

**OPPOSITION BY BLACK RURAL COMMUNITIES TO  
BEING FORCIBLY REMOVED TO BLACK HOMELANDS  
WITH EMPHASIS ON THE EXPERIENCE OF KWANGEMA  
AND DRIEFONTEIN COMMUNITIES IN THE  
WAKKERSTROOM DISTRICT : A HISTORICAL  
PERSPECTIVE, 1980-1985.**

**BY**

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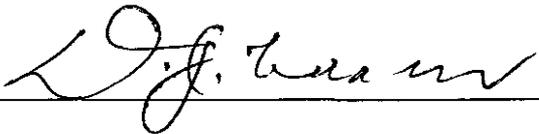
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KWA-DLANGEZWA**

**PROMOTER: PROF J. DE VILLIERS  
DATE SUBMITTED : OCTOBER 1998**

## DECLARATION

I, Dean Jabulani Ndaba, hereby declare that the thesis entitled: **"Opposition by black rural communities to being forcibly removed to Black Homelands with emphasis on the experience of KwaNgema and Driefontein communities in the Wakkerstroom district: a historical perspective, 1980-1985"**, is my own work, both in conception and in execution, and that all the sources used have been acknowledged.

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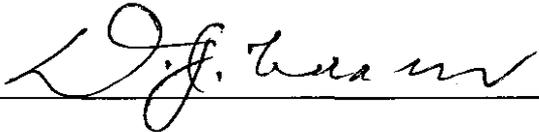
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Signed by:

  
\_\_\_\_\_

Date:

28. 10. '98

## DEDICATION

I humbly dedicate this thesis:

Firstly, to the people of KwaNgema and Driefontein, both the living and the dead, who gallantly and successfully fought for their land. I particularly wish to salute Mr Saul Mkhize of Driefontein who sacrificed his life for the cause of keeping the land for his people.

"Kinina maqhawe namaqhawekazi, asadla amabele nalawo asephumule namathongo, ngithi lelibhuku alibe yisikhumbuzo emhlabeni wonke jikelele somzabalazo wenu. Nalwa ukulwa okuhle, kwamazama ezweni naphesheya kwezilwandle, nahlabana, nivikela umhlaba wenu namalungelo enu. Ngokufunda lelibhuku nezizukulwane zenu ezizayo seziyokhongozela lomlando zifunde ukuthi okhokho balilwela kanzima izwe baze balifela, imbala."

Secondly, to all those people cited in this study, who in their desire to promote justice in South Africa, tirelessly assisted the communities of KwaNgema and Driefontein in their difficult struggle for the land.

Thirdly, to my mother, uMaNgema, of the Ngema clan, whose support, prayers and sacrifice over the years, have made it possible for me to venture into the world of learning in order to gain knowledge and wisdom. Madlokovu!

## QUOTATION

"Every single thing that Man must do, everything that he eats, wears, lives in, rides on, his whole physical existence depends on land. It is as important to him as the water he drinks, the sun that lights his way, and the air he breathes. Without access to land, a Man cannot work, and without work he cannot live like a Man; he must then depend on others and if he has to depend on others, they will treat him not as a man, but as something inferior, something that must be told what to do, where to live, what to eat and wear. It is then a small step to rob him of political rights, and then he is no better than a slave, whether he is called that or not."

S. Meintjies and M. Jacques : *The Trial of Chaka Dlamini*, p. 10.

**ABBREVIATIONS**

ANC	African National Congress
BBC	British Broadcasting Corporation
CBD	Council Board of Directors (of Driefontein)
CC	Chief Commissioner
DR	Doctor
DCB	Driefontein Community Board
DCD	Department of Co-Operation and Development
LRC	Legal Resources Centre
MP	Member of Parliament
NCAR	National Committee Against Removals
NFAAL	Native Farmers Association of Africa Limited
NP	National Party
NRC	Natives Representative Council
OFS	Orange Free State
PAC	Pan Africanist Congress
PPF	Progressive Federal Party
PROGS	Progressive Party
RSA	Republic of South Africa
SADT	South African Development Trust
SANT	South African Native Trust
SAIRR	South African Institute of Race Relations
SANAC	South African Native Affairs Commission
SANNC	South African Native National Congress
SAP	South African Police
SPP	Surplus People's Project
TNLA	Transvaal Native Landowners Association
TRAC	Transvaal Rural Action Committee
UCT	University of Cape Town
UDF	United Democratic Front
UK	United Kingdom
UN	United Nations
USA/US	United States of America/United States
ZAR	Zuid Afrikaansche Republiek (Transvaal)

**ABSTRACT**

KwaNgema and neighbouring Driefontein were Black-owned freehold settlements in the Wakkerstroom district, Transvaal. Whereas KwaNgema had been granted officially to the community in 1904, Driefontein had been purchased in 1912.

Because of their proximity to predominantly White areas, in 1965 both areas were declared by the National Party government as 'Blackspots'. Subsequently, in line with the government's homeland consolidation policy, the inhabitants of the two settlements were notified that they would be moved to the KaNgwane and KwaZulu Homelands. In terms of the Native Administration Act of 1927, the government could, at its pleasure, remove Black tribes from certain areas. But it was not until 1981 when plans to construct the Heyshope Dam were announced, that the government informed the two communities that their removal was a certainty. The new dam, to be built on the Assegai River, would flood parts of both settlements.

Between 1981 and 1985, the residents of KwaNgema and Driefontein opposed resettlement on the following grounds:

- They were historically and legally entitled to the land.
- Relocation and the rebuilding of new homes would be a costly undertaking.

- There was much uncertainty about their future security in the Homelands, in terms of landownership rights, employment, pensions, etc.
- The KwaNgema people argued that the Act of 1927 did not apply to them, as they were not a tribe, but 'Umnjeni' that operated on Western democratic lines.
- Adjacent vacant land could be utilized for settling only those residents threatened by the dam.

The government rejected all claims and counter-proposals made by the Blacks. Controversy characterised by state repression, leadership disputes and other problems ensued.

The crisis was eventually resolved in August 1985 in favour of the KwaNgema and Driefontein communities. The government withdrew its resettlement plans. Only residents threatened by the dam were relocated to adjacent land. All residents retained their property rights.

Factors contributing to this historic settlement were:

- The unrelenting protest by the two communities and their institution of legal action against the government.
- The murder by the police of Saul Mkhize in April 1983. Mkhize was the Driefontein community leader who spearheaded the

resistance. His unexpected death increased criticism of the government's forced removals policy nationally and internationally.

- The refusal by Enos Mabuza, leader of KaNgwane, and Chief Buthelezi of KwaZulu to accommodate the two communities in their Homelands.
- Increasing condemnation of the government's removals policy domestically and abroad.
- The changing political climate in South Africa, resulting inter alia, *in the review of the removals policy.*

The conclusion drawn from this study, is that the experience of KwaNgema and Driefontein was an outcome of a combination of forces - historical, ideological, legal, anthropological, social and economic. Another important highlight of this research is that land ownership is indeed a fundamental aspiration and right for all people which, if denied, *may lead to conflict.*

## OPSOMMING

KwaNgema en die aangrensende Driefontein was nedersettings in die distrik Wakkerstroom, Transvaal, waaroor die Swart bewoners volle eiendomsreg gehad het. KwaNgema is amptelik in 1904 aan die gemeenskap geskenk, terwyl Driefontein in 1912 aangekoop is.

Aangesien albei gebiede digby oorwegend Blanke areas geleë was, is beide in 1965 deur die Nasionale Party-regering as sg. 'swart kolle' verklaar. Die inwoners van die twee nedersettings is uiteindelik, in ooreenstemming met die regering se tuislandkonsolidasie-beleid, verwittig dat hulle na die KaNgwane- en KwaZulu-tuislande verskuif sou word. Die regering kon ingevolge die Swart Administrasie-wet van 1927 na goeddunke swart stamme uit sekere gebiede verwyder. Maar dit was eers in 1981, toe die beplanning van die Heyshope-dam bekend gemaak is, dat die regering die twee gemeenskappe verwittig het dat hulle verskuiwing beslis sou plaasvind. Die nuwe dam wat in die Assegaai-rivier gebou moes word, sou albei nedersettings gedeeltelik oorvloei.

Die inwoners van KwaNgema en Driefontein het vanaf 1981 tot 1985 die hervestiging op grond van die volgende beginsels betwis:

- Hulle was histories en wettiglik eienaars van die grond.
- Hervestiging en die oprigting van nuwe wonings sou groot

[x]

finansiële uitgawes meebring.

- Daar was groot onsekerheid oor hulle toekomstige veiligheid in die tuislande, veral wat betref eiendomsreg, werkverskaffing, pensioene en dergelike sake.
- Die inwoners van KwaNgema het aangevoer dat die wet van 1927 nie op hulle betrekking gehad het nie, aangesien hulle nie 'n stam was nie, maar "Umndeni" wat volgens Westerse demokratiese beginsels gefunksioneer het.
- Aangrensende onbenutte grond kon gebruik word vir die hervestiging van slegs diegene wat deur die dam bedreig sou word.

Die regering het alle aansprake en teen-voorstelle van die Swartes verwerp. Omstredenheid het ontwikkel, gekenmerk deur owerheids-  
onderdrukking, leierskaptwiste en ander probleme.

Dié krisis is uiteindelik in Augustus 1985 geskik ten gunste van die gemeenskappe van KwaNgema en Driefontein. Die regering het die hervestigingsplan herroep. Slegs inwoners wat deur die vloed van die dam bedreig is, is op aangrensende grond hervestig. Alle inwoners het hulle eiendomsreg behou.

Faktore wat tot hierdie historiese ooreenkoms bygedra het, was soos

volg:

- Die onversetlike besware van die twee gemeenskappe en hulle regsopptrede teen die regering.
- Die polisie se moord op Saul Mkhize in April 1983. Mkhize was die gemeenskapsleier in Driefontein wat die verset aangevuur het. Sy onverwagte dood het kritiek op die regering se beleid van gedwonge hervestiging binnelands en internasionaal vergroot.
- Die weiering van Enos Mabuza, leier van KaNgwane, en Hoofminister Buthelezi van KwaZulu om die twee gemeenskappe in hulle tuislande te hervestig.
- Toenemende binnelandse en buitelandse verwerping van die regering se hervestigingsbeleid.
- Die veranderende politieke klimaat in Suid-Afrika, wat o.a. tot 'n hersiening van die hervestigingsbeleid gelei het.

Die slotsom van hierdie studie is dat die KwaNgema- en Driefonteingebeure die kulminasie was van veelvoudige faktore — histories, ideologies, wetlik, antropologies, sosiaal en ekonomies. 'n Ander belangrike gevolgtrekking van hierdie studie is dat grondbesit werklik 'n basiese strewe en reg van alle mense is en dat indien hulle die reg daartoe ontsê word, dit tot botsings kan lei.

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The Ntuzuma College of Education library.

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My family and relatives for inspiring me to do more and more work and for supporting me through thick and thin. I particularly wish to thank my parents for having sent me to school where my love for higher learning was kindled.

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Lastly, I thank God our maker for having led me to the green pastures in which I'm grazing today. May His name be glorified and praised forever!

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## INTRODUCTION

This study provides an historical account and analysis of Black<sup>1</sup> opposition to the policy of population resettlement that was carried out by the National Party government in South Africa to promote the Homeland system. It pays special attention to the experience of the Black communities of KwaNgema and Driefontein in the Wakkerstroom district, Transvaal, during the period 1980 – 1985. The research is intended as a contribution to the still largely under-researched field on resettlement related problems in apartheid South Africa.

South African history has well illustrated that throughout the years, land has always been a controversial aspect of national life. Despite wars of conquest and the subsequent political subjugation of Blacks and land dispossession, and in spite of many constitutional developments and legislation determining the distribution of land, the land problem has continued to be a thorny issue in the politics of the country.

One aspect of the land problem that has been more prominent in South African twentieth century history and about which this study is primarily concerned, is Black resistance against further dispossession. In search for lasting solutions to political and socio-economic problems facing the

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1. In this study, the term "Blacks" will be used instead of "Natives" or "Kaffirs" or "Africans" or "Bantu", except in quotations, titles of officials, names of bodies and publications. The term "Whites" will be used to refer to people of European ancestry.

country, governments have adopted policies that have further reduced the amount of land left in the hands of Blacks, after conquest. The Natives Land Act of 1913 was the first legislation after Union that restricted Black land rights even further, resulting in massive displacement and destabilisation of Black communities. More laws aiming to resolve the land problem were promulgated after 1913, but none of them actually brought any lasting satisfaction to the Blacks.

With the ascendancy to power of the National Party government in 1948 and the implementation of apartheid laws, followed by the introduction of the ethnic policy of Black Homelands (Bantustans), the removal of Black communities from certain sections of the country was accelerated countrywide. The Homeland system was launched since 1959, ostensibly for purposes of promoting Black political independence and economic development. Using the principle of territorial segregation and ethnicity as the cornerstone, Homeland consolidation was vigorously set in motion. In the course of its implementation, many Black communities were removed from their original areas of occupation and relocated in new settlements within or adjacent to Homelands earmarked for them - hence the use of the terms "resettlement", "removal" and "relocation", which though not having precisely the same connotation, have been used interchangeably to refer to the process of moving people from one part of the country to another. But as shown in the general conclusion of this study, the institution of removals had appeared in various forms

in South Africa, long before National Party Administration.

While several Black communities submitted voluntarily to the idea of being incorporated under Homelands in order to derive whatever political and economic benefits the new dispensation might offer, the majority of them, for a variety of reasons, political, economic, social and cultural, were sceptical about their future in the Homelands. Many subsistence farmers who were privileged to have land, were opposed to removals largely because they feared they might lose their land ownership rights. Resettlement would also lead to the destruction of their socio-economic lives. As explained in the course of this study, some communities had enjoyed such land tenure rights for several decades having purchased their properties before the enactment of the Natives Land Act of 1913, which put a stop to the selling of land to Blacks.

Throughout the country, removals were mostly carried out without the willingness and co-operation of those being removed, hence their being termed '*forced removals*', a concept which has been widely used in literature related to this subject. Some resettlement schemes were carried out by clearing '*Black spots*' and '*badly situated areas*'.<sup>2</sup> Historically, such areas were located in the neighbourhood of White areas, such as towns and White farms. For that reason, they were

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2. Under the policy of Homeland consolidation, the two concepts were used interchangeably. For further details, see Chapter 1.

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found by apartheid social engineers to be badly situated and were due to be eliminated and their inhabitants consolidated in the new Homelands.

Because of their geographic location, the settlements of KwaNgema and Driefontein were also affected by the Homeland consolidation laws. Completely surrounded by White-owned farms in the Wakkerstroom district of the old Transvaal province, these two areas were in due course of time categorized as 'Black spots' by the National Party government. Notwithstanding the fact that the residents of these areas had acquired their farms as far back as prior to 1913 and were legally entitled to the land, they became the victims of the National Party ideology and were required to leave their territories and be incorporated under the Homelands of KaNgwane and KwaZulu. The government also wanted to remove them in terms of the Black Administration Act of 1927 which empowered the State President to remove Black tribes at his own pleasure. *But apart from the ideological factor, another major consideration influencing the course of events at KwaNgema and Driefontein, was the construction in the neighbourhood of the Heyshope Dam, whose flood waters would submerge sections of the two settlements. The dam was therefore used by the government as another reason to remove the said communities.*

Like most Black land-owners in 'Black spots' and elsewhere, the people of KwaNgema and Driefontein were opposed to their resettlement and

thus risked being forcibly removed. But unlike many communities in similar circumstances who lost their struggle and were eventually evicted from their lands, the residents of KwaNgema and Driefontein were never driven out from their lands by force. Instead, for a long period, various tactics designed to pressurise them to move, were applied by the government. These methods proved counter-productive however, as the residents retaliated by adopting certain strategies to resist the government. Eventually after a dispute that lasted almost five years, that is, 1981 — 1985, the government allowed the two communities to remain on their land on terms favouring the Black residents.

In the light of the above, the researcher's interest in this study, has been kindled and influenced by the following considerations:

- (i) No comprehensive historical study has as yet been undertaken on the role played by KwaNgema and Driefontein communities, who through organised protest and resistance, successfully challenged the land policies of the National Party government.
- (ii) The two communities have been selected for research, because of the unique way in which they fought and won a long battle to avert forced removal.
- (iii) The author would like to show how the struggle emerged and how

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it was shaped by specific histories, traditions, ideological and economic forces.

- (iv) This study further illustrates how legislation and agreements made decades ago, have had a major influence on the form of struggle that is being examined.
- (v) Another striking feature about this work is the manner in which various figures and organisations, Black and White, from within the country and beyond, joined hands to support the protest campaign of the people of KwaNgema and Driefontein, thus giving the struggle a national and international dimension.
- (vi) This study also brings to light many overlapping tactics and efforts which finally combined to challenge the government, forcing it eventually to succumb to the demands and aspirations of the Blacks and their White supporters.
- (vii) The climax of this study also makes it historic, in the sense that the National Party government, made a rare exception in its policy of apartheid, by allowing the two Black communities to remain in what had been officially declared a 'White' territory.

Preliminary readings around the topic showed that the phase when the residents of KwaNgema and Driefontein opposed resettlement, that is, 1981 – 1985, is significant but incomplete, if it is not linked with the

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earlier period on which the dispute was based. This immediately raised many questions regarding the historic origins and development of these two communities, and more particularly, the terms on which they acquired the land, which they claimed was legally theirs. From the beginning therefore, there was reason to believe that this research would have to be extensive if it has to place the story of KwaNgema and Driefontein in its proper historical context.

A few points need to be mentioned about source material on which this research is based, as well as other technical aspects. A number of secondary sources have been consulted but of these, few actually cover the story of KwaNgema and Driefontein. But as the topic deals with a wide range of policy and land related issues, such literature was very helpful in clarifying various aspects of the narrative and in supplementing original sources. Some of the works consulted carried more weight, as they were written by close witnesses of events, or people who were actually engaged in the dispute at KwaNgema and Driefontein, like lawyers, journalists, politicians and representatives of anti-removal organisations.

As regards primary sources, some information was drawn mainly from archival sources consulted in the State Archives, Pretoria. These were of tremendous value, as they contained the laws and agreements on which the formation of the two settlements were based. But the bulk of the original sources for this study were obtained from the Legal

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Resources Centre (LRC) and attorneys Bell, Dewar and Hall, Johannesburg. The two legal institutions were particularly helpful in the development of this project, since they were heavily engaged in the land dispute since the end of 1982, and kept almost all the records of the case. From their files came such documents as letters and reports from government officials, (including the Minister of the Department of Corporation and Development, the Chief Commissioner, Pietersburg, the Magistrate/Commissioner : Wakkerstroom, Deputy Minister of Development and Land Affairs, Chief Ministers of KwaZulu and KaNgwane Homelands, Water Affairs officials, letters from the leading figures at KwaNgema and Driefontein, affidavits, legal correspondence, newspaper articles and so forth.

The Don Africana Library, Durban was also extremely helpful in supplying a wide range of sources. These included the reports by the Surplus People Project (SPP), who made extensive research on removals and recorded their findings in five volumes. In addition, the staff of the Don Africana Library supplied me with the Hansard, government gazettes, Statutes reports on Water Affairs and newspapers on microfilm. Newspapers consulted in the Don and other institutions were "The Natal Mercury", "The Daily News", "City Press", "The Cape Times", "The Rand Daily Mail", "Sowetan", "Citizen", "The Sunday Express", "The Sunday Times", "The Weekly Mail" and "Ilanga". International newspapers consulted, are the "Washington Post" and "The New York

Times”.

The South African Institute of Race Relations, Johannesburg, contributed to this research, not only with the relevant press reports, but also with their annual editions of "Survey of Race Relations in South Africa". These served as guidelines and provided the main trends and developments at KwaNgema and Driefontein, especially in the years 1981 - 1985.

A few but vital sources were also obtained from the Ntuzuma College of Education library, Kwa Mashu, the Centre for African Studies, Johannesburg City Library, the University of Natal, Durban and UZulu Collection Section of the University of Zululand Library, KwaDlangezwa.

In compiling this thesis, the author has also tapped oral sources. For the last five years of the period covered in this study, eye witness accounts and the testimony of the actual participants in the dispute, were an eye-opener and enriched this study. Besides, such sources served to tie loose ends by supplying answers that could not be provided by written sources.

But as in any research undertaking, the process of assembling scattered and fragmented information into a meaningful whole, has been a formidable task. In this particular case, the problem can be attributed mainly to the following factors:

Firstly, although the main focus of this study is the period 1980 — 1985, the story is being examined holistically by providing the historical basis of the dispute. To do this one had to look back to the 19<sup>th</sup> century and early 20<sup>th</sup> century when KwaNgema and Driefontein emerged respectively. Government post-1948 policy towards Blacks as well as national and international reactions to forced removals also receive attention. For this reason the discussion of this topic was inevitably broad and detailed.

The second factor posing a challenge in the construction of this narrative, was to create one story from the experiences of two communities. As will be shown, though they lived in close proximity and faced a common problem, for the most part the two communities pursued their struggles separately. Yet because in many ways, their tactics and experiences were similar, the author saw it possible to combine the two events into one coherent narrative. Besides, this *approach has not only broadened our understanding of the problem, but has also added variety and flavour to the narrative.*

Another problem of this study, was the one commonly experienced in historical research, and in other human sciences, that is, separating fact from bias and propaganda. In a sensitive and controversial subject such as the one dealt with in this study, this problem is ever present. It is hoped, however, that by basing the narrative on a large variety of relevant documents, and by using evidence from close witnesses of the

events, the author has succeeded to some extent, to overcome the problem of one sidedness and to present an objective picture and analysis of what happened.

Lastly, this study being a product of human effort, may be found to contain some errors. The author will therefore welcome any constructive criticism about this work. It is hoped that any input or correction from other scholars, may enhance the quality of this study and further widen the reader's horizons on this politically sensitive, but academically fascinating aspect of South Africa's twentieth century history.

## CHAPTER 1

### **GENERAL VIEW OF THE ESTABLISHMENT OF BLACK HOMELANDS AND THE RESETTLEMENT OF BLACK COMMUNITIES IN SOUTH AFRICA AFTER 1948**

The main focus of this study is the origin, nature and settlement of the land dispute that arose between the National Party government of South Africa and the people of KwaNgema and Driefontein between 1980 – 1985. This dispute was caused by the government's attempt to move the two communities from their traditional lands to the Black Homelands (Bantustans)<sup>1</sup> against their will. Although this study is primarily concerned with the drama that unfolded at KwaNgema and Driefontein in the early 1980s, it should be borne in mind that it was interwoven with and a result of the policy of apartheid which the National Party government had introduced when it came to power in 1948. Apartheid led to the creation of Black ethnic Homelands and these in turn necessitated the removal of certain communities from certain areas and their settlement in their various Homelands. Therefore a general view of apartheid, Black Homelands and resettlement schemes is an essential background to this study against which we may examine the land problem and other developments that emerged at KwaNgema and

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1. Note that officially Black Homelands were called 'National States' although words such as 'Homelands', 'Bantustans' were commonly used. The words 'Black Reserves', 'Reserves' were also used.

Driefontein.

**1. APARTHEID (SEPARATE DEVELOPMENT) AND THE ESTABLISHMENT OF BLACK HOMELANDS IN SOUTH AFRICA AFTER 1948**

The underlying principle of the National Party's apartheid doctrine was that each race and nation had its own distinct cultural identity and had been created to fulfil a unique destiny laid down by God.<sup>2</sup>

To fulfill its inner potential each nation had to be kept pure and allowed to develop freely along its own lines. On these assumptions each race and nation in South Africa had to have its own separate territory on which to develop along its own unique lines.<sup>3</sup> Apartheid would be applied also to ensure that social contact between the races could be reduced to the absolute minimum. The policy would ensure that sexual relations between White and Black were rigorously prevented, since excessive contact between races, above all racial interbreeding, would corrupt and destroy the inner potential of both races involved.<sup>4</sup>

The practical effects of the apartheid doctrine, however, could depend on the way that the land and resources of South Africa

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2. J.D. Omer-Cooper : *A History of Southern Africa*, p. 190.

3. *Ibid.*

4. *Ibid.*

were to be divided between the races. Supporters of apartheid assumed that the territories on which Black communities would fulfil their self-development would be those defined as Black Reserves in the Natives Land and Trust Act of 1936. Thus Dr D F Malan, who became the first Prime Minister under the National Party government, stated explicitly that:-

"In hul eie gebied sal die nie-blanke rasse-groepe op elke gebied volle geleentheid van ontwikkeling kry. Die natuurlike-reserwes moet die ware vaderland van die naturel word."<sup>5</sup>

The protagonists of apartheid also maintained that the physical and social separation of races could not only secure the preservation and purity of the White race but also emancipate the Black nations. The Blacks would be freed from the cultural domination of Whites and would enjoy the opportunities for autonomous cultural and political self-expression which the Afrikaner Nationalists themselves had long struggled to gain for their own people.<sup>6</sup>

In 1952 M. Aucamp, Private Secretary to Prime Minister Malan, clarified the "own affairs" principle of the apartheid philosophy. Writing to the ANC which advocated equal political rights for all

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5. Quoted by the Deputy Minister of Co-operation and Development on 28 September 1981, in Debates of Parliament (Hansard), 7 September to 9 October 1981, Vol. 95 pp. 5077— 5078.

6. Omer-Cooper : *A History* - - -, p. 191.

people in a united South Africa, Aucamp responded by saying:-

"The road to peace and goodwill lies in the acceptance of the fact that separate population groups exist and in giving each group the opportunity of developing its ambitions and capabilities in its own area, or within its own community, on its own lines, in the service of its own people."<sup>7</sup>

Aucamp further maintained that while government was not prepared to grant the Blacks political equality with the White community, it was willing to encourage Black initiative, Black service and Black administration within the Black community, and there to allow the Black man full scope for all his potentiality.<sup>8</sup>

In towns Blacks would continue to be regarded as no more than temporary visitors and never be allowed to acquire social and political rights equal to those of Whites. Black education would also be organised along different lines from that of Whites and be directed towards developing their own national characteristics.<sup>9</sup>

Thus the policy of apartheid came to pervade every aspect of the South African life -the economy of the country, its education, legal system, residential rights; all were geared to serve the ideals of

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7. This letter, dated 29 January, 1952, from M. Aucamp, Private Secretary to the Prime Minister D. F. Malan, directed to the Secretary of the African National Congress is published in T.G. Karis and G.M. Carter (eds): *From Protest to Challenge — A Documentary History of African Politics in South Africa, 1882—1964, Vol II* p. 434.

8. *Ibid.*

9. Omer-Cooper : *A History* - - -, p. 191.

the National Party.<sup>10</sup>

It is noteworthy that though apartheid was a new name it represented the segregationist policies which previous governments had pursued but never along the entire front of race relations.<sup>11</sup> As far back as 1913 when the Natives Land Act of 1913 was passed, General Louis Botha, the first Prime Minister of the Union of South Africa, made it known that more land would and should be given to the Blacks for their own occupation where they could develop and manage their own affairs.<sup>12</sup> But he made it clear that such a development would be under the control of the central government.

Similarly the Beaumont Land Commission of 1916 said the so-called "Native Question" was a problem that required a constant adjusting and re-adjusting of the relations between White and Black races of the country. This process, according to the Commission, had to continue indefinitely through such efforts as: the establishment of Black areas on a basis acceptable alike to White and Black; the systematic but gradual reform of the

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10. G.N. Msimango : *Environmental Impact Assessment as an Integral Part of the Decision-Making Process in Resettlement Schemes*, p. 30.
  11. V. Aldadoff : *A Newspaper History of South Africa*, 1976, p. 74 (Smuts Falls from Power – Change of Government).
  12. *Debates of Parliament (Hansard)*, March 15 to April 30, 1971, Vol. 33, Cols 2713 – 5760.

existing Black reserves; the gradual introduction of individual tenure and local self government; and the eradication of squatting.<sup>13</sup>

The Commission suggested that setting up separate Black areas might help in harmonizing relations in the country and in providing a means whereby the Blacks could hopefully develop along their own lines. In the early years of Union General Jan Smuts was also in favour of a policy that would allow Blacks to develop along their own lines. Speaking in London on 22 May 1917, Smuts is reported to have said:-

"Thus in South Africa you will have in the long run large areas cultivated by Blacks and governed by Blacks, where they look after themselves in all their forms of living and development, whilst in the rest of the country you will have your White communities which will govern themselves separately according to accepted European principles."<sup>14</sup>

Shortly after assuming power the National Party government began to implement its apartheid policy. On 18 October 1950 Dr H F Verwoerd, a staunch Nationalist, joined Dr Malan's cabinet as Minister of Native Affairs. In this capacity Verwoerd set about reshaping the entire political structure as it affected Blacks, and subsequently earned the reputation of being the "architect" of the

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13. *Ibid.*

14. Quoted by the Minister of Co-operation and Development, in Debates of Parliament (Hansard), 7 September to 9 October 1981, Vol. 95 Cols 3001 — 6404.

apartheid policy.

The first stage to launch separate development began with the enactment of the Bantu Authorities Act, No. 68, of 1951. This Act abolished the western orientated systems of local government for the Black population in Black areas and replaced them with the Bantu Authorities system.<sup>15</sup>

Due consideration of Bantu law and customs was taken into account by recognising tribal-chiefs-in-council. This drew a sharp difference between the new system and the previous local administrative councils. Various tribal authorities were now represented at the regional level and the regional authorities were particularly concerned with matters of socio-economic development.<sup>16</sup> The various regional authorities were, in turn, represented in a single territorial authority for each national group which functioned as the central institution of authority. These three levels of authority for each homeland presupposed a political and administrative hierarchy, which, although based on traditional methods of tribal government created greater units of authority. They brought together ethnically related tribal groups that could be regarded as "national structures".<sup>17</sup>

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15. L. Malan and P.S. Hattingh: *Black Homelands in South Africa*, p. 8.

16. *Ibid.*

17. *Ibid.*

The Act of 1951 therefore, embodied the principle of self-government for the Blacks. It also reflected Verwoerd's strong belief that there was no place for the Black person in the White political system.<sup>18</sup>

With the coming to power of the National Party in 1948 legislation began to divide the Blacks according to tribal affinity.<sup>19</sup>

Hitherto the Blacks and Black Reserves were not differentiated on an ethnic basis.<sup>20</sup> After taking the premiership in 1958, Dr Verwoerd articulated the Bantustan concept in the Promotion of Bantu Self-Government Act No. 46 of 1959. This legislation cleared the way for the development of reserves into ethnic Homelands. Accordingly it stated in its preamble that:

"... the Bantu peoples of the Union of South Africa do not constitute a homogenous people, but form separate national units on the basis of language and culture."<sup>21</sup>

The policy would aim at concentrating in so far as it was possible the main ethnical groups and sub-groups of the Blacks in their own separate territories where each group would be able to

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18. B.J. Liebenberg and S.P. Spies (eds) : *South Africa in the Twentieth Century*, p. 347.

19. E. Letsoalo : *Land Reform in South Africa*, p. 43.

20. *Ibid.*

21. *Statutes of the Union of South Africa. Promotion of Bantu Self-Government Act No. 46 of 1959.*

develop into a self-sufficient unit.<sup>22</sup> Within these areas Blacks were to be given increasing administrative autonomy. The Homelands were to become viable polities, both politically and economically, to the extent that Blacks would increasingly identify with and gravitate towards them.<sup>23</sup> Thus instead of promoting a unified state identity, the Nationalists maintained that only a multiplicity of state identities were possible, and that the partition of the country was essential for the political and cultural well-being of the country's inhabitants.<sup>24</sup> But all the Black areas would be within the geographic and economic unit of the Union of South Africa, and dependent on it, also in respect of any international relations concerning the defence of the country.<sup>25</sup>

Hermann Giliomee, one of South Africa's respected academics and political analysts, has indicated that by the Act of 1959, Verwoerd hoped to deflect mounting world pressure against apartheid.<sup>26</sup> He points out that the Act was premised heavily on the principle of the self-determination of nations, enshrined in the Charter of the United Nations and revered at that time by the powerful

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22. A.N. Pelzer : *Verwoerd Speaks — Speeches 1948—1966*, p. 8.

23. P. Maylam : *A History of the African People of South Africa : From the Early Iron Age to the 1970's*, p. 172.

24. A.J. Christopher : "Partition and Population in South Africa," *The Geographical Review*, Vol. 72, No. 2, p. 127.

25. Debates of Parliament (Hansard) 28 May, 1951.

26. H. Giliomee : *The Natal Mercury*, 5 November 1984, p. 8.  
(The Homelands : Building-Blocks or Stumbling Blocks?)

decolonisation movement.<sup>27</sup>

Accordingly the South African government grouped the reserves into eight (eventually ten) ethnic territories. (See table below).

**TABLE 1**

<b>ETHNIC GROUP</b>	<b>HOMELAND</b>
Zulu	KwaZulu
Tswana	Bophuthatswana
Xhosa	Transkei
Xhosa	Ciskei
Northern Sotho	Lebowa
Southern Sotho	Qwaqwa
Shangaan-Tsonga	Gazankulu
Swazi	KaNcwane
Venda	Venda
Southern Ndebele	KwaNdebele

### **Ethnic distribution in homelands**

'Each such territory became a Homeland or National State for a potential Black "nation", administered under White tutelage by a set of Black authorities consisting mainly of hereditary chiefs.'<sup>28</sup>

In its Homeland, the Black ethnic group was to develop along its own lines, with all the rights that were denied it in the rest of the country. But it was not until 1971 that the legislative framework

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27. *Ibid.*

28. L. Thompson : *A History of South Africa*, p. 191.

for the formation of these Homelands was completed. In that year, the Bantu Homelands Constitution Act was passed, empowering the government to grant independence to any Homeland.<sup>29</sup>

It should be noted, that although it was government policy to maintain areas reserved for Blacks and to an extent promote self-government in these areas, the possibility of full independence for individual homelands was not mooted until much later. In 1951, for example, Dr Verwoerd, addressing the Senate on the homelands said:

"It stands to reason that when we talk about the Natives' rights of self-government in those areas, we cannot mean by that to cut large slices out of South Africa and then turn them into independent states."<sup>30</sup>

Dr Verwoerd wished to build a European type of political system featuring a combination of national sovereignties with economic inter-dependence.<sup>31</sup> Behind this lay the idea that once ethnic and constitutional fragmentation of the Black population had progressed far enough, Whites would feel sufficiently secure to address the problem of White-Black power sharing in a federal

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29. *Ibid.*

30. South Africa (1951) *Senate Debates*, Vol. 2, Column 2893.

31. T.R.H. Davenport : *South Africa — A Modern History*, p. 282.

arrangement.<sup>32</sup> In this system the special category of 'qualified' urban Blacks could somehow be treated as a separate entity.<sup>33</sup> Prime Ministers Vorster and Botha, also mooted the idea of a 'commonwealth' or confederation, in which independent Black states would enter into an association with the White state. It therefore became a tendency in National Party thinking, not to regard Homeland independence as a goal in itself.

