would oppose the matter. The case is to be heard in the High Court in February 2004.

According to South Africa’s Institute for Security Studies, there are two crucial factors which have allowed those engaged in the illegal occupation of land, including organizers, to operate with impunity: the failure of the SA Police Service to take constructive action to stop them, and the permissive response of the Department of Land Affairs towards such behaviour.[11]

Legislation is very clear that the invasion of land which is subject to a claim is illegal. Yet a blind eye is turned to Mangete and other areas in the province. There is bias towards the land claimants, and the suffering farmers are on the defensive. They are not constitutionally protected. Says Pat Dunn: “I thought we had a constitution which is supposed to protect property owners.”

There is simply no law and order. The government is not upholding the laws of the land, and the police are not protecting those who should expect protection. It will be necessary to force the state to protect constitutionally-enshrined human rights. But who’s going to pay to force the government to do its job? Therein lies the conundrum for KwaZulu/Natal farmers.

Chapter Seven

LEVUBU, LIMPOPO PROVINCE

This is the finest farmland in the world. We heard this phrase more than once as we moved about Levubu, south of the old Venda homeland in Limpopo Province, South Africa. Perhaps it is not true, but it should be true.

The Soutpansberg (salt pan mountains) take their name from a powerful brine spring which surfaces on the western end of the range. Though not a large range – just over 130 kilometres from west to east – it is richly forested. Though the surrounding region receives little rain, the mountains themselves have an annual rainfall of nearly 2 000 mm in places, the best rainfall in South Africa. (The world average for good farming is 850 mm, which is the average rainfall for the commercial farms in the Levubu valley). A section of the Rozvi-Karanga people of Zimbabwe reached the area around the beginning of the 18th century, discovered its fertility and named it Venda (the pleasant place).

These people settled along the summit ridge of the range and are the ancestors of today's Venda people. The soil was deep and plentiful and there was also a lake, the Fundudzi Lake.[1]

The area attracted European farmers, the first of which was Coenraad Buys who arrived in the region and made contact with the Venda in 1832. He was a wanderer and walked away from a campfire one night, never to be heard of again.

In 1836 Voortrekker leader Louis Trichardt set up his large family and cattle compound in the area, and in 1847 another Voortrekker group led by Hendrik Potgieter established a town in the area called Zoutpansbergdorp. He was followed by another Boer leader Stephanus Schoeman in 1852, who named the town Schoemansdal. In 1867 it was largely destroyed by the Venda chief Makhado. It was not until 1898 that the old Transvaal government established authority again, but the Venda people are still located in the highlands on the eastern side of the Soutpansberg. Schoemansdal was deserted and in 1899, a new town developed around 20km away called Louis Trichardt. It became part of the old Zuid-Afrikaansche Republiek van Transvaal (ZAR).[2]

Such is the history of South Africa, the waxing and waning of power between groups. In 2002, the town of Louis Trichardt was renamed Makhado by the present South African government.

The roller-coaster political history of this beautiful part of South Africa does not alter the fact that white commercial farmers have created one of the world's most productive agricultural gems. The first white farmer settled in the Levubu Valley in 1871.

Under a newly-created government irrigation scheme, commercial farmers were invited to settle in the valley in the 1930s, and approximately 250 commercial farmers now farm there: their properties are conservatively estimated to be worth around R700 million because of the high level of crop output.

This is the hub of South Africa's sub-tropical production which includes bananas, avocados, citrus, guavas, litchis, papayas and macadamia nuts.

The macadamia and avocado crops alone earn at least R200 million per year, while the total crop is worth R500 million a year.

State-of-the-art irrigation systems pump water from the Levubu and Lotonyanda Rivers, and water is also supplied by canals from the Albasini Dam and the two rivers. This area and the nearby Letsitele valley are the two highest agricultural money earners in Limpopo province.

In the early eighties, the previous government invested heavily in agricultural and social development in the Venda homeland. The 1986/7 annual report of the Agricultural Corporation of Venda (AgriVen)[3] reveals the wide parameters of development projects: irrigation schemes and dams were a priority, as was agricultural training for the Venda people. Financial and technical assistance was also provided.

The Sub-Tropical Crops Department's developed an efficient, profitable subtropical fruit industry in the area, and high quality plant material was supplied. Extension services were also provided, with packing facilities constructed for local and overseas markets.

Progress reports on important schemes were included in the annual report - the Barotta Fruit Farm was flourishing - avocados, bananas, guavas and macadamias had been planted and were already well into production. The microjet irrigation system constructed for the fruit farm, and the modern packhouses with ripening and cold rooms, were functioning efficiently.

The Tsianda Fruit Farm, the Matumba Nursery (where fruit and citrus trees were propagated) and the Folovhodwe Nursery with vegetable seedlings and drip irrigation all flourished.

The agronomy schemes were especially ambitious, the purpose being to establish crops most suited to the agricultural conditions of Venda, crops which had commercial potential. Despite drought conditions, tomato, cotton, watermelons, pumpkins and musk melons were harvested, although transport costs were highlighted as a problem. Sisal, grapes, peaches and figs were planted, as was maize and tobacco.

