

18-21 SEPTEMBER 2012

SUBMISSION BY BABANANGO

Background

My name is Thokozane Ndawo and I am from Babanango. Our story is a story of suffering and land dispossession – of struggling to retain our identity as land and cattle owners despite 100 years of racial discrimination. Our foremothers and forefathers lived on the land and kept cattle long before the whites arrived. But the whites got the title deeds to the land and we were forced to work for them for nothing. We were labour tenants, meaning that we had to work for six months of every year for no wages in exchange for permission to continue living on the farms and the right to keep our cattle. That was a terrible systems. I was forced to begin work as a young boy of 12 or 13 which meant I got no proper schooling. If I did not work from that age then my family would be evicted. We were cruelly treated by the whites, and we had to bear it, because it was the only way that we could hold onto our cattle and continue farming the fields where we produced our crops.

There was a time when big forestry companies like SAPPI and MONDI started buying up the farms, and that brought new problems. The farmers used to evict people family by family, but the forestry companies evicted people area by area. These companies turned those areas into forests – people were given 14 days to vacate the land if one did not comply then the company would call the police and soldiers who would pack your belongings and your family and would bundle you and leave you and your family in the middle of nowhere on the outskirts of Babanango. The livestock would be impounded while some of it would die during the process. This happened even though there was alternative land within Babanango where they could have placed people.

They wanted to clear the plantations of all the black farmers. They even bought in the soldiers trucks to remove people from whole settlements on the farms. That was during the time when the government bought out the white farmers. They wanted the area to be a game reserve. That was during the 1980s and the State of Emergency. We resisted because everything that we had built up over generations was tied up in that land. Our homes, our cattle, our fields, our way of life. While we were poor in money terms we were rich in farming terms. Most families had large herds of cattle 50 or 60 per family, and fertile fields where we grew our own crops. The cattle that we had sustained us and was the basis upon which we built our lives. We could easily pay lobola and we have large extended families living in our homesteads. Few families have less than 20 people in them. We held onto the land where our families have been living for generation with all our might. When we were whipped we went on working, when we were evicted we returned. We may not have paid for that land with money but we have certainly paid for it with our blood. The graves of our ancestors are on that land and it was ours long before before the whites arrived.

We were very excited about the coming of democracy in 1994. We were sure that the new government would support our rights as the people who have always lived on that land and they would respect us as farmers because we are good farmers. We had cattle that anyone would be proud of. But that is when our problems really began. A group of chiefs and government officials from Wildlife somehow decided to make our farms into a game reserve. They never consulted us

by people like us who have been suffering under the whites for 100 years. The chiefs involved had never helped us in all the years we had been struggling with the whites, in fact we did not even know them. They are not from our area, but from surrounding areas in Babanango.

During this time and without telling us wildlife was introduced in this area. During 1996 the Provincial government came and told us that this was a project that was not to be interrupted or disturbed. These animals caused problems; our children were afraid of the animals and scared to go to school. We were unable to live the life that we had been living before. We were told that Chiefs were involved in the constructing of this game reserve we did not know anything about these arrangements. The community was told to occupy 600 hectares of land – land which was not arable and would not be adequate to build a life on. The community then insisted that Land Affairs should take the responsibility of giving us new land. During that time there those who gave up and relocated when they left they were relocated to the property of a CPA – Chiefs sold those people the land that belonged to a CPA. Those who agreed to go were promised large amounts of money (ranging from R5000- R15 000). The numbers of people who were affected were vast. During the 80's we were harassed by the GG (KZN Government) who would arrest people who had been left on the farms by the white farmers. The community was divided and there were wars and disputes that resulted in people dying. This was because of the fact that different Chiefs were asserting authority over disputed areas and this caused conflict amongst the traditional leaders themselves. This is still a problem that exists today; it remains unresolved and is still resulting in unnecessary violence and hardship.

What we realised is that they see our land as a 'empty' area that they can simply lay claim to – they are like the white farmers and the big companies, they don't see or respect us as the rightful historical owners of that place. They deny our decades of suffering because we are poor and because all that they respect is money and power. Things are now much worse than ever before. They have destroyed the fencing we put up for our cattle camps. They have destroyed the dips we had for our cattle. They stop us from collecting fire wood and thatching grass. They say that we may not expand our homesteads or even repair them when they are damaged by weather.