Under Chief Kaizer Matanzima, who supported the new political arrangement, the Transkei became the pacesetter for the process of Homeland creation. The Government made it self-governing in 1963. In 1976 the territory was granted 'independence' by Pretoria. Bophuthatswana followed in 1977, Venda in 1979 and Ciskei in 1981.<sup>34</sup> As they became independent, their citizens were deprived of their South African citizenship.<sup>35</sup>

## 2. SOME PROBLEMS OF HOMELANDS AND HOMELAND CONSOLIDATION

In 1955 the Tomlinson Commission had supported the National Party's developing theory of apartheid, recommending, inter alia,

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32. Giliomee : *The Natal Mercury*, 5 November 1984, p. 8.  
(The Homelands : Building Blocks or Stumbling Blocks?)

33. *Ibid.*

34. Thompson: *A History* - - -, p. 191.

35. *Ibid.*

that the Reserves should be rapidly consolidated and developed as a possible solution to South Africa's growing racial predicament. With the formation of Homelands, meaningful consolidation required, *inter alia*, the exchange of land between states and the drawing of boundaries. But consolidation could not be seen only from a **geographic** point of view. It also entailed the **consolidation of peoples**. This meant that the people who belonged together ethnically, had to be brought together. This entailed a removal of people. Furthermore, consolidation also entailed the **economic consolidation** of states, and this meant that where possible, states had to be consolidated in a way that would make them viable.

Consolidating the Homelands into proper geographic, ethnic, political and economic units, however, soon proved to be a difficult undertaking characterised by numerous constraints and problems. Although the government tried to address some of these problems, not much was achieved because the whole scheme was hampered by geographical, historical, social, economic and ideological problems. The major factors which adversely affected the process of homeland consolidation can be summarised as follows:

**(a) Territorial Fragmentation of Black Homelands**

One of the major problems of Homeland consolidation was that Homelands lacked geographic cohesiveness. Through conquest, purchase and negotiation by Whites, tribal areas were largely fragmented. The nuclei of the Homelands consisted of patches of land that were set aside for Blacks in 1913. The Homelands were scattered in the form of a wide horseshoe stretching from the Northwestern Cape, through the Western, Northern and Eastern Transvaal, Zululand and Natal to the Transkei and Ciskei. There was an isolated area at Thaba Nchu in the Free State. In general, the main railway lines and roads ran through "White corridors" between homelands.<sup>36</sup> White areas, that is, towns, farms and economic infrastructure perforated Homelands.

From the scenario described above, two problems complicated the possibility of consolidating land for Homelands namely:

- (a) With the partial exception of the Xhosa, none of the ethnic groups had a clearly defined homogeneous "national home".
- (b) The Black inhabitants of these scattered areas were

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36. M Horrell : *Basic Facts and Figures*, p. 35.

not homogeneous either. Thus most of the "national homes" contained considerable numbers of persons who did not belong to the "national unit" concerned.<sup>37</sup> In Lebowa, for example, the Northern Sotho (Pedi), Tsongas and Tswanas had lived side by side as one community.<sup>38</sup>

To overcome some of the problems mentioned above, the South African government had planned to consolidate some of the blocks of land, by moving Blacks from isolated farms known as "Black spots" to lands between the Homelands, by exchanging White farms adjoining Homelands for outlying parts of these Homelands. But the partition of the country among separate political units constituted a complex and controversial problem that was hard to resolve.

#### **(b) Land Shortage in Homelands**

Land shortage became a crippling factor in the building of Homelands. In 1905 Blacks occupied a mere 8¼ million of the Union's 143 million morgen or 43,676 square miles of the Union's 472,500 square miles.<sup>39</sup> At the time of setting up Homelands, Black Reserves had in general become

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37. M. Horrell : *The Economic Development of the Reserves*, p. 8.

38. *Ibid.*

39. C.M. Tatz : *Shadow and Substance in South Africa --- a study in land and franchise policies affecting Africans*, p. 158.

overpopulated and there was a critical shortage of land. So serious was the problem of land scarcity for rural Blacks, that in May 1957, Chief A.J. Luthuli, President of the ANC, had once again voiced his organisation's concern about the problem. Writing to Prime Minister Strydom, he complained, saying:

"The land allocated to Africans in rural areas is most inadequate. It will only be 15 percent of the entire land surface of the Union, when all the land promised them in the Natives Land and Trust Act of 1936 shall have been acquired. ... the African people live under extremely congested conditions in rural areas and ... find it difficult to make a living above subsistence level from the land."<sup>40</sup>

By 1970 the reserves were bursting their seams. Whereas in the Homelands the average density of the de facto population was 119 per square mile (that is excluding absent migrant workers), in the rest of the Republic, the average density of the Whites, Coloureds and Blacks was 35 per square mile.<sup>41</sup>

During the early 1970's Chief Matanzima, realising that the South African government was intent on making Transkei independent, made a move to use the 'independence' issue

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40. This letter, dated 28 May, 1957, is published in A.J. Luthuli : *Luthuli - Speeches of Chief Albert John Luthuli 1898 - 1967*, p. 88.

41. Horrell : *Basic facts ...*, p. 35.

as a lever to gain additional land from South Africa.<sup>42</sup> By 1968 he had begun to agitate for the incorporation in the Transkei of the border districts of Elliot, Maclear, Mount Currie and Matatiele as well as for Port St. John's. In support of his claims, Matanzima argued in 1972 that the 1936 land settlement had not been made with political frontiers in mind, and asserting that he would not settle for independence until adequate extensions of territory had been conceded.<sup>43</sup> Chief Buthelezi also conducted a similar campaign for KwaZulu, and asked for the inclusion in KwaZulu of the new port of Richards Bay, as well as Empangeni, Eshowe and other White towns. Buthelezi used the expulsion of large numbers of Zulu labour tenants from northern Natal to resettlement villages at Nquthu and elsewhere as his justification for demanding more land.<sup>44</sup> Similar demands were made by other Black Homeland leaders in their areas.

Despite the clamour by the Black leaders for more land, it appeared that the South African government was ill-prepared to shift from the provisions of the Act of 1936.

However, in 1979 Prime Minister P.W. Botha made a

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42. Maylam : *A History of the African People ...*, p. 169.

43. Davenport : *South Africa ...*, p. 302.

44. *Ibid.*

statement that gave some hope that the government might review its land policy to meet Black demands. Expressing his personal view Botha said that, far from being some kind of 'sacred cow', the legislation of 1936 could be amended if the future of South Africa demanded it and, more specifically if it stood in the way of geopolitical coherence for the National States.<sup>45</sup> The Prime Minister warned, however, that throughout the world, land was becoming a scarce asset which could not simply be given away or squandered.<sup>46</sup> But whatever hopes Black leaders cherished to receive more land were soon shattered by the Prime Minister himself. In September 1980, Botha conceded that it was impossible to consolidate the land area of each National State in such a way that it would be viable by itself or provide livelihood for its entire population. He stated:

"In most of the National States, less than 20 percent of the population derive their income from their geographic area and we simply cannot hand over the entire Republic of South Africa merely to establish viable Black states."<sup>47</sup>

The scarcity of land in Homelands and the unpreparedness of the government to go beyond the provisions of the Land

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45. *South Africa 1982 - Official Yearbook of the Republic of South Africa*, p. 197.

46. *Ibid.*

47. *Ibid.*

Act of 1936, became one of the key factors to retard Homeland consolidation.

**(c) Under-Development and Limited Employment Opportunities in Homelands**

One of the major factors that caused general dissatisfaction with the Homelands was their under-development. Very little had been done by the South African government in the reserves to boost industrial development, so as to provide the inhabitants of those areas with employment opportunities. This problem was raised, among others, by Sir de Villiers Graaff, leader of the official opposition. In 1971 Graaff told Parliament that:

"Inside the reserves there is virtually no industrial development at all. Manifestly, one cannot move vast numbers of people into areas where there is no work for them and no proper means of subsistence. Development in the reserves on an agency basis has little or no attraction for industrialists."<sup>48</sup>

Economically the fundamental structures of dependence continued to exist for a long time in both the independent and the non-independent Bantustans within South Africa. Bantustans continued to receive substantial financial aid

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48. Debates of Parliament (Hansard), 1971, p. 21.

from South Africa enabling them to balance their budgets.<sup>49</sup>

As an attempt to deal with the problem of underdevelopment in Homelands since the early 1960's, the South African government embarked on a system of decentralizing industry. A few industries were established close to Homelands (thereby earning themselves the name of border-industries). Such industries were set up partly to help workers to get employment not far from where they lived in the reserves and partly to reduce the rate of unemployment in big towns. The decentralization of industry, however, did not do much to raise the revenue of Homelands themselves. Rather it was a process that still promoted the development of South African industries. As Moerdijk states:

"Development was taking place around the homelands not inside them."<sup>50</sup>

Thus in spite of the government's stimulation of industrial growth points on the peripheries of Homelands, approximately fifty percent of all males between the ages of fifteen and sixty four were forced to go as migratory

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49. Chay and Ross (Eds) : *Buffer States ...*, p. 45.

50. D. Moerdijk : *Anti-Development – South Africa and its Bantustans*, p. 80.

labour to the industrial and commercial centres of 'White' South Africa, in order to support themselves and their families.<sup>51</sup> The percentage of Blacks in the cities continued to grow: 27% in 1951, 31% in 1960, 33% in 1970 and 37% in 1980.<sup>52</sup>

By the mid 1980's there was still no remarkable improvement in the economic position of Homelands and critics of apartheid continued to voice their objections against the Homeland system. In June 1984 the economic ills of the independent Homelands were observed by a Standard Bank study and subsequently reported by the "Daily News" in the following statement:

"The list of authorities concerned over the grave economic conditions in the "independent" homelands continue to grow. The latest criticism comes in a Standard Bank study which points with some alarm to a succession of homeland policy failures. It refers to, among other factors, a dismal rise in their GDP, rampant unemployment, majority populations living below the poverty line and shocking infant mortality rate. All of this in states depending on South African taxpayers for 77 percent of their income. The expert's call for an entirely new approach – one not committed to intensive urban industrialisation – needs urgent government attention."<sup>53</sup>

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51. R.H. du Pre : *The Making of Racial Conflict in South Africa*, p. 60.

52. Liebenberg and Spies (eds) : *South Africa ...*, p. 480.

53. *The Daily News*, 5 June, 1984, p. 14 (Homeland failures).

In due course of time even the Nationalists themselves came to realise that Dr Verwoerd's masterplan of making homelands a "real home" for the Blacks was a pipe-dream.

Liebenberg has spelled out this position in explicit terms when he writes:

"In time it became crystal clear to even staunch supporters of the apartheid policy that Blacks were not going to move from the cities back into the homelands. The labour opportunities were in the White cities, not in the Black homelands. Verwoerd's ideal of a White South Africa was a futile dream which could never be realised."<sup>54</sup>

As a result of the under-developed nature of Homelands, some Blacks found them unattractive for settlement. Consequently, many of those Black communities whose members owned land in their own names outside Homelands, preferred to remain on their land as they saw nothing but a bleak future waiting for them in the Homelands.

#### **(d) The citizenship question**

Another crucial question arising from the homeland system concerned citizenship. The apartheid laws were promulgated to change the status of Black South Africans

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54. Liebenberg and Spies (eds) : *South Africa ...*, p. 480.

by giving them Homeland citizenship. Accordingly in 1970, Parliament passed the National States Citizenship Act, which provided for a distinctive citizenship for each of the Black National States within the borders of South Africa. All Black men and women, irrespective of where they lived in South Africa, were entitled to a Certificate of Citizenship of their ethno national state – in addition to their South African citizenship.<sup>55</sup> In international relations Blacks who were citizens of self-governing but non-independent Bantustans retained their South African citizenship until such time as the territory to which they had been assigned accepted independence.

With the formation of Bantustans and the granting of independence to some of them, legally three categories of citizenship for Blacks were created, namely:

- (a) those people who were South Africans though also citizens of the non-independent homelands;
- (b) "new foreigners", that is those who were formerly South African citizens but became 'foreign' when their designated homeland became 'independent';

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55. *South Africa 1982 - Official Yearbook of the Republic of South Africa*, p. 207.

(c) 'aliens', that is, those who had never been South African citizens including people born after the date of independence of their designated Homeland (even if they were not born there). In law the last category was regarded as aliens in the same way as citizens of any other country.<sup>56</sup>

Another problematic aspect associated with independent Homelands concerned their international recognition. No foreign country recognized the sovereignty of the 'independent' Homelands.<sup>57</sup> World opinion recognized their status as just another device to further institutionalize segregation and deprive the Black majority of their rights to enjoy the wealth produced from the resources of the entire nation.<sup>58</sup> As a result of this the travel documents issued by such Homelands had no validity. In due course of time the South African government had to come to terms with this reality. Consequently in 1984, F.W. de Klerk, then Minister of Internal Affairs, reported that since 'independence' of the 'independent' Homelands until 31 December 1983, 6,306

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56. C. Cooper *et al* (eds). *Race Relations Survey 1984*, p. 493. This analysis was made by Geoff Budlender, a lawyer of the Legal Resources Centre, Johannesburg. Budlender also became the legal representative of the community of Driefontein as related in Chapter 3.

57. Thompson : *A History* - - -, p. 193.

58. A. Seidman : *The Roots of Crisis in Southern Africa*, p. 36.

applications for South African travel documents had been received from citizens of those Homelands of which 6,222 were approved.<sup>59</sup> But it was not until September 1985 that President Botha called for collective citizenship and promised to restore South African citizenship to those citizens of independent Homelands who had lost it.<sup>60</sup> But before those reforms were made, many Blacks viewed Homeland citizenship with suspicion, fearing that it might deprive them of such rights and privileges as land, jobs, residence, pensions, passports, etc., which they enjoyed as South Africans. As shown in the next chapters, the people of KwaNgema and Driefontein were some of the communities who shared such fears.

**(e) Reluctance by Whites to give up their land for consolidation purposes**

Another setback against the successful implementation of the Homeland consolidation policy was the reluctance of the White communities to be removed from Homelands. As indicated, Homelands were earmarked in Black areas which were, however, perforated by White areas. Thus it became necessary in terms of the policy for certain White

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59. Cooper *et al* (eds) : *Survey ...* 1984, p. 493.

60. C. Cooper, *et al* (eds). : *Race Relations Survey* 1985, p. 262.

communities to abandon their lands and be relocated elsewhere in White areas.

In principle the majority of Whites supported segregation.

Yet they found it hard to make land concessions to ensure the success of the policy. In Kwa Zulu Homeland, for instance, the land proposals made by the Kwa Zulu government throughout the 1970's and until 1981 were not successful. The powerful sugar industry, organized White agriculture, threatened White municipalities; all lobbied for their interests to be protected.<sup>61</sup>

In general White non co-operation upset plans for both the senior government and the Homelands. The Buthelezi Commission which was assigned by the KwaZulu government to report on the requirements for stability and development in KwaZulu and Natal and published its findings in March 1982, observed that the unwillingness of Whites to give up their land was one of the militating factors in the consolidation of KwaZulu. The Commission reported as follows:

"There is great inconsistency and internal contradiction in the pattern of attitudes of White

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61. "Consolidation Plans and Pains for KwaZulu," *Race Relations News*, Report No. 11 of Association for Rural Advancement (A.F.R.A.), July 1981, p. 5.

South Africans as regards the policy of separate development. While substantial propositions value the racial segregation which it entails, the same groupings of people are more often than not, least likely to indicate a willingness to grant the concessions to a homeland which would allow it to attain minimum validity as a state on its own. In particular, consolidation involving territorial concessions to KwaZulu is rejected very substantially by White South Africans."<sup>62</sup>

The reluctance of Whites to sacrifice their land for consolidation purposes led to some compromise being made by the government to suit White landowners. White farmers whose land was bought to be incorporated in Homelands, would be allowed to continue farming that land if the government of the National State concerned agreed to such an arrangement.<sup>63</sup> This suggestion implied that while Whites could remain on their land in Black areas, if they so wished, Blacks were denied such a privilege and were required to leave White areas.

The glaring favouritism extended to Whites by both the central government and the Homeland authorities (the latter wished to promote integration within their territories and in many cases allowed Whites to remain on their

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62. *The Buthelezi Commission - The Requirements for Stability and Development in KwaZulu and Natal*, Vol. I, p. 99.

63. *South Africa 1982 - Official Yearbook of the Republic of South Africa*, p. 200.

holdings), showed the contradictions and limitations in the policy of separate development. But one thing stood out clearly: both Whites and Blacks, for historical and economic reasons, 'clung with tenacity' to their lands. This position tended to retard the process of consolidating Homelands. As Baldwin stated:

"The process of consolidation as it is planned, is a long term one and both the irrationality of much of it and the resistance of Blacks and Whites alike to the removals involved, will slow it up greatly if not make it totally impractical." <sup>64</sup>

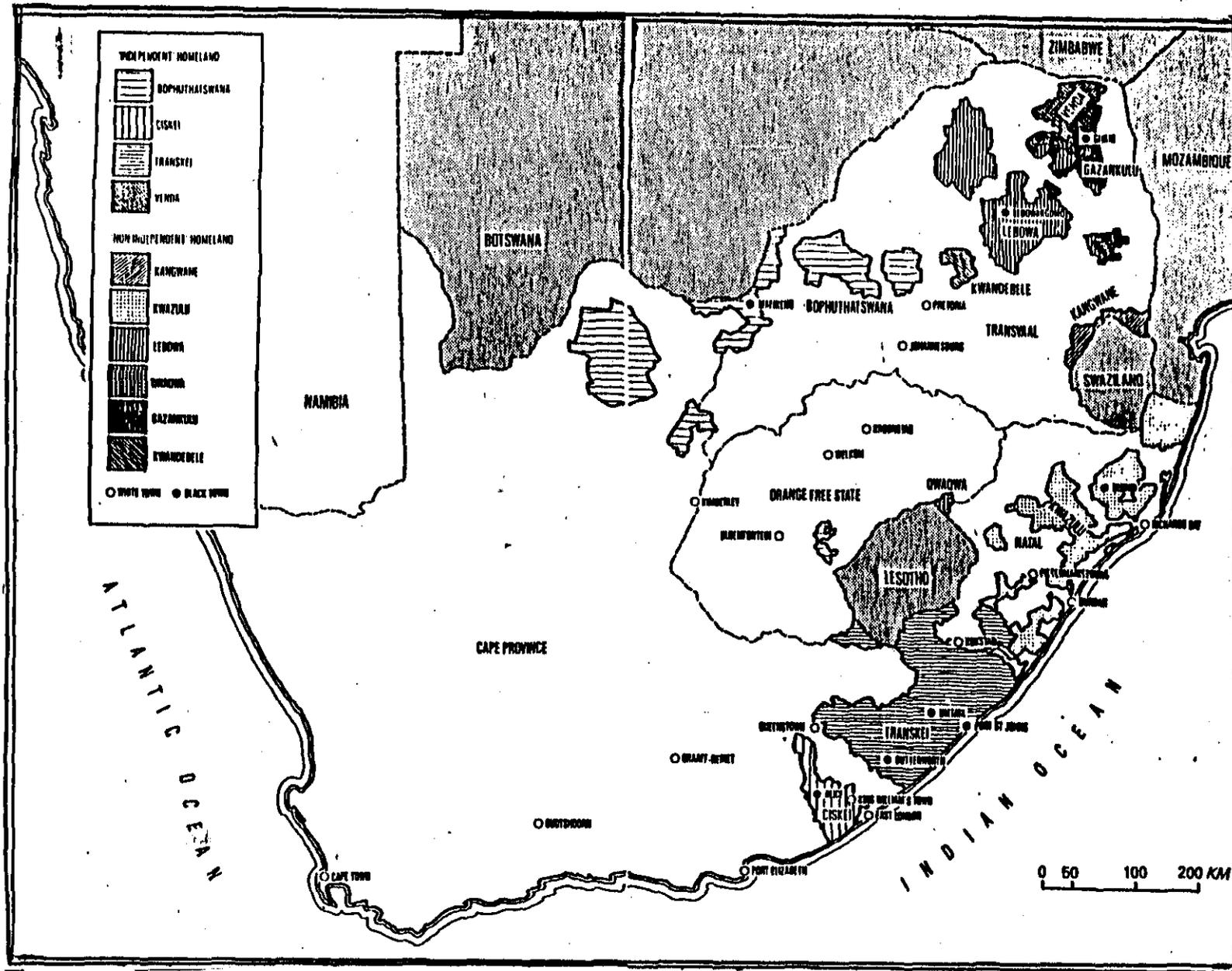
### **3. RESETTLEMENT SCHEMES**

#### **(a) Main characteristics and trends of population removals**

Since the early 1960's the South African government uprooted and relocated many communities to further its policy of territorial apartheid. With the exception of a small number of Whites who were affected by the Group Areas Act, the people who were moved were Black. A sizeable minority of the removals also affected Indian and Coloured people, who like Whites, were moved in terms of the Group

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64. A. Baldwin : "Mass Removals and Separate Development," *Journal of Southern African Studies*, Vol. 1-2, 1974-1976, p. 225.



Black Homelands (Bantustans) of South Africa during the apartheid era.  
 SOURCE: R Omond: The Apartheid Handbook, pp. 6-7.

Areas Act. The relocation of people was carried out throughout the country. However, there were significant variations in the history, nature and style of removals.<sup>65</sup>

Most removals were termed forced removals. A distinction was drawn by the SPP between forced removals that resulted from structural-coercion and those that were a process of direct-coercion. The structural-coercion was one that was built into the web of discriminatory and oppressive laws and institutions restricting Black freedom of movement and access to land and therefore having a bearing on the relocation of people.<sup>66</sup> Direct-coercion meant that the State would use its power directly in evicting the people through police harassment and arrests and the use of bulldozers to demolish residents' houses.<sup>67</sup>

In some cases, subtle pressures were exerted to force inhabitants to move. The state would employ such tactics as intimidation, rumour, co-option of community leaders and impose building restrictions in areas under removal.<sup>68</sup>

In addition, the local or central authorities discontinued

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65. *Forced Removals in South Africa - General Overview*, The SPP Reports, Vol. 1, 1983, p. 1.

66. *Ibid.*

67. *Ibid.*

68. *Ibid.*

services, increased rents and made unrealistic promises of land and resources in resettlement areas, in order to force people to move.<sup>69</sup>

Some communities threatened with removal would choose to move themselves with or without state transport. The government might then describe such removals as voluntary.<sup>70</sup> But in fact people moved voluntarily to run away from the humiliation of being moved directly by the State. However, this does not dispute that there were genuine migrations of people who, for various reasons other than state intimidation, left their areas to look for new residential areas elsewhere. It is noteworthy that removals in physical terms applied only to the economically unproductive.<sup>71</sup> To the active workers, it applied only in legal terms; their rights such as they were in the Homelands, but their economic existence continued to be in the White parts of the country. As a consequence the Homelands were places where the unemployed, the aged, the young and women lived in subsistence.<sup>72</sup>

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69. D. Newton : "Forced removals in South Africa," in *South African Review* 5, p. 404.

70. *Forced Removals in South Africa ...* Vol I, 1983, p. 1.

71. Msimango : *Environmental Impact Assessment ...*, p. 34.

72. *Ibid.*

**(b) Categories of removals**

In analysing the process of population resettlements in South Africa, this study will make use of the categories of relocation compiled by the SPP. But it must be pointed out that although certain categories applied generally throughout the regions of the country, certain others were confined to particular regions only. The relative importance of categories also varied. The categories of relocations have been listed by the SPP as follows:

- (a) **Farm removals:** This category includes those removals due to the abolition of the labour tenancy system of farm labour and of cash tenancy on White-owned farms. Some farm workers and their families were moved because they became redundant as farms were mechanized. Others moved because of dissatisfaction with conditions.
- (b) Clearing of 'Black spots' (to be discussed in some detail below).
- (c) The removal of 'badly situated areas' (also to be explained below).
- (d) Urban relocation involving the removal of Black

townships from prescribed areas into the Bantustans.

- (e) Removal of informal settlements in urban and peri-urban areas.
- (f) Removals because of the operation of influx control legislation including the operation of the Coloured Labour Preference Policy in the Western Cape and the widespread repatriation of foreign Black people.
- (g) Removals as a result of the Group Areas Act.
- (h) Removals as a result of the implementation of infrastructural or development schemes (dams, roads, etc.) and conservation or agricultural projects (the establishment of game reserves, forestry plantations, etc.). (This category will also be discussed in more detail below).
- (i) Removals for strategic and military purposes as in the case of the establishment of the missile testing range in Northern Natal and the clearing of strategically sensitive border areas in the Transvaal, the Northern Cape and Natal.
- (j) Direct political removals, including the deportation

and banishment of individuals, and the avoidance of political repression by individuals or communities.

- (k) Removals due to the institution of betterment schemes, (that is schemes for improving agriculture).<sup>73</sup>

It should be noted that although the category approach has been found by researchers in the field of resettlements to be a useful tool for distinguishing the different aspects of the process of relocation, the approach itself has certain limitations. The categorization of relocations worked at a largely descriptive level and thus without amplification. Thus it could obscure the linkages between the various categories and the way they intersected and related to each other as supports in the structure of the government policy.

This was affirmed by the SPP when they said:

"Relocation is a complex, multi-faceted process, the various facets of which ultimately fit together in the context of the historical development of the apartheid state over the past two or three decades."<sup>74</sup>

In the light of the above, these categories should not be

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73. *Forced Removals in South Africa - General Overview*, The SPP Reports, Vol. 1, 1983, p. 1.

74. *Ibid.*, p. 5.

seen in a rigid manner as in many instances they overlapped. This was seen for example in the way 'Black spot' and consolidation removals tended to merge in the 1970's although the removal of 'Black spots' was previously an issue on its own, prior to the consolidation era in the Bantustan policy.

**(c) 'Black spots', 'badly situated' areas and infrastructure/development schemes**

Since these categories influenced events at KwaNgema and Driefontein they deserve special attention.

Before the Natives Land Act of 1913 halted all Blacks from acquiring land, there had been a concerted move by individuals and groups of Blacks to buy back from White settlers the land the Blacks had lost through conquest. Such land was usually situated in the heart of White farming territory. As mentioned, the Nationalists envisaged the establishment of self-governing states in the areas which the Natives Land Act of 1913 had designated for occupation by Blacks. But such areas were widely scattered, making the process of consolidating Homelands a difficult one. In this way the State saw it necessary to declare certain Black areas, because of their geographic

location, as 'Black spots' or 'badly-situated areas'.

Black spots were rural, Black-owned or to a lesser extent, mission-owned properties that historically fell outside the boundaries of the areas authorised for Black occupation in 1913 and 1936 and subsequently designated for consolidation under various Bantustans.<sup>75</sup> This category of resettlement involved people who, for the most part, were settled for generations in their homes, sometimes on land held under freehold title, registered in the Deeds Office.<sup>76</sup> The Tomlinson Commission reported in 1955 that there were 154 Black spots, 76 of them in Natal, 54 in the Transvaal, 20 in the Cape and 4 in the Orange Free State. They totalled 188, 660 morgen in extent.<sup>77</sup> (See table for further details).

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75. Unterhalter : *Forced Removal*, p. 105.

76. Letsoalo : *Land Reform in South Africa*, pp. 47 - 48.

77. Summary of the Tomlinson Report, UG 61/55, p. 46.

**TABLE 2**

	Scheduled areas (morgen)	Released areas (morgen)	Outside these (morgen)	Total (morgen)
<i>Mainly African occupied</i>				
Trust Land	9,886,652	4,583,559	94,235	14,564,446
Owned by individual Africans	344,639	240,452		585,091
Owned by groups of Africans	11,518	176,440		187,958
Owned by African tribes	282,077	745,014		1,027,091
"Black Spots"			188,660	188,660
Mission land	16,501	52,008		68,509
<i>Totals</i>	10,541,387	5,797,473	282,895	16,621,755
Crown land used for public purposes	164,753	52,570		217,323
Land occupied or owned by Europeans (traders, irrigation settlements on Crown land, etc.)	23 293	66,190		89,483
<i>Combined total</i>	10,729,433	5,916,233	282,895	16,928,561

**Black and White areas in South Africa as analysed by the Tomlinson Commission, 1951-1955.**

With the launching of Homelands, the Nationalists saw 'Black spots' as a barrier against the process of building Bantustans as cohesive units. As a result, Blacks were moved from 'Black spots' in an attempt to reduce the number of islands in the archipelagos of Black National States dotted across the sea of White owned land.<sup>78</sup> But the clearing of 'Black spots' could not be carried out in the 1950's, since there was a shortage of land for relocation. It was only in the 1960's with the mechanisation of agriculture that there was a slight lessening of White farmers opposition to selling some land to the South African Native Trust (SANT) on which 'Black spot' inhabitants could

78. F. Wilson and M. Ramphela : *Uprooting Poverty - The South African Challenge*, p. 216.

be settled.<sup>79</sup>

The term 'badly situated areas' was used under the apartheid system to describe fragments of reserve land, often under communal tenure and with government appointed chiefs, in the midst of extensive White-owned land.<sup>80</sup> Such areas were usually termed 'badly situated' because of their proximity to predominantly 'White' areas and consequently moved under the Homeland consolidation policy. Officials often used the term and 'Black spot' interchangeably, largely because conditions of removal were similar. But the term 'Black spot' was usually preferred.

Removals related to infrastructural development schemes were carried out because occupied land was required by the State for capital projects such as roads, dams, forestry plantations, etc. Such schemes were not confined to a particular area but were carried out throughout South Africa for the overall economic development of the country. The removal of populations for purposes of setting up infrastructural development schemes was not peculiar to the National Party government. Very early in its history,

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79. Unterhalter : *Forced Removal*, p. 105.

80. *Ibid.*

the Union government made a move to legalize the use of any piece of land for capital projects. Thus Section 28, Chapter IV of the Bill introduced in 1912 by the Minister of Lands in the House of Assembly of the Union Parliament had made the following provisions:

"The Governor-General may at any time and in such manner and under such conditions as he may think fit, ....

- (a) construct or authorize the construction of dams or reservoirs upon any holding;
- (b) construct or authorize the construction upon, through or under any holding, of water-furrows, pipelines, canals and drains, and conduct or authorize the conducting of water therefrom or thereover for the benefit of the public or of any owner or occupier of neighbouring land; and
- (c) construct and work or authorize the construction and working, subject to the provisions of any law, of railways, roads, telegraph and telephone lines on or over any holding, and take materials from any holding for the purposes of any such works."<sup>81</sup>

The Bill further provided that once land had been taken by the State for capital works, compensation would be paid to the lessee of the holding for any damage sustained by him during the exercise of the powers of this law.<sup>82</sup> This Bill became law in the same year (1912).

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81. Union Gazette Extraordinary, 15 February 1912, Union of South African Government Gazette, January to March 1912, No. 346.1.

82. Ibid. Note that a lessee is a person to whom a holding had been allotted, leased, sold or granted under the Act and included the trustee in the insolvency of the lessee, or in the event of a lessee who had died, or become lunatic, or any unlawful assign or sub-lessee of the lessee.

Under the National Party administration there was specific legislation in 1956 and 1975 empowering the government to select any land for water schemes. Act No. 73 of 1975 known as the Physical Planning and Utilization of Resources Amendment Act 1975 provided that the Minister of Planning and the Environment "may, after consultation with the Minister of Agriculture and Administrator of the province concerned, by notice in the Gazette reserve any land specified for one or more of the following purposes, namely ....

- "(a) water works as defined in Section 1 of the Water Act, 1956 (Act No. 54 of 1956; ...." <sup>83</sup>

The laws extending State powers to utilize land for capital works were, in principle, not directed to the land of a particular racial group. Yet when resettlements were carried out in certain areas, it became a common trend that:

- (a) the people mainly affected by these developments were Black;
- (b) had as a result no direct access to or political

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83. Statutes of the Republic of South Africa, 1975, No. 5.1.73, Durban Chamber of Commerce.

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leverage with the people who made and applied the decisions about where schemes were to be sited and how they were to be developed; and

- (c) generally did not benefit from the schemes developed on the land on which they used to live.<sup>84</sup>

G. Maré has also pointed out that in the South African situation, there was an imbalance in the implementation of this, otherwise universal practice, which was to the disadvantage of Blacks. He remarked:

"While this category refers to the relocation that is not limited to South Africa, but occurs all over the world, what is particularly obvious in the local situation is the imbalance in the benefits derived from such developments (or the exclusion from such benefits), and the unilateral way in which decisions are made in connection with such schemes. Africans to be relocated are not involved in decision-making or ability to influence decisions on the nature and place of infrastructural development."<sup>85</sup>

#### **4. EFFECTS OF FORCED REMOVALS ON BLACK COMMUNITIES**

A large number of Black people were removed from certain areas to enforce the resettlement policy. Up to and

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84. *Forced Removals in South Africa*. The SPP Reports, Vol 1, p.