Animal husbandry was a feature of AgriVen's emphasis on future agricultural sustainability. The Venda Livestock Board was created to promote the marketing of livestock by organizing sales and auctions throughout Venda. Two million rands worth of stock was sold during the period under review, while the Mannamead stock farms were developed, and fencing and water pipelines were installed. Dairies were developed and production remained "at a high level" throughout the year, said the AgriVen report. All fodder used for the dairies was self-produced.

Artificial insemination was practiced with good results and the calving percentage for the year under review averaged out at 82%, an exceptional figure.

Assistance

Production assistance in the form of credit was created by granting long-term and revolving credit loans. Mechanical services such as tractors and implements were supplied at reasonable rentals to assist Venda farmers to plant, while extension services consisted of a "highly competent team of officers whose task it is to train farmers in modern methods of production". At the end of 1986, sixteen experienced extension officers were serving the Venda agricultural community.

Food plot schemes (the Vuwani Rural Development Project was one) were instituted, and engineering services were supplied to Venda farmers. Some examples of the latter included sprinkler irrigation systems and road construction at Tshikonelo,

Tshaulu and Crystalfontein. Pump stations were constructed on the Levubu and Mutale Rivers.

The list of engineering projects is endless – stores and office complexes, portable water systems, houses and tobacco curing sheds, flood irrigation systems for planting rice, plus a central water reticulation system to deliver drinking water to cattle on 4 700 ha at Mannamead.

Micro-irrigation systems for grapes and sisal plantations were created, and a meat market was constructed..

Altogether there were hundreds of projects launched, while planning and development of further schemes was undertaken. Existing projects were evaluated, future projects were investigated, while the training and development of farmers entailed the creation of the Nwanedi, the Tshimbupfe, the Dzindi and the Mutale/Malonga projects to assist black farmers to move into a successful commercial farming environment in a controlled manner.

AgriVen marketed the production of Venda farmers – a fresh produce market was constructed, while market surveys were completed to assist black farmers to assess what to plant and where to sell their produce.

An Agricultural Training Centre was opened on 27 August 1986 where the management of farms was taught. Training course seminars were held.

What happened to all of these projects?

According to Mr. Nelson Radzilani (not his real name), all of these projects which flourished during the period under AgriVen control virtually collapsed when the ANC government came to power and re-incorporated the homeland into South Africa.

This Venda-born agriculturalist told us some of the projects were privatized, some are being run by white agricultural consultants on yearly contracts, but most of them are no more. Rice, coffee and jojoba beans are no longer grown. A date plantation is moribund, as is a black pepper project.

AgriVen's showpiece Barotta Fruit Farm is now being run by consultants, and is under a land claim. It had all but collapsed. The recovery of macadamia nuts delivered to one of the three processing plants was 10% compared to the average of 22% from commercial farmers. Seven years of mismanagement under the new government precipitated the invitation to the consultants. They do not deny or confirm that irrigation pipes for banana plantations on the farm had not been backwashed since 1997. Down the road the multi-million rand Tshakhuma Store where AgriVen produce used to be stored before delivery to the market stands empty. Houses have been built on the ground and it is now a squatter camp. The Tsianda Fruit Farm is now not making any money. We traveled through the property - it is a beautiful farm, with good dams and a strong river running through it. But its sheds are empty and broken, and there is no farming activity. Tractors need repairing. It is a caretaker-run operation.

Elsewhere, the AgriVen nurseries have been privatized, and the Nwanedi project only produces tomatoes. The sisal plantations are neglected, feedlots and dairies have been closed, and most extension officers have been retrenched.

The bottom line, according to Venda agriculturalist Nelson Radzilani - who used to work with AgriVen and now works for the present government - is that the current administration cut the AgriVen budgets and retrenched the experienced employees. .

Levubu's Commercial Farmers

In contrast to the moribund condition now existing in AgriVen's aftermath, the area's commercial farmers flourish in one of the world's most productive valleys, South Africa's own Garden of Eden. R250 million worth of foreign exchange is earned every year from the Levubu Valley's agricultural production, and the area employs 10 000 workers. With five dependants each, more than 50 000 people rely upon the sustainability of the valley.

But land claims have targeted 50 000 hectares of this productive farmland, and the insecurity, racial tension and lawlessness which has occurred since these claims were gazetted has added an ominous dimension to the future of the valley.

On September 27 2003, Levubu farmer Piet de Jager (65) was gunned down in front of his house, within earshot of his wife and two grandchildren. As he stumbled towards his front door, wounded and trying to warn his wife, she managed to lock the doors and press the panic button. His is not the first farm murder in the area. While de Jager's son tried to revive his father with mouth to mouth resuscitation, the police stood around asking him for a statement. He suggested to them they close off farm roads to catch the killers, but they simply walked away.