The lack of fencing around the grazing area had negative consequences, because the cattle could not survive under these circumstances and many of us lost many or sometimes all of our stock. The reason for this was firstly because without fencing cattle wandered off, sometimes walking more than 40km away, and secondly because the wild animals in the area could now easily access that land. The worst is when they began to introduce wild animals into our farms. These animals brought with them formally unknown sickness and disease. The cattle then started to die. For example, once a cow was infected with a tick, a tick brought in by the wild animal, then there was no cure after the infection. Even more importantly a consequence of the land being open to the wild animals is that people were sometimes killed by these animals, whether by a hyena or from snake bites.

My community has made many attempts to get help from the authorities. We have reported the problems we are having with the cattle to the Wild Life authorities. These authorities made promises to help, but they have failed to deliver. The Director who was asked to come and explain about the sickness and diseases affecting the cattle rejected that what was happening with the cattle was as a result of their actions. When the community went to Premier Ndebele to discuss the past evictions,

The Premier stated that the area was designated as a Heritage site because of the chief's graves and that he was not aware that the area had been designated as a Game Reserve. He even suggested that the Council with the Chiefs be dissolved because they had deceived him. Today there is a dispute about who the actual owners of the land are.

The important point is that the Game Reserve should not have included our land. The problem we have with the chiefs is that the community was not consulted when the decision was made regarding the land. Now that there are all these problems with the land, they don't help to solve the problem with the wild animals and the cattle and with the people dying. We have been thrown away, we have been discarded. All the chiefs in that area are looking at this land, our land, and they want this rich land. They want to use the land, but they do not have the right to use that land. Some people in the community are so scared because of what is happening with the cattle and the wild animals that they have left the area. My family and I refuse to leave. It is our land, and we paid for that land, not with money, but through pain and suffering, and with blood. We will remain on that land until we die.

The things that concern us about the bill are the fact that it gives Traditional Leaders more power. This is worrying because in our area we have suffered a great deal and found no assistance from Chiefs. The fact that our land was included in the Game Reserve was facilitated in part by Traditional leaders who were included in the Heritage Council that turned our land into a Heritage site. In my view, to pass this law in its current form would subject us to great hardship!

My name is Buselaphi Magwaza I would like to mention that as South African citizens we all have the constitutional right to go to the formal courts. This Traditional Courts Bill is affecting this constitutional right for rural communities and especially for widows like me. Under the Constitution we are also allowed to have legal representation. According to the Traditional Courts Bill we are denied this legal representation and this means that we are being treated in a second class way. Another important issue that I'd like to raise is that we as community members have to keep popping out money for the chiefs and we do not know how they are spending this money. These chiefs are also not being held accountable as to how they are spending this money.

My name is Sibongile Mthimkhulu. An important issue that I would like to raise is that the chiefs do not come to the community to hear what our needs are. My question is: when are they going to listen to us? To the community, the people? When are they going to understand and feel our pain? They are not feeling our pain.

We have no clinics in our area, we have no schools. What contribution are they making to make sure that we have service delivery in our area? Is it acceptable in this country, in democratic South Africa, for me to take a decision to move out of this area because this area has not been developed? What I am saying is that where I'm staying – I am not going to move – it is where I am going to die.

living on the white farms. Now they are popping out of the woodwork – because they want access to our resources through the land. They are now bringing these traditional councils into our area. We don't want them. We don't want them to come in now when they have not been there during our times of hardship, because they do not respect our rights as the owners of the land and they are not even bringing about development in our area.

During apartheid we were labour tenants under the white farmers and we were abused and evicted. We thought that in democratic South Africa we would have rights and access to our land, but with the Game Reserve and the impact on the cattle and the people, and the dispute about whether the land should be a Heritage site has seen us as community members again being abused and evicted. We were a big community – now many people have left the area because of the cattle dying, because of the wild animals and the diseases. Those who remain behind are facing losing as many as 20 cattle every year because of sickness, disease and the cattle suffering miscarriages. The current situation is actually worse than it was in the past. We who are the people of the land and have a history on the land, we again have no rights. The chiefs are working with the heritage people and we are left out of the decision-making.

As women and as widows this bill is not going to improve our situation or place us in an improved position. I myself have been to the Chief to complain about the placing of wild animals on our land and nothing was done. It surprises and upsets me that I am going to be subjected to a Chief who has not provided me with help when I have needed it most!