85. Maré : *African Population Relocation ...*, p. 31.

including March 1967, 98 'Black spots' with a total surface area of 64 ha had been eliminated.<sup>86</sup> By the end of 1974, more than 103,000 ha had been removed.<sup>87</sup> According to Dr Piet Koornhof, Minister of the DCD, between 1 January 1960 to 31 March 1984, a total of 456,860 persons had been moved from 'Black spots' and 'badly situated' areas.<sup>88</sup>

For the years 1981 to 1983 the details of the removals in the four provinces were tabled by Koornhof as follows:

**TABLE 3**

	<b>1981</b>	<b>1982</b>	<b>1983</b>
Cape Province	907	2 354	4 180
Transvaal	10 273	11 260	15 711
Orange Free State	11 810	8 285	7 266
Natal	<u>1 347</u>	<u>2 545</u>	<u>1 639</u>
Totals	<u>24 337</u>	<u>24 444</u>	<u>28 796</u>
<b>Grand Total :</b>	<b><u>77 577</u></b>		

**Black persons resettled from 'Black spots', 'badly situated areas' and White areas between 1981 - 1983.**

86. Malan and Hattingh : *Black Homelands* - - -, p. 26.

87. *Ibid.*

88. House of Assembly Question and Replies, 27 June 1984, p. 1953.

A thorny aspect about the clearance of 'Black spots', was that Blacks automatically lost their landownership rights regardless of their legal ownership of such lands. In an official circular on 'Removal of Black Spots' (1965), the Department of Bantu Administration and Development acknowledged ownership of land termed 'Black spots'. However, it stipulated that the policy of the creation of Black Homelands overrode that normally sacrosanct relationship of capitalism.<sup>89</sup> It stated:

"With the words, 'clearance of Black spots' is understood the suspension of **property** rights vested in Bantu in land situated in White rural areas, that is part of the larger policy of the creation of Bantu Homelands that has to be **speeded up**"<sup>90</sup> (emphasis in original, author's translation).

Brian Lapping has also stated that after becoming Premier of South Africa, Dr Verwoerd was determined to eliminate 'Black spots' even if this meant that Black land-owners forfeited their legal entitlement to the land. He writes:

"When Verwoerd became Prime Minister, the master-plan that had slowly been evolving in his mind was at last nearing completion ... Segregationist practices that had been maintained by unwritten codes of behaviour would in future be enforced by law. ...

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89. Maré : *African Population Relocation* - - -, p. 2.

90. "Removal of Black spots," File No. N2/10/3. Department of Bantu Administration and Development, 14 April 1965.

'Black spots' in White areas were to be eradicated, even if this meant shifting whole communities that had been settled for decades or passing special Acts of Parliament to override property laws and negate title deeds."<sup>91</sup>

The consequences of forced removals were devastating for their victims. The familiar pattern was for resettled communities to be placed in camps in remote, arid regions of the country, with only the most rudimentary facilities being provided.<sup>92</sup> During the process of their removal, the Blacks also suffered heavy losses in terms of livestock, crops, buildings and other properties. Because of the haste in which removals took place, stock-owners were usually forced to sell their animals quickly and cheaply (since the government made no provision to transport livestock to the new settlement). But resettled people lost not only economically or materially, but even their social life was radically shaken and disrupted. Omer-Cooper describes the scenario created by forced removals in some detail, as follows:

"Though some of these groups had owned land for as much as a hundred years, this gave them no protection. Many had been able to farm and keep cattle in their previous homes. ... They were thus

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91. B. Lapping : *Apartheid - A History*, p. 132.

92. Maylam : *A History of the African People ...*, p. 175.

not only to be forcibly removed to the Bantustans but also deprived of their main source of income. ... The resettlement camps to which they were sent often lacked anything approaching satisfactory accommodation, health or education facilities and were at a great distance from any source of employment. While rural Africans who settled there often lost their stock, those from urban areas were cut off from their friends, relatives and the familiar environment of the towns. They found themselves dumped among strangers in a bleak and unfamiliar environment offering little opportunity for a meaningful life.<sup>93</sup>

## **5. MINISTER KOORNHOF'S ASSURANCES**

Notwithstanding the various problems experienced by the victims of the resettlement policy, during his term of office (1979—1984) as Minister of the Department of Co-operation and Development (the Department which was primarily responsible for Black affairs), Dr Piet Koornhof made official pronouncements to allay the fears of those people who were being resettled.

In 1980 Dr Koornhof outlined government policy with regard to the clearance of 'Black spots' and other Black areas. He stated that in the case of 'badly-situated areas' the people were settled on land equivalent to the agricultural and or pastoral value of the land which they occupied previously. He went further to say people were settled on the same basis as they were used to

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93. Omer-Cooper : *A History ...*, p. 217.

before.

In 'Black spots' the owners of the land were compensated at market value for their land and improvements. With compensation money they received, they were entitled in cases where they owned more than 17.13 hectares to purchase land from the South African Development Trust (SADT) of an equal agricultural and or pastoral value. In both instances the land was first planned, developed and certain basic requirements such as water, sanitation and schools and clinics provided without any cost to the resettled people.<sup>94</sup>

A controversial aspect which the Minister also addressed was whether the government applied force or not to remove people. In 1969, M.C. Botha, Minister of Bantu Administration, had claimed that removals from 'Black spots' did not entail force. He stated:

"We get their co-operation in all cases voluntarily. As a matter of fact sometimes it is necessary to do quite a lot of persuasion but we do get them anyway."<sup>95</sup>

Dr Koornhof also maintained that the government did not coerce people when they were being removed. In 1981 he stated that

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94. L. Gordon *et al* (eds): *Survey of Race Relations in South Africa*, p. 452.

95. Quoted by Unterhalter in *Forced Removal*, p. 110.

the government had promised that there would be no more forced removals in South Africa, "as far as is humanly possible and as far as is practical."<sup>96</sup> A 1982 government circular sent to all officials in charge of individual removals (which Dr Koornhof presented in Parliament) read as follows:

"In the course of the resettlement process, persons must be treated with the necessary human kindness at all times. Those being settled must be treated with respect and sympathy for their problems, and the impression must not be created that they are no longer welcome in the White areas. The sincerity and reasonableness of the government's policy of separate development must constantly, whenever the opportunity arises, be explained and emphasised. Under no circumstances should action be taken which would give Black persons reason to be dissatisfied."<sup>97</sup>

The Circular also stipulated that the costs involved in relocating people from farms, 'Black spots' and areas outside prescribed areas should be borne by the DCD. People removed from prescribed areas were financed by administration boards who used cash from their Black Revenue Funds.

In keeping with the theory of his fellow Nationalists, Dr Koornhof maintained that in implementing the policy of removals the government was striving to promote nation-building and development. To this effect he told Parliament in 1983 that:

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96. Debates of Parliament (Hansard), Vol. 94, Column 2534, 1 September 1981.

97. General Circular No. NK2 1982, pp. 43 - 44.

"The basic principle which applies throughout with resettlement is that we are dealing here with nation-building, with development, the development of national states, and the improvement of the living conditions of those who are resettled, including the process of enabling them to acquire legal places of residence. From this follows that the settlement in the new place of residence must take place in a decent way and the principle of community development must be applied throughout. Settlement or resettlement must therefore be development-orientated." <sup>98</sup>

Thus, as C. Albertyn has argued, the government emphasized voluntary removals projecting an image of people exercising free choice in moving themselves in the interests of self-government and nation-building.<sup>99</sup> But because in most cases those who were being removed either owned their land or had lived there for many years, they were reluctant to leave their lands. This was particularly the case with Blacks who came to realise that resettlement areas offered no meaningful life. Therefore resettlements could not always take place on a voluntary basis and the government sometimes had to resort to force to carry out its policy.

## **6. REACTIONS OF HOMELAND LEADERS TO THE RESETTLEMENT POLICY**

Since Black Homeland leaders had offered to work within the

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98. Debates of Parliament (Hansard), 1983, Vol. 105, p. 841.

99. C. Albertyn : "Forced Removals and the Law : The Mogopa Case." *South African Journal on Human Rights*, Vol. 2, 1986, p. 98.

apartheid framework and because resettlement schemes were part and parcel of the apartheid policy, the question arises whether they ipso facto collaborated in the removals or not.

Bantustan administrations viewed with some ambivalence the eradication of 'Black spots' which forced large farming communities into their territories. But the public stance of most Homeland leaders was one of staunch opposition to all removals.<sup>100</sup> Thus in 1973 at a conference held at Umtata amongst Homeland leaders a resolution was adopted to resist the continuation of mass removals. Subsequently the Transkei government refused to accept any people forcibly removed en masse.<sup>101</sup> This refusal is said to have hampered the destruction of the squatter camps of the Cape Peninsula and led to the building of the Khayelitsha township (about twenty kilometres from Cape Town) to house the squatters. Ciskei also undertook not to support the government in its resettlement plans. Subsequently, in 1978 Chief Lennox Sebe, Chief Minister of Ciskei, pledged his support for the people of the 'Black spots' around Mooiplaas in the Eastern Cape, who were involved in a struggle against eviction and forced relocation.<sup>102</sup>

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100. Unterhalter : *Forced Removal*, p. 107.

101. *Ibid.*

102. *Ibid.*

Chief Buthelezi of KwaZulu who, in general, used the apartheid platform to criticize the government, also condemned forced removals. Commenting in 1973 on the Bantustan consolidation proposals he said:

"We have said before that we are not prepared to co-operate with the removal of people. We don't want to be party to the misery of our people."<sup>103</sup>

In 1981 Dr O.D. Dlomo, KwaZulu Minister of Education and Culture, again stated that KwaZulu and the Inkatha Cultural and Liberation Movement had always expressed their total opposition to the relocation of people on the scale undertaken by the central government.<sup>104</sup> However, Dlomo admitted that because the South African government had more powers than his government, KwaZulu would normally cater for those evicted people who had been handed over to KwaZulu purely on humanitarian grounds.<sup>105</sup>

A similar excuse was made by Chief Sebe in 1979 when he explained why the Ciskei government assisted displaced people in areas within its jurisdiction. He stated:

"We do not support resettlement - but if resettlement is to take place then the Republican Government is responsible to see that its policy is carried out, but once those people are

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103. Quoted by Unterhalter : *Forced Removal*, p. 107.

104. M. Horrel *et al* (eds). *Survey of Race Relations in South Africa* 1981, p. 275.

105. Unterhalter: *Forced Removal*, p. 109.

settled in the Ciskei, they are not stones, they are people and for humanitarian reasons we have to give assistance to them, not that as some say, we encourage resettlement." <sup>106</sup>

Despite such excuses it cannot be totally denied that some Homeland leaders supported removals more for political reasons than for humanitarian considerations. Unterhalter has argued that:

However repugnant the bantustan leaders may claim the short term effects of removals are to them, the policy does provide them with a constituency, a population from whom revenue can be raised, and who might constitute potential supporters. .... The division of the country which the removals represent is fundamentally in their interest and constitute their power base." <sup>107</sup>

There appears to have been some validity in Unterhalter's argument. Some Homeland authorities either welcomed removals arising from Homeland consolidation, or actually carried out forced removals themselves within their Homelands. In 1980 the Bophuthatswana government, for instance, resettled 100 Bakgatla families from Welgeval in the Pilansberg Mountains in tents and shacks near Sandfontein, to make way for the development of a game reserve project.<sup>108</sup> The tribe had bought the land in

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106. Quoted by Unterhalter: *Forced Removal*, p. 109.

107. *Ibid.*

108. Z. Gordon et al (eds.) : *Survey of Race Relations in South Africa* 1980, p. 452.

1898.<sup>109</sup> In 1985 the people of Moutse near Kwa-Ndebele were beaten up by the KwaNdebele police for their opposition to be included in that Bantustan.<sup>110</sup>

Some Black political leaders also used the resettlement programme to back up their demands for more land and financial assistance from the government. With more land and a bigger population at their disposal they could expand not only their political influence but their business undertakings as well. Because they ran the administration, political leaders of Homelands had access to funds, power and privilege.<sup>111</sup> Thus they could locate their business in new resettlement areas. In this regard the SPP Report cites the case of Minister Njokweni of Ciskei. Njokweni used the plight of the landless to expand his local influence in Peddie district and actually sited his bottlestore near the resettlement camp of Kammaskraal.<sup>112</sup>

In the light of the exposition given above one can draw the conclusion that for political or economic or humanitarian reasons, Homeland leaders played some role in the removal of Black communities. However, among the Homeland leaders were those

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109. *Ibid.*

110. Unterhalter : *Forced Removal*, p. 109.

111. *Forced Removals in South Africa*, SPP Reports, Vol. 5, (Transvaal), p. 343.

112. *Ibid.*, p. 119.

who, in spite of working within the apartheid system, did not wish to implement the policy in a manner that would create hardships and misery for Black masses. But opposed as they were to forced removals the Black leaders were powerless to stop the arbitrary actions of the government and became political 'hostages' as it were, of the system.

In sum, this chapter has attempted to provide a general picture of the scenario that emerged in South Africa after 1948 as a result of the implementation of the National Party's policy of apartheid and Homeland consolidation. The discussion has shown that the process of creating and consolidating ethnic Black Homelands into viable geographic, political and economic units was hampered by such problems as territorial fragmentation of Black Reserves, and their multi ethnic nature, land shortage, underdevelopment, citizenship problems and White anti-consolidation attitudes. Such problems not only slowed down the process of Homeland consolidation but also gave critics of apartheid more reason to oppose the government's policy. Although some Blacks accepted the Homeland system for what it was worth, the majority of them were particularly opposed to it because, among other things, it threatened to destroy their South African citizenship and the rights and privileges attached to such citizenship.

Most relevant to this study is that the consolidation of Homelands

led to the mass removal and displacement of some Black communities. The uprooting of large numbers of Black populations from their traditional lands and their settlement in backward, undeveloped resettlement areas, became a common trend on the South African scene and was probably the most sensitive aspect of Homeland consolidation. For such schemes were mostly carried out against the wishes of the communities concerned and in complete disregard of the unpleasant consequences suffered by such communities. Resettlement areas being the mostly marginalised parts of the country made the "sweet" rhetoric of Dr Koornhof about them being "development orientated" a sheer mockery. Nothing could change the position that such areas were undeveloped and not fit for human habitation. Besides, dispossessing people of their valuable lands and their homes where they had lived for many years, could not, by civilised standards, be called "human" or "reasonable".

Also emerging from this chapter is that the Homeland consolidation policy deprived Black farming communities in certain parts of the country of the security of tenure (an opportunity that was a privilege of very few Black South Africans). As pointed out, once a Black area had been designated a "Black spot", or "poorly or badly situated area", or was required for infrastructural projects, not even documentary titles could prevent such lands

from being taken by the government or cleared for consolidation purposes. This automatic elimination of Black settlements from White-zoned areas was certainly a "thorn in the flesh" to the Blacks. The system insensitively threw the Blacks out of what they regarded as their land and reduced them to impoverished landless squatters in some remote, unfamiliar and hostile surroundings of the country. It had a negative impact on their entire economic and social lives.

By its nature therefore, the Homeland consolidation and resettlement policy of the National Party was repressive. It deprived the Black farmers outside Homelands of land rights and the right to be economically independent and to be masters of their own lives. Under such conditions the policy became a cause for concern and aroused discontent, frustration and indignation among Blacks. To safeguard their interests the Blacks then resorted to various forms of protest and resistance against the government. Throughout such conflict they clamoured unrelentingly for the right to stay on their land. This point will become clearer in the next chapters when we deal with the problems that emerged at KwaNgema and Driefontein.

## CHAPTER 2

### **GOVERNMENT PLANS TO REMOVE THE BLACK SETTLEMENTS OF KWANGEMA AND DRIEFONTEIN FROM THE WAKKERSTROOM DISTRICT, 1981.**

Having explained National Party apartheid and resettlement policies towards Blacks in general, we shall now look specifically at the settlements of KwaNgema and Driefontein and how they were earmarked by the government for removal. The broad question that is being addressed in this chapter is:

"Who were the people of KwaNgema and Driefontein, when and how did they acquire their properties, why were they earmarked for removal and what plans did the government have for them?"

In responding to this question, this chapter will provide the historical basis and the causes of the land dispute under study.

#### **1. WAKKERSTROOM : A BRIEF GEOGRAPHICAL AND HISTORICAL BACKGROUND OF THE DISTRICT**

KwaNgema and Driefontein settlements are situated in the magisterial district of Wakkerstroom in the eastern border of the highveld region of South Africa. Wakkerstroom lies in the south-eastern side of the Transvaal (in what is modern Mpumalanga

province). It is surrounded by the magisterial districts of Piet Retief in the east, Ermelo in the north and Standerton in the west. In the south is the province of KwaZulu-Natal. (See map).

The Wakkerstroom district is 2323 sq km in extent and lies on the watershed of the Vaal, Tugela, Pongolo and Usuthu rivers, with the bulk of the drainage toward Usuthu. Elevations vary from 1200 - 1800 metres with a rainfall of 760 mm of which 85% falls during the six summer months. Winters are cold, with frost possible during six months of the year. The vegetation is grassland making the district a good sheep and cattle country.<sup>1</sup>

The principal town of the district is Wakkerstroom, situated on the border of Natal, 28 kms by rail east of Volksrust on the line linking that town with Bethal. Wakkerstroom is one of the oldest towns in the Transvaal. It was set up in 1859 by Dirk Cornelius Uys ('Swart Dirk'), son of the Voortrekker leader Jacobus Uys, in the picturesque valley along the main road between Ermelo and Utrecht. The local authority became a village council in 1910. In 1959 the town celebrated its centenary.<sup>2</sup>

Apart from the White population the district is also inhabited by Black ethnic groups like Zulus, Swazi and Sotho elements with the

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1. D.J. Potgieter *et al* (eds.) : *Standard Encyclopaedia of Southern Africa* Vol. II, p. 309.

2. *Ibid.*

Zulus as the dominant group. Since the 19<sup>th</sup> century these tribes came to co-exist and this resulted in their political and social transformation. In 1903 L. Tyrell, the Sub-Native Commissioner of Wakkerstroom found that all the Blacks in the district lived on private farms with a few on town commonages. There were many petty chiefs and headmen whom Blacks acknowledged as their chiefs for tax-paying purposes.<sup>3</sup> According to Tyrell at Wakkerstroom the status of chiefs had changed. Instead of exercising political authority over their people they had been reduced to the level of being mere tax collectors.

One of the causes of the powerlessness of chiefs was the new social order in which Black communities were slowly losing touch with their chiefs. Commissioner Tyrell noted that:

"Chieftaincy is dying out, owing to the Natives living on farms and getting out of touch and control with their chiefs."<sup>4</sup>

The Commissioner found that loyalty to their original chiefs such as Swazis to Umbandzeni and Zulus to Dinizulu or to their ancestors was on the verge of dying out. Tyrell attributed this development partly to the White farm owners in the district. The farmers preferred that Blacks should look up to them as their

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3. Report of L. Tyrell, Sub-Commissioner of Wakkerstroom, in Annual Report by the Commissioner of Native Affairs Transvaal for the year ended 30 June 1903.

4. *Ibid.*

masters and not be hampered by having to regard the orders of anyone else except those who administered laws affecting them.<sup>5</sup>

An additional factor that could also have contributed to the gradual destruction of tribal identities among the Blacks in the Wakkerstroom district is that Zulus, Swazis and Sothos intermarried. In due course of time this process caused ethnic loyalties to erode and to become a less important factor. As shown in due course of this chapter at KwaNgema and Driefontein too the communities developed without any form of tribal authority.

By 1970 the population of the Wakkerstroom district was:

White	:	771
Coloured	:	26
Asiatic	:	31
Black	:	22,245 <sup>6</sup>

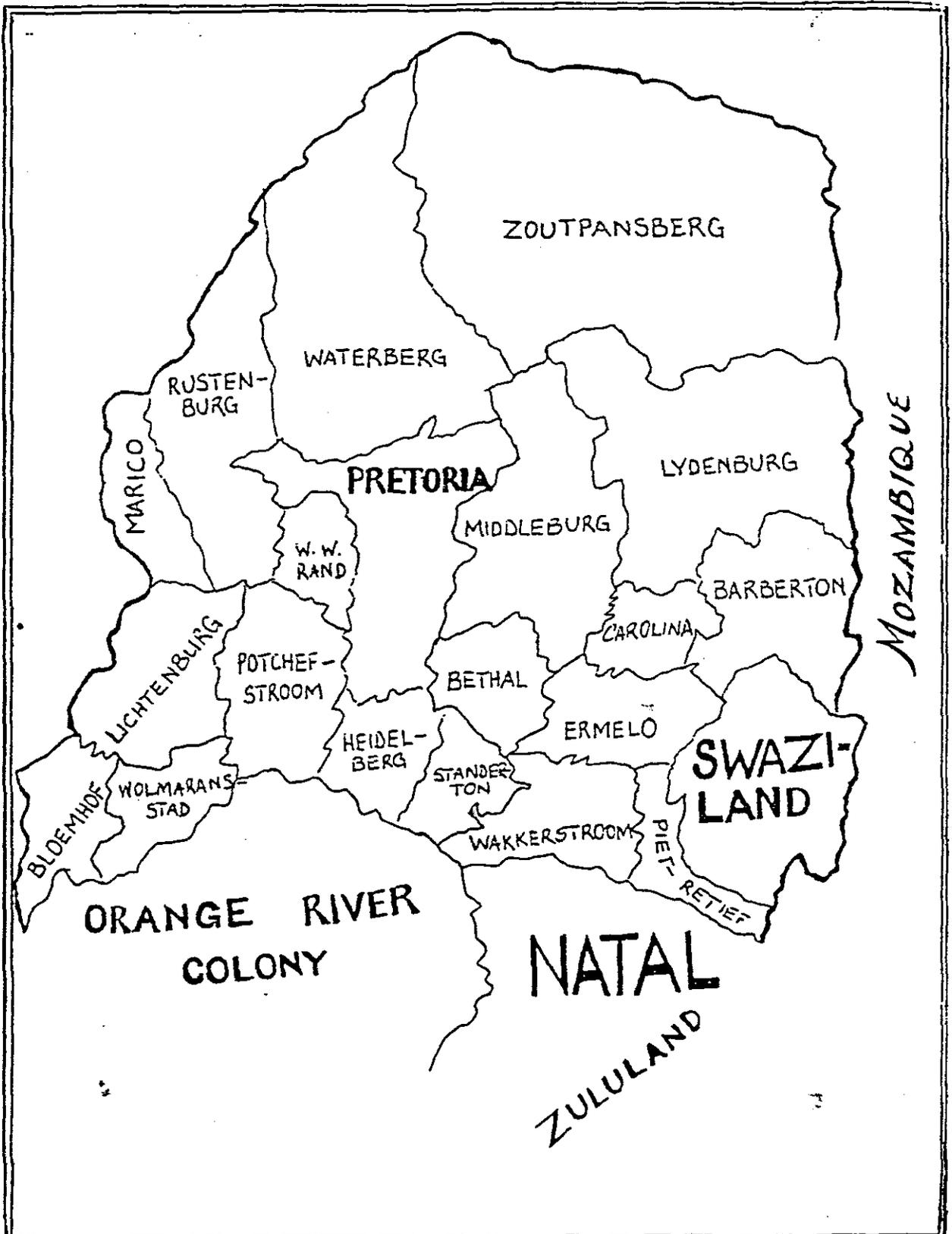
According to the 1980 census, the non-urban Black population of Wakkerstroom was some 30,000 persons.<sup>7</sup>

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5. *Ibid.*

6. Potgieter et al (eds) : *Standard Encyclopaedia ...* p. 309.

7. Report of R.P. Viljoen, Land Surveyor, entitled *Planning Proposals : Portions 6 to 322 of the Farm Driefontein 388 - I.T. Transvaal (excluding portions 312 to 317)*, April, 1986.



Map showing the magisterial districts of the Transvaal Colony.  
SOURCE: State Archives, Pretoria TKP 83

## 2. KWANGEMA

### (a) Main geographical features

KwaNgema, originally known as "Kaffir Lokatie", is an historic Black settlement in the attractive countryside between Piet Retief and the town of Wakkerstroom. It is about thirty kilometres from Piet Retief. KwaNgema is surrounded by White farms in the east, north and south. On the western side the settlement is adjoined by Driefontein, another Black settlement.

KwaNgema was originally a farm. Before the border adjustments described later in this study, the area was 5077 morgen, 550 square roods in extent.<sup>8</sup> In 1984 B.H. Wilkens, Deputy Minister for Development and Land Affairs, reported that KwaNgema was 4,349 hectares in extent.<sup>9</sup> In the same year Moses Ngema, a spokesman of the community of KwaNgema, reported that the area had a population of under 2,000 people divided into approximately 155 households.<sup>10</sup> The community was a

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8. State Archives, Pretoria, Annual Report of the Commissioner of Lands Department, Transvaal, for the year ended 30 June 1906, TKP 207.
  9. Legal Resources Centre, Johannesburg : Correspondence received : B. Wilkens - P.G. Soal, 17 October, 1984.
  10. Legal Resources Centre, Johannesburg : Affidavit of Moses Ngema (Annexure H) in the Supreme Court of South Africa (Transvaal Provincial Division), 15 December, 1984.

mixed population of Zulu, Swazi and Sotho people, with the Zulus as the dominant group. The residents were divided into two distinct and numerically approximately equal groups namely, the Ngema family consisting of the descendants of Stuurman Ngema, the founder of KwaNgema, and a group of persons who had over the years been permitted to reside at KwaNgema as tenants.<sup>11</sup>

KwaNgema was prime agricultural land. The area was reported to be in a high rainfall region and grazing was exceptionally good. Apart from land being cultivated, the entire farm was well grassed and there was no soil erosion. Two rivers, the Assegai and Isonjane, flow through the village. In 1984 Hermann Giliomee pointed out that the land was valued at seven million rand.<sup>12</sup>

### **(b) Historical Background**

KwaNgema emerged in the Transvaal in the 19th century during the era of the administration of the South African Republic. The founding father of KwaNgema was, as

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11. *Ibid.*

12. H. Giliomee : *Sunday Times*, 2 December, 1984. (Dilemma in the bush over two Black communities).

mentioned, Stuurman Ngema.<sup>13</sup> Stuurman was a Zulu ally of the Voortrekkers who served as messenger between the Boer leaders and the Zulu king, Mpande, from 1839 onwards.<sup>14</sup> Sometimes he was also sent to Swazi kings - hence his name "Stuurman".

For purposes of this study, the details concerning Stuurman's relationship with the Voortrekkers and the negotiations culminating in the land grant, are not necessary. Only a brief summary of events leading to the hand-over of land to Stuurman will be provided.

Stuurman had been promised land by both President M.W. Pretorius and Commandant-General Paul Kruger.<sup>15</sup> This gift would be made to Stuurman if he fulfilled his duties as messenger loyally. To this effect W.A. Stals has stated that:

"Aan hom het Pretorius meegedeel dat indien hy sy pligte getrou sou nakom, hy goed beloon sou word en

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13. Some sources say his real first name was "Omkatie". This was probably the Dutch version of "uMngadi" which is a clansname (isithakazelo in Zulu) of Ngema. He is likely to have derived the name Stuurman from his role as messenger since the verb "stuur" in Dutch or Afrikaans means "send". Therefore the word "Stuurman" means literally, "the man who is being sent", that is, "messenger".
  14. Legal Resources Centre, Johannesburg. Affidavit of Moses Ngema (Annexure H) submitted to the Supreme Court of South Africa (Transvaal Provincial Division), 15 December, 1984.
  15. H. Giliomee : *Sunday Times*, 2 December, 1984. (Dilemma in the bush over two Black communities).

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  15. H. Giliomee : *Sunday Times*, 2 December, 1984. (Dilemma in the bush over two Black communities).

eventueel ook die reg om in plaas te bekom sou verkry.<sup>16</sup>

Because Stuurman did perform his work faithfully, he was indeed rewarded with land. Initially Stuurman was accorded land in the district of Utrecht.<sup>17</sup> This land was registered in Stuurman's name on 24 October 1867.<sup>18</sup> However, in November 1867, for unspecified reasons, Stuurman decided to sell his land for some seventy herd of cattle to a certain H. Potgieter.<sup>19</sup> Subsequently Stuurman asked the ZAR to grant him another piece of land. Apparently on the basis of the fact that Stuurman had always since 1839 been a loyal messenger between the ZAR and the Zulu and Swazi kings, the Uitvoerende Raad, that is, the Executive Council, was still prepared to consider Stuurman's request for other land. Consequently in October 1869 the ZAR granted Stuurman a government farm in the district of Wakkerstroom.<sup>20</sup> The resolution to

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16. W.A. Stals: "Die kwessie van die naturelle eiendoms reg op grond in die Transvaal, 1883-1884." *Archives Year Book for S.A. History*, 1972, p. 6.
17. Legal Resources Centre, Johannesburg : Affidavit of Wilson Gama, submitted to the Supreme Court of South Africa (Transvaal Provincial Division), 7 December, 1984. This point is based on evidence supplied by Chief Commissioner Badenhorst when he narrated the history of Stuurman during the installation of Cuthbert Ngema as chief. (See chapter 4 for details).
18. Stals : 'Die kwessie van ...'; *Archives Yearbook* 1972, p. 6.
19. *Ibid.*
20. *Ibid.*

this effect contained the following provisions:

"Word besloten aan Stuurman voor hem en zyn volk, zoolang hy zich aan de wet onderwerpen ter woon toe kennen zoodanige gouvernement plaas in Wakkerstroom als voor hem bestaanbaar ... Stuurman of zyn volk zullen het regt met hebben die grond te vervreemden."<sup>21</sup>

As a result of that decision, Stuurman was given occupation of KwaNgema then known as "Kaffir Lokatie". According to Stals it was the first time for the government of the South African Republic to grant land to an individual Black person in his own name, on grounds of services rendered to the government.<sup>22</sup> Dr André du Toit, a political science academic at Stellenbosch University, has also pointed out that in the old South African Republic where it had been a matter of almost constitutional principle that Blacks may not have individual freehold, the case of Stuurman Ngema was one of the few exceptions.<sup>23</sup> But though Stuurman's right to own KwaNgema was acknowledged in 1873, the land was not transferred to his name by the ZAR government. This position remained until the take-over of the Transvaal by the British after the South African War

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21. State Archives, Pretoria, UR3 Article 45, 29 October, 1869, pp. 171–172.

22. Stals : 'Die kwessie van ...'; *Archives Yearbook 1972*, p. 6.

23. A. du Toit : *The Natal Mercury*, 18 December, 1984, p. 10. (Another shocker? Resettlement will cast long shadows).

(1899–1902).

After the South African War the first British administration enquired into the circumstances of KwaNgema. Subsequently the British decided to honour the Boer pledge and transfer of KwaNgema to Stuurman's descendants finally took place as a grant from King Edward VII.<sup>24</sup>

Two Acts of 1903 and 1904 made the official transfer of KwaNgema to Stuurman's descendants possible.

In terms of Ordinance No. 57 of 1903 known as the Crown Land Disposal Ordinance 1903, provision was made for disposing of certain Crown lands to Blacks and Asiatics in the Transvaal.<sup>25</sup> In a sense this was the first step towards legalizing the ownership of land already in the hands of Blacks, including KwaNgema. The right for Stuurman's descendants to receive title to the land was paved with the passing of Ordinance No. 18 of 5 July 1904. This Act also known as the Land Titles Ordinance 1904 regulated the issue of titles to land granted or sold by the government of the late South African Republic. It provided that all

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24. A. Claassens "Rural Land Struggles In The Transvaal In The 1980s", in C. Murray and C. O'Regan (eds) : *No Place to Rest - 'Forced' Removals and the Law in South Africa*, p. 36.

25. Section 5, Ordinance No. 57 of 1903, *Transvaal Ordinances, 1903*.

persons to whom any farm, site or other land might either have been sold by the government of the late ZAR or have been granted by the said government, who had not taken out title deeds for such lands might apply to the Registrar of Deeds for such title deeds.<sup>26</sup> The Act of 1904 further required that all applications for title deeds must be accompanied by sworn declaration and whenever procurable by documentary evidence in support of the claim of the applicants to such land.<sup>27</sup>

Though the Ordinance of 1904 was directed mainly to Whites who owned land on a large scale, in principle it applied to all citizens of the colony. Thus on the basis of this Act Stuurman's descendants was officially granted the right to own his farm. To this effect the grant contained the following provisions:

"Whereas under Ordinance No. 57 of 1903 generally known as 'The Crown Land Disposal Ordinance, 1903' the Lieutenant-Governor of the Transvaal may grant, reserve or lease Crown land for certain specified purposes; and whereas by resolution of the Executive Council of this Colony, No. 603, dated 21st June 1904, it has been resolved to reserve for the use and occupation of the Commissioner for Native Affairs in trust for the heirs and successors of the late Stuurman during good behaviour, certain

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26. Ordinance No. 18 of 1904, *Transvaal Ordinances 1904*, p. 95.

27. *Ibid.*

land being the farm 'Kaffir Locatie' No. 410 Wakkerstroom under the conditions herein after mentioned. Now therefore I, the Lieutenant-Governor hereby reserve for the use and occupation of the Commissioner of Native Affairs in trust for the heirs and successors of the late Stuurman during good behaviour in certain pieces of land containing 5077 morgen and 550 sq roods ... being the farm Kaffir Locatie No. 410 in the district of Wakkerstroom.<sup>28</sup>

Two further conditions were attached to the land given to Stuurman's descendants. Firstly, the land reserved for them and their descendants would continue to be the property of His Majesty the King, His Heirs and Successors according to the law. Secondly it was stipulated that the Commissioner in trust for the aforesaid heirs and aforesaid successors of the late Stuurman would have no power to transfer, lease, mortgage or otherwise encumber the said land.<sup>29</sup> Subsequent legislation also ensured that freehold areas such as KwaNgema were protected by law. The Letters Patent of 1907 endorsed that no land which had been set aside for the occupation of Blacks could be alienated or in any way diverted from the purposes for which it had been set aside except in accordance with a law

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28. State Archives, Pretoria, Executive Council Resolution No. 603/1904, signed by Lieutenant Governor, Commissioner of Lands and Registrar of Deeds, Transvaal Colony.

29. *Ibid.*

passed by the Transvaal legislature.<sup>30</sup> These provisions were also accommodated in the South Africa Act of 1909.