This killing sent a shock wave through the community. In 2003, seven farmers in the area were murdered, while crime increased 400% in one year. To her credit, the MEC for Safety and Security Ms. Dikaledi Magadzi quickly ordered the removal of the officer commanding the local police station.

But the de Jager killing only exacerbated the tension which has built up over the government's land reform policy, and the announcement that government land expropriations are on their way. Years and years of peaceful relationships between white and black in the area have been sullied by the new government's land policy.

During a DLA meeting that I attended where I represented some 127 title owners whose farms were claimed, government officials made statements in the presence of many local residents (owners and claimants) that whites stole the land from blacks now claiming, and therefore basically whites had no rights in the first place. Many Vendas themselves are unhappy with developments, and insecurity has set in. Jobs are at stake.

A tale of two worlds: on the left, an overgrazed, eroded "restitution area" in Levubu, and on the right, a commercial farm still in its White owner's hands. The demarcation line between the properties is clearly marked out by the vegetation.

Given the evidence of what happened to the AgriVen projects under the new administration, Levubu farmers are naturally apprehensive about having their land taken from them. During a church service the day after the de Jager shooting, Reverend Petrus Kriel pleaded with the government to leave commercial farmers alone. "Only 5% of South Africa has good quality agricultural land, and each hectare in Levubu is part of that 5%. If Levubu is simply given away, the whole area will be a

squatters camp in five years. The end of Levubu will be the end of subtropical agricultural farming in South Africa", declared Reverend Kriel.[4]

As it is now, up to 10% of the annual production of macadamia nuts, bananas, pecans, guavas, litchis, papayas and citrus is stolen. "They just arrive in empty bakkies, fill them up with bananas, pineapples or macadamias, and drive off", declared Reverend Kriel.[5] More than 300 complaints have been laid with the police over the past three years , says Herman de Jager, Piet de Jager's son. They have fallen on deaf ears.[6] In many cases, the telephone at the police station goes unanswered. More than half of the 80 or so policemen at the station only speak Venda.

"Venda is being stolen blind" says Dr. Henry Numdzivhadi, a Venda historian.[7] He says it is not only the commercial farmers who are plundered. Venda farmers are also fed up and frustrated. An old Venda lady selling food at the side of the road was killed with a stone for R15, recounts Dr. Numdzivhadi. "Nobody knows if her murderers have been brought to justice". He also complains bitterly about the police who do not follow up on complaints.

Numdzivhadi declared that the "previously strong government structures have disintegrated, resulting in a breakdown in discipline". One farmer who retired to Levubu says the agricultural ground is valuable in monetary terms, but in reality it is worthless. The land claims Sword of Damocles has rendered it so.

A current valuation list shows one particular avocado farm at R60 000 per ha, and a macadamia farm at R83 000 per ha. "But these are figures on paper", says the retired farmer. [8] Over the past two years, there was no willing buyer, willing seller transaction in the area.

A banking group had to virtually give a farm away, he says, otherwise it would have been plundered. People now rent the farm from the new owner. "Empty farms and houses are simply ransacked", he declared.

This situation has caused a division within the farming community. Some are prepared to go into an agreement with the government and sell their ground, while others say they will never give up under pressure.

No Different

The situation in Levubu is no different than in other areas of South Africa – poor policing, stock and crop theft, personal intimidation, threats to take land. At one meeting between Levubu land claimants and farmers, the latter were told by a claimant that they should just hand over their title deeds to the claimants "and then you can work for us".

Indeed, this seems to be the new trend in claimants' thinking, most of whom don't want to farm and cannot farm commercially. Farmers must run the operation while the "owners" rake off a good portion of the profits. In some circles this is called mentoring, or "joint ventures" or the latest idea "lease-back", where the farm is handed over to claimants and leased back to the original farmer who must now hand over a percentage of his profit to people who have had no input into the farm's productivity or profitability.

It can be guaranteed that the new "owners" will not recapitalise the farm when it becomes necessary, and nor will the manager or the workers. Thus, the farm will be bled to death.

Assurances have been given by Mr. Mashile Mokono, land claims commissioner in Limpopo that production must not be disturbed due to land transfers.[9]

The Land Claims Commission is at present busy with some of the farmers – those who want to negotiate – to find a way to satisfy everyone. The plan seems to be a more polite version of what was said at the claimants/farmers meeting mentioned above. We'll take the title deed, and you do the work.

Thus the claimants become a sort of landowners' class, doing nothing and sharing the profits with the managers and workers. This arrangement will not suit many farmers who want the full profit for all their work, initiative, skill and heartache. And the landowner class will become people on welfare, paid not by the taxpayers but by a hard-working farm manager.

The Future

One must compare AgriVen's ambitious development and results with what happened when the new South African government took over, incorporated the area into mainstream South Africa, retrenched the experienced AgriVen staff and crimped the budget. Instead of maintaining and building upon something that was already there, they allowed it to crumble and decay. So what are Levubu farmers to think when they look at government land reform policy?

And what must South Africa's taxpayers think when they see the wastage and the decay and the results of land handovers in the rest of South Africa?