Section 147, Chapter 9 of the South African National Convention 1908—909, provided that:

“... any lands vested in the Governor or Governor and Executive Council of any colony for the purpose of reserves for native locations shall vest in the Governor-General-in-Council who shall exercise all special powers in relation to such reserves as may hitherto have been exercisable by any such Governor or Governor and Executive Council, and no lands set aside for the occupation of natives which cannot at the establishment of the Union, be alienated except by an Act of the Colonial Legislature shall be alienated or in any way diverted from the purposes for which they are set apart, except under the authority of an Act of Parliament.”<sup>31</sup>

In 1913 KwaNgema was classified as scheduled land in terms of the Natives Land Act of 1913. In consequence thereof KwaNgema remained land that was capable of being owned by Blacks, and was the sole portion of land so classified within the district of Wakkerstroom.<sup>32</sup> However, the Ngema family, believing that they had unassailable rights to the land, did not take steps to have the land

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30. *Sunday Express*, 23 December, 1984 (KwaNgema removal unlawful, court fold).

31. Section 147, chapter 9, in *Minutes of Proceedings and Annexures (selected) of the South African National Convention, 1908-1909*, p. 397.

32. Legal Resources Centre, Johannesburg. Affidavit of Moses Ngema (Annexure H) submitted to the Supreme Court of South Africa (Transvaal Provincial Division), 15 December 1984.

transferred to their name.<sup>33</sup> It would appear that in 1936 KwaNgema was vested in the South African Development Trust by virtue of Section 6(1)(b) of the Development Trust and Land Act No. 18 of 1936. Nevertheless in the Deeds Office, KwaNgema was described as being unalienated land.<sup>34</sup>

Studying the developments outlined above, it is evident that the ZAR, the British colonial government in the Transvaal and the Union governments, all intended to preserve the status of KwaNgema farm as a family property of KwaNgema people. Legally, however, the land remained State property and Parliament had the overriding power to reverse the position established, if it was deemed necessary.

Since Stuurman was granted the farm, his descendants the Ngema family or simply the Ngemas, lived at KwaNgema as a large extended family.<sup>35</sup> In due course of time the Ngemas, as indicated, allowed outsiders to hire some land from them as tenants. With time, a process of assimilation took place and the tenants were regarded as part of the

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33. *Ibid.*

34. *Ibid.*

35. C. Cooper *et al* (eds.): *Race Relations Survey 1984*, p. 460.

community.<sup>36</sup> Over the years the settlement prospered in terms of agricultural and pastoral farming. The farm proved to be impressively arable with the result that little effort was required to grow crops.<sup>37</sup> Most residents had fields under cultivation and they also owned large herds of cattle.<sup>38</sup> Among the crops produced was maize and beans.<sup>39</sup>

Giliomee reported in 1984 that together the people of KwaNgema owned fifteen tractors and they sold their surplus production to a local White-owned co-operative.<sup>40</sup>

In the same year Dr André du Toit also portrayed KwaNgema as a vibrant agricultural settlement and where the Black community lived at peace with its White neighbours. He recorded that the descendants of Stuurman Ngema:

\*have sustained a relatively comfortable living: the land is neither overcrowded, nor much eroded, the fertile soil is well cultivated with the help of the 15 tractors owned by the community ... There appears to be no conflicts with the White farmers in the neighbourhood. Here it seems, is a quiet corner that

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36. Unterhalter: *Forced Removal*, p. 13.

37. Legal Resources Centre, Johannesburg : Affidavit of Moses Ngema (Annexure H) submitted to the Supreme Court of South Africa (Transvaal Provincial Division), 15 December, 1984.

38. *Sowetan*, 5 July, 1984, p. 7. (The Queen replies to KwaNgema).

39. *Ibid.*

40. A. Giliomee : *Sunday Times*, 2 December, 1984. (Dilemma in the bush over two Black communities).

has escaped the political and economic ills besetting South Africa today.<sup>41</sup>

The infrastructure of KwaNgema included a few dusty roads, three schools — (a lower primary, higher primary and secondary school), a few churches, windmills, a few Black-owned shops and a cemetery. Among the graves was that of Stuurman Ngema.

Although many adult men lived solely off the land and managed to maintain a reasonable standard of living for themselves and their families, a number of them were employed in the cities and surrounding towns. Towns that offered men employment, included Piet Retief, Ermelo, Amersfoort and Johannesburg.

### **3. DRIEFONTEIN**

#### **(a) Main geographical features**

The farm Driefontein 388 I.T. lies west of KwaNgema and the two settlements share a border. Driefontein is situated in an area characterised by rolling hills that is used for pastoral farming and forestry. The 8.65 hectares (10

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41. A. du Toit : *The Natal Mercury*, 18 December, 1984, p. 10 (Another shocker? Resettlement will cast long shadows).

morgen) plots in Driefontein were sub-divisions of a portion originally known as portion 5 of Driefontein 331. This portion and the combined size of all the plots is about 2690 hectares including the outspan which is some 34.6 hectares in extent.<sup>42</sup>

The farm is transected by a tributary of the Assegai River known as Noordspruit and by a number of minor streams. The valley in which the river runs is the dominant topographical feature of the area. No extensive natural vegetation remains in the area. The largest trees are old bluegums planted in avenues alongside some of the roads. Wattles appear to be the most popular species of tree. Driefontein has a high population density. In 1986, it was reported that there were approximately 1770 families some 14,100 persons (an average of 8 persons per family).<sup>43</sup> Like KwaNgema, Driefontein had a population of mixed ethnic origin — primarily Zulu, Swazi and South Sotho. The families themselves are mixed and intermarried.

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42. Report of R.P. Viljoen, Land Surveyor ... April, 1986.

43. *Ibid.*

Note that except for the number of plotowners, the correct population figures of Driefontein were not available as no census had been taken. Between 1981-1985 researchers and journalists generally estimated that there were some 5 000 inhabitants in the area. But as indicated, R.P. Viljoen, the Land Surveyor who carried out more detailed research on Driefontein early in 1986, pushed the population figures much higher.

The Driefontein area falls within the summer rainfall region of the Republic.

**(b) Historical Background**

Driefontein became a Black settlement in 1912 shortly before the Natives Land Act of 1913 was passed which prevented Blacks from buying land in South Africa.

Since the era of the ZAR a small number of Blacks had bought themselves land in the Transvaal. As from 1903, the British government also opened its doors to a limited number of Blacks who wished to buy land. W. Windham, Secretary for Native Affairs in the Transvaal, was particularly outspoken about the need to give Blacks documentary titles to land. He saw individual land-ownership as a better option to ensure Black advancement, than communal tenure as practised under the location system.

Windham believed that individual tenure tended to create an individual feeling of responsibility in the Black man which he lacked under the conditions of communal ownership.<sup>44</sup> His view was that communal ownership and

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44. Report of the South African Native Affairs Commission, 1903—1905 : Evidence of W. Windham, Secretary for Native Affairs, Transvaal.

the conditions attached to it stifled progress for the individual, who had to operate under the chief's authoritative powers.<sup>45</sup> He therefore recommended that individual tenure should be applied in certain parts of the Transvaal where Blacks were ripe for that kind of change.<sup>46</sup>

Some missionaries also shared Windham's views. One of these was Rev. Ernest Creux of the Swiss Free Church of Switzerland in the Transvaal. In 1904 Creux told SANAC that he was in favour of individual tenure to land held by Blacks.<sup>47</sup> He believed that individual tenure was the only way to make the Blacks responsible for their actions in the country and to prevent them from being always roaming about from one chief to another, or from one farm to another.<sup>48</sup>

Such recommendations were being made by the British government and missionaries against White opposition. Whites were, in general, against the idea of giving Blacks the right to own land. SANAC, for instance, was, in principle, opposed to the idea of allowing Blacks to buy

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45. *Ibid.*

46. *Ibid.*

47. Report of the South African Native Affairs Commission, 1903— 1905 : Evidence of Rev. E. Creux of the Swiss Free Church of Switzerland, Transvaal.

48. *Ibid.*

land, their main concern being "to safeguard what is conceived to be the interests of the Europeans in this country."<sup>49</sup> SANAC was of the opinion that the buying of land by Blacks should in future be limited to certain areas to be defined by legislation and that tribal, communal or collective possessing of land by Blacks should be prohibited.<sup>50</sup> The Commission nevertheless recommended that the door should be open to deserving and progressive individuals among the Blacks requiring land.

The decade following the end of the South African War was thus characterised by a 'scramble' for the land by Blacks as well as an improvement in their rural economy. The socio-economic conditions caused by the war also contributed to the indiscriminate selling of land by Whites. Colin Bundy affirms that one of the main features of this period was:

"the keenness of Africans to hire or to purchase additional land. The ban on African land ownership was lifted; farms came onto the market because of losses or deaths during the war, and there was a flurry of purchases by Africans."<sup>51</sup>

Bundy further points out that there was an upsurge in

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49. Tatz: *Shadow and Substance ...*, p. 10.

50. *Ibid.*

51. C. Bundy : *The Rise and Fall of the South African Peasantry*, p. 210.

peasant agricultural activity, especially in the western, central and northern Transvaal, and there were large quantities of grain raised for consumption and for commercial purposes.<sup>52</sup>

By way of meeting the purchase price, it became a common practice for Blacks to form syndicates. Members of a syndicate contributed a share or shares, and became owners in undivided shares of the land purchased.<sup>53</sup> One such syndicate was the Native Farmers Association of Africa Limited (NFAAL). This was a Johannesburg based company under the leadership of Pixley Seme. Seme, a lawyer by profession, was a highly gifted and versatile type of man. By marriage he was a member of the Zulu royal family. Through the assistance of American missionaries, he had been able to study at Columbia University in the USA, and at Jesus College, Oxford, and the Middle Temple in London.<sup>54</sup> On his return, he set up his practice in Johannesburg and became one of a few Black lawyers in South Africa during the early years of Union. He was also one of the leaders of Black political opinion who, in 1912,

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52. *Ibid.*

53. Minutes of the Natives Land Commission (Beaumont Commission), UG 25-16, 1916, p. 8.

54. B. Lapping : *Apartheid — A History*, p. 52.

founded the South African Native National Congress, which was the forerunner of the African National Congress (ANC). Seme was also instrumental in the founding of the ANC's newspaper 'Abantu-Batho' in 1912.<sup>55</sup>

Seme's activities in 1912 were not only political and journalistic. He saw the need for organisation and unity in the economic sphere too. As a result of that ambition, he became the driving force in the founding of NFAAL.<sup>56</sup> This company had the specific purpose of acquiring land by purchase, lease, amalgamation or otherwise for sale to Blacks.<sup>57</sup> The association also aimed to buy more farms and teach Blacks modern methods of farming. With these objectives, the association gave impetus to the purchasing of land by Blacks in the Transvaal.<sup>58</sup>

To fulfil its stated objective, in 1912 NFAAL bought the three farms of Driefontein, Daggakraal and Driepen in the Wakkerstroom district. The three farms were bought from

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55. R. Rive and T. Couzens : *Seme — The Founder of the ANC*, p. 4.

56. *Ibid.*

57. Legal Resources Centre, Johannesburg. Memorandum of the Native Farmers Association of Africa Limited, 18 October, 1912.

58. Rive and Couzens : *Seme — The Founder of the ANC*, p. 90.

Willem Gouws of Daggakraal for three pounds a morgen.<sup>59</sup>

The size of each of the three farms was as follows:

Driefontein No. 331 : 3106 morgen, 188 sq roods.

Daggakraal No. 161 : 1148 morgen, 510 sq roods.

Driepen No. 446 : 1415 morgen, 436 sq roods.<sup>60</sup>

The land was designed to be subdivided for Black buyers.

But it was not until 1927 that the farm Driefontein was subdivided into some 310 portions of 8,65 hectares, (10 morgen) in extent by NFAAL.<sup>61</sup> These portions were subsequently held under freehold title by Black owners.

The registered owner of each portion was subject to the following conditions which appeared in each deed:

- “(i) Be entitled with other owners of portions or plots aforesaid to a similar right or way or road (20) twenty feet wide running along one or more of the remaining portions or plots on the said portion of Driefontein 331.”<sup>62</sup>

The registered plot owner was also entitled to the following rights:

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- 59. Legal Resources Centre, Johannesburg : Memorandum of the Native Farmers Association of Africa, Limited, 18 October, 1912.
  - 60. *Ibid.*
  - 61. Legal Resources Centre, Johannesburg: Report of R.P. Viljoen, Land Surveyor ... April, 1986.
  - 62. *Ibid.*

"Have in common with other owners of plots or portions on the said portion of the farm, the right to use and enjoy for household and domestic purposes, and for his cattle and animals a just and fair share of all waters available from streams, springs, or pans, situated, arising or flowing through the said farm Driefontein with the right of access or way to such water for himself and his cattle and animals at all times."<sup>63</sup>

The effect of the clause cited above was to make all surface water available to all portion owners. The mineral rights were, however, reserved to NFAAL.

Since Driefontein became available for sale, Blacks started buying land there. NFAAL sold the plots to various individuals, some of whom bought more than one plot. Transfer bit by bit to the Black buyers continued until 1952.<sup>64</sup> The land was passed on from generation to generation. In due course of time there was a steady rise in the population of the area. According to the Government Gazette of 1979, there was a total of 307 plotholders on the farm.<sup>65</sup>

Many landowners at Driefontein practised share-cropping with tenants. In the early 1980's, the tenants paid a rental

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63. *Ibid.*

64. *Rand Daily Mail*, 10 February, 1983, p. 9. (A dorp under sentence of death).

65. Government Gazette No. 6663, 21 September 1979.

of twenty-four rand (R24-00) per annum for a ten morgen plot.<sup>66</sup> Crops grown included maize, sugar beans, potatoes, cabbage and pumpkins. Excess crops were sold throughout the community and also to the local co-operative. Some people planted wattle plantations which they were able to use for firewood.

Throughout the village there were houses of all shapes, designs and sizes, all laid out methodically on a grid system with access roads in between.<sup>67</sup> Some houses were built of brick and some of wattle-and-daub.<sup>68</sup> Tenants were allowed to erect their own homes, have land on which to grow produce and have access to the land-owners' boreholes.<sup>69</sup>

Until the 1980's, the community of Driefontein remained largely rural, subsisting on agricultural and pastoral farming. It appears that, in general, the residents were happy with their land. Numerous reports of journalists and researchers are unanimous in saying that the farm was

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66. Unterhalter: *Forced Removal*, p. 113.

67. Legal Resources Centre, Johannesburg: Report by Gill de Vlieg of the Black Sash, 3 November, 1982.

68. *Ibid.* Note that wattle-and-daub refers to a structure or framework made from twigs, branches, plant-stalks and similar materials woven together and covered with clay and used to build walls, roofs, fences and so forth.

69. Legal Resources Centre, Johannesburg: Notes on Driefontein (undated).

lucrative and made life comfortable to its inhabitants.

Early in 1983 John Kane-Bermann, a reporter of the "Rand Daily Mail", noted his findings on Driefontein as follows:

"People in the village say that, when the rains are good, they produce enough to feed themselves and leave a surplus to the local market. They grow maize, sugar beans and pumpkin. They rear cattle, goats and fowls. Some of the 300-odd stand owners ride around on horses. ...To some 5,000 South Africans, it is home ... and they are very proud of it."<sup>70</sup>

By 1982 a number of villagers had cars and tractors. There were a few shops in the area run by Black businessmen. There was also the Natal-KwaZulu Zenzele Association that made articles of handwork. A cemetery with well kept graves was also part of the scenario.<sup>71</sup> In the field of education, the community had also made some progress, since by 1980 they had built three schools. These were Qalani Lower Primary, Cabangani Higher Primary and Qedelani Secondary Schools.<sup>72</sup>

Though the Driefontein families operated largely as independent farming units, migrant labour and jobs in

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70. *Rand Daily Mail*, 10 February, 1983, p. 9. (A dorp under sentence of death).

71. Legal Resources Centre, Johannesburg : Report of Gill de Vlieg of the Black Sash, 3 November, 1982.

72. *Forced Removals in South Africa*, The SPP Reports, Vol. 5 (Transvaal) 1983.

neighbouring areas still accounted for most of the cash generated by the community, rather than the sale of surplus agricultural produce.<sup>73</sup> Most people on the farm were employed in towns like Piet Retief, Ermelo, Amersfoort, Wakkerstroom and Paulpietersburg. Some found employment in Johannesburg, while others were employed on neighbouring farms.

A large number of tenants who were attracted to Driefontein came from neighbouring White farms from which they were driven by unfavourable working and living conditions and poor wages.<sup>74</sup> Having been labour tenants on White farms and without any experience of having land of their own, "Driefontein gave them the chance to earn a living for themselves without being under the whip of a farmer."<sup>75</sup>

#### **4. SOME COMMON FEATURES BETWEEN KWANGEMA AND DRIEFONTEIN**

From the account given in the section above it should be noticeable that KwaNgema and Driefontein communities had much

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73. Legal Resources Centre, Johannesburg : Report of R.P. Viljoen, Land Surveyor ... April, 1986.

74. *New Nation New History*, Vol. I, p. 56.

75. *Ibid.*

in common. Both had secured land ownership rights before the 1913 Land Act was passed. But whereas KwaNgema was collectively owned by Stuurman Ngema and his descendants, Driefontein was a property in which Blacks came to own land on an individual basis.

A notable feature is that in both KwaNgema and Driefontein, the communities broke with the past and developed a new identity. Although they were predominantly Zulu in character, having been founded by leaders from a Zulu ethnic background, from the beginning they adopted an 'open door' policy and welcomed all Black land-seekers to stay on the land as tenants, regardless of their ethnic background. Consequently, in due course of time, a mixed population of Zulus, Swazis, Sotho and so forth, emerged.

Another common characteristic between the two communities was that their land was not part of any tribal authority. The two settlements were not chiefdoms. At KwaNgema the community had its own customs and its own form of collective government.

A loose system operated whereby a member of the family was chosen as representative for dealing with outsiders,<sup>76</sup> that is, government officials. The elected leader together with the council of household heads, called 'Umndeni'<sup>77</sup> did not rule in the

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76. Cooper *et al* (eds) : *Survey ... 1984*, p. 460.

77. 'Umndeni' and the form of authority that operated at KwaNgema is discussed in broader detail in Chapters 3 and 5 of this work.

traditional sense but only had a watching brief over the community. Similarly the community of Driefontein had no history of a traditional leadership. Instead a democratic leadership was introduced. The first such leadership was the Driefontein Board. This Board, which was composed of eleven elected members, registered on 27 March 1954 in the office of the Commissioner of Bantu Affairs, Pietersburg.<sup>78</sup> The second Board of twelve members was installed in 1960 but only registered with the Commissioner on 22 February 1963.<sup>79</sup> This body was given powers over community matters such as receiving and carrying out all complaints, requirements and requests to the Bantu Affairs Commissioner in Wakkerstroom. The Board was instituted to work with the law and government of the country and to help the police in all matters affecting justice and peace. The Board also attended to various aspects of community life such as school matters, roads, burial matters and graveyards, dipping matters and health services.<sup>80</sup>

This study also gives us a picture of a people who, to a large extent, were self-sufficient. Because the two settlements enjoyed an environment with good soils and a favourable climate,

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78. Legal Resources Centre, Johannesburg : Notes on The Constitution of the Driefontein Community Board. Appendix A (undated).

79. *Ibid.*

80. *Ibid.*

the land afforded its inhabitants a satisfactory agricultural and pastoral life. Security of tenure afforded Black farmers a feeling of being masters of their own lives. This fulfilled the dream that Seme and his partners had cherished when they bought Driefontein and other farms in 1912. Seme actually acknowledged this fact. In 1951 as he looked back at his initiative in 1912, he said:

"Those farms are privately owned by the Native plot-holders concerned, ... I had this done because I wished to make the place permanently secure for the Natives."<sup>81</sup>

Also common between the two communities was that not all the residents subsisted on farming. It was a common trend for some of them to work in neighbouring towns and even in Johannesburg. In that way they derived income to buy consumer goods and to supplement their farm produce.

From the account given above one may conclude that although the people of KwaNgema and Driefontein had acquired their land under different circumstances, they had much in common — geographically, linguistically, socially, politically and economically. Against this background we may now proceed to examine the plan suggested by the government to eliminate KwaNgema and

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81. Legal Resources Centre, Johannesburg. Correspondence received : P. Seme - P.M. Molosi, 11 January, 1951.

Driefontein from the map of Wakkerstroom.

## **5. GOVERNMENT PLANS TO EVICT THE PEOPLE OF KWANGEMA AND DRIEFONTEIN FROM THEIR LANDS BEFORE 1981**

The idea to remove the communities of KwaNgema and Driefontein from their lands was actually introduced in the mid 1960's. However, at that stage nothing serious was done to implement the proposals. The government decided to act against Driefontein in 1965 by asking residents to number their houses and householders to register their names. But people took this to be a measure to improve their postal deliveries.<sup>82</sup> The government had twice in 1968 and 1975 sent a message to the Driefontein Community Board that the removal would take place. But there was a lack of consultation and most people did not take the threat seriously.<sup>83</sup> A similar procedure was followed at KwaNgema. But it was not until March 1981 that the government confirmed that the people of KwaNgema and Driefontein would indeed be removed to the neighbouring Homelands of KaNgwane and KwaZulu.

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82. Relocations: The Churches Report on Forced Removals in South Africa, the South African Council of Churches and the Southern African Catholic Bishop's Conference, 1984, p. 10.

83. *Ibid.*

## **6. REASONS FOR RESETTLEMENT**

Three factors prompted the government to evict the people of KwaNgema and Driefontein from their lands. These were:

### **(a) The ideological factor**

The decision to relocate the inhabitants of KwaNgema and Driefontein was motivated primarily by ideological considerations. The two areas were 'Black spots', that is, pieces of Black-owned land in an area designated 'White' by the Land Act of 1913. As a matter of policy, the National Party intended to clear all 'Black spots' and amalgamate its people with newly created Homelands. On numerous occasions since 1981 various government officials explained why such areas as KwaNgema and Driefontein had to go. In December 1981, J.J.G. Wentzel, M.P. and Deputy Minister of Development and Land Affairs, clarified the position of Driefontein when he wrote to Stephen Msibi, the chairman of the Driefontein Community Board. Wentzel stated that the removal and relocation of 'Black spots' or 'poorly situated areas' was in accordance with a policy which had as its ultimate goal the improvement of the standard of life of all people in South Africa. On the basis of this policy Wentzel told Msibi that it sometimes became

necessary for people to be encouraged to move for their own good.<sup>84</sup>

Wentzel also assured Parliament that, in general, people were not forced in an inhuman way to move but were moved on a negotiation basis to provide for the needs of the community. He further promised that all necessary facilities such as temporary housing, water, sanitation, schools, clinics, etc. would be provided before any resettlement took place.<sup>85</sup>

The position that applied at Driefontein also applied at KwaNgema. According to L.A. Pretorius the Director-General of the DCD, KwaNgema was a 'Black spot' that was required to be moved as part of the consolidation of National States policy.<sup>86</sup> B.A. Wilkens, Deputy Minister of Development and Land Affairs after Wentzel, reiterated that the KwaNgema settlement was a 'Black spot' which had to be cleared. Writing to P.G. Soal of the official Opposition in 1984 he clarified the position and said:

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84. Legal Resources Centre, Johannesburg, Correspondence received : J.J.G. Wentzel - S. Msibi, 18 December 1981. The full text of this letter is also found in L. Platzky and L. Cherry: *The Surplus People : Forced Removal in South Africa*, p. 171.

85. *Ibid.*

86. Correspondence received from Moses Ngema's personal records : Director-General of the Department of Cooperation and Development — Secretary for the Interior, KwaZulu Government, Minute T8/7/2/2/W1/1 22 April 1982.

"The position is that KwaNgema is a Black area within a White area and the people residing thereon must be settled elsewhere according to the 1975 consolidation proposals ...."<sup>87</sup>

Such consolidation was, according to Wilkens, geared towards the rationalisation and development of Black areas, as he elaborated further as follows:

"It is Government policy that people living in so called Black areas within White areas must be settled elsewhere in order to consolidate the National States into viable units. It is very difficult and expensive to administer and to provide suitable infra-structure in small areas which are isolated from bigger units."<sup>88</sup>

Deputy Minister Wilkens further stated that government policy was based on the assumption that all people had a desire to live in an environment where they belonged ethnically, socially and politically because mankind was dependent on its communal interests and security. It therefore sometimes became necessary to move people in order to protect their identity. Because of this, it was inadvisable to allow people to remain in small isolated Black areas outside the borders of their National States, or to

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87. Legal Resources Centre, Johannesburg. Correspondence received: B.H. Wilkens - P.G. Soal, 17 October 1984. (Note that according to the 1973 consolidated plans, blocks of land of Bantustans would have been reduced to 82 but would also have involved moving 575 people. The 1975 schemes involved moving 1 million people).

88. *Ibid.*

create such small communities with all the necessary infrastructure within White areas. The policy of resettlement thus had as its ultimate goal the improvement of the living conditions and standards of life of all the people of South Africa, irrespective of colour or creed.<sup>89</sup>

Deputy Minister Wilkens also acknowledged that the process of resettling people of necessity brought about a certain amount of inconvenience. He maintained, however, that such inconvenience was compensated for by the improved infrastructure of the resettlement area. He also promised that the settlement of communities was a matter that received attention at the highest level of government.<sup>90</sup>

**(b) The Native Administration Act No. 38 of 1927.**

The plan to relocate the people of KwaNgema and Driefontein was also based on the Native Administration Act No. 38 of 1927. Section 5 Chapter 2, paragraph (1)(b) of this Act provided that the Governor-General might:<sup>91</sup>

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89. *Ibid.*

90. *Ibid.*

91. Section 5 of the Act of 1927, in *Statutes of the Union of South Africa 1927*.

"order the removal of any tribe or portion thereof or any Native from any place to any other place within the Union upon such conditions as he may determine."

The effect of this law was two-fold: firstly, over the years after it was introduced, many Blacks were summarily banished to other areas. In 1985 Dr Gerrit Viljoen, the Minister of Co-operation and Development and Education (after Koornhof), pointed out that since the inception of the Act in 1927 until March 1985, 194 individuals and four groups consisting of a total of 11 508 persons had been ordered to withdraw from various places.<sup>92</sup> He further announced that as at 5 March 1985, Black people subject to removal orders were three individuals and two groups consisting of a total of 4 082 persons.<sup>93</sup> Secondly, as long as this law remained operative, no Black person covered by the Native Administration Act could enjoy any security of tenure regarding occupation of land.<sup>94</sup>

In terms of the Act of 1927, the Governor-General was also empowered by this Act to appoint any community member

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92. Republic of South Africa, House of Assembly Questions and Replies, 25 January to 19 June 1985, Vol. 5, pp. 653-654.

93. *Ibid.*

94. M.G. Cowling: "Forced Removal in KwaZulu — From Bad to Worse," *South African Journal on Human Rights*, Vol. 6, 1990, p. 304.

as a chief of a tribe. He could also use his discretion to dispose any chief whom he had recognized or appointed. Furthermore the Act of 1927 had made provision to the effect that where a Black or group of Blacks due to be evicted, had reason not to be removed, the matter could be referred to Parliament for further consideration. However, in 1973 the National Party government armed itself with special powers, in terms of the Bantu Laws Amendment Act of 1973, to be able to move communities without recourse to Parliament.<sup>95</sup>

The people of KwaNgema and Driefontein were therefore torn between the laws of the Union governments and those of the National Party government.

### **(c) The construction of the Heyshope Dam**

Another reason for the removal of KwaNgema and Driefontein was the construction of the Heyshope Dam in the district of Wakkerstroom. In due course of time this dam became the pivot or focal point of all problems and disputes at KwaNgema and Driefontein.

The Heyshope Dam was to be built in the Assegai River in

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95. Baldwin: "Mass Removals and Separate Development," *Journal of Southern African Studies*, Vols. 1-2, 1974 -1976, p. 225.

the Eastern Transvaal. It was one of the dams comprising the second phase of the Usuthu-Vaal Government Water Scheme.<sup>96</sup> The project comprised the Heyshope and Geelhoutboom dams, two pumping stations and approximately twenty-five kilometres of canal and nine kilometres of pipelines.<sup>97</sup> The Water Affairs Department wished to forge ahead with the second phase of the project, because the Grootdraai Dam, the only dam serving the area, was already inadequate and urgently needed to be supplemented. The Heyshope Dam was thus designed to carry water over the escarpment to the Little Vaal River in order to supplement the water supply in the Eastern Transvaal region.<sup>98</sup>

The strategic and economic importance of Sasol and Eskom together with the urgent necessity for an additional supply of water to the Grootdraai Dam, compelled the authorities to give priority to the construction of the Heyshope Dam.<sup>99</sup> The water from the dam was to be used for supply to the Secunda area and to the various power stations in the area,

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96. Report of the Director-General : Environmental Affairs for the period 1 April 1981 to 31 March 1982, RP 105/1982, p. 68.

97. *Ibid.*

98. Annual Report of the Department of Water Affairs, Forestry and Environmental Conservation, 1980/81 R.P. 96/1981, pp. 60-61.

99. Legal Resources Centre, Johannesburg. *KwaNgema and Driefontein*, Minutes, 25 March, 1985.

as well as for agricultural purposes.<sup>100</sup> This position was officially announced early in 1981 by the Director-General of the Department of Water Affairs, Forestry and Environmental Conservation. In his report of March – April 1981, he indicated that investigations concerning the launching of the Heyshope Dam project were carried out by his Department with a view to supplying water to the Eastern Transvaal Highveld.<sup>101</sup> Subsequently, extensive system analysis to determine the supply from the proposed system of dams, as carried out, and the suitability of dam sites was assessed.<sup>102</sup>

The Heyshope Dam would according to the Department of Water Affairs, hold 460 million cubic metres of water (about 2.5 times the capacity of the Hartebeespoort Dam).<sup>103</sup> The estimated total cost of building the dam was some 76 million rand.<sup>104</sup> Impoundment of the dam could commence during September 1984 and the scheme would be ready for

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100. Report of R.P. Viljoen, Land Surveyor, entitled "Planning Proposals : Portions 6 to 322 of the farm Driefontein 388. I.T. Transvaal (excluding portions 312 to 317)," April, 1986.
101. Annual Report of the Department of Water Affairs, Forestry and Environmental Conservation, 1980/81 R.P. 96/1981, p. 58.
102. *Ibid.*
103. *Rand Daily Mail*, 10 February, 1983, p. 9. (A dorp under sentence of death).
104. Report of R.P. Viljoen, Land Surveyor, ... April, 1986.

commissioning in September 1985.<sup>105</sup>

That the Heyshope Dam was designed to become an economic asset of the Eastern Transvaal industrial region, was also reflected in the report of the Director-General of Water Affairs after the completion of the dam in 1985. He stated:

"The completion and commissioning during the year of the Heyshope Dam ... was another milestone in the ongoing process of assuring a reliable water supply to the industrial hub of the country."<sup>106</sup>

In spite of its economic importance, the Heyshope Dam would create problems for the communities of KwaNgema and Driefontein. Once in operation the dam would flood sections of the two settlements. But the exact details concerning the effect of the dam on the two areas were not released until September 1984. On that date M. Nietsche, the Resident Engineer of the dam building firm, made an official statement in which he indicated that the Assegai River which fed the dam was in a high catchment area and the dam would fill to capacity. He further stated that because KwaNgema was at a lower level than Driefontein,

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105. Report of the Director-General, Water Affairs, for the period 1 April 1984 to 31 March 1985, R.P. 46/1986.

106. Annual Report of the Director-General: Water Affairs 1985/86, p. 1.

a fairly substantial number of KwaNgema households would be flooded there.<sup>107</sup> Subsequent to this report, Deputy Minister Wilkens stated specifically that at KwaNgema, the land overflowed by water was 1998 hectares, whereas at Driefontein, 84 plots totalling 615 hectares were within the high water level.<sup>108</sup>

The people of KwaNgema and Driefontein became suspicious about the way the dam had been mapped. Moses Ngema, who soon rose to prominence as leader and spokesman of the community of KwaNgema on the issue of resettlement, questioned this engineering saying:

"This dam goes through the Black places but not through the White places that are our neighbours."<sup>109</sup>

Besides the perception that only Black-occupied lands had been earmarked to be overrun by the dam, the government authorities seemed less concerned that the Blacks living in the area would forfeit their property rights as a result of the

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107. Legal Resources Centre, Johannesburg, Notice of Motion by Attorneys W.R. Lane and J.A. Sutherland, in the Supreme Court of South Africa, (Transvaal Provincial Division), 15 September 1984, p. 67.
108. Legal Resources Centre, Johannesburg, Minutes of Meeting between B.H. Wilkens, Deputy Minister of Development and Land Affairs and community leaders of Driefontein in Pretoria on 27 March 1985.
109. *KwaNgema*, Newsletter of the Transvaal Rural Action Committee (TRAC) of the Black Sash (undated).

dam project. Claassens has pointed out that:

"The Department of Water Affairs was so confident that Black property rights meant nothing that they did not bother to expropriate the land, consult the landowners, or make provisions to protect people and property from the flooding waters of the dam."<sup>110</sup>

The residents of KwaNgema and Driefontein were thus inclined to believe that the dam was being used as an excuse to speed up their removal.

One should, however, bear in mind that in spite of the uproar that the mapping of the Heyshope Dam was creating, legally speaking, the Department of Water Affairs were entitled to use any piece of land in the country for development projects. As stated, the seizure of any land by the government for infrastructural development schemes was an established and lawful practice in South Africa.

Notwithstanding the lawfulness of the dam project, one cannot run away from the fact that the decision was largely influenced by policies that were racially motivated. It has been mentioned that the Black Administration Act of 1927 entitled the State President to remove Blacks wherever they

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110. A. Claassens: "The conflict over rural land, the competing claims to land and the different ways of looking at the resolution of the claims to land" in G.M. Budlender (ed) : *Land, Labour and Human Rights*, pp. 22-23.

were and regardless of their property rights. Mention has also been made of the Government Circular of 1965, which specifically stated that Blacks in 'Black spots' would forfeit their land rights once they were resettled. This position meant that, as Blacks, the people of KwaNgema and Driefontein were not protected by the law. They had no control over the location of the dam, but were entirely at the mercy of the government.

#### **7. NEW SETTLEMENT AREAS AND CONDITIONS UNDER WHICH THE RESIDENTS WOULD BE REMOVED**

Notwithstanding their mixed feelings about the siting of the dam, the people of KwaNgema and Driefontein expressed their desire to stay on their land to enjoy the benefits to be derived from the dam. They wished to use the ample portions of land which would not be flooded by the dam.<sup>111</sup> Dr Koornhof, however, desired that the community as a whole should be removed. Subsequently his department looked around and earmarked certain locations in the country where the two communities could set up their new homes.

The Driefontein people were first told that they would be split up

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111. *KwaNgema*, Newsletter of the Transvaal Rural Action Committee (TRAC) of the Black Sash (undated).

in three ethnic sections and be resettled to their "proper" respective Homelands.<sup>112</sup> The Swazi elements of the population would be moved to KaNgwane Homeland and the Zulus would go to the Babanango district of KwaZulu.<sup>113</sup> The South Sotho were to be sent to an unspecified place in Basothoqwaqwa (simply called Qwaqwa) the Southern Sotho Homeland.<sup>114</sup> The latter proposal, however, was never pursued any further and subsequently forgotten. The community of KwaNgema might likewise be moved to Oshoek or Lochiel on the Swaziland border, or to Babanango. Subsequently B.H. Wilkens announced that the compensatory land to be allocated to the people of KwaNgema in the Oshoek/Lochiel area was 11 530 hectares in extent.<sup>115</sup>

In justifying the government's proposal, Dr Koornhof stated that such a move was being undertaken in the interest of the development of the community in which all South Africans, both Black and White, were expected to make sacrifices.<sup>116</sup> It was this uncompromising attitude of Dr Koornhof and officials of his Department that was to begin a storm of protest at KwaNgema

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112. H. Giliomee : *Sunday Times*, 2 December 1984. (Dilemma in the Bush over Two Black Communities).
113. *Forced Removals in South Africa*. The SPP Reports, Vol. 5 (Transvaal) 1983, p. 188.
114. P. Randall *et al* (eds) : *Survey of Race Relations in South Africa 1982*, p. 460.
115. Legal Resources Centre, Johannesburg, Correspondence received: B.H. Wilkens - P.G. Soal, 17 October 1984.
116. Legal Resources Centre, Johannesburg, Correspondence received: P.G.J. Koornhof - S. Mkhize, March, 1983.

and Driefontein. Meanwhile the government released specific details informing the two communities about the conditions of their removal.

On 3 March 1981 the DCD provided the community of Driefontein with an explanatory document outlining the details of their proposed resettlement.<sup>117</sup> This information was sent again to the community on 18 May in the same year, during which time, the Director-General of the DCD stated that these details applied equally to the people of KwaNgema.<sup>118</sup>

The conditions of removal were as follows:-

- (i) The new area would be planned by a planning committee which would be composed of representatives of the central government, the KaNgwane government and of the Driefontein community (and KwaNgema people forming theirs separately).
- (ii) Compensatory land provided by the SADT would not be of lesser pastoral or agricultural value than that of the land owners. They would again be granted title-deeds in

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117. Information Brochure No. T8/7/2/W1/3 (Annexure 4) from Director-General, Department of Co-operation and Development, 18/19 May 1981, in *Forced Removals in South Africa*, Report of the Surplus People Project, Vol. 5, (Transvaal), pp. 190-191.

118. *Ibid.*

respect of their compensatory land.

- (iii) The time of the resettlement would be decided on in consultation with the community.
- (iv) Facilities such as school, clinics, water, temporary houses, roads and sanitation would be provided at the compensatory land by the SADT.
- (v) People would be adequately compensated for their improvements and would be allowed to take with them to the new area whatever reclaimable material they wanted, such as doors, window frames, corrugated iron, etc. Such material would be transported free of charge to the new area by the SADT.
- (vi) The SADT would transport people by bus from their present abode to the new area, where they would be settled with the least possible inconvenience.
- (vii) The SADT would pay compensation for damages caused to belongings during the settlement action.
- (viii) During the moving period the SADT would provide rations free of charge for a period of three days.

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- (vii) The SADT would pay compensation for damages caused to belongings during the settlement action.
- (viii) During the moving period the SADT would provide rations free of charge for a period of three days.

- (ix) Tents, prefabricated houses, to be used as temporary housing, would, on request, be provided free or charge for a period after settlement by the SADT.
- (x) The people of the community would enjoy the same privileges in the new area as those which they enjoyed in their old settlement. Furthermore as they would form a closer unit in the new area with the KaNgwane Government, they would be in an even better position to enjoy such privileges and facilities as their government might offer.<sup>119</sup>

## **8. SOME SHORTCOMINGS OF THE RESETTLEMENT PLAN**

From the official statement cited above a few observations can be noted. Firstly, the people of KwaNgema and Driefontein would be resettled elsewhere under conditions unilaterally determined by the government. There was no evidence that the people were being moved "on a negotiation basis". The government did not seek the views of the two communities concerning their removal, it merely imposed its decision on the residents. As pointed out the Department of Water Affairs had never consulted the KwaNgema or Driefontein people, even though as landowners, they had legal control over the land. This was so because the

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119. *Ibid.*

DCD had advised them to go ahead with the project confident that they would simply get rid of the Black people occupying the land. The governments of KaNgwane and Kwa-Zulu had not been consulted either. Yet the resettlement of KwaNgema and Driefontein people was a *fait accompli* and the South African government hoped to receive the co-operation of all these four parties to make its scheme a success.

Secondly, the government's promise that the two communities "would be settled with the least possible inconvenience" sounded unrealistic and illogical. The process of relocation being a physical one required the evaluation and numbering of houses, the moving of graves, the quantification of people and goods and cattle.<sup>120</sup> It required that certain tasks be achieved on certain dates.<sup>121</sup> Such preparations were not easy. In addition removal meant that people would be uprooted from their long established homes. They would have to abandon their precious land which was fertile and productive and they might be settled on land of lesser agricultural and pastoral value than their old farms. They would have to demolish their infrastructure such as houses, schools, windmills and churches. They would also have to abandon their crops, graves and other assets they had on the

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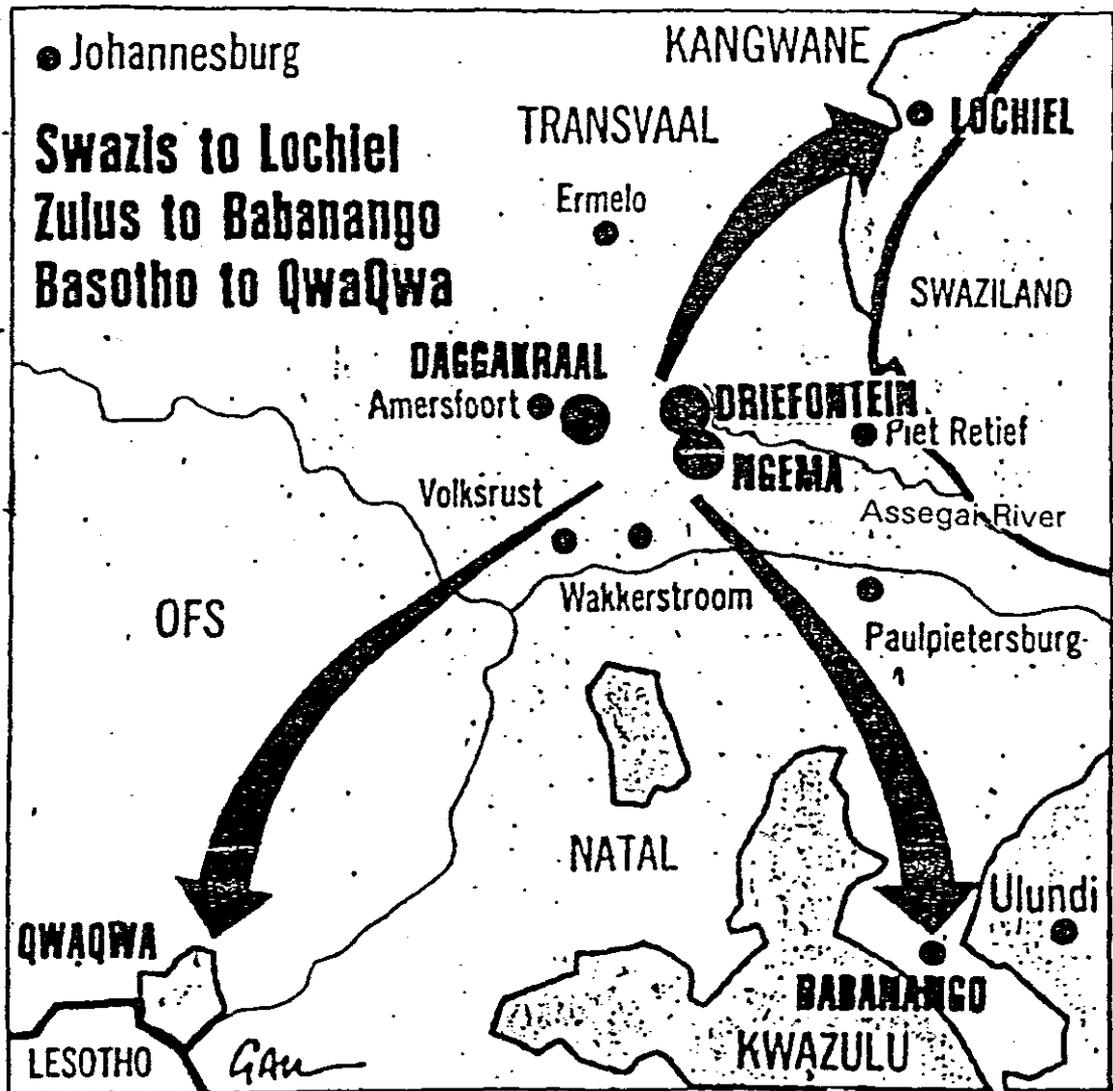
120. A. Claassens : *Umhlaba-rural land struggles in the Transvaal in the '80s*, p. 9.

121. *Ibid.*

land. The people would also be divided into ethnic groups, with all the accompanying disruption of extended family ties and old friendships. In addition those members of the community who were employed locally, might be located on land far from their places of employment. The government therefore belittled an issue which would entail enormous losses and hardships on the part of the communities in question. The nature of the situation was such that it raised many questions and created much scepticism about the sincerity of the government regarding its resettlement plan.

Such was the position regarding the government's plan to relocate the people of KwaNgema and Driefontein in 1981. The post-1948 policies of apartheid and Homeland consolidation, the Black Administration Act of 1927 and the Heyshope Dam all posed a serious threat to the long, peaceful and stable rural existence of the two communities. Government policy also threatened to end their security of tenure, and all the benefits that went with it. But how were the Black residents going to respond to government orders? Would they simply capitulate to the will of their rulers, or would they probably lobby with the authorities and ask them to reconsider their decision? If they wished to stay on their land, what chances did they have of being heard by the government, given the fact that allowing them to remain on such land, a 'Black

spot', would be much against the firmly established national policies and principles? Certainly this was a tough challenge that these two communities had to face.



Map showing where KwaNgema and Driefontein are located and how the two communities would be split.

SOURCE: Rand Daily Mail, 16 August, 1982.

**OPPOSITION TO RESETTLEMENT BY THE RESIDENTS AND GOVERNMENT REACTIONS, 1981 – 1983.**

The official notification of the people of KwaNgema and Driefontein that their removal was a certainty, after many years of rumour and speculation, galvanized the two communities into action. Because the majority of the residents rejected resettlement, they decided to launch a protest campaign against it. This campaign lasted for close to five years. In this chapter we shall start by examining the government Departments and officials that played a role in the affairs of KwaNgema and Driefontein and then proceed to study the nature and immediate results of the resistance between 1981 – 1983.

**1. THE BUREAUCRACY THAT INFLUENCED THE COURSE OF EVENTS AT KWANGEMA AND DRIEFONTEIN**

Various government departments and officials, influenced the course of events at KwaNgema and Driefontein one way or other.

These included the following:

- (i) The Department of Cooperation and Development (DCD) already mentioned, under which were the following officials:

- (a) Minister : Pretoria.
- (b) Director-General : Pretoria.
- (c) Chief Commissioner, Northern areas : Pietersburg.
- (d) Magistrate and Commissioner : Wakkerstroom.

Also in Pretoria were the following Government Departments:

- (ii) The Department of Development and Land Affairs from which the Deputy Minister and the Chief Director of Urbanisation and Land Affairs played a dominant role.
- (iii) The South African Development Trust (SADT).
- (iv) The Department of Water Affairs.
- (v) The Department of Public Works and Land Matters.
- (vi) The Department of Environment Affairs.
- (vii) The Department of Law and Order.
- (viii) The Department of Foreign Affairs.

A special word needs to be said about the magistrate or Commissioner at Wakkerstroom since his role was more special than that of the other officials. Since the 19th century

magistrates were also known as Native Commissioners. The Native Commissioner was placed in charge of the district or area for which he was appointed.<sup>1</sup> In rural areas like KwaNgema and Driefontein, the Commissioner was the repository of all State functions.<sup>2</sup> He heard trials, paid pensions, permitted or prohibited meetings, issued identity documents, authorized maintenance of roads and public buildings.<sup>3</sup> He also conveyed government policy and communications and chose which local committee he would recognize as the authorized representative of the community.<sup>4</sup>

The Commissioner was therefore in the forefront of the government in relation to the community. In principle all community issues and problems that required government attention had to pass through the Commissioner's office first, before they could be referred to higher levels of the administration. Being the Chief Administrator of his area, the Commissioner was therefore an important element of government machinery to Blacks as he provided them with the essential services on which their livelihood depended. In the case of KwaNgema and Driefontein, this dependence on the local

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1. Summary of the Tomlinson Report UG 61/1955, p. 66.
  2. Claassens, in C. Murray and C. O'Regan (eds) : *No Place To Rest ...* p. 33.
  3. *Ibid.*
  4. *Ibid.*

commissioner became the source of various problems, as the commissioner used his position to victimize those residents who refused to accept resettlement. This point will crystalize as the story unfolds.

## **2. KWANGEMA PEOPLE'S PROTESTS AGAINST RESETTLEMENT**

The majority of the people of KwaNgema were against resettlement. They valued their land very much. The descendants of Stuurman Ngema were particularly fierce in their opposition, maintaining that the land was legally theirs in the first place and that Stuurman himself had ordered that the farm should always remain in the hands of the Ngema family. Alfred Ndlokwakhe Ngema, the oldest member of the Ngema family pointed out that:

"When Stuurman got this land, he said all the descendants should live here. It should never be sold. ... It is beautiful land ..."<sup>5</sup>

Alfred further declared that no amount of intimidation by the government would make him change his mind. He would rather die in the land of his forefathers than be moved to another place.<sup>6</sup> Moses Ngema was equally adamant and totally opposed to

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5. *Rand Daily Mail*, 11 November 1983. (Better to die than leave this place...)

6. *Ibid.*

removal. He stated:

"We regard this place as something our fathers built. It is our Carlton Centre."<sup>7</sup>

Moses also made it clear that the KwaNgema people would rather be killed with machine-guns than succumb to removal.<sup>8</sup> Ephraim Gule, a resident of KwaNgema, has pointed out that during the years of the struggle many residents at KwaNgema were strongly against resettlement. According to Gule many people were making a comfortable living on the farm. They produced enough food to eat and quite often they got surplus produce which they sold to the local co-operative to make some money. They also had large herds of cattle.<sup>9</sup> Gule himself maintained that he could not leave KwaNgema since, for the first time in his life, he had a piece of land of his own where he was living and farming successfully after many years of hardship as a labour tenant in a White farm.<sup>10</sup>

But the situation at KwaNgema was complicated by the fact that the residents were not unanimous in their opposition to removal.

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7. *Ibid.* (Carlton Centre is an exclusive modern shopping complex in the heart of Johannesburg)
  8. *Rand Daily Mail*, 11 November, 1983. ('Black spot' under sentence of death).
  9. E. Gule : KwaNgema, 14 November 1997.
  10. *Ibid.*

Some members within the Ngema family were inclined to accept resettlement. Outstanding among these at the time was Gabriel Ngema, who was believed by the family to be cooperating with the government authorities in the removal. Moses has pointed out that Gabriel was acting in collusion with Whites and was believed to have been promised some money if he accepted removal.<sup>11</sup> The authorities had also promised to make Gabriel a chief of the community.<sup>12</sup> That Gabriel was being bribed by the government officials is uncertain but as related somewhere in this chapter, the government did make a move to make him a chief. The government then told the Ngemas that because their "chief" had agreed to move, the entire community must follow him.<sup>13</sup> But this was against the wishes and customs of the Ngema people. In response Alfred Ngema argued that Gabriel had no right to decide the future of the community alone. He said:

"If Gabriel wants to leave here, let him go. But he must leave everyone else alone, because he cannot sell our land. How can he sell it when it belongs to the whole family?"<sup>14</sup>

Alfred seems to have made a valid point since the title deed of KwaNgema was in the name of the family as a whole. Therefore

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11. M. Ngema : *KwaNgema*, 13 November, 1997.
  12. *Ibid.*
  13. *Ibid.*
  14. *Rand Daily Mail*, 11 November, 1983. (Better to die than leave this place ...).

no single individual could decide about the land. Similarly Moses Ngema argued along the same lines as Alfred and made the following analogy:

"It's like when three boys are sleeping in the same bed and sharing a blanket. Should one of them feel he has had enough sleep, he is free to leave. But he must leave the bed and the blanket behind for those who are still enjoying their sleep. The same should happen when the second boy also grows tired of sleep. He should leave the bed for the one who is still asleep. Gabriel should do the same. If he has grown tired of this place let him go alone and leave us on our land!"<sup>15</sup>

The resettlement issue thus generated much argument at KwaNgema. Soon the matter aroused more sensation when the Ngema family introduced the Zulu concept "Umndeni" as a strategy to further strengthen their argument against resettlement.

### **3. THE NGEMA COMMUNITY'S OPPOSITION TO BEING CALLED A 'TRIBE'**

To justify their stand against resettlement, the people of KwaNgema also focussed on the Native Administration Act of 1927 which said that the government had arbitrary powers to remove tribes. They challenged this law and categorically maintained that they were not a tribe but an 'Umndeni', a Zulu word that

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15. M. Ngema : *KwaNgema*, 13 November, 1997.

means 'family' or 'council of male household heads'. As stated in the previous chapter, KwaNgema was privately-owned land. The farm was not part of the tribal authority system and the system of chiefdom did not apply to it.<sup>16</sup> This type of organisation the Ngema people had practised and maintained since the early days of their history. The absence of chiefs at KwaNgema was based on the grounds that Stuurman Ngema, the community founder, was himself not a chief but a commoner. There was also no testimony to the effect that when the Transvaal Volksraad government granted Stuurman the farm in the 19th century, they had declared him a chief (nor did the British in 1904). Thus in spite of assimilating outsiders, (which is a normal process in the evolution of Black communities, including tribes), Stuurman's descendants at no stage regarded themselves as a tribe.

Moses Ngema maintained that the Ngema family had never perceived or conducted itself as a tribe. Instead they had always recognised a head of the family, who was according to the family's tradition, the eldest son of Stuurman. This person was known as the 'ilihlo' or 'eyes' which literally means 'watchman'. The 'ilihlo' was responsible for the interests of the community and had a watching brief for a higher authority, namely, the Ngema family and the community as a whole. However, the 'ilihlo' was always

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16. *The Myth of Voluntary Removals*: Newsletter of the Transvaal Rural Action Committee of the Black Sash, 1984, p. 3.

answerable to the 'umndeni' and subject to its decisions. Thus, all decisions regarding the affairs of the family had always been taken by the 'umndeni'.<sup>17</sup>

A special custom existed in the event that the head of the family should die when his eldest son was not yet married. In that case, the next eldest brother of the deceased head was usually appointed acting head of the family by the Umndeni. If, however, the next eldest brother was unsuitable for that position, he would not be appointed, for by custom, any member of the 'umndeni' could competently be appointed as acting head in the circumstances. There was no customary or other obligation in terms of which the next eldest brother of the deceased head would have to be appointed.<sup>18</sup>

The people of KwaNgema had thus evolved over the years as a unique community characterised by the type of democracy that was absent from most traditional tribal organisations. Alfred Ngema saw their system to be western-orientated and gave the following description of KwaNgema's socio-political organisation:

"The Ngema family has never had a chief who was above other members of the family. We live according to the

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17. Legal Resources Centre Johannesburg, Affidavit of Moses Ngema (Annexure H) submitted to the Supreme Court of South Africa (Transvaal Provincial Division), 15 December, 1984.

18. *Ibid.*

customs of the farm, not according to the law of any outside nation like the Zulus. We are more like the English in that every man here is equal to the next one. We each have our own house and the whole farm belongs to all of us.<sup>19</sup>

The characteristics of KwaNgema's political system were that firstly, the elected leader was not a ruler (who in the traditional setting would be a hereditary chief who would impose rules, distribute land, try cases, impose fines and other forms of punishment, etc.). Secondly, his powers were limited. He was merely an 'eye' of the community. 'Eyes' looked after the interests of the community but took no decisions without the consent of the family, that is, 'Umndeni'. Thirdly, if the eye failed to do things according to the expectations of the family, or if he misconducted himself, Umndeni was empowered to depose him.<sup>20</sup>

Ezrom Ngema, another direct descendant of Stuurman Ngema who knew the customs and laws of the Ngema family, also maintained that Umndeni was the supreme authority of the people of KwaNgema. He pointed out that the senior members of Umndeni were entrusted by tradition with the powers to appoint a suitable person as leader from within the Ngema family, that is,

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19. Legal Resources Centre, Johannesburg. Affidavit of Alfred Ngema (Annexure H) submitted to the Supreme Court of South Africa (Transvaal Provincial Division), 15 December, 1984.
  20. Legal Resources Centre, Johannesburg, Affidavit of Moses Ngema (Annexure A) submitted to the Supreme Court of South Africa (Transvaal Provincial Division), 15 December, 1984.

the descendants of Stuurman Ngema. Such a leader could be removed from office if he proved to be incompetent and his place could be filled by any other member of Umndeni. To this effect Ezrom made the following clarification:

"The KwaNgema community has always been governed by the Umndeni, the descendants of Stuurman Ngema. However, decisions are only taken by the adult members of the Umndeni. The Umndeni has always recognised as head of the family the eldest son of the eldest of the eldest son etc. of Stuurman Ngema. However, if the head of the family does not act in the interest of the family, the Umndeni can remove him. Furthermore, the head of the family can only take the decisions after consulting with the Umndeni and obtaining their consent. If a head of the family dies and his eldest son is not yet married, the Umndeni traditionally appoints the deceased's eldest brother to be acting head, provided the Umndeni is satisfied that he will be a suitable acting chief. If the Umndeni is not satisfied, it can appoint any member of the Umndeni to be the acting head of the family."<sup>21</sup>

From the statements cited above it is clear that though KwaNgema exhibited some characteristics of a tribe, in a sense it was not, since it had never had a chief but had democratically elected leaders. The use of the word 'chief' by Ezrom Ngema seems to have occurred inadvertently because in the same statement he points out explicitly that:

"The Ngema family is not a tribe and has never had a chief.

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21. Legal Resources Centre, Johannesburg. Extract from affidavit of Ezrom Ngema (Annexure H) submitted to the Supreme Court of South Africa (Transvaal Provincial Division), 15 December 1984.

Stuurman Ngema was a commoner. We are simply a family.<sup>22</sup>

It is noteworthy that despite the rule that Umndeni could remove a leader from office if he did not carry out his tasks properly, in the history of the KwaNgema people no head had ever been deposed for misconduct or unsuitability.<sup>23</sup> In principle, however, according to the custom of KwaNgema people a leader was chosen by the popular will of the people and was supposed to serve the interests of the family and the entire community. Failure by the leader to abide by the rules of the Umndeni could lead to his dismissal.

The argument raised by the leadership of KwaNgema concerning their non-tribal status may, on one hand, be viewed as a device by the community leaders to "outsmart" the government on the question of resettlement. But on the other hand it had some connection with the report given by Sub-Commissioner Tyrell of Wakkerstroom after the South African War. As noted, Tyrell had observed that by 1903 chieftaincy was dying out in the Wakkerstroom district, owing to the Blacks living on farms away from the control of chiefs. This development was partly because

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22. *Ibid.*

23. Legal Resources Centre, Johannesburg. Extract from affidavit of Moses Ngema (Annexure H) submitted to the Supreme Court of South Africa (Transvaal Provincial Division), 15 December 1984.

administrative powers over Blacks had been transferred to magistrates and partly because White farmers on whom Blacks depended for their livelihood, in terms of land and employment, had started to control the lives of the Blacks. It was pointed out again, that KwaNgema and Driefontein communities, were exceptional because they were not only free from the control of White land-owners but they were also free from the domination of traditional chiefs.

But in spite of KwaNgema's claim to being Umndeni and not a tribe, the South African government ignored their tradition of moving away from the system of chiefs. The DCD officials insisted that the community was a tribe and that its leaders were chiefs. This arrangement was designed by the authorities to give them some legal justification for removing the community on the basis of the provisions of the Black Administration Act of 1927.

#### **4. THE NGEMA COMMITTEE'S UNPREPAREDNESS TO RECOGNISE GABRIEL NGEMA AS CHIEF**

It has been mentioned that Gabriel Ngema, one of the descendants of Stuurman Ngema, was being chosen by the government as chief of the community. Gabriel was in favour of resettlement. This move by the government was resented by the

majority of the Ngema people. In due course of time the leadership dispute became one of the major problems to confront the community as they struggled against resettlement.

Gabriel was the eldest son of Mbeki Ngema who was in turn the eldest son of Piet Ngema and who in turn was the eldest son of Ndlanganyane Ngema who in turn was the eldest son of Stuurman Ngema.<sup>24</sup> In 1981 Gabriel was appointed as community leader by Umndeni in the traditional manner. Moses Ngema pointed out subsequently that when Gabriel was appointed, the family went to the Commissioner at Wakkerstroom by the name of Piet van der Merwe (affectionately called Musakabuli by Blacks) to inform him about the appointment. On that occasion the Commissioner took detailed minutes of that meeting. The Umndeni stated, *inter alia*, that they had appointed Gabriel as an 'eye' and that should he do anything wrong, he would be removed from office.<sup>25</sup>

Within a few months of his appointment the Umndeni felt that Gabriel was unable to cope with his responsibilities as head of the Ngema family. Moses pointed out that Gabriel himself recognized his failure and a decision was taken to appoint a

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24. Legal Resources Centre, Johannesburg, Affidavit of Moses Ngema (Annexure H) submitted to the Supreme Court of South Africa (Transvaal Provincial Division), 15 December, 1984.

25. *Ibid.*

committee which would assume Gabriel's responsibilities.<sup>26</sup> Consequently in March 1982 the Ngema Committee was formed. It was composed of the following members (who were all males):

Moses Ngema	Chairman
Andries Ngema	Vice-Chairman
Robson Ngema	Secretary
Alphonso Ngema	Vice-Secretary <sup>27</sup>
Simon Ngema	
Hezekiya Ngema	
Micka Ngema	
Wilson Ngema	
Robert Ngema	
Samson Ngema	

Evidence from the magistrate's records showed that the new magistrate of Wakkerstroom, Commissioner M.J. Prinsloo, also gave Moses the go-ahead to form a new committee. According to the magistrate, Gabriel also agreed that the new committee be formed. But what became strange in the deal was that Gabriel was already being addressed by the magistrate as 'chief'. In the letter of 29 January 1982, Commissioner Prinsloo, wrote to the Ngema Committee as follows:

"I refer to a conversation I had with Chief Gabriel Ngema on the 29th January 1982 concerning the KwaNgema Committee. I am of the opinion that the KwaNgema Committee should be registered and also be put on record in

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26. *Ibid.*

27. Minute of M.J. Prinsloo, Magistrate/Wakkerstroom (N2/10/3) 26 March, 1982.

my office. I suggest that a date be fixed on which I in my capacity as Commissioner of Wakkerstroom can meet all the committee members and on which occasion the names etc. of the members will be taken down for the purpose of registering the committee in my office."<sup>28</sup>

In response to the invitation of the magistrate on 26 March 1982, Gabriel Moses and the Ngema Committee met the magistrate at Wakkerstroom. The purpose of that meeting was to request the magistrate to officially recognize the Ngema Committee as members of the Umndeni appointed by Umndeni to serve in the newly formed committee.<sup>29</sup> Accordingly the magistrate formally recognised the Ngema Committee on that occasion. On his record, he said inter-alia that:

"Die Komitee is deur the familie verkies ... Indien die Regering met die Ngema mense wil praat moet daar met die voorsitter Moses Ngema in verbinding tree."<sup>30</sup>

Looking at the statement cited above it is clear that Magistrate Prinsloo had officially recognized Moses Ngema not only as Chairman of the Ngema Committee, but also as leader and spokesman of the community who would represent the Ngema

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28. Legal Resources Centre, Johannesburg, Correspondence received : Commissioner M.J. Prinsloo to Ngema Committee, 29 January 1982.
29. Legal Resources Centre, Johannesburg. Affidavit of Moses Ngema (Annexure H) submitted to the Supreme Court of South Africa (Transvaal Provincial Division), 15 December, 1984.
30. Legal Resources Centre, Johannesburg, Minutes of Magistrate M.J. Prinsloo, Wakkerstroom.

people in all matters when dealing with the government. Gabriel on the other hand had been replaced by the Ngema Committee, chaired by Moses and the change of leadership had been approved by the magistrate.<sup>31</sup>

One may therefore conclude that the magistrate had officially removed Gabriel from his position as KwaNgema leader.

But at the same time the meeting also created some ambiguity about the future of Gabriel. Moses subsequently testified that Gabriel remained a member of the Ngema Committee in spite of his demotion. This meant that the formation of the Ngema Committee did not result in Gabriel being deposed as head of the Ngema Family. But it resulted in Gabriel becoming merely a figure head while the responsibilities which normally rested with the 'eye' were now borne by Moses. Moses was also charged with administrative functions.<sup>32</sup>

Moses further pointed out that until the issue of resettlement was raised, relations between him and the magistrate of Wakkerstroom had been good. The magistrate always appeared to be well disposed towards the Ngema Committee and was in

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31. *The Myth of Voluntary Removals ...*, p. 3.

32. Legal Resources Centre, Johannesburg, Affidavit of Moses Ngema (Annexure H) submitted to the Supreme Court of South Africa (Transvaal Provincial Division), 15 December, 1984.

favour of its formation. This was also supported by the manner in which the magistrate treated the Ngema Committee when he asked it to be formerly registered in his office.<sup>33</sup>

But with the introduction of the resettlement issue the relationship between the Ngema Committee and the magistrate was adversely affected. At the end of 1982 the construction of the Heyshope Dam started. In various public meetings thereafter the officials of the DCD reiterated that the people of KwaNgema would be resettled. The news caused much resentment, tension and uncertainty to the community. Most of the residents who were opposed to removal were incensed by the way the government was negotiating with Gabriel.<sup>34</sup> In the circumstances Moses and his Committee lodged a complaint to Commissioner Prinsloo asking why he continued to recognize Gabriel instead of the Ngema Committee.

Because his own integrity was being questioned, the magistrate soon disclosed that he had limited powers and could not take decisions alone regarding the powers of the Ngema Committee.

He informed Moses that he had orders from the Chief Commissioner, Northern Areas, based in Pietersburg. The CC had stated that discussions with the KwaNgema community were to

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33. *Ibid.*

34. *Ibid.*

take place with Gabriel and not the Ngema Committee. Magistrate Prinsloo also stated that he was equally confused by the way the Ngema Committee was now being treated. He therefore advised Moses to take up the matter directly to the office of the CC himself.<sup>35</sup>

One has reason therefore to believe that Commissioner Prinsloo had come under pressure from his superiors to keep Gabriel in power. The senior officials in Pretoria and Pietersburg apparently realised that the Ngema Committee posed a serious threat to their course. Being against resettlement, this committee might use their influence to derail and hamper the removal process. For that reason Moses and his Committee had to be marginalised in favour of Gabriel who seemed to be prepared to co-operate with the government on the resettlement proposal. To further their course the government authorities therefore continued to recognize Gabriel as community leader despite the fact that Gabriel and the Ngema Committee had been to the Commissioner at Wakkerstroom to register the change of leadership.<sup>36</sup> In various matters affecting the community, the government continued to deal with Gabriel, as head, and not Moses.<sup>37</sup>

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35. *Ibid.*

36. *KwaNgema* : Newsletter of the Transvaal Rural Action Committee (TRAC) of the Black Sash Johannesburg, (undated).

37. *Ibid.*

In due course of time Gabriel took vital decisions on behalf of the people but without consulting the Ngema Committee. Some of the issues that caused concern to the community included the following:

Gabriel was acting contrary to the wishes and interests of the Ngema Committee and Umndeni and the community as a whole. For example he insisted on certain tenants paying him rental although this was not authorised by the Umndeni nor by the Ngema Committee. He also referred to himself as 'Chief' although he had never been recognized by the Ngema family as chief or recognized or appointed as such by the government's DCD. Officials working for the Department of Water Affairs also informed Moses that Gabriel had given them permission to cut down trees at KwaNgema for the timber required in the construction of the dam. Yet Gabriel had not been authorised by Moses or Umndeni to grant that permission. On occasion Gabriel held a meeting with officials employed by the DCD. Neither Moses nor the Ngema Committee had been informed about that meeting.<sup>38</sup> Gabriel also assisted the government officials to organise buses to take people from KwaNgema to view the new

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38. Legal Resources Centre, Johannesburg, Affidavit of Moses Ngema (Annexure H) submitted to the Supreme Court of South Africa (Transvaal Provincial Division), 15 December, 1984.

areas of settlement.<sup>39</sup> He also agreed that peoples' houses be numbered.<sup>40</sup> Numbering of homes was a preparatory procedure for the removal.