Some productive farms in parts of Mpumalanga or North West Province are worth at most R1 500 a ha, but they are nonetheless productive and provide a fair living for their owners who nurture them 24 hours a day.

So much more damage is done to South Africa when land worth R100 000 per ha is turned over to people who cannot farm, where no impact study has been completed, and where operating capital soon runs out. Is Levubu to become yet another South African squatter camp?

Despite the assurances from the Department of Land Affairs that this will not happen in Levubu, it has happened all around South Africa. Examples can be quoted where the handing over ceremonies were replete with guarantees that the recipients would cherish what they had been given for virtually nothing.

Yet except where there has been outside help, or mentoring, not one instance of a successful land handover can be found in South Africa. Why should Levubu be any different?

The farming of such vast fruit and tea estates is extremely labour-intensive and requires many years of experience of local conditions, plus much marketing and management expertise. Years of professional agricultural training is an absolute requirement for anyone managing such land holdings.[10]

Farming is remorseless. In the early 1970s Bertie le Roux was one of the pioneers in macadamia nut farming. Macadamias put Levubu on the map. South Africa is now the third largest macadamia producer in the world, after Australia and Hawaii.[11]

"Our success is due to hard work, diligence, discipline and a lot of planning and risk taking. When we started with macadamias, many mistakes were made because we had no knowledge of the product or the market", declares le Roux. These farms are really smallholdings – around 40ha to 50ha. But when each hectare can produce a gross income of between R35 000 and R70 000 a year with bananas or macadamias, then the value of the land is obvious.

Has the government the money to pay market prices for these farms? The government's total budget for land restitution for 2002 was R701 million, so how can

a small farming community occupying only around 30 000 ha lay claim to half of the total nation budget for land redistribution?[12]

A Modern "Betterment" Clause

When the old Department of Land Affairs (DLA) allotted land to white farmers in the early forties in the valley, farming equipment was provided on a loan basis.

Conditions were set down on how to farm economically and seeds, fertilizer and pesticides were also provided on a loan basis. Progress was monitored by agricultural extension officers, and the harvest had to be delivered to the DLA. Each farmer received 50% of the income, while 25% was returned to the state in repayment of the loans, and 25% was kept in trust. A probationary period of four years was allowed, and those who failed were replaced.

(This is how the current DLA should be interacting with the emerging farmers it places on productive land. In the current situation, all the new owners have to do is maintain the already high standard and if they do not, they are not held to account.)

Rusted equipment in a state of disrepair – near the Tshiombo Irrigation Scheme.

Farmer Stephen Hoffman, vice chairman of the Levubu Valley Farmers' Association, took us to the Tshiombo Irrigation Scheme, set up by the previous government under its homeland development scheme.

The valley is so fertile that mango trees grow up to 30 m high. Irrigation is fed by perennial canals from the Mutale River.

We talked to elderly Jansen Mudau who farms cash crops in the valley. One of his mango trees produces 250 kg of mangoes a year. But he is apprehensive of thieves. Hoffman says the valley is completely underutilized.

"It is now only producing for subsistence consumption, mostly maize and sweet potato., There is now serious erosion, and farming is only at 5% of its potential", declares Hoffman. "Proper farming here could earn at least R40 000 per ha per annum. It's doing only around R5 000 per ha now."

We visited the nearby DLA machinery depot where ploughing services, fertilizer and diesel had been supplied. There had also been a seedlings nursery.

The place was in a dilapidated state, with broken and rusted tractors and ploughs standing around.

A complete weather station was now inactive, and in the office, old government forms were swept around by gusts of wind.

Other Good Land

Why do the chiefs want to take the productive farms of Levubu when there is so much other good land, queries Hoffman. “We made a success of farming through hard work. Nobody gave us anything on a plate. All Venda land is tribal land. The tribal chiefs are demanding the commercial farmers’ land. The government doesn’t go to auctions to see what’s for sale. They don’t contact estate agents in the area for the same reason.”

The black farmers in the area only farm cash crops. This is where their expertise ends. Hoffman says fruit trees would grow exceptionally well in the area, and the top soil is at least three meters deep.

The Tshiombo Irrigation Scheme was well planned, says Hoffman. But already some irrigation pipes and sluices have been broken. Irrigation thus cannot function properly, even though it is gravity irrigation. Residents in nearby houses must carry water themselves from the canals because they have not installed pipes to their homes.

Like farmers throughout South Africa, Hoffman and his compatriots are quite prepared to help emerging farmers succeed on their own land.

He cannot agree however with the taking of already productive farms and giving it to people who, from what they see around them, cannot farm in the sophisticated manner needed to produce the export crops now grown in the area.

A report released in December 2001 by the Department of Land Affairs states that 45% of all land in Limpopo belongs to the State.[13] This constitutes a total of well over 5 million hectares. Very little of this land has been transferred to developing farmers.

Yet government is very silent on this aspect. I questioned this in December 2001. The Department of Land Affairs advised me in August 2002 that the matter was receiving attention. To date I have heard nothing from the department.