Because of his strange behaviour, Gabriel therefore discredited himself to the majority of the people of KwaNgema. Consequently in 1982 the Ngema Committee dismissed him from his position. Alfred Ngema subsequently explained the reasons for ousting Gabriel from his position. He stated:

"Gabriel is not a chief, and they are wrong when they say that if our chief leaves we must also go. Gabriel's role was that of being a watchman, the same as being a security guard at a firm. I don't remember a single case of a security guard selling a firm. Even that role of being a watchman he no longer has. We threw him out in 1982 and he knows that very well. That is why he wants to move, he wants to ruin everyone here because he has no power over us since his position as a watchman was cancelled."<sup>41</sup>

But in spite of the sacking of Gabriel, the government officials continued to recognize him as head and to negotiate with him about resettlement.

There was more hostility between the Ngema Committee and Gabriel when the latter subsequently took action to ban the

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39. *KwaNgema*: Newsletter of the Transvaal Rural Action Committee (TRAC) of the Black Sash (undated).

40. *Ibid.*

41. Quoted in *The Myth of Voluntary Removals ...*, p. 3.

Ngema Committee. On 27 June 1983, Gabriel, accompanied by certain members of Umndeni, held a meeting with Commissioner Prinsloo at Wakkerstroom during which Gabriel purported to cancel the Ngema Committee. Gabriel told the magistrate that he had come with his family only because members of the Ngema Committee had failed to respond to his invitation to that official meeting even after writing three letters to them.<sup>42</sup> Gabriel further stated that, as a result of the Ngema Committee's lack of co-operation, he and many of his brothers present before the magistrate had decided to dissolve the Ngema Committee. But the reasons for this action were not clearly stated except that Moses' Committee did not respect the rules set by Gabriel. Gabriel addressed the magistrate as follows:

"Soos ek met u gereël het, my broers is almal hier. Hulle is baie. Ek het hulle vandag hier kom voorstel. Ek het die aangeleentheid met hulle bespreek en hulle is ten gunste daarvan dat die komitee geskrap word, wat ek voorgestel het ... Ek het my familie vandag gebring om die komitee voorgestel en hulle het nie by my wet gestaan nie."<sup>43</sup>

Gabriel, however, seemed to acknowledge that he was subject to the control of the family as a matter of custom as he further stated that:

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42. Legal Resources Centre, Johannesburg, Minutes of the Magistrate of Wakkerstroom (Annexure K) NZ/10/3, 27 June 1983.

43. *Ibid.*

"Soos ek versoek het is ek vandag hier met my familie van die plaas Kaffir Lokatie Distrik Wakkerstroom wat my sal voorstel en my sal beheer."<sup>44</sup>

Yet the words "en hulle het nie by my wet gestaan nie" by which he was referring to the Ngema Committee, gave the impression that Gabriel now considered himself as having absolute powers over the people of KwaNgema.

## 5. DEADLOCK

To deal with the problems facing them in 1983 the Ngema Committee hired lawyers of Bell, Dewar and Hall of Johannesburg, for legal assistance.

On 12 November 1983 senior government officials, including W.J. van Niekerk, CC for the Northern Areas, held a meeting with the community at KwaNgema during which van Niekerk informed the residents that they would have to move and that the time for discussion was over.<sup>45</sup> The residents nevertheless insisted on putting across the following questions:

- (a) Whether anyone from Water Affairs could give them exact information about the size of the proposed dam and how

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44. *Ibid.*

45. *KwaNgema*, Newsletter of the Transvaal Rural Action Committee (TRAC) of the Black Sash (undated).

much land it would cover?

- (b) Whether the government could not give them compensatory land adjoining their own?<sup>46</sup>

The residents also questioned the promise that they would be given compensatory land in the Homelands. They pointed out that since land in KwaZulu was communally owned, they would not be able to own a private farm like KwaNgema. They further wished to know what the qualifications in their Reference Books would be if they were moved to the Homelands and whether it would still be easy for them to be registered in Johannesburg.<sup>47</sup>

But the CC refused to answer questions except to tell the people that they definitely would not get compensatory land adjoining their own.<sup>48</sup> The people of KwaNgema therefore achieved nothing out of that meeting.

In December 1983 attorney J A Sutherland (for Bell, Dewar and Hall) acting on the advice of Magistrate Prinsloo, wrote to Commissioner van Niekerk at Pietersburg and questioned the right of Gabriel to act as leader of KwaNgema.<sup>49</sup> In reply,

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46. *Ibid.*

47. *Ibid.*

48. *Ibid.*

49. Legal Resources Centre, Johannesburg, Correspondence received : J A Sutherland — Commissioner van Niekerk, Telex Reference No. J8122/20 December 1983.

(continued...)

Commissioner van Niekerk stated that the farm Kaffir Locatie No. 410 had been reserved for the use and occupation in trust by the Commissioner for the heirs and successors of the late Stuurman Ngema during good behaviour. The grant had been made in terms of Ordinance No. 57 of 1903 generally known as the Crown Land Disposal Act 1903. The CC also stated that it was a further condition that the land would continue to be the property of the government.<sup>50</sup> By implication the government could do as it pleased with the land of KwaNgema and could remove its people as well.

As regards the advice of Gabriel as head of the community, van Niekerk referred to the findings of Mr Malan, an ethnologist. Malan had been hired by the DCD in September 1983 to determine the right leader. The ethnologist's conclusion was that Gabriel was the rightful successor to Stuurman Ngema.<sup>51</sup> The CC maintained that since the ethnologist had determined that Gabriel Ngema was the legitimate successor of the late Stuurman, the government had no other option but to abide by that decision,

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49. (...continued)

50. Legal Resources Centre, Johannesburg, Correspondence received : Commissioner van Niekerk — J. A. Sutherland, Telex Reference No. 28 N2/10/3-2, 28 December 1983.

51. *The Myth of Voluntary Removals ...*, p. 3.

that is, to deal with Gabriel Ngema alone.<sup>52</sup> But the Ngema Committee disputed Malan's judgement maintaining that the ethnological report was not quite complete as Malan had not finished tracing the lineage of Stuurman's descendents.<sup>53</sup> Commissioner van Niekerk also told the lawyers of the Ngema Committee that if future meetings were to be held at KwaNgema, the permission of the Director-General of the DCD or the CC or the Local Commissioner at Wakkerstroom was needed. This procedure was, according to van Niekerk, in accordance with the terms of Proclamation R268 of 1968.<sup>54</sup>

Because the Ngema Committee and their lawyers could not agree with the government, they subsequently decided to conduct some kind of "referendum" to test the feelings of the people. The aim was to prove that the Ngema Committee which the government officials undermined was the only leadership that was acceptable to the majority of the people. But this was a mere formality as such gatherings had been held before in which the people had unhesitatingly declared that they recognized the leadership of the Ngema Committee and not Gabriel. Accordingly, on

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52. Legal Resources Centre, Johannesburg, Correspondence received : van Niekerk - Sutherland, 28 December 1983.

53. Legal Resources Centre, Johannesburg, Affidavit of Moses Ngema (Annexure H) submitted to the Supreme Court of South Africa (Transvaal Provincial Division), 15 December 1984.

54. Legal Resources Centre, Johannesburg, Correspondence received : van Niekerk - Sutherland, 28 December 1983.

26 December 1983 a meeting of the community was held in the school at KwaNgema at which a total of 124 persons attended. A list reflecting the number of households in KwaNgema and the name of the head of each household showed that there were approximately 155 households in the area. It was also estimated that 75 percent of the households in KwaNgema were represented in the meeting.<sup>55</sup> In that meeting all those present reaffirmed that they were not prepared to leave KwaNgema and that they supported the Ngema Committee, chaired by Moses Ngema as opposed to Gabriel Ngema<sup>56</sup>. That meeting further decided that as regards the internal affairs of the community, the functions fulfilled by Gabriel, like the issuing of permits, should be carried out by the Ngema Committee.<sup>57</sup>

There was now no doubt that the majority of the people of KwaNgema were opposed to resettlement and rejected Gabriel as their leader and this gave the Ngema Committee and their lawyers more reason to continue with the resistance against removal. Attorney Sutherland advised the government to abide by its policy of negotiating with the community before it could be

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55. Legal Resources Centre, Johannesburg, Correspondence received : Sutherland - Koornhof, 9 February 1984.
56. *KwaNgema*, Newsletter of the Transvaal Rural Action Committee (TRAC) of the Black Sash (undated).
57. Legal Resources Centre, Johannesburg, Correspondence received : Sutherland - Koornhof, 9 February 1984.

removed. He further pointed out that to pursue that policy, the DCD had only two options, namely, it had either to negotiate with the entire community or negotiate with the representatives of the community. If neither of these options were followed, there would, in the opinion of the lawyers, be no negotiation.<sup>58</sup> In addition Attorney Sutherland and his clients made it explicit that they denounced the leadership of Gabriel and stated that:

"It is patently obvious that Gabriel Ngema is not the representative of the KwaNgema community and therefore, discussions between him and your department will not constitute the negotiation envisaged by the government's policy. In the circumstances, we have been instructed that your department negotiates with our client in future in terms of the government policy, as stated."<sup>59</sup>

The events described above show that until the end of 1983 the leadership dispute at KwaNgema had not been resolved. Both Gabriel and the Ngema Committee claimed to be legitimate leaders. But the struggle for leadership at KwaNgema seen in a broader sense, was between the people of KwaNgema who were opposed to removal and the government that wished to have a leadership that it could manipulate to have its resettlement scheme implemented. In the circumstances Gabriel was only being used by the government to further its aims. From the

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58. *Ibid.*

59. *Ibid.*

government's perspective, Moses could not be appointed as community leader because of his unwavering stand against resettlement.

Meanwhile the people of Driefontein were also embroiled in a dispute with the government because of their stand against resettlement, as related below.

## **6. OPPOSITION TO RESETTLEMENT AT DRIEFONTEIN BY MSIBI AND THE DRIEFONTEIN COMMUNITY BOARD**

As pointed out in the previous chapter, at Driefontein a Community Board had been instituted since the early 1950s to run community affairs. Members of a Community Board were elected by the residents and were required to serve for a term of office of seven years after which new members would be elected.<sup>60</sup> The Board was recognized by the Commissioner at Wakkerstroom and the Chief Commissioner at Pietersburg.<sup>61</sup>

By 1981 the Driefontein Community Board was under the chairmanship of Stephen Msibi. It comprised twelve members, namely:

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60. Saul Mkhize mentioned this during the dispute when he argued that the term of office of Stephen Msibi and his Board had expired. However this is not reflected in the constitution of the Driefontein Community Board.

61. Legal Resources Centre, Johannesburg : "A Black Spot," Report on the Driefontein Community, 30 May 1981.

Chairman	-	Stephen Msibi
Vice-chairman	-	Samuel Ngwenya
Secretary	-	Jeffrey Ndlovu
Treasurer	-	Leonard Mtshali
Members	-	Samuel Yende
	-	Absalom Nkumane
	-	Zephania Yende
	-	Joba Vilakazi
	-	Dumisani Mshololo
	-	Philemon Yende
	-	Ephraim Yende
	-	Johannes Vilakazi <sup>62</sup>

Right from the onset Msibi's Board made it clear to the government officials that they did not want to move. One of the reasons the Board advanced for rejecting removal was that relocating was extremely costly. Building materials were expensive and it would be difficult for the people to start erecting new houses again.<sup>63</sup> But in the event of being forced to move the people of Driefontein resolved that they would not accept cash compensation. Instead, they preferred to be compensated with land and such land would have to be of the same value as the one they then occupied. They also demanded that they be given two

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62. Legal Resources Centre, Johannesburg : The Constitution of the Driefontein Community Board (Appendix A) (undated).

63. Legal Resources Centre, Johannesburg : "A Black Spot," Report on the Driefontein Community, 30 May 1981.

alternative areas to choose from.<sup>64</sup> In view of the seriousness of the situation the community also felt that they needed legal advice from lawyers concerning their rights.<sup>65</sup> They also suggested that they get much publicity through newspapers such as "Ilanga" and "UmAfrika".<sup>66</sup>

Despite the clear stand taken by Msibi and his Board that they would not cooperate with the government, when it took office the DCB faced numerous problems which hampered its efforts to resist resettlement. One of the major setbacks was that the residents of Driefontein could not take a unanimous decision on the matter. Whereas the majority of them were opposed to removal, some of them felt that the State was all powerful and that it was impossible to win.<sup>67</sup> Some landowners feared that if they persisted with resistance, they might lose what they had for nothing.<sup>68</sup> Thus while some wished to stay, others were willing to leave. Those who were opposed to resettlement used Alexandra and Crossroads<sup>69</sup> as examples of communities being

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64. *Ibid.*

65. *Ibid.*

66. *Ibid.*

67. Claassens : "Rural Struggles ..." in Murray and O'Regan (eds) : *No place to rest ...*, pp. 34-35.

68. Legal Resources Centre, Johannesburg : "A Black Spot". Report on the Driefontein Community, 30 May 1981.

69. Alexandra, a Black township a few kilometres north of Johannesburg, is one of a few Black urban villages in South Africa where Blacks originally had ownership title to  
(continued...)

allowed to stay after they had resisted. The people who wished to succumb to State pressure used Sophiatown<sup>70</sup> as an example of what happened if communities resisted removal.

Another problem facing the leadership of Driefontein was that among its constituents, that is, the tenants, there were divisions too. Some tenants felt that if they were moved they had nothing to lose.<sup>71</sup> It became a common trend for new tenants from various neighbouring farms to come and settle at Driefontein as they believed that once Driefontein moved, they could get access to land in KaNgwane.<sup>72</sup> The assumption was that when Driefontein was moved, everyone would be given compensatory land.<sup>73</sup> In general, tenants on 'Black spots' might easily be persuaded by officials to move if they were promised rent-free

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69. (...continued)  
residential land. Free title was negated and ultimately totally eliminated. When the government threatened to remove Alexandra, the residents protested until they were allowed to stay. Crossroads is an informal settlement near Cape Town. The government planned to settle the community in Khayelitsha. Because Khayelitsha is further from the city, the majority of the people refused to be relocated there.
70. Sophiatown was a Black township outside Johannesburg in which some people owned plots on freehold. The Black Resettlement Act No. 19, 1954 provided for the removal of Blacks from any area in the Magisterial District of Johannesburg or any adjoining magisterial district and their betterment elsewhere and for that purpose, established a Board. This Act was legislated primarily to effect the removal of Sophiatown. Thus despite their opposition, Blacks were removed from their land and settled at what later became part of Soweto. Sophiatown subsequently became a White residential area and renamed Triomf.
71. *Rand Daily Mail*, 10 February 1983, p. 9, (A dorp under sentence of death).
72. *Forced Removals in South Africa*. Report of the Surplus People Project, Vol. 5 (Transvaal), p. 192.
73. *Ibid.*

land.<sup>74</sup> But as shown in the course of this chapter, at Driefontein, this position was only temporary. In due course of time most tenants began to oppose resettlement, fearing that they too might lose even that privilege of renting land for an offer that had not been clearly defined by the government. Another handicap obstructing the work of the Community Board was that the State security had begun to infiltrate the community and Msibi in particular was believed to be under surveillance.<sup>75</sup>

In spite of the adverse conditions under which the Community Board operated, Msibi continued to oppose the removal. In a communication to Dr Koornhof, he reminded the Minister that he was understood to have made an assurance that the government would not force anyone to be resettled.<sup>76</sup> He also made a firm warning that the people of Driefontein were resolved not to move unless they were driven out by force. He said:

"Driefontein is a settled and peaceful community. We have our own school, bus service, small stores, churches and water supply. Driefontein is our home. We will not move unless we are compelled to do so."<sup>77</sup>

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74. L. Platzky and C. Walker : *The Surplus People - Forced Removals in South Africa*, p. 291.
75. *Rand Daily Mail*, 10 February 1983, p. 9. (A dorp under sentence of death).
76. *Ibid.*
77. Legal Resources Centre, Johannesburg. Live and let die, Report by J. Kane-Berman (undated).

Msibi's letter was replied to by the Deputy Minister of Development and Land Affairs, Greyling Wentzel, who pushed aside the objections of the people of Driefontein. Wentzel stated that it was in the interest of the community of Driefontein to be resettled. He told Msibi as follows:

"You will therefore appreciate that it sometimes becomes necessary for people to be encouraged to move for their ultimate good ... Although the government therefore appreciates and respects your feelings, the relocation and resettlement of your people will have to be carried out in the interest of all concerned."<sup>78</sup>

Deputy Minister Wentzel further insisted that the removal had to take place because a dam of national importance would inundate some of the Driefontein properties.<sup>79</sup> But Wentzel would not accept Msibi's point that the government wished to apply coercion to enforce its policy. He stressed on the contrary that it was certainly not part of a declared policy that people should be forced to move and be resettled elsewhere without due consideration of their residential and other rights. There was also no intention on the part of the government to expose the people to hardship.

Apart from Msibi, another prominent resident of Driefontein who talked with the government on the community's behalf was Saul

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78. Legal Resources Centre, Johannesburg, Correspondence received : J.J.G. Wentzel - S. Msibi, 18 December 1981.

79. *Ibid.*

Mkhize. Mkhize, an accountant by occupation, who worked in Johannesburg and came back to Driefontein on weekends, was also opposed to the uprooting of the community.<sup>80</sup> At Driefontein, Mkhize owned four plots.<sup>81</sup>

Initially Mkhize had supported Msibi's Board and had actually served as its Secretary since 20 May 1981. But as explained in the next section, from December 1982, Mkhize and other residents broke away from the DCB to form a rival committee in order to oppose removal. But even before his formal appointment as community leader, Mkhize had been writing to Dr Koornhof since 1981 to plead for proper consultation. In the letter of 4 June 1981, Mkhize asked Koornhof particularly to respond to four questions on issues about which the people of Driefontein were mostly concerned. These were:

- (a) Whether the matter had been properly dealt with by the government?
- (b) Whether the new settlement that the community had not seen, was better than or as good as that in which the people lived?

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80. *The Guardian Weekly - The Washington Post*, Vol. 128, No. 16, week ending 17 April 1983, p. 16 (A continuing outrage).

81. *Rand Daily Mail*, 10 February 1983, p. 9. (A dorp under sentence of death).

- (c) Whether the matter of resettlement could be discussed with the community in more detail and possibly be reconsidered?
- (d) Why the community of Driefontein could not remain at Driefontein where they were happy? <sup>82</sup>

Dr Koornhof replied to Mkhize's letter in October of the same year. He pointed out that the matter regarding the removal of the Driefontein people had been properly dealt with by the South African Parliament and therefore reconsideration of the issue would not be possible.<sup>83</sup> In the circumstances the Minister advised Mkhize and his fellow residents that:

"It is therefore particularly important that the Driefontein Community give their full support to the officials of my Department who have already visited the area several times in the presence of the Magistrate of Wakkerstroom, so that the planning of the removal and of the compensatory land can be commenced with."<sup>84</sup>

But at the same time, Minister Koornhof wished to allay the fears of the people of Driefontein. He assured Mkhize that the move would be dealt with in a most humanitarian way, with the least possible inconvenience and disruption to the residents of

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82. Legal Resources Centre, Johannesburg. Correspondence received : S. Mkhize - P.G.J. Koornhof, 4 June 1981.

83. Legal Resources Centre, Johannesburg. Correspondence received : P.G.J. Koornhof - S. Mkhize, 13 October 1981.

84. *Ibid.*

Driefontein.<sup>85</sup>

In spite of having replied to Mkhize's letter, Dr Koornhof was, however, straightforward in pointing out that Mkhize had no official authorization to negotiate on behalf of the community of Driefontein. He accordingly advised Mkhize to follow proper channels in future, by discussing the problem with the "duly elected" and the "official mouthpiece" of the community, that is, Msibi's DCB.<sup>86</sup> In turn it was Msibi's Board that would communicate with Dr Koornhof's Department. By implication, Dr Koornhof would not communicate with Mkhize any further on the subject of resettlement. But Dr Koornhof seemed to overlook the fact that, at that stage, Mkhize was Secretary of the DCB and in that capacity he was entitled to write on behalf of his committee. Besides, the issues that Mkhize raised were actually the concerns of the DCB and the community of Driefontein that they represented. It was for this reason that Mkhize ignored Dr Koornhof's instruction and subsequently wrote to the Minister again in 1982. However in the interim, Msibi, as head of the community, continued to lead the discussions with the government regarding the removal issue.

Two factors caused Msibi's Board to view the subject of relocation

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85. *Ibid.*

86. *Ibid.*

with suspicion. Firstly the dam was being earmarked at a place some distance from Driefontein (about ten kilometres). Secondly at that stage it was not known precisely how much farmland would be flooded by the dam.<sup>87</sup> It was only in October 1984 that the Department of Water Affairs could say with certainty that 84 households would be affected by the dam. But before this confirmation was made, Msibi and his Board believed that the dam was only being used as an excuse to force the people of Driefontein out of the area in view of their opposition.<sup>88</sup>

Efforts by the government to persuade the people of Driefontein to move continued from the beginning of 1982. On 27 February 1982 Commissioner M.J. Prinsloo, the Magistrate of Wakkerstroom, and various other government officials visited Driefontein to make arrangements for the move with the Community Board.<sup>89</sup> This meeting was not a success, however. Because of the hostile attitude displayed by the residents towards the official guests and because of the thorny questions some of them raised, the officials were forced to withdraw and leave the meeting unceremoniously.<sup>90</sup> Subsequently Msibi was persuaded

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87. *Rand Daily Mail*, 10 February 1983, p. 9. (A dorp under sentence of death).

88. *Ibid.*

89. *Forced Removals in South Africa*, Report of the Surplus People Project, Vol. 5 (Transvaal), p. 189.

90. *Ibid.*

to first assess what the people felt about removal before entering into negotiations.<sup>91</sup> On 9 August 1982 a meeting between the government and the landowners of Driefontein was called. The officials present were:

Commissioner Pretorius, representing SADT;

Commissioner van Niekerk, Chief Commissioner for Northern Areas;

Commissioner Halt of Land Tenure; and

Commissioner du Plessis of Amersfoort.<sup>92</sup>

During the meeting it was soon apparent that, in spite of many vocal protests from the landowners, this meeting was not being held to discuss whether or not the people would be moved. Rather the occasion had been arranged to tell the residents when and how the move would take place.<sup>93</sup> Commissioner Pretorius, however, stated that the government was prepared to give landowners 'plot for plot' for land held under title deed. The usual rule that only a person owning twenty morgen would be given land was not to be applied to the Driefontein landowners.<sup>94</sup>

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91. *Ibid.*

92. *Driefontein*, Newsletter of the Legal Resources Centre, Johannesburg, (undated).

93. *Ibid.*

94. *Ibid.*

Commissioner Pretorius had more disturbing news for residents wishing to remain at Driefontein. He told them bluntly that within five years infrastructure at Driefontein would have deteriorated to the point that most people would opt for removal.<sup>95</sup> This meant that the government had no further plans to assist in the development and maintenance of the area.

In the same meeting, Commissioner Pretorius and his colleagues also instructed the people of Driefontein to report at the Commissioner's office at Wakkerstroom to "register" although they did not provide any details as to what was it to register and for what reason.<sup>96</sup> But it soon appeared that people who went to sign or register were regarded to be automatically accepting resettlement.<sup>97</sup> These developments not only confused the people of Driefontein but they also sowed seeds of division among the residents themselves. More confusion was created by the Commissioner who told those who had signed that they had done so voluntarily.<sup>98</sup> By implication such residents would be relocated out of their own choice.

It would seem that in due course of time, because of pressure

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95. *Ibid.*

96. *Forced Removals in South Africa.* Report of the Surplus People Project, Vol. 5 (Transvaal), p. 189.

97. *Ibid.*

98. *Ibid.*

from the government, Msibi and his colleagues in the DCB began to influence certain members of the community to review their position about resettlement. Because of the threat imposed by the dam and because of fear that the residents might end up losing everything if they persisted in defying the government, Msibi had in due course changed his mind and co-operated with the government. He and the Community Board then made the government believe that most of the residents of Driefontein agreed to the removals.<sup>99</sup> This he supported by producing evidence that at least one hundred residents had signed an affidavit before the Commissioner at Wakkerstroom.<sup>100</sup> Those who had signed included eighty landowners.<sup>101</sup>

Msibi's actions certainly reinforced the government's claim that the removal was voluntary. Consequently when the issue of the removal of Driefontein was subsequently debated in Parliament, Dr Koornhof argued that more than ninety inhabitants of Driefontein had signed affidavits to the effect that they were prepared to move to the place offered which they had inspected.<sup>102</sup> But Mkhize, remained doubtful about the manner in which these affidavits had been signed. He accused the

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99. *Rand Daily Mail*, 10 February 1983, p. 9. (A dorp under sentence of death).

100. *Ibid.*

101. *Driefontein*, Newsletter of the Legal Resources Centre, Johannesburg (undated).

102. Debates of Parliament (Hansard) 16 May to 24 June, 1983, Vol. 107, p. 8779.

government of using intimidatory tactics to make the people move. The DCD was reported to have said that if people did not sign acceptance of the removal, they would not get any compensation for the removal.<sup>103</sup> Besides, as indicated, the government had caused people to despair when they said the village infrastructure would collapse in a few years. This could have been the main reason for the people to have signed the affidavit as Mkhize subsequently argued thus:

"At a meeting on 27 January 1982 the majority of our community rejected the resettlement moves. On the other hand our community board accepted the proposals. Only 80 in the area want to be resettled and most of them were tricked into this. They are now pulling off and want their names removed from the pro-settlement affidavit engineered by the board."<sup>104</sup>

That the community members who had signed had been intimidated was subsequently confirmed by Msibi himself, who admitted that the affidavit had been signed out of fear.<sup>105</sup>

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103. L. Platzky and C. Walker : *The Surplus People Forced Removals in South Africa*, p. 294.

104. Quoted by L. Platzky and C. Walker in *The Surplus People Forced Removals in South Africa*, p. 294.

105. *Ibid.*

## 7. THE FORMATION OF THE DRIEFONTEIN COUNCIL BOARD OF DIRECTORS UNDER MKHIZE'S LEADERSHIP AND THEIR PROTESTS AGAINST RESETTLEMENT

Dissatisfied with what they felt was only feeble protest by their community board and its chairman, Msibi, the people of Driefontein decided to seek permission from the magistrate for landowners to elect new representatives to negotiate with Dr Koornhof's Department.<sup>106</sup> Mkhize also decided to seek legal assistance from the Legal Resources Centre<sup>107</sup>, Johannesburg. Since November 1982 Geoff Budlender, a lawyer from the LRC, acted on behalf of Mkhize and the Driefontein community.<sup>108</sup> In the same month, Mkhize presented Budlender with a statement signed by 307 plotowners.<sup>109</sup> The petitioners declared that they did not consent to the removal and those who had signed affidavits before the Commissioner withdrew the statements they had made.<sup>110</sup>

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106. *Driefontein*, Newsletter of the Black Sash, February 1983, p. 8.

107. The Legal Resources Centre (LRC) has been operating since 1979. Its head office is in Johannesburg and staff run six regional offices around the country, employing forty full time lawyers as well as a number of paralegals and support staff. The LRC offers full client services in those cases it accepts, focusing more on trend-setting public interest litigation than on public education and campaigning. Most of the LRC's work deals with human rights issues, land, housing and development, and the abuse of power by state officials.

108. *Rand Daily Mail*, 10 February 1983, p. 9. (A dorp under the sentence of death).

109. *Ibid.*

110. *Ibid.*

It has been mentioned that the idea of taking legal action against the government was in the minds of the people of Driefontein since 1981. There is evidence that the legal option was also supported by Dr John Pettifor of the Department of Paediatrics (Metabolic and Nutrition Research Unit) of Baragwanath Hospital, Johannesburg. Pettifor had written to Budlender in July 1981 discussing the proposed resettlement of the community of Driefontein.<sup>111</sup> He was apparently concerned about the future of the settlement since he and his hospital were already rendering health services to the people of Driefontein in the form of a mobile clinic. His feeling was that he and Budlender should meet Msibi's Community Board "to discuss the best tactics and the legal rights of the community."<sup>112</sup> Pettifor further indicated that he had already discussed the issue with the community and they had responded positively to his suggestion.<sup>113</sup> In turn Budlender welcomed Dr Pettifor's proposal and communicated with Msibi to pursue the issue.<sup>114</sup> But it appears that this idea was shelved by Msibi and it was only when Mkhize approached the LRC that the legal option was pursued on a serious footing.

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111. Legal Resources Centre, Johannesburg, Correspondence received : J. Pettifor - G.M. Budlender, 2 July, 1981.

112. *Ibid.*

113. *Ibid.*

114. Legal Resources Centre, Johannesburg, Correspondence received : G.M. Budlender - J. Pettifor, 23 July 1981.

In response to the residents' request to hold an election, the Commissioner granted the community permission to hold a meeting on 26 December 1982. The conditions attached to that meeting were that only landowners in Driefontein would attend the meeting and the representatives to be elected would consist of land owners only.<sup>115</sup> This was an important meeting, as it meant to give the community a means of airing their opposition through an elected body. As planned the proposed meeting took place on 26 December 1982 at Cabangani Primary School, Driefontein. There were approximately 3 000 residents in attendance.<sup>116</sup> Before the voting session took place Mkhize urged the people of Driefontein to fight against resettlement.<sup>117</sup> He told them that by so doing they would be supporting the action of their forefathers who had showed wisdom by buying the land.<sup>118</sup> He further stated that their ancestors would be most unhappy to know that the residents were throwing away their birthrights.<sup>119</sup>

Johannes Vilakazi, another prominent anti-removal activist of Driefontein, also appealed to the residents to elect the right people who would fearlessly fight against resettlement. He said:

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115. Legal Resources Centre, Johannesburg, Minutes of the Commissioner of Wakkerstroom, 3 December 1982.

116. *Rand Daily Mail*, 10 February 1983, p. 9. (A dorp under the sentence of death).

117. Legal Resources Centre, Johannesburg, Minutes of the Community Meeting held at Driefontein on 26 December, 1982.

118. *Ibid.*

119. *Ibid.*

"Mr Mkhize and I are not the pillars of this land. You, the people are, and we appeal to you to elect men to the new Committee who will truly represent us and not be afraid to speak up and argue with the representatives of the government if that is necessary. They must be strong willed men who believe in their rights. Not local men, who can too easily be bribed by the Whites. They must be men of the city but who believe strongly in their purpose of "No re-settlement".<sup>120</sup>

The standowners at the meeting then decided to elect a Council Board of Directors of Driefontein to deal with their problems.<sup>121</sup>

The new committee of which Mkhize was unanimously elected Chairman, was composed of the following members:

Saul Mkhize	-	Chairman and General Secretary
Johannes Vilakazi	-	Vice Chairman and Treasurer
David Nkonyane	-	Secretary and representative for pensioners
Leornard Simelane	-	Representative for reference books
Gilbert Ndaba	-	Vice Representative for reference books
Modicay Maseko	-	Representative for land
Victor Manqele	-	Representative for health
Saul Yende	-	Representative for school matters
Dumisani Mshololo	-	Vice-Representative for school matters <sup>122</sup>

The CBD were then given a mandate to pursue and investigate

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120. *Ibid.*

121. *Ibid.*

122. Legal Resources Centre, Johannesburg, Correspondence received : G.M. Budlender - M.J. Prinsloo, 12 January 1983.

the issue of resettlement and prevent it by all possible means.<sup>123</sup>

Msibi's Board was automatically ousted from its position as the representative of the people. The people stressed that they wished to have nothing to do with the previous Board.<sup>124</sup>

According to Attorney Budlender, the CBD was appointed because Msibi's Board had capitulated to government pressure and had lost the confidence of the people.<sup>125</sup>

Soon after the launching of the CBD, Attorney Budlender informed Commissioner Prinsloo at Wakkerstroom about the formation of Mkhize's committee.<sup>126</sup> Through Budlender the CBD also expressed their wish that future communications be addressed to them via the LRC office.<sup>127</sup> They also requested the magistrate that certain administrative functions in relation to matters such as reference books, birth-certificates, pensions, employment-related matters, and so forth, previously exercised by Msibi's Board be transferred to the new body.<sup>128</sup>

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123. Legal Resources Centre, Johannesburg. Minutes of the Community Meeting held at Driefontein on 26 December, 1982.

124. *Ibid.*

125. G.M. Budlender : "Driefontein : a community deprived (and the removal policy on the way out?)" *Race Relations News*, December 1985, p. 6.

126. Legal Resources Centre, Johannesburg. Correspondence received : G.M. Budlender - M.J. Prinsloo, 12 January 1983.

127. *Ibid.*

128. *Ibid.*

The CBD was however, surprised and disenchanted by the Commissioner's reply. He told Attorney Budlender that his clients' new board was not being recognised by the government.<sup>129</sup> This appeared to be in contradiction to what the Commissioner had said earlier when he authorized the Driefontein community to meet and elect a new representative body. But this new attitude of the Commissioner, strange as it was, did not deter Mkhize and his Council from continuing as representatives of the people. Notwithstanding that the Commissioner still referred to the pro-removal committee of Msibi as the authorized body, the CBD had won de facto recognition at all levels by the sheer number and volubility of their supporters.<sup>130</sup>

Having consolidated his position as elected community leader, Mkhize immediately assumed a dominant role in the campaign against resettlement. In spite of the attractive promises being made by the DCD about the "promised land", Mkhize foresaw a bleak future for his people at KaNgwane Homeland. Early in December 1982 the DCD had ferried residents of Swazi origin for an inspection tour of their proposed

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129. G.M. Budlender : "Driefontein : a community reprieved (and Removals Policy on the way out?)", *Race Relations News*, December 1985, p. 6.

130. A. Claassens in Murray and O'Regan (eds.) : *No Place To Rest ...* p. 35.

new site near Lothair in KaNgwane.<sup>131</sup> About seventy residents, mainly old men and women, were escorted the 240 kilometres to KaNgwane under heavy guard by policemen in camouflage dress.<sup>132</sup> Though the majority of the residents were opposed to that trip, it helped the people to have a clear understanding of what was in store for them in the new settlement. As Mkhize later commented thus:

"Nobody is in favour of that place. It was quite an eye-opener for those who made the trip. There is no water there or streets or houses. Its a desert. You can't live in that God-forsaken place."<sup>133</sup>

Mkhize expressed grave apprehension at the resettlement proposal of the government. In his opinion, a number of issues surrounding the transfer to KaNgwane still needed to be clarified.