Due to the farming practices in South Africa’s traditional areas – gross over-grazing and over-occupation, poor land management such as slash-and-burn land-clearing – South Africa’s agricultural soil has suffered a great deal of physical degradation over the past thirty years.

Massive soil erosion now affects at least 6,1 million ha of cultivated soil in the once fertile valleys of the Eastern Cape and KwaZulu/Natal regions, for instance.

The Claimants

Bertie le Roux (72) arrived in Levubu with his parents in 1940, at the age of nine. Malaria was rife in the area, and there were hardly any roads. Le Roux says there were very few black people there at the time.

They lived up in the mountains to keep away from the malaria in the valley, he said. “We had to get labourers from the Kruger National Park area, most of them Malawians and Mozambicans.” [14]

The land claims chart shown to our researchers indicates that a total number of 33 tribes or groups are claiming 15 farms, including Bertie le Roux’s. Some of the claims overlap.

Anthropologists were instructed by a number of affected landowners to investigate the veracity of the Ravele claim. During the investigations, a letter dated 21 October 1996 was uncovered from a Department of Land Affairs ethnology

consultant discussing the Ravele tribe's land claim on certain farms. The Ravele tribe is one of the 33 land claimants in the area.

The history of the Ravele people (of Venda stock) has not been recorded in any detail, says the consultant's letter. As is the case of the Letsitele removals, some of the Ravele people were removed for environmental purposes in 1938. The Raveles were resettled on irrigation and dry land allotments.

"They therefore were not the victims of the 1936 land act but greatly benefited from the application of its provisions".

In any event, title deeds show that large tracts of Levubu land was privately owned by whites as early as 1871.

The Raveles declare in their land claim application that "they have lost their self-determination". They however overlook the fact "that the measure of self-determination which they enjoyed before the war of 1898 (the Mphephu war) was restored to them in 1938 when they were resettled in terms of the 1936 Land Act."[15] It was on the basis of the anthropological study conducted for the land claim farmers that they have decided to fight the claim in court. They say the Ravele's were give 2 ha for every one ha they were renting (the land did not belong to them). The case is still pending.

Many land claims throughout the country have been based on either hearsay or flimsy, untested evidence. The onus has been on the farmer to investigate these claims, in most instances at great expense. In 2001, the former Transvaal Agricultural Union (now TAU-SA) brought an action against the Minister of Agriculture and Land Affairs in the Land Claims Court complaining about the lack of adherence to Section 2 of the Restitution of Land Rights Act No. 22 of 1994 which contains the legal requirements for the entitlement to restitution of a right in land.

The founding affidavit complains about the paucity of detail of farm sub-divisions detailed by claimants, how vast tracts of land have been claimed without supporting documents, how the Act has been misinterpreted, and who was actually claiming what in group tribal claims against groups of farmers.[16]

In effect, the TAU-SA, representing more than 6 000 farmers, sought a ruling that the state should not expropriate land that is not the subject of a (validated) restitution claim. The TAU-SA also wanted more participation in the investigation of land claims and to be informed of a land claim on a farm before its details were published in the Government Gazette.

Although the TAU-SA lost the case on a technical point (the Land Claims Court said the TAU-SA could not act on behalf of various farmers, that they should institute their own complaints action - this is currently the subject of an appeal), the basic premise contained in the founding affidavit is at the very heart of the slipshod manner in which land claims are made throughout South Africa, and the inaccuracies and even untruths which are contained in many claim forms. (The Botshabelo case is a good example of this. To this day, the LCC in Mpumalanga has been unable to provide the public with the I/D numbers and addresses of the hundreds of claimants of this historical site.)

It is averred that this is why the land expropriation legislation was introduced in 2003 – the government does not have the resources or the expertise to sort out the thousands of land claims, some of which have been made willy nilly by people who have no basis in social history to justify their claims.

In other cases, NGOs have stepped in and urged communities to claim without conducting thorough investigations into the veracity of the claims. The Department of

Land Affairs financially supports some of these so-called independent organizations, because “land for the landless” is a very attractive clarion cry to gain political support.

Venda communal land is high potential farmland. There is access to perennial streams and the annual rainfall is higher than in Levubu’s commercial farming sector. Surely the government should utilize this land for emerging farmers, and leave alone those who successfully produce food for the whole of South Africa.

Chapter Eight

MPUMALANGA PROVINCE

Of all the provinces, Mpumalanga on the eastern side of South Africa, is the subject of the greatest number of land claims. Since 1994, it has become a place of friction and antagonism, perhaps exacerbated by an earlier struggle for land than in other areas of the country.

One particular land claim caught the attention of the world – the farm Boomplaats belonging to Mr. Willem Pretorius. This farmer refused to accept the price offered by the government and lengthy legal manoeuvering ensued.

On 17 March 2001 the London Daily Telegraph said that "a white farmer became the first to have his land expropriated by the South African government yesterday as part of its attempt to return land stolen from black communities under the apartheid regime."

"Amid a climate of death threats and intimidation against other white farmers, Willem Pretorius, 50, likened the seizure of his 3 100 acre property in Mpumalanga to the farm invasions in neighbouring Zimbabwe".

The article continued: "there is still vast land ownership inequality in South Africa with 80% of top quality agricultural land owned by whites, who make up only 13% of the population". (Naturally there's not a word about who turned the fallow, uncultivated soil into the "top quality" land it is today!). Overseas television networks joined in the fray.

Mr. Pretorius' neighbour who occupied the other half of the large farm, agreed to accept compensation after receiving death threats and suffering acts of vandalism.

This 80-year-old farmer accepted a lower-than-market price – he said it was 50% under-valued – just to get out. His property was to be occupied by the new owners numbering 600 families, and he handed over the keys to his farm in April 2001. Mr. Pretorius held out. He said he bought his farm from the state more than 20 years ago when it was "a piece of veld", and that he had built the farm up from nothing. He eventually sold the farm for R1,2 million, although dissatisfied with the price. (A valuer set the value of the farm at R2,1 million, while another put it at R1,5 million.)

During the argument about the price between Pretorius and the government, media coverage was unstinting. It was indeed a landmark case. The government asserted that because Mr. Pretorius had received various subsidies from the state during the early years, he could not now claim a market price. He left the farm in December 2001 and bought another farm for the same price, but half the size as Boomplaats.

However, the Transvaal Agricultural Union (who backed Mr. Pretorius' stand) declared that subsidies had been given to many people in society, including students, organizations, and so forth, and utilizing this logic, then they should all be thus penalized!

The farm of 1 276 ha ran 300 head of beef cattle and was a top maize producer in the region. The property had plenty of water from a river "which never ran dry in 22 years" according to Mr. Pretorius.

After the world media publicity about those who had been forcibly removed, and the stealing of land by whites, what eventually transpired at Boomplaats?

Presently no farming takes place at Boomplaats. The cattle have disappeared and parts of the farm are being hired out for grazing.

The Pig Farm

One of the more scandalous examples of skewed land reform was the transfer of a 2 750 ha pig farm for which the government paid R5 million some years ago. This property consisted of one of the country's most modern piggeries where 2 400 pigs were sustained by state-of-the-art feeding equipment. The farm was highly profitable, with ample water, fertile ground and modern sheep and cattle feeding pens. Former president Nelson Mandela arrived in a helicopter to preside over the handover ceremonies. He said the farm would be "the bread basket of the community". The farm was handed over to the stewardship of a tribal chief.

Within a short time, the farm was in total disarray. Squatters from the neighbouring township (where the same chief was something of a warlord) moved in and their cattle grazed at will. The sheep and cattle pens fell into disrepair, *while the remaining 500 pigs were in such a state of starvation they had begun to eat each other*. (Italics ours). A local farmer was called in and he bought the pigs on the spot. The chief pocketed the cash.

In November 2001 I wrote to the Minister of Land Affairs about this and other failures of land reform. I received an acknowledgement of my letter but no indication was given that my complaints and reports would be acted upon.

Given the present state of this farm, the minister did not act upon my information. The people on the farm currently owe R2 million to the Land Bank, we are told and, as with so many other similar cases, nothing much is happening on this farm. It is more or less a squatter camp, says the previous owner who looks in on the mess occasionally.

The Kangwane Story

Mr. Danie Theron (a nom de plume) owned three farms next to the old Kangwane homeland. They were simply invaded by people who settled on his farms and would not move. He offered the government a deal to build houses on the farms as a residential project, but could not remove them from the farms in order to get the house-building started. These invasions occurred in 1996 and were reported on in the local press. Various authorities were brought in to try and remove the people, to no avail.

The police tried to evict them but were threatened. So were security personnel from the local council. At the time, one of the councilors told the press that "it will need the army to move these people because they do not want to listen to the government, the police or the local ANC".

An official of the provincial Land and Housing Department visited the area but was threatened with shovels, and never came back again. Housing MEC Craig Padayachee tried to talk to the squatters, but matters became heated and he retreated.

The invaders were thus completely above the law. They are still there, and the farm owner is still waiting for some cash from the government for his land which has been in essence stolen from under his nose.

His 250 ha farm grew tobacco and oranges – he bought the farm on the open market in 1976. (He told us he was attracted to the bucolic life associated with farming!) His turnover was approximately R2 million per annum.

Unfortunately, his proximity to the Kangwane homeland sealed his fate. During the homeland period of the old National Party government, white farms were purchased to consolidate the homeland, and they soon became squatter camps.

Mr. Theron's problems started with the theft of irrigation equipment. They stole R1 000 worth of draglines every night.

He gave his workers guns to defend his equipment but even the staff were intimidated and the weapons were stolen. In 1992 he gave up and rented his farm to an indigent Zimbabwean farmer. Eventually debt forced this farmer to give up and he left.