In a press statement he posed a few vital questions as follows:

"Is the KaNgwane Government going to look after us, ensure our pension and provident funds and, most of all, take care of our welfare? Schools, roads, water, sewage, hospitals ... will all these be there when and if we have to move? This is a big responsibility they take on. Are they prepared for these costs? I think not."<sup>134</sup>

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131. *The Golden City Press*, 31 October 1982, as quoted by L. Platzky and C. Walker : *The Surplus People - Forced Removals in South Africa*, p. 295.

132. *Ibid.*

133. *Ibid.*

134. Quoted by the *Rand Daily Mail*, 10 February, 1983, p. 9 (A dorp under sentence of death).

Mkhize's concerns, crucial as they were, could not be clearly addressed by the central government. The DCD could not promise in absolute terms that the KaNgwane government would provide the various social services. Mkhize's scepticism was justified in 1984 when Enos Mabuza, Chief Minister of KaNgwane, made it clear that he would not incorporate the people of KwaNgema and Driefontein under his homeland. (This point is discussed in some detail in Chapter 5.)

Another crucial question uppermost in the minds of the residents of Driefontein concerned the security of tenure. The Driefontein people believed that they might forfeit their land rights once they were resettled. Again Mkhize expressed his pessimism in this regard and declared in no uncertain terms that:

"We paid for our land and we wish to keep it. We will not own the new land to which we are supposed to move. We will merely be squatters, and who knows when someone else will decide to move us again?"<sup>135</sup>

Mkhize and his followers were therefore determined not to surrender their freehold title deeds and were even prepared to seek redress in the Supreme Court, if necessary. He also felt that the people of Driefontein were being treated harshly by the government for no other reason other than that they were Black.

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135. *Ibid.*

But the DCD officials denied that they were being driven by racial prejudice. Earlier on Deputy Minister Wentzel had told Msibi that there were many Whites who also had to leave land which they had owned and occupied for generations and on which members of their families were born, raised and were subsequently buried. Thus, said Wentzel, every citizen of South Africa had to make sacrifice in some way or other to further peace and prosperity in the interest of the country.<sup>136</sup> Wentzel was fully supported by Dr Koornhof, who maintained that removal laws applied equally to all citizens.

Still Mkhize was not convinced that Whites were removed in the same manner and under the same conditions as Blacks. He challenged the DCD on this point and asked:

"Would they move White people in this way – by buses to barren land with no roads, no water, no schools, no shops, nothing?"<sup>137</sup>

The residents of Driefontein were also worried about the threat the dam was posing to their graves. On 25 March, 1983 the Department of Environment Affairs gazetted a special notice saying:

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136. Legal Resources Centre, Johannesburg. Correspondence received : J.J.G. Wentzel - S. Msibi, 18 December 1981.

137. *The Cape Times*, 6 April 1983 (Mkhize shooting highlights on forced removal protest), as appended in *Forced Removals in South Africa*, Report of the Surplus People Project, Vol. 5, (Transvaal), p. 110.

"... as a result of the construction of the Heyshope Dam, it is necessary to exhume and re-enter the remains of persons buried in the dam basin area at Wakkerstroom in the Province of the Transvaal."<sup>138</sup>

The Department of Environment Affairs further notified persons who by virtue of kinship with the deceased were interested in the matter, to communicate within one month of the publication of that notice with the Resident Engineer at Piet Retief at the address provided.<sup>139</sup> But before the grave owners could make proper arrangements about their graves, the government sent officials to paint white numbers on some gravestones in the Driefontein cemetery. This painting was in preparation for reburials elsewhere.<sup>140</sup> But there was such an angry backlash from villagers that the government ordered the numbers to be removed.<sup>141</sup>

In spite of all opposition from the Blacks, the government remained committed to its proposed plan to relocate the people of Driefontein. At a meeting held at Driefontein on 19 March 1983 Commissioner Prinsloo reiterated the government's position regarding resettlement. He told the residents present that he was

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138. Notice No. 620, Government Gazette, 25 March, 1983.

139. *Ibid.*

140. *The Cape Times*, 6 April 1983 (Mkhize shooting highlights on forced removal protest).

141. *Ibid.*

speaking in his capacity as Commissioner for the Wakkerstroom district and had a message from Chief Commissioner Niekerk. Van Niekerk had indicated to Commissioner Prinsloo that his words came directly from the government. Prinsloo then told the residents that the DCD intended sending officials to Driefontein with immediate effect to determine how many squatters were living in the area and to make arrangements for the compensation of the landowners land. The magistrate also pointed out that his mission that day was only to deliver the Chief Commissioner's message and not to answer questions or discuss issues pertaining to resettlement.<sup>142</sup>

Mkhize remained opposed, however, to the manner in which things were being done. His standpoint was that the correct procedure was to negotiate with the community.<sup>143</sup> In reply Prinsloo told Mkhize and the residents that the government had already decided not to negotiate about the matter any further. He said:

"Die regering het reeds besluit oor die verskuiwing van Driefontein. Die boodskap is reeds baie duidelik by openbare vergaderings en ook aan individue oorgedra. En hulle gaan nie verder meer onderhandel daaroor nie. Dis

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142. Legal Resources Centre, Johannesburg. Minutes of the Driefontein Community Meeting, 19 March, 1983.

143. *Ibid.*

klaar.<sup>144</sup>

It became clear to the people of Driefontein that no government official was prepared to give them a hearing. Dr Koornhof too had made his position clear. Because of the dam that would submerge some of the Driefontein properties, Parliament had decided that the people must be settled elsewhere. Therefore, said Koornhof, only the terms under which the move would take place were negotiable.<sup>145</sup> It was also clear that if the residents failed to comply to the decision of the government, they might be removed by force.

Despite the negative attitude displayed by the White authorities, Mkhize and the residents made a further attempt to break the deadlock. They sent a petition to Dr Koornhof protesting against the government's unpreparedness to negotiate with representatives of the landowners and tenants of Driefontein over their forced removal. They expressed the belief that the government's refusal to negotiate was harmful to relations in the country. They therefore called the government to open further negotiation of the issue. The petition read:

"We, the undersigned landowners and tenants at Driefontein

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144. *Ibid.*

145. Legal Resources Centre, Johannesburg, Correspondence received : P.G. Koornhof - S. Mkhize, 26 October 1982.

protest most strongly against the government's attitude, as expressed by the Commissioner on March 19, 1983, that it has already decided on the removal of Driefontein and is not prepared to negotiate with us about this. We believe that this attitude is harmful to relations in our country, and not in keeping with public statements that the Minister has made from time to time. We and our families have lived at Driefontein for over seventy years. We cannot accept that the government can simply take away our land without even being prepared to discuss it with us."<sup>146</sup>

Mkhize's next move was to write to the Prime Minister, P.W. Botha.<sup>147</sup> In the letter he called for Botha's urgent intervention because repeated pleas to Dr Koornhof to reverse the decision had been ignored. Mkhize asked the Prime Minister to assist not only the people of Driefontein but also those of KwaNgema and Daggakraal.<sup>148</sup> He further stated that government action to forcibly remove these three communities and their properties was not humanitarian especially in view of Dr Koornhof's promises that there would be no forced removal of Black people from their areas.<sup>149</sup>

To undo the existing deadlock Mkhize requested the Prime

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146. Quoted by the *Rand Daily Mail*, 8 April 1983, p. 7. (Mkhize's desperate plea to P.W. Botha).

147. Legal Resources Centre, Johannesburg. Correspondence received : S. Mkhize - P.W. Botha, 31 March 1983.

148. As indicated in Chapter 3 Daggakraal was one of the three farms bought by NFAAL in the Wakkerstroom district in 1912. By 1981 Daggakraal had also been declared a 'Black spot' by the government and was under threat of removal.

149. Legal Resources Centre, Johannesburg. Correspondence received : S. Mkhize - P.W. Botha, 31 March 1983.

Minister to arrange a meeting between the CBD, Dr Koornhof and the Prime Minister, in which the whole matter would be discussed. Mkhize also suggested that the committees of Daggakraal and KwaNgema being in a similar predicament be invited to participate in the discussions. But Mkhize categorically told Prime Minister Botha that the meeting he proposed was not meant to discuss the removal issue which from the point of view of the DCD was a *fait accompli*. Instead he highlighted four questions in particular which he wished the Prime Minister to address in that meeting. These were:

- “(1) Why we should consider leaving our homeland at all?
- (2) Why we should give up our legally owned property?
- (3) What reasons has the department for even thinking that we are prepared to allow them to intimidate us into such a move?
- (4) In view of lack of co-operation from the department, why should they expect our co-operation?”<sup>150</sup>

Mkhize further told Botha that the people of Driefontein had suffered for many years due to the uncertainty of their position. By this he meant that because of anxiety people could not plan their lives properly because of fear that they might be moved. In May 1982 Mkhize had told Dr Koornhof that:

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150. *Ibid.*

"In view of the lack of information, many of the people have not ploughed their fields, or attended to their huts or irrigation, nor planted in order to provide for this year's food. This means that many of my people will go hungry, because they do not really know what is happening, or will happen to them, or when. The people were informed that their present homes would be destroyed and therefore they have done nothing to maintain them in good order."<sup>151</sup>

Mkhize therefore called for a meeting with the Prime Minister and DCD officials "in order to sort out the entire matter" of what he and his people considered as "a completely unnecessary upheaval of these well-settled, well-adjusted and happy communities."<sup>152</sup>

Mkhize's questions to the Prime Minister might have portrayed him as an arrogant and even insubordinate person who failed to choose his words or to show respect to his superiors. But the latter part of his letter gives another side of Mkhize, that he did not intend to be rebellious, but only resented that there was no proper consultation or dialogue between the government and the residents. Thus while reaffirming his loyalty and that of his community, to the government, Mkhize wished the government to create a forum in which the matter could be discussed in a democratic manner, as he further stated as follows:

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151. Legal Resources Centre, Johannesburg. Correspondence received : S. Mkhize - P.J.G. Koomhof, 19 May 1982.

152. Legal Resources Centre, Johannesburg. Correspondence received : S. Mkhize - P.W. Botha, 31 March 1983.

"We do not wish to be rebellious in any way, but only to continue to live our lives out in our own environment. All we ask is that we have a reasonable and full discussion with a duly appointed body, by someone such as yourself. We know we must listen, but we must also have every opportunity to talk and to explain our position."<sup>153</sup>

The petition sent to Dr Koornhof and the letter to the Prime Minister were milestones in the whole campaign by the community against resettlement. Mkhize had demonstrated that he had a large rural constituency. He had also proved that he was a courageous leader who was prepared to go to the extent of discussing his problem even with the highest authority in the land.

But before Mkhize could receive a reply from the Prime Minister, he was murdered at Driefontein, as explained below.

## **8. THE ASSASSINATION OF MKHIZE AND ITS AFTERMATH**

Opposition against resettlement by the community of Driefontein reached a critical stage with the sudden and unexpected death of Saul Mkhize a few days after writing to the Prime Minister. Mkhize was killed by police at Driefontein on 2 April 1983 whilst addressing an open-air meeting of the residents on the grounds of a local school.

Mkhize's murder was actually a culmination of a series of

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153. *Ibid.*

unfortunate incidents experienced by the community in the hands of the police. A few months before Mkhize's killing, police had started to harass the residents of Driefontein. Pass raids became more and more frequent.<sup>154</sup> The residents believed that the pass raids, searches and arrests were part of the campaign of harassment designed to punish them for resisting the proposed removal.<sup>155</sup> This belief was confirmed when the police harassed Mkhize's son Paris. Paris, a seventeen year old student who attended school in Swaziland, reported that on 12 February 1983 he was apprehended at Piet Retief by eight Black men who, after identifying themselves as police, assaulted and tortured him.<sup>156</sup> Paris claimed that during the assault the assailants asked repeatedly:

"Why does your father not want to let Driefontein go?"<sup>157</sup>

After the beating during which Paris lost his artificial eye, he was taken to the Piet Retief police station where he was detained for a night. He was released the following day, that is, on Sunday 13 February. The following day, Paris accompanied by his father

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154. *New Nation New History, Vol. I, p. 58.* ("Pass" is the shortened form of "dompass", the identity book, (officially called Reference Book) issued to Black South Africans. The Blacks were required by law to carry the identity book at all times, failing which they were liable to summary arrest and prosecution).

155. *Driefontein, Newsletter of the Black Sash, February 1983, p. 9.*

156. *Rand Daily Mail, 8 April 1983, p. 7.* (Assault charge result unclear).

157. *Ibid.*

Saul, returned to the police station to make a statement. Saul also laid a charge with the police in connection with the alleged beating. In response the station commander asked Mkhize's son to return for an identification parade. But though Paris called at police headquarters on three separate occasions for such parades on dates arranged with the police, no parade was ever held.<sup>158</sup>

The Minister of Law and Order, Louis Le Grange, confirmed in Parliament that Paris was held overnight at the Piet Retief police station in connection with an alleged offence. He further stated that a complaint made about the alleged assault was being investigated.<sup>159</sup>

The harassment of Mkhize's son and the fact that during interrogation the police questioned him specifically about resettlement, was indicative that the boy was being victimized because of his father's stand against removal. The failure of the law to make a follow-up investigation, after the complaint launched by Paris and his father, strengthened this belief.

It would seem that Mkhize himself had started to feel insecure as an attempt had been made on his life. Writing to Dr Koornhof in May 1982, he had lodged a complaint to this effect, saying:

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158. *Ibid.*

159. *Ibid.*

"My life, because of my endeavours to help my people, has been threatened and an attempt to kill me has already been made. This cannot be allowed. This matter has been reported to the police."<sup>160</sup>

But Mkhize did not say who had tried to kill him and how. However, from his statement, it is clear that the incident was related to or a result of his efforts to prevent resettlement.

Part of the agenda of the meeting in which Mkhize was murdered was to discuss the petition submitted by the community to Dr Koornhof. During the course of the meeting, two policemen arrived on the scene and ordered Mkhize to close the meeting. According to the police the meeting was illegal because Mkhize had not applied to the magistrate for permission.<sup>161</sup>

A commotion then took place apparently because the crowd was reluctant to disperse at first. During the disturbance one of the policemen, Constable A.J. Nienaber, then fired a shot which killed Mkhize. Shortly after the shooting, the Public Police Directorate of Public Relations issued a statement relating to the event. This statement was subsequently presented to Parliament a week after the incident by Minister Louis Le Grange. Minister Le Grange reported that the following had happened:

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160. Legal Resources Centre, Johannesburg. Correspondence received : S. Mkhize - P.G. Koornhof, 19 May 1982.

161. *The Myth of Voluntary Removals ...*, p. 6.

On Saturday 2 April 1983 Constable A.J. Nienaber and Constable M.C. Khumalo attended to a complaint that an illegal meeting was being held at the Cabangani school in the Driefontein district. On their arrival they had found a meeting of approximately 500 people addressed by Saul Mkhize with the aid of a loud hailer. Nienaber then told Mkhize that the meeting was illegal and requested him to disperse the crowd. The crowd became riotous and the two policemen were forced to retreat as their lives were in danger. In the process Nienaber's service pistol was taken from its holster and someone in the crowd threatened Nienaber with his service revolver whilst several bystanders hit him with kieres. Nienaber donned a gasmask and succeeded to make his way to the police vehicle with the aid of two tearsmoke canisters he had in his pockets. His gasmask was smashed by blows from kieres. Upon reaching the police vehicle Nienaber took the shotgun that was in the vehicle, fired a warning shot in the air which, however had no effect on the crowds' behaviour. Nienaber then fired a shot into the advancing crowd which fatally wounded Mkhize.<sup>162</sup>

The police report further stated that the two policemen were executing their duty when the mob led by Mkhize disobeyed

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162. Statement released by the Division of Public Relations of the South African Police and delivered in Parliament by L. Le Grange, Minister of Law and Order, in House of Assembly Questions and Replies, 28 January to 9 September 1983, Vol. 110, pp. 986 - 987.

orders and threatened to harm the police. Nienaber had therefore acted in self-defence. The report also said that Nienaber was saved from serious injury in his face by the gasmask. It further stated that the service pistol stolen from Nienaber was still missing.<sup>163</sup>

Minister Le Grange further pointed out, that since the matter was still under investigation and might form the subject of a legal process, he preferred not to involve himself in a particular standpoint regarding reports about the shooting of Mkhize. Nevertheless he stressed that it was regrettable that it was at all necessary for such an incident to occur. He also reiterated the statement of the Division of Public Relations to the effect that an investigation headed by an officer of the South African Police was in progress and the evidence would be referred to the Attorney-General of the Transvaal for his consideration and a possible inquest examination in the magistrate's court.<sup>164</sup>

The murder of Mkhize aroused immediate and widespread criticism within the borders of South Africa and beyond. The killing provided a grim reminder that the potential for violence in

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163. *Ibid.*

164. *Ibid.*

the removals process was always strongly present.<sup>165</sup> Within the country, varied reactions came from politicians, church-leaders, figures of various anti-apartheid organisations and the press. Dr Koornhof expressed his deep-felt condolences to the bereaved family of Mkhize.<sup>166</sup> Pik Botha, the Minister of Foreign Affairs, said that the government regretted the shooting of Mkhize.<sup>167</sup> The Black Sash, the South African Council of Churches and Progressive Federal Party (PFP) member Helen Suzman, also shared their sympathies with the Driefontein community.<sup>168</sup>

Members of the PFP in Parliament and other critics were, however, not satisfied with the preliminary report made by the police, which exonerated the police for the killing. This was because the version of events as publicised by the Public Relations Office of the SAP was at variance with the accounts given by eye witnesses and journalists. Helen Suzman rejected the police version that Constable Nienaber had shot Mkhize in self-defence, as there could not possibly have been any danger to the police at the time of the killing.<sup>169</sup> Suzman substantiated her argument by pointing out firstly, that Mkhize was shot with a shotgun by the

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165. Platzky and Walker : *The Surplus People - Forced Removals in South Africa*, p. 170.

166. *Sowetan*, 5 April 1983, p. 4, (Shooting tragedy).

167. Cooper et al (eds.) : *Survey ... 1983*, p. 306.

168. *Sowetan*, 5 April 1983, p. 2. ('Tell them, tell them' Saul Mkhize's last wish before the cops shot him).

169. *The Natal Mercury*, 16 April 1983, p. 2. (Le Grange regrets killing).

policeman, who fired whilst standing next to his van outside a fence 1.8 metres high. Secondly, Mkhize was standing fifteen metres inside the school yard, which was surrounded by the high fence. Thirdly, the crowd attending the meeting had already been dispersed.<sup>170</sup> Suzman therefore felt that there could not possibly have been any danger to the police and found the police explanation totally unacceptable.<sup>171</sup> Instead she maintained that her firm belief was that "the constable either lost his head or that he had decided that Mkhize was just a Black troublemaker with whom he could deal in any way that he saw fit."<sup>172</sup>

The "self-defence" claim made by the police was also challenged by Sheena Duncan, President of the Black Sash. Duncan described Mkhize as a man of peace, and said the police version was inconsistent with fact, since before Mkhize was shot, he had appealed to the angry mob attending the meeting not to become violent.<sup>173</sup> Mkhize had also offered himself to be arrested for addressing what the police had told the crowd was an illegal meeting.<sup>174</sup>

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170. *Ibid.*

171. *Ibid.*

172. Debates of Parliament (Hansard), Col. 987, 15 April 1983.

173. *Sowetan*, 7 April 1983, (Mkhize's death condemned).

174. *Rand Daily Mail*, 5 April 1983, p. 7. (The anatomy of a shooting).

There were different claims about how Mkhize was shot and it was clear that the circumstances surrounding the killing would inevitably generate much argument. It was also likely that the facts of the shooting would probably never be resolved. But as the "Washington Post" subsequently commented, the major focus of the incident was the issue that Mkhize was protesting against, which led to his death, namely, the forced removal of Black communities.<sup>175</sup> As it turned out, many other people who commented about Mkhize's murder laid emphasis on the policy of forced removals, seeing it as the root cause of the whole tragedy.

Peter Gastrow of the PFP also condemned the killing of Mkhize, saying that it symbolised the destructive consequences of forced removals and the plight of the Blacks who were denied a say in Parliament.<sup>176</sup> He said:

"The policy of mass removals of Blacks is ruining our future. The tragic shooting of Saul Mkhize is just the tip of the iceberg of the suffering and brutality that goes hand in hand with removals."<sup>177</sup>

Gastrow further pointed out that the petition drawn up by Mkhize

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175. *The Guardian Weekly - The Washington Post, Vol. 128, No. 16, Week ending 17 April 1983, p. 16 (A continuing outrage).*

176. *The Natal Mercury, 14 April 1983, p. 4. (Gastrow hits out on Mkhize's death).*

177. *Ibid.*

was a shattering indictment against the Minister of the DCD.<sup>178</sup> Dr Koornhof's integrity became questionable when two days after the killing of Mkhize he denied any personal knowledge of personal correspondence with a Mkhize of Driefontein.<sup>179</sup> Yet he had personally written to Mkhize on two occasions.

The "Daily News" also condemned the murder of Mkhize and described it as a "grim story".<sup>180</sup> It further stated that it regarded the manner in which Mkhize had been killed as "most unnecessary, disturbing and distressing".<sup>181</sup> Mkhize was, according to the "Daily News", a responsible citizen who had negotiated with the government and its ministers on behalf of thousands of people under threat of removal. The Black community was therefore desperately in need of people like Mkhize. Consequently the South African government was called upon to investigate the matter in order to heal the wounds caused by the killing of Mkhize. The "Daily News" made this call as follows:

"With the shooting of Saul Mkhize, the reverberations of the shotgun blast will continue to have political echoes until there is an adequate explanation ... If damage to

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178. *Ibid.*

179. *Rand Daily Mail*, 8 April 1983, p. 7. (Mkhize's desperate plea to P.W. Botha).

180. *The Daily News*, 5 April 1983, p. 10, (Shot dead).

181. *Ibid.*

community relations is to be limited, the inquest into his death will have to be held with all haste and followed if necessary by appropriate and decisive government action to re-establish lost faith."<sup>182</sup>

The "Rand Daily Mail" saw Mkhize's death as a horrifying event and, in particular, as a tragic embodiment of the destruction that went with resettlement.<sup>183</sup> Bishop Simeon Nkoane, of the Anglican Church for the East Rand Dioceses, said Mkhize died because he would not allow apartheid to deprive his people of the title deeds which they had to the land they acquired before the Land Act of 1913.<sup>184</sup> He added that South Africa could not avoid looking at Mkhize's death as a tragedy.<sup>185</sup> He went on to say that the real point, however, was the ideology of apartheid which would not tolerate any value being placed on the lives of Black people.<sup>186</sup>

To the people of Driefontein the death of Mkhize was a even heavier blow. Mkhize had become the symbol of hope in the people's struggle against resettlement. As the "Sowetan" commented, Mkhize

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182. *Ibid.*

183. *Rand Daily Mail*, 7 April 1983, p. 10. (The death of Mr Mkhize).

184. *Sowetan*, 7 April 1983 (Mkhize's death condemned).

185. *Ibid.*

186. *Ibid.*

"came to the rescue of bewildered men and women who did not have the least intention to be thrust into the spotlight, nor indeed to be uprooted from homes they loved."<sup>187</sup>

The community of Driefontein had been frightened, for this was the first time in their history that they had been confronted with a problem of that magnitude.<sup>188</sup> These fears had to some extent, been allayed by Mkhize's optimism and determination to oppose the government. In an interview with the "Sowetan" two days before his life came to an end, Mkhize had said he was optimistic that he and his Council were winning the struggle against the government.<sup>189</sup> He assured his followers through the press, that the future was bright for them and their children.<sup>190</sup>

Among the projects that Mkhize and his Council were hoping to launch at Driefontein, was the provision of water taps to all landowners, in order to overcome the problem of water shortage in the village.<sup>191</sup> Mkhize had already made arrangements with a certain company to provide this service. A few other industrialists had told Mkhize and his committee, of their intention

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187. *Sowetan*, 5 April 1983, p. 4. (Shooting tragedy).

188. *Ibid.*

189. *Sowetan*, 5 April 1983, p. 2. ("Tell them, tell them" Saul Mkhize's last wish before the cops shot him).

190. *Ibid.*

191. *Ibid.*

to build factories at Driefontein.<sup>192</sup> In that way the local community could look forward to being employed nearer their homes.<sup>193</sup>

The Driefontein people therefore had come to regard Mkhize not only as an opponent of removal, but as a deliverer as well. Having been such an outspoken and courageous leader, Mkhize commanded much respect and charisma from his followers. He had become the community's hero. His death therefore dealt the people of Driefontein a serious blow. Everything they had hoped he would do for them, was now a pipe dream. Besides, the chances of averting forced removal at Driefontein now became bleak. The community was plunged into despair and mourning.<sup>194</sup> Writing on this event, Budlender has said:

"The community was devastated and the nascent organisation under Mkhize fell apart."<sup>195</sup>

Even KwaNgema people mourned Mkhize's death. They had learned to love Mkhize for having talked on their behalf as well about removal. So in a sense he had been their leader as well.

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192. *Ibid.*

193. *Ibid.*

194. Claassens : "Rural land struggles in the Transvaal ..." in Murray and O'Regan (eds.) : *No Place to Rest ...*, p. 32.

195. Budlender : "Driefontein : A community reprieved (and removals policy on the way out?)" in *Race Relations News*, December 1985, p. 6.

As Ephraim Gule, a resident of KwaNgema later remarked:

"Mkhize fought for both Driefontein and KwaNgema. We lost a great man."<sup>196</sup>

Mkhize was buried at Driefontein on Saturday, 16 April 1983 alongside his grandparents in the family grave yard near his home.<sup>197</sup> Up to 2 000 people attended the funeral, including representatives from various anti-apartheid organisations.<sup>198</sup> Among the dignitaries present was Bishop Desmond Tutu of the Anglican Church, Johannesburg.<sup>199</sup> Tutu had supported Mkhize in his campaign against resettlement.

In conclusion, it is clear from this chapter that the plan to relocate the residents of KwaNgema and Driefontein, which the government had taken for granted, proved to be far from easy. Opposition to resettlement by both communities was vehement and articulate. Although they pursued their struggles separately, they were driven by a common spirit towards a common objective, that is, to protect their land against the government. Outstanding about the Ngema people is the manner in which they

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196. E Gule : KwaNgema, 14 November, 1997.

197. *Rand Daily Mail*, 7 April 1983, (US outraged over Mkhize's shooting).

198. *Relocations : The Churches Report on Forced Removals in South Africa*, p. 11.

199. W. Gama : Driefontein, 16 November 1997.

refused to be removed by using a technicality that they were not a tribe but 'Umndeni'. This anthropological tactic by the people of KwaNgema seemed to be their major weapon to fight their way through. It was an unexpected "defence mechanism" which soon placed the dispute on a new dimension. But in spite of the uproar and the controversy that the 'Umndeni' concept subsequently created, the people of KwaNgema seemed to forget that the intended removal was basically an ideological matter which did not rest solely on the Act of 1927. Their area was according to the DCD a 'Black spot' which had to be cleared. Therefore whether they were a tribe or something else, was a non-factor. The government could still remove them on ideological grounds.

At Driefontein the resistance against resettlement was just as equally strong as at KwaNgema. But it only gained more vigour under Saul Mkhize's leadership. Mkhize's decision to seek legal assistance and the bold and eloquent manner in which he challenged the government on resettlement issues, restored the confidence of the people and strengthened their determination not to succumb to the government. But Mkhize's lack of cooperation caused the government to be more intolerant towards him and the people of Driefontein and this cost him his life. Mkhize's death, however, served to expose and discredit the government even further for its policy of forced removals. His death also increased

his popularity and he was honoured, nationally and beyond the country's borders, as a martyr for the rights of the rural people who were being dispossessed of their land.

One outstanding feature in the struggle for KwaNgema and Driefontein is that attempts by the government to weaken the people's resistance by applying the 'divide and rule' tactics, did not seem to be that effective. Both communities remained determined to keep their land at all costs in spite of all forms of harassment and intimidation by the government. But the manner in which the police retaliated to the resistance by slaying Mkhize could only mean that for both communities, the way forward was going to be difficult, painful and full of uncertainties.



Moses Ngema

SOURCE: Rand Daily Mail, 11 November, 1983.



Alfred Ndlokwakhe Ngema

SOURCE: Rand Daily Mail, 11 November, 1983.



Ephraim Gule and his wife ploughing their land at KwaNgema.  
SOURCE: A Claassens: Rural Land Struggles in the Transvaal in the '80s, p. 7.



Saul Mkhize with Bishop Desmond Tutu.  
SOURCE: Rand Daily Mail, 8 April, 1983, p. 7.



The funeral of Saul Mkhize, Driefontein, 1983.  
SOURCE: A Claassens: Rural Land, Struggles  
in the Transvaal in the '80s., p. 4.

**CHAPTER 4****THE CONTINUATION OF LEADERSHIP AND RESETTLEMENT-RELATED DISPUTES, 1983 - 1984**

Three broad questions are being addressed in this chapter, namely: What happened at Driefontein after Mkhize's death? How was the leadership dispute at KwaNgema eventually resolved? How did the two communities continue to oppose resettlement and how did the government deal with their opposition?

Accordingly this chapter traces the developments between 1983–1984 that led to further disputes between the government and the people of KwaNgema and Driefontein. The discussion covers the various issues that caused more controversy and more misunderstanding between the DCD officials and the leadership of the two communities and their legal representatives. The chapter also highlights the numerous problems experienced by the residents because of their unpreparedness to yield to resettlement, as well as their tactics to withstand the hardships they were subjected to.

**1. RENEWAL OF NEGOTIATIONS AT DRIEFONTEIN AND THEIR SUBSEQUENT FAILURE**

After Mkhize's death the CBD made a quick recovery and reorganised themselves in order to carry on the struggle against

resettlement. The community decided to go on with the struggle particularly so that the death of Mkhize could not be in vain. Mrs Julia Khanya, an old resident of Driefontein who was against removal, stated:

"Mkhize's death made us to become even more determined to win the struggle for the land. There was loss of blood and so it did not matter now what happened next. We could not succumb to the government after that tragedy."<sup>1</sup>

The CBD then appointed Beauty Mkhize (Mkhize's widowed wife) as CBD chairperson. But as a custom she could not play any active role in the affairs of the community (having just lost her husband) until the mourning period had passed.<sup>2</sup> She would therefore be assisted by Pickson Mkhize, brother of Saul Mkhize, and Modicay Maseko<sup>3</sup> (former representative for land matters).

Maseko was appointed as co-ordinator and passed messages between the CBD, the lawyers and various other people of Driefontein who worked in Johannesburg.<sup>4</sup> But technically he was acting chairman of the CBD.

On 26 May 1983 the CBD resumed negotiations with the government concerning resettlement. They submitted a

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1. J. Khanya (Mrs) : Driefontein, 14 November, 1997.
  2. W. Gama : Driefontein, 16 November, 1997.
  3. *Ibid.*
  4. *Ibid.*

memorandum to Dr Koornhof in which they proposed various possible alternatives to resolve the problem facing the community of Driefontein.<sup>5</sup> The main principles on which the residents sought to arrive at a solution were the following:

- (i) The dislocation and disruption of the peaceful and self-supporting pastoral community of Driefontein, had to be kept to the minimum and this was absolutely necessary.
- (ii) Every effort had to be made to avoid splitting the community, which had existed as an entity for over seventy years, and in particular, the separation of families had to be avoided.
- (iii) The residents did not wish to obstruct the building of the Heyshope dam.
- (iv) Where removal was unavoidable, compensation for land owners had to take the form of land which was equivalent in size, value and context.
- (v) Some eighty-three (officially eighty-four) privately-owned properties would be affected by the dam, some to a minor extent. Only people in these properties had to be resettled

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5. Legal Resources Centre, Johannesburg, Memorandum of the Council Board of Directors of Driefontein, submitted to Dr P.G.J. Koornhof, 26 May 1983.

and compensatory land purchases could be made on land close to Driefontein to accommodate such residents.<sup>6</sup>

Responding to the proposals set above, Dr Koornhof made preparations to hold a meeting with representatives of the CBD. But he would also hold talks with Msibi's committee, even though this committee had been ousted from office by the community, as mentioned. As an outcome of that decision, the representatives of the two bodies met with the Minister in Pretoria on 30 May 1983. Present in the meeting with Minister Koornhof were the following officials:

Deputy Minister van der Walt, Chairman Le Roux of the Department of Cooperation and Development, Director-General Raath, Chief Commissioner van Niekerk, Commissioner Prinsloo of Wakkerstroom, Brigadier Visser of the SAP. Also present were a substantial number of other government officials. Geoff Budlender was also in attendance as legal representative of the CBD.<sup>7</sup>

The structure of the meeting was that the Minister would first meet Msibi's Board, after which he would meet with the CBD. He

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6. *Ibid.*

7. Legal Resources Centre, Johannesburg, Minutes of the Meeting between Dr P.G.J. Koornhof and members of the Driefontein Community Board and Council Board of Directors in Pretoria, on 30 May 1983.

would then meet the two bodies in a joint session.

A few major issues and proposals were discussed by Dr Koornhof at the joint meeting. These included the following:

- (i) Driefontein was to be moved as planned, since Parliament had decided on this as far back as 1973. Dr Koornhof also pointed out that Msibi's committee had always co-operated with the government in this regard and in turn, the government had accepted this committee as the official spokesman of Driefontein.
- (ii) The construction of the Heyshope Dam would not be obstructed and because the dam would be storing water by September 1984, the time factor was of the essence.<sup>8</sup>
- (iii) A joint committee would be set up comprising of representatives of Msibi's committee and the CBD. This joint committee would negotiate about the proposed resettlement.<sup>9</sup>
- (iv) When moved, the inhabitants of Driefontein would not be divided along ethnic lines, as previously planned, they

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8. *Ibid.*

9. Legal Resources Centre, Johannesburg. Correspondence received : G.M. Budlender - P.G.J. Koornhof, 16 June 1983.

would be moved to one place.<sup>10</sup> But they would still definitely be moved.<sup>11</sup> However, a new alternative arrangement was tabled by the Minister, namely that people who did not wish to be settled at Babanango or Lochiel (because of the remoteness of these areas or other reasons) might be resettled at Skaapkraal in Paulpietersburg.<sup>12</sup> This concession was being made by the government in order to widen the options of the residents.