Wakkerstroom

A Wakkerstroom farmer sold a 370 ha piece of his farm for R270 000 to the Department of Land Affairs. Today the new "owners" steal from him because they cannot farm. They were given no working capital, and the ground has descended into a subsistence operation with a few mangy cattle and the odd mealie patch.

The extent of the land claims in the Mpumalunga province is evident from this map which shows the location of the claims as squares: the majority of the land in the province is set for 'redistribution'.

Season 25

Michelle Burns of the consultancy Season 25 is at the end of her tether. She has 465 land applicant clients and has already invested R330,000 of her own money as a service provider putting claimants in touch with commercial farm sellers. This is the theory. In practice, the administration of the Department of Land Affairs' (DLA) Land Redistribution for Agricultural Development (LRAD) programme is a shambles. There appears to be no money for farms in this particular area of the country.

Black purchasers and commercial farmer sellers agreed on a deal concerning the farm Blaauwpoort, a 461 ha property with 125 milk cows. According to one of the owners of the farm, documentation was completed in March 2002 and handed in to the Land Bank. Since then nothing has happened with the transaction.

LRAD was supposed to be a keynote element in the DLA's land reform program, and is to be an important vehicle which the government will use to reach its 30% commercial farmland transfer to black farmers by the year 2015. Now it has ground to a halt in Mpumalanga.

Despite the large number of land restitution claims in the province, only R50 million has been budgeted for the 2002/2003 book year.

In May 2003, the Land Bank confirmed that it had approved 1 900 applications which would involve an amount of R476 million loan capital.

Season 25 is caught in the middle. It cannot move forward because there is no money, and both the government and the Land Bank do not communicate satisfactorily with the organization. Season 25's Ms. Burns has been waiting for three years for some of her projects to be settled. She has fifteen projects "in limbo", she says.

Everything is in an administrative muddle, it appears. The Land Bank is over-committed R75 million on its budget this year in this area, we are told.

According to a report at the time, agricultural production on the farms which were offered and approved (but not paid for) is dropping because the farmers believed their money would be paid quickly.

They thus did not inject further capital into the farms, and cannot make improvements according to the DLA's own regulations regarding the conditions surrounding land claims.

Mr. Boetie du Toit, co-owner of the tobacco and crop Blaauwpoort farm, has lost R2,6 million in turnover because of this.[1] "I was told to stop farming after people showed interest in buying the farm and the department (of Land Affairs) promised to sort out payments within a few weeks. That was two years ago", said Mr. du Toit in May, 2003.

DLA Minister Ms. Thoko Didiza is on record as saying her LRAD policy would create a class of black agricultural entrepreneurs, boost the economy and food security in impoverished areas. However, she blames high farm prices as one of the reasons for the failure of LRAD in some areas of the country. Clearly, there is no money to back up her promises.

The Hall Deal

A very smart press release was issued by Mr. Rob Sneddon of the H L Hall & Sons group in Nelspruit in June, 2003. His company transferred 6 000ha of productive land to 1 100 members of the Mdluli clan on a lease-back deal. Also included in this deal were 4 100 legal occupiers of the company's properties in Mpumalanga.

These "legal occupiers" are in fact employees, and this latter group have become owners of their employer's property courtesy of the South African taxpayer.

They cannot be classified as restitution claimants within the legal parameters of the land reform legislation, and it is a question why the Department of Land Affairs could find R63 million for this transaction involving employees of a company when they do not have money for the 27 genuine land claimants mentioned in the Blaauwpoort farm deal above. While the Mdluli clan (and the workers) have title to the land, they will be paid a certain figure per year for the period of the lease (which is not mentioned in the press release). Given that there are still 5 000 land claims to be settled in Mpumalanga, Chris Williams director of the Rural Action Committee says this is a "huge settlement" which will set a precedent others cannot follow.

Indeed! This must be one of the most expensive land claims in South Africa. We telephoned Mr. Sneddon and asked what else the recipients received for the R63 million other than their lease rental payments from Hall & Sons each year and title to the land which they have now leased? The deal is certainly win-win, as Mr. Sneddon says – win-win for him but hardly win-win for the taxpayers who have forked out a large amount to satisfy 4 200 of Mr. Sneddon's employees who by no stretch of the imagination can be classified as land claimants.

After some testy replies, Mr. Sneddon told our researcher she was "getting up his nose". But as taxpayers, we have every right to know the ins and outs of this deal which, as we said, is one of the most costly land claims transactions since the land reform program came into being.

The Poaching and the Snaring

One of the biggest scandals to come out of this province is the wholesale destruction of game and livestock through poaching and its corollary, snaring.

Mr. Peter Spears farms near Hectorspruit – he is midway between the Kangwane homeland and a municipal squatter camp, between the devil and the deep blue sea! In South African farming, this is the worst position in which you can find yourself, and Mr. Spears' recounting of what happens to his animals is a terrible story.

In two years he has recovered 4 000 snares. He and the other farmers in the area must watch helplessly as their animals are destroyed, many left to die in the bush. He says many of the squatter camp residents are illegals from across the border and elsewhere in Africa. Township gangs organise the farm poaching, and he knows who they are. One gang boss has six or seven men working for him full time. Spears pays a fortune to bring in security personnel from as far away as Hoedspruit because local security personnel are intimidated and threatened with death if they do their jobs.

What he finds astonishing is that he has to fill in forms and obtain permits and go through the realms of bureaucracy in order to run his farm and buy animals and transfer them, but the criminal township gangs roam untrammeled by even the basics of any control system.

His security people picked up one man recently with 40 snares in his possession. These poachers chase the game into one area of his farm and the game become sitting ducks for the meat thieves.

(Another farmer nearby who shall be nameless for fear of retribution told us the police are "hopeless" and that he sees them using police vehicles to load up liquor for the shebeens they own and/or run. They also use these vehicles to pick up people on the road and charge them for the ride. "I have seen this with my own eyes", he said.)

Mr. Spears says as a child they used to sleep in a tent on their farm property (his farm is a family farm), "but now, there is no law and order, no control, and we live like prisoners: burglar bars, alarms, electric fencing".

Now nothing is safe. In 2003 he lost 20 head of cattle and 400 impalas to poachers alone. Foreign visitors know what's going on, he says, and South Africa's shameful lack of law and order is no longer a secret.

Two poachers were recently caught "and they are still inside" declares Mr. Spears hopefully. "Some who do get caught are charged for minor offences and released without bail, and this doesn't deter them from doing it again". His black neighbours who farm on a land claim restitution property thrash anyone caught poaching to within an inch of his life. They have less trouble than Mr. Spears who,

like so many whites, will be hauled over the coals if he so much as touches a miscreant. “We are fair game”, he says.

In a newspaper report on Mr. Spears’ travails, he said the snares were made of wire or copper cable, and looped around two trees.[2] His description of the pain suffered by animals who are not killed would break one’s heart – but not the heart of the poachers who are pitiless and ruthless. Every two weeks Mr. Spears sends 100 workers into the bush to clear it of snares.

We asked him about the game farms near the Kruger Park. “They are all suffering. There is no control. The Kruger Park is crawling with poachers. There are lots of people ostensibly out to control poachers but many seem untrained. They need constant supervision which is not always there. The Parks Board should do more. I don’t want to say this but I believe there will be no Kruger Park in ten years. That’s my assessment”.

On that note we left Mr. Spears, yet another victim of the lawlessness now endemic in South Africa.

There are many questions yet to be answered in Mpumalanga. What happened to Trevor Tutu’s R2,6 million catfish breeding project. For this scheme, two perfectly good and productive farms were bought out by Tutu’s “development project company”. We were informed that the Department of Land Affairs allegedly paid for these farms but this could not be confirmed. We also learnt that catfish is not a delicacy in Europe (where it was supposed to be sold) and that it can be caught there by anyone willing to fish for it.

There is also the question of the search for graves. We believe R40 million has been allocated to the University of South Africa to “search for graves” in Mpumalanga and other parts of South Africa. Why graves, we are not sure. Someone told us that the finding of graves could help a land claim, although all claims were supposed to have been in by the end of 1998.

There are numerous farms in the Delmas district which we could not investigate because of lack of resources, wonderful productive farms which are now “a little bit bankrupt” according to one tribal chief whose land claim farm was sold at a “knock-down sale” in October 2002. The farm was sold for R400 000, a fraction of the price paid by the taxpayers for this productive entity.

Other land claims handovers are being run by mentors and managers while the new owners simply take a percentage of the profits or a lease figure. This type of “restitution” actually creates a “dole class” of South Africans – people who live on the work of others, while the government pretends that their land reform program is “building up a class of black commercial farmers”.

We want to look at the Nkomazi Irrigation Scheme which Ms. Thoko Didiza launched in 2001 at a cost to the taxpayers of R37 million. The 241 new farmers involved in the project also received a R70 million loan from he Land Bank. We believe many official organizations were involved in this scheme which is billed as a joint venture.

What has happened to the farm Kromkrans outside Hendrina? The farm owner told a journalist that “his heart was sore, but he knew it was the right thing to do” to give his farm to claimants under the government’s land reform program. Well, we will find out if this was “the right thing to do”.

At the time of the handover in October 2002, 600 families were preparing to go onto the 2 000 ha farm (just over 3 ha allocated to each family). At the time of the handover, the community declared they would be talking to the government “about

housing” on the farm. The provincial land claims commissioner said his department would support the new owners.

What happened to the Maluleke Land Claim of 25 000 ha in the Kruger National Park? And the Timber Ridge Project? In April 2000, Ms. Thoko Didiza Minister of Land Affairs gave 15000 ha of land to 1 700 beneficiary families along the Timber Ridge area. The amount paid was R21 million.

(The reason why we mention these projects to our readers is that we have the information of the handovers but we did not have the resources to investigate all of these queries. However, a pattern has been established in enough other instances for us to raise serious questions as to the sustainability of these projects in the long term.)

There are scores of other handovers still to be investigated.