As Deputy Minister van der Walt stated:

"We are not married to the idea of Babanango or Lochiel. We are in favour of moving the community as a whole if we have to move them. If there are people who would like to go to Babanango and Lochiel, they are at liberty to do so."<sup>13</sup>

However, no fixed arrangements had been made by the government to have Skaapkraal for the Driefontein community. Dr Koornhof was still going to put to the cabinet whether it was possible to make land available in that area. The Minister further assured the leaders of Driefontein that Skaapkraal, which lay

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10. Claassens : "Rural Land Struggles in the Transvaal in the 1980s" in Murray and O'Regan (eds.) : *No place to rest ...*, p. 32.
11. *Ibid.*
12. Legal Resources Centre, Johannesburg : Minutes of the Meeting between Dr P.G.J. Koornhof and the members of the Driefontein Community Board and Council Board of Directors in Pretoria, on 30 May 1983.
13. *Ibid.*

adjacent to the Pongolo district was a very good area that would provide land for land and value for value.<sup>14</sup> Besides it had the advantage of being nearer to Driefontein than Babanango (as a compromise to those people who did not wish to go far). To win the hearts of the Driefontein community, Dr Koornhof even went to the extent of trying to convince the people, that Skaapkraal was comparatively more attractive and richer than Driefontein. He said:

"All of us around this table who knew Driefontein and Skaapkraal, know that Skaapkraal is a better agricultural area. The people of Driefontein can improve their quality of life at Skaapkraal. ... Skaapkraal is a very sought after area. There is no area in Natal where I know White people are more up in arms, wanting to get the area."<sup>15</sup>

Even in Parliament, Dr Koornhof painted a rosy picture of the land promised to the Driefontein inhabitants. He declared:

"This is a move to better land and to better conditions than the people have at present."<sup>16</sup>

Despite the various options tabled by the Minister his proposals were turned down by the CBD, despite the promise of land for

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14. *Ibid.*

15. *Ibid.*

16. Debates of Parliament (Hansard), 16 May to 24 June 1983, Vol. 107, p. 8781.

land.<sup>17</sup> Instead they put before the Minister various alternatives designed to allow the construction and filling of the dam to continue without hindrance, but without the dislocation or division of the community.<sup>18</sup> On his part, Msibi welcomed the removal of only those residents affected by the dam.<sup>19</sup> But he wished the government to give an assurance that once resettlement had taken place, the people would not be moved again.<sup>20</sup>

Concerning the question of a joint committee, the CBD agreed to the establishment of such a committee on the express understanding:

- (i) That their willingness to serve on the Planning Committee was not to be taken as implying in any way their acceptance of the principle of the removal of Driefontein. Rather it was because they recognised the need to negotiate with the government in an orderly fashion.
- (ii) That they were concerned about the reaction of the Driefontein community to the establishment of a joint committee. If, therefore, the joint committee did not work,

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17. Budlender : "Driefontein ..." *Race Relations News*, December, 1985, p. 7.

18. *Ibid.*

19. Legal Resources Centre, Johannesburg : Minutes of the meeting between Dr P.G.J. Koornhof and the members of the Driefontein Community Board and Council Board of Directors in Pretoria, on 30 May 1983.

20. *Ibid.*

or if it was not accepted by the people of Driefontein, then they suggested that a public meeting be called so that a new committee could be directly elected to negotiate with the government.<sup>21</sup>

In reply, Dr Koornhof agreed that if the idea of a joint committee did not work, further meetings similar to the one of 30 May, would be held.<sup>22</sup> As a consequence of that agreement, a public report-back meeting was held at Driefontein on 4 June 1983 under the chairmanship of Chief Commissioner van Niekerk.<sup>23</sup> That meeting was decisive, since the entire community was there to deliberate themselves on the proposals tabled by the Minister on 30 May.

Commissioner van Niekerk actually held two meetings on 4 June, the first with the community of Daggakraal and the second at Driefontein. Both communities were told once again that they would have to leave their areas, and be resettled elsewhere. At Daggakraal the 9000-strong community would be broken into three groups, with Zulus being removed to Babanango, Swazis to Lochiel in KaNgwane and Southern Sothos to Witzieshoek in

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21. Legal Resources Centre, Johannesburg, Correspondence received: G.M. Budlender - P.G.J. Koornhof, 16 June 1983.

22. *Ibid.*

23. *Ibid.*

Qwaqwa homeland.<sup>24</sup> However, in the case of Driefontein, van Niekerk confirmed the promise made by Dr Koornhof that the people would no longer be split, but would all be relocated to Skaapkraal. In reply the people of Driefontein reiterated their point, as they had several times before, that they rejected removal. They also expressed their hope that Dr Koornhof, as a Christian, would leave them alone.<sup>25</sup> Placards proclaiming "we are not going from Driefontein" were hung at various points in the village, especially along the road to the local school sports-ground, where Commissioner van Niekerk held his meeting with the residents.<sup>26</sup> The placards had been hoisted overnight to give the CC some idea of the feelings of the community before the meeting was held.

The residents of Driefontein also used the occasion to voice their opposition to Stephen Msibi's leadership. Beauty Mkhize told van Niekerk that Msibi, who was present at that meeting, was the cause of the problems of the village.<sup>27</sup> Pickson Mkhize said the people of Driefontein would rather have their organisation, the CBD, dismantled by Dr Koornhof than work with Msibi.<sup>28</sup> So

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24. *Rand Daily Mail*, 7 June 1983, p.7. ('We shall not be removed' was mood at Driefontein.

25. *Ibid.*

26. *Ibid.*

27. *Ibid.*

28. *Ibid.*

furious were the residents with Msibi, that when he tried to address them about what transpired in the meeting with Dr Koornhof, they booed him to silence.<sup>29</sup> Such reactions were making the work of the government officials increasingly difficult.

The people of Driefontein got a reputation for being unreasonable and militant.<sup>30</sup> It now became clear that Dr Koornhof's attempts to set up a Planning Committee and to convince the people of Driefontein to accept removal were proving to be unsuccessful.

In the light of the results of the meeting of 4 June, it became necessary for all parties involved to reassess the next step to be taken. Attorney Budlender then advised Dr Koornhof that since the government maintained in principle that it was negotiating with the Driefontein community, there were two ways of conducting such negotiations, that is, directly with the community through public meetings or through representatives of the community.<sup>31</sup> In Budlender's view, not negotiating with the legitimate leaders of the community would be counter-productive.

Accordingly he advised Dr Koornhof as follows:

"There is clearly no purpose in negotiating with people who do not have authority from the community and do not enjoy

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29. *Ibid.*

30. Claassens : *Umhlaba — rural land struggles in the Transvaal*, p. 6.

31. Legal Resources Centre, Johannesburg, Correspondence received: G.M. Budlender - P.G.J. Koornhof, 16 June 1983.

its confidence. Any agreement which might be reached with such persons, would be completely worthless, as it would not carry any community support. Indeed any negotiated 'agreement' of this sort, is likely to be counter-productive, in that it may well harden and polarise attitudes."<sup>32</sup>

Dr Koornhof, however, ignored Budlender's advice. Instead he began to adopt the perception that the people of Driefontein were being deliberately incited by outsiders such as the Black Sash and the L R C, to resist relocation.<sup>33</sup> The Minister believed that there was a campaign within the country to sensationalise the policy of population removals. Debating the Driefontein issue in Parliament he said:

"This entire matter in regard to Driefontein, has to a large extent, been internationalized. The campaign against the removals is being conducted from within certain circles in South Africa."<sup>34</sup>

The claims made by Minister Koornhof were partly valid. By 1984 a few urban-based anti-removal organisations had emerged throughout the country to assist rural people in the campaign against resettlement. The communities of KwaNgema and Driefontein also lobbied for support with some of those organisations. But in general the people threatened with

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32. *Ibid.*

33. Debates of Parliament (Hansard) 16 May to 24 June 1983, Vol. 107, pp. 8781 - 8782.

34. *Ibid.*

removal, including those of KwaNgema and Driefontein, took the initiative themselves to oppose resettlement and only sought help and support from outsiders afterward.. There was thus no evidence that they were being manipulated, as the Minister seemed to suggest.

## **2. THE ROLE PLAYED BY THE DRIEFONTEIN LEGAL CLINIC IN THE ANTI-RESETTLEMENT CAMPAIGN**

After Mkhize's death the residents of Driefontein experienced one bureaucratic obstruction after another.<sup>35</sup> The Commissioner of Wakkerstroom provided services to the community selectively by recognising the discredited Msibi's Community Board whose period of office had expired.<sup>36</sup> Commissioner Prinsloo refused to approve of pension applications; he refused to issue 'dompasses' that is Reference Books, thereby rendering young people unable to get jobs; he forbade the community to hold meetings.<sup>37</sup> In addition to these restrictions, the Commissioner held money collected from the community for repairing roads and refused to

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35. Budlender: "Driefontein ..." in *Race Relations News*, December 1985, p. 6.

36. Claassens: "Rural land struggles in the Transvaal in the 1980s", in C. Murray and C. O'Regan (eds.) : *No Place to Rest ...*, p. 33.

37. *Ibid.*  
As indicated in Chapter 3, Reference Books were identity books, issued at Magistrates offices. They were compulsory and used primarily to enforce the influx control laws. No Black person could obtain employment or residential rights in town without the identity document. Influx control laws were subsequently scrapped by the Botha government in July 1986. Since then, the Reference Book was replaced by the identification book issued to all South Africans.

allow it to be used for that purpose.<sup>38</sup> Instead he stated that pensions, Reference Books, community meetings and road repairs would all be forthcoming in the resettlement area after the people had moved.<sup>39</sup>

To deal with the problems created by the Magistrate, the Driefontein Legal Clinic was formed in 1983. The DLC came about as a result of the assistance and active involvement of the Transvaal Rural Action Committee (TRAC).<sup>40</sup> The TRAC was a project of the Black Sash. Since 1962 the Black Sash was one of the organisations in South Africa most centrally concerned with exposing, analysing and in its own way, combatting some of the worst institutional excesses of apartheid. The TRAC was established to allow for an ongoing and thorough response to the requests for support and advice from various communities threatened with removal. It employed fieldworkers to work with such communities. At Driefontein the TRAC felt that the community would benefit by being engaged in practical projects which would be carried out jointly. Such projects would act as a catalyst for community organisation and restore confidence

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38. *Ibid.*

39. *Ibid.*

40. Budlender : "Driefontein ..." in *Race Relations News*, December 1985, p. 6.

following the death of its charismatic leader, Saul Mkhize.<sup>41</sup>

The Legal Clinic Committee of the community participated in the institution and development of the clinic. Members assisted in taking statements and in explaining the potential legal remedies that were available to the claimant. Through the DLC, members of the community came to understand the collective nature of the individual claims. For instance, the refusal by the Commissioner to pay some women their pension was perceived as part of the victimization of the entire community in order to induce it to move to the resettlement area. Another advantage of the DLC was that the community learnt about the potential and the limits of the legal process. The residents were drawn into the process of discussing appropriate strategies with regard to each complaint.<sup>42</sup>

The formation of the legal clinic at Driefontein, was a unique feature in rural development generally and particularly in the struggle for the land. The DLC filled a particularly special role where communities might be confused and lacked confidence in dealing with government officials. With the assistance of the clinic, the people of Driefontein could decide, for example, to challenge refusal to pay pensions by way of litigation before a

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41. N. Haysom: "Rural Land Struggles: Practising Law Democratically," in C. Murray and C. O'Regan (eds.) : *No Place to Rest ...*, p. 116.

42. *Ibid.*

Supreme Court or by confronting the relevant official in the area and putting terms to him directly.<sup>43</sup> Either way, the community participated in the process and was in a position to learn from both victories and defeats.<sup>44</sup> Using this method paid some dividends as the Commissioner was forced to back down on a number of issues. Eventually pension payments were made and Reference Books issued.<sup>45</sup>

These court victories, small as they were, were significant. For the issue was not just pensions, rather it was the defeat of the repository of state power and the heady possibilities that this created.<sup>46</sup> Claassens has pointed out that court victories served to boost the confidence of the Blacks and at the same time they eroded that of the government officials. She gave the following description of the new scenario:

"Any victories however small are important in boosting the confidence of the communities and thereby drawing an increasing number of people into active, as opposed to passive resistance. They are also important in undermining the confidence of government officials. Often the shock of defeat is enough to shake them completely. They retreat, unsure of exactly what went wrong, but not prepared to risk the ignominy of defeat again. This official response occurs"

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43. *Ibid.*

44. *Ibid.*

45. Budlender: "Driefontein ..." in *Race Relations News*, December 1985, p. 6.

46. Claassens, "Rural land struggles in the Transvaal in the 1980s," in Murray and O'Regan (eds.): *No Place to Rest ...*, p. 34.

at both a national level and local level. Instead of examining why the issue was lost and how to avoid the pitfall in future, officials jump to the conclusion that the law is inadequate. They back of completely to wait for Parliament to add some strength to their arm in the form of a new law or an amendment to the existing law."<sup>47</sup>

By legally defeating the Commissioner, the residents who had begun to despair realised that the Commissioner was not invincible. They were now prepared to face any challenge pertaining to the problem. Claassens has described this position further in the following statement:

"Whereas previously people had boycotted meetings and been silent and unresponsive when faced with government officials, now they flocked to all meetings, even to court cases at Wakkerstroom. Whenever a government official turned up, there they would be. They would argue with him, contradict him, laugh at him and challenge his views and the morality of forced removals."<sup>48</sup>

Such confrontation by the people made officials realise that there was no way they could accomplish anything resembling a voluntary removal at Driefontein.<sup>49</sup> Thus in spite of the fact that Blacks were at the mercy of the government being the politically voiceless section of the South African population, they could still enjoy some protection from the legal system of the land. This

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47. A. Claassens : *Umhlaba-Rural land struggles in the Transvaal in the 80s*, p. 9.

48. Claassens : "Rural land struggles in the Transvaal in the 1980s" in Murray and O'Regan (eds) : *No Place to Rest ...* p. 34.

49. *Ibid.*

point was also made in 1983 by the SPP Group, who wrote as follows:

“Legal action can still play a useful if not ancillary role in the struggle against forced removals. At the very least, an understanding of the laws is essential to protect the victims of relocation against unscrupulous manipulation and to boost their own sense of control and competence in dealing with government officials.”<sup>50</sup>

The DLC also played a vital role where the community's confidence was eroded by the notion that only a lawyer, the decoder, could do things on their behalf.<sup>51</sup> Therefore lawyering with, rather than on behalf of, rural communities, and involving them in a process of education and discussion did not only assist in preparing such participants to struggle for their rights within the existing institutions, but also served to politicize them to resist the undemocratic values which underpinned such institutions.<sup>52</sup> Community involvement in the struggle for land and other civil rights thus changed the relationship between the community and the lawyer. The two came to act like partners who jointly shared the problem at hand and its outcome. Nicholas Haysom has described this relationship as follows:

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50. *Forced Removals in South Africa - General Overview*, Report of the Surplus People Project, Vol. I, p. 85.

51. Haysom: “Rural Land Struggles: Practising Law Democratically,” in C. Murray and C. O'Regan (eds.): *No Place to Rest ...*, p. 117.

52. *Ibid.*

"The lawyer was no longer the moral entrepreneur appropriating causes and victories. The victories even those won through legal means, belonged to the community and served to bolster their confidence in dealing with the bureaucracy and in solving community problems."<sup>53</sup>

The legal clinic was not the only form of community organization that fought against removal. The CBD also organized the formation of a health clinic committee and the building of a wattle-and-daub clinic. They negotiated support from private doctors and funders to open a health service for Driefontein. More and more people were drawn into community activity. All this effort was directed at stopping the removal. It was to improve life at Driefontein in the face of the State's attempts to starve them out.<sup>54</sup>

Yet, as indicated, the success of the community of Driefontein to unite and win some of their rights and to organize community projects, did not, by any means, mean that they had overcome the major problem of resettlement. The struggle for the land was still on. Besides, the matter could not be fought solely from an ideological or legal premise as the Heyshope Dam was certainly going to flood part of the village. Thus some compromise had to be reached with the government to ensure the safety of those

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53. *Ibid.*

54. Claassens "Rural land struggles in the Transvaal in the 1980s" in Murray and O'Regan (eds.) : *No Place to Rest ...*, p. 35.

families whose lands would be submerged by the dam floods. But the preliminary victories in court were a sign of what consolidated community effort could achieve against state repression. This also helped to turn what was seemingly a hopeless situation into a positive experience. Such unity was in due course to place the campaign against resettlement on a new dimension not only at Driefontein but at KwaNgema as well.

### **3. DISSATISFACTION OF THE DRIEFONTEIN COMMUNITY WITH THE INTRUSION OF CHIEFS AND THE ACQUITTAL OF MKHIZE'S MURDERER**

After the meeting of 4 June 1983 between the CC and the residents of Driefontein, there was a long silence from the DCD with no officials visiting the area or dealing with leaders of any description. Then on 27 February 1984 an unidentified government official accompanied by four policemen held a meeting at Driefontein.<sup>55</sup> Three chiefs Messrs Sidu, Yende and Tshabalala from the wider Piet Retief area were invited, as were some people from Iswepe and Piet Retief.<sup>56</sup> It appeared that attempts were now being made by officials of the DCD to establish a new representative authority for the residents of Driefontein,

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55. *The Myth of Voluntary Removals ...*, p. 4.

56. *Ibid.*

apparently on a tribal basis.<sup>57</sup> Fears swept through the Driefontein community as a result of this strange action by the government. The situation became more tense when, subsequently, young men from Driefontein were told that they could no longer renew their annual labour contracts unless they had the stamp of one or other of these chiefs in their Reference Books.<sup>58</sup> Another disturbing development occurred when a pamphlet was circulated in Driefontein stating that Chief Sidu, had arranged an inspection tour of Babanango in Kwa Zulu for Driefontein residents.<sup>59</sup>

The people of Driefontein were intrigued by all these developments. They had never been ruled by chiefs before and they had never invited those people to hold a meeting on their land.<sup>60</sup> Pickson Mkhize stated that chiefs were foreign to the freehold farm of Driefontein.<sup>61</sup> Attorney Budlender also lodged a complaint with the government on behalf of the CBD about the same matter. Writing to Dr Koornhof he said:

\*We need hardly point out that these attempts are a source

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57. Legal Resources Centre, Johannesburg, Correspondence received : G.M. Budlender - P.G.J. Koornhof, 15 June 1984.
58. Cooper *et al* (eds.): *Survey ... 1984*, p. 461.
59. *Ibid.*, pp 461 - 462.
60. *The Myth of Voluntary Removals ...* p. 4.
61. Cooper *et al* (eds) : *Survey ... 1984* p. 462.

of great anger and tension in the community. Your department is seen to be intervening and interfering in the affairs of the community by attempting to undermine the position of the Council of Directors and set up another source of representation."<sup>62</sup>

However, in reply Dr Koornhof, through the Administrative Secretary of his department, pointed out that his department was not aware of the alleged attempts to establish another source of authority within Driefontein.<sup>63</sup> This could have meant that the imposition of chiefs at Driefontein was a local initiative undertaken by the Commissioner at Wakkerstroom. But whichever way, the people of Driefontein voiced their strong objections against the intrusion of chiefs on their land. Consequently on 22 December 1984 when the CBD established a new constitution, they stated as a matter of principle that:

"This committee shall be the only authority in the community of Driefontein. No chiefs or tribal authorities, and no other committees, are recognised as having any authority over Driefontein."<sup>64</sup>

The CBD maintained, however, that as the elected representatives of the residents of Driefontein, they would liaise with government

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62. Legal Resources Centre, Johannesburg, Correspondence received : G.M. Budflender — P.G.J. Koornhof, 15 June, 1984.
63. Legal Resources Centre, Johannesburg, Correspondence received : Administrative Secretary, Department of Cooperation and Development — G.M. Budlender, 28 June, 1984.
64. Legal Resources Centre, Johannesburg, Constitution of the Driefontein Council Board of Directors as adopted on 22 December 1984.

officials who were responsible for administering the area.<sup>65</sup>

Another development which strained relations further between the government and the community of Driefontein in 1984 was the manner in which the case of Mkhize's murderer was decided in court. On 2 April 1984, Constable Andries Nienaber, the policeman who killed Mkhize, was found by the Circuit Court at Volksrust not guilty of intending to kill Mkhize or of negligence in shooting him. The Judge, Justice J.O.P. de Villiers, said that there had been not one aspect of Constable Nienaber's evidence with which a Court could say it was not impressed.<sup>66</sup> He accepted Nienaber's statement that his life had been threatened by an angry mob. The Judge found that the events leading to the shooting had been traumatic for Nienaber and that his vehicle showed damage consistent with stone throwing. "If there was no attack on him, why was his vehicle damaged?"<sup>67</sup> the Judge asked.

Judge de Villiers also said Mkhize had been an arrogant, somewhat impolite man with a strong personality.<sup>68</sup> He therefore found Nienaber not guilty and acquitted him.

The people of Driefontein were infuriated by the trial which

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65. *Ibid.*

66. *Easter Weekend at Driefontein*, Newsletter of the Black Sash, May, 1984, p. 29.

67. Quoted by Cooper *et al* : *Survey ... 1984*, p. 791.

68. *New Nation - New History*, Vol I, p. 57.

absolved Mkhize's murderer. They were specially angry with the local Commissioner about evidence he gave of events leading up to the day of the shooting. The Commissioner created the impression that Mkhize and the people of Driefontein were anti-White. He said at the trial that any White person who set foot in Driefontein risked his life.<sup>69</sup> This statement by the Commissioner was viewed by the people of Driefontein as an exaggeration of the situation and a distortion of facts. In the circumstances the CBD called their lawyers and instructed them to arrange a retrial with a judge from another country.<sup>70</sup> But when the lawyers explained that such an arrangement was not possible, the CBD then demanded that the local Commissioner be removed.<sup>71</sup> This could not happen either. This left the residents of Driefontein defeated and frustrated. But heartbroken as they were, they were not prepared to give up their struggle against the removal. They knew that the best way to preserve Saul's memory was to go on fighting.<sup>72</sup>

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69. Claassens, "Rural land struggles in the Transvaal in the 1980s" in Murray and O'Regan (eds) : *No Place to Rest ...*, p. 35.

70. *Ibid.*

71. *Ibid.* p. 33.

72. *New Nation - New History*, Vol. I, p. 58.

#### 4. THE CONTINUATION OF THE LEADERSHIP DISPUTE AND THE CLAMOUR FOR COMMUNITY MEETINGS AT DRIEFONTEIN

Two other problems that the people of Driefontein faced in 1984 concerned firstly, the unresolved question of leadership between the Driefontein Community Board and the CBD. Secondly, for several months the community of Driefontein could not meet to discuss issues of common concern. Community meetings had been forbidden by the Commissioner at Wakkerstroom.<sup>73</sup>

With regard to the leadership problem, Dr Gerrit Viljoen, the new Minister of the DCD (now called the Department of Cooperation, Development and Education) maintained that negotiations with the people of Driefontein would have to take place through a liaison committee.<sup>74</sup> Such a committee would consist of members of the Driefontein Community Board and the Council Board of Directors as was proposed at a meeting held on 30 May 1983 with the previous Minister of the DCD, Dr Koornhof. The liaison committee would, according to Dr Viljoen, consist of five members of the CBD under the chairmanship of an official of the DCD.<sup>75</sup>

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73. Cooper *et al* (eds) : *Survey ... 1984*, p. 462.

74. Legal Resources Centre, Johannesburg, Correspondence received : G. Viljoen — G.M. Budlender, 22 October, 1984.

75. *Ibid.*

The Minister insisted that until such a committee was formed, negotiations would only take place with the Driefontein Community Board, being the only body recognised by the DCD.<sup>76</sup>

Despite the conditions stipulated by Dr Viljoen, the CBD took legal steps to gain official recognition as the legitimate leadership of Driefontein. On 2 November Attorney Budlender, on behalf of the CBD, wrote to Stephen Msibi and other members of the old Driefontein Community Board and reminded them that there was no basis whatsoever on which the Community Board would represent the community of Driefontein.<sup>77</sup> Budlender also reminded Msibi and his colleagues that at the public meeting of 4 June 1983 under the chairmanship of the CC, the Driefontein community had made it abundantly clear that there was a complete lack of support for the Driefontein Community Board. Msibi's Board therefore had no mandate at all from the residents of Driefontein to represent them.<sup>78</sup> On the question of resettlement Budlender told Msibi and his Board that:

"Your views in respect of the proposed resettlement do not reflect the views of the majority of Driefontein residents. While you have agreed to the resettlement, the majority of

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76. *Ibid.*

77. Legal Resources Centre, Johannesburg, Correspondence received G.M. Budlender — Messrs S Msibi, J. Vilakazi, S. Yende and S. Ngwenya, 2 November, 1984.

78. *Ibid.*

residents are opposed to it."<sup>79</sup>

Attorney Budlender further reminded Msibi that apart from the reasons he had stated, the Community Board's term of office had expired during March 1984. Therefore in terms of its own constitution, the Community Board had been defunct for over seven months.<sup>80</sup>

Further legal action was taken by the community in order to get permission to hold meetings.

On 16 November 1984 the CBD lodged papers with the Supreme Court in Pretoria. They submitted that they wanted to hold a meeting as a matter of urgency because the level of the Heyshope Dam was rising and eighty-three families had been told that they would have to move. To this effect the official notice from the Water Affairs Department to the people of Driefontein had stated:

"You are hereby informed that the sluice gates of the Heyshope Dam have already closed and that the water level is rising. As a result, your homes and the graves of your relatives will be flooded. You are hereby requested to move to higher ground and to approach us to make arrangements regarding the abovementioned graves. You are expected to indicate before or on 8 December 1984 whether or not you want to proceed with reburial arrangements. If we do not receive indication by the specified date, it will be taken for granted that you do not expect us to make the necessary arrangements which means that the graves will be flooded

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79. *Ibid.*

80. *Ibid.*

with the result that reburial will be impossible."<sup>81</sup>

The CBD also wished to congregate to adopt a constitution and regularise its position as the old Community Board had become defunct. They also submitted that Commissioner Prinsloo (a) was hostile to the Council Board and was taking the initiative in forming a rival residents' association at Driefontein; (b) had drawn up a constitution providing a twelve-member committee, four of whom he would appoint; and (c) would also screen all election candidates, fix election dates and preside at elections.<sup>82</sup>

The legal action taken by the CBD soon bore fruit. On 17 December 1984 Commissioner Prinsloo granted the residents permission to hold a meeting at Cabangani School, Driefontein on 22 December 1984.<sup>83</sup> In that meeting they were free to:

- (i) decide whether a new committee could be elected and to adopt a constitution;
- (ii) discuss the notices served on the people about the dam and the proposed resettlement.<sup>84</sup>

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81. Legal Resources Centre, Johannesburg, Notice on Heyshope Dam (Annexure PPP) from the Department of Water Affairs.

82. Cooper *et al.* (eds.) : *Survey ... 1984*, p. 462.

83. Legal Resources Centre, Johannesburg, Correspondence received : M.J. Prinsloo — M. Maseko and the Council Board of Directors of Driefontein, 17 December, 1984.

84. *Ibid.*

For the community of Driefontein the sudden decision by the magistrate to grant them the opportunity to meet, after banning meetings there for some months, was a breakthrough. It also illustrated once more the effectiveness of legal action in dealing with the negative attitude displayed by some government officials towards the problems of the Black residents. It should be noted, however, that events at Driefontein were also partly influenced by developments at KwaNgema where the residents also took legal action against the government. Such action resulted, among other things, in some compromise being made between the Water Affairs Department and dam victims. Let us now turn to KwaNgema and look at what happened there in 1984.

##### **5. THE DEATH OF GABRIEL NGEMA AND THE CONTINUATION OF THE LEADERSHIP DISPUTE AT KWANGEMA**

Developments at KwaNgema took another turn in 1984 after the sudden death of Gabriel. Gabriel died in February 1984 from natural causes.<sup>85</sup> Many people at KwaNgema, however, believed that Gabriel's sudden death was divine punishment for his having shown government officials the grave of their beloved ancestor, Stuurman, in preparation to taking it to the new settlement.<sup>86</sup>

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85. Legal Resources Centre, Johannesburg, Correspondence received : Messrs Bell, Dewar and Hall DCD (Annexure S), 27 February 1984.

86. *KwaNgema*, Newsletter of the Transvaal Rural Action Committee (TRAC) of the Black Sash, (undated).

Yet in spite of the general dissatisfaction with Gabriel's leadership which culminated in his expulsion, there were no immediate suggestions from the community about his replacement.

Much to the surprise of KwaNgema people, before the community could decide about the next leader, the DCD were already making arrangements to have Gabriel's 'vacant' post filled. This came out on 25 February 1984, during Gabriel's burial which was attended by some of the government officials. The White authorities stated inter alia, that they wished to discuss the question of the late Gabriel's successor.<sup>87</sup> But in reply, the residents refused to discuss the issue since they felt that the occasion was inappropriate for a matter of that kind.<sup>88</sup> As an alternative, the officials then suggested that the community should attend a meeting to be held the following day.<sup>89</sup> Again, the request was turned down by the people on the grounds that it was unreasonable to expect the community to discuss the matter of succession only a day after the funeral.<sup>90</sup>

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87. Legal Resources Centre, Johannesburg, Correspondence received : Messrs Bell, Dewar and Hall - M.J. Prinsloo (Annexure T), 29 February 1984.

88. *Ibid.* This refusal was based on the Nguni custom of observing the mourning period ("ukuzila" in Zulu) which may take a few days. During such periods, activities such as ploughing and meetings are suspended. At KwaNgema the customary waiting period after a community leader's death, was one month.

89. *Ibid.*

90. *Ibid.*

By insisting that a successor be found for Gabriel, the Department officials were making it obvious that they did not recognise the Ngema Committee as the natural successor of Gabriel. Under such circumstances the Ngema Committee changed their mind and realised that it was in the interest of all to appoint a successor to Gabriel before the customary waiting period of one month.<sup>91</sup> After consulting with their lawyers, they informed the DCD that they did not see the death of Gabriel as creating a vacuum as regards negotiations between the government and the residents of KwaNgema.<sup>92</sup> The lawyers reiterated that the Ngema Committee was, after all, the sole representative of the community and the only body with which the government could conduct proper negotiation.<sup>93</sup> The Ngema Committee also felt that they should carry out the administrative functions performed by Gabriel prior to his death. To that effect they made a request to the DCD to accede to the will of the community and confer upon the Ngema Committee the powers of the late Gabriel.<sup>94</sup>

There is reason to believe that even though the Ngema Committee considered themselves as the legitimate leadership of

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91. *Ibid.*

92. Legal Resources Centre, Johannesburg, Correspondence received : Messrs Bell, Dewar and Hall DCD (Annexure S), 27 February 1984.

93. *Ibid.*

94. *Ibid.*

KwaNgema, they wished to adhere to the principles of democracy.

For the benefit of the doubt they were still prepared to stand another election. This they illustrated by their desire to have a meeting of the community on Saturday, 10 March 1984 with a view to appointing Gabriel's successor.<sup>95</sup> Attorney Sutherland and his clients also invited the officials from the DCD to be present at that meeting so that the community's decision might be implemented without delay and without dispute.<sup>96</sup> But permission to hold such an election could not be granted by authorities as the Department wished to solve the problem their way. Van Niekerk, the Director-General of the DCD maintained that the Department had recognized only Gabriel as the head and sole representative of the Ngema family.<sup>97</sup> Therefore a new representative would have to be appointed out of the family in accordance with custom.<sup>98</sup> Van Niekerk further stated that as soon as the new leader had been appointed, negotiations in respect of the removal of the KwaNgema community would resume with him or her.<sup>99</sup>

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95. Legal Resources Centre, Johannesburg, Correspondence received : Messrs Bell, Dewar and Hall - M.J. Prinsloo, (Annexure T), 29 February 1984.

96. *Ibid.*

97. Legal Resources Centre, Johannesburg, Correspondence received : Director-General for Department of Co-operation and Development - Messrs Bell, Dewar and Hall. Ref. No. T8/7/2/2/W1/1, 19 March 1984.

98. *Ibid.*

99. *Ibid.*  
It should be noted that the reference to "her" indicates the entirely erroneous assumption on the part of the official concerned that a woman could become head

Studying the response of the Director-General one can tell that there was still a lot of misunderstanding about the issue of resolving the leadership dispute at KwaNgema. What the Ngema Committee and their lawyers had assumed would be a logical and simple solution to the problem, was proving to be a difficult matter. Under the circumstances, Sutherland and his partners reminded Dr Koornhof that the actions of his Department constituted a serious departure from his stated policy that removals would not take place without proper negotiation.<sup>100</sup> They then requested the Minister to go fully into the matter and issue directives to ensure that the relevant officials operated within the parameters of his said policy.<sup>101</sup>

In the meantime, a number of problems emerged at KwaNgema emanating from the manner in which the community was being treated by the Commissioner at Wakkerstroom. One of the major problems concerned the administration of Reference Books. Members serving in the Magistrate's Court at Wakkerstroom refused to process applications for Reference Books signed by

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of the family. Such a possibility would have been known to be wholly inconceivable to anyone properly acquainted with the community's history and customs.

100. Legal Resources Centre Johannesburg, Correspondence received : Messrs Bell, Dewar and Hall - P.G.J. Koornhof (Annexure V), 17 May 1984.

101. *Ibid.*

Moses in his capacity as chairman of the Ngema Committee.<sup>102</sup>

On behalf of his clients, Sutherland then requested the magistrate to investigate the complaint and to give an assurance that properly completed applications signed by the Chairman or Secretary of the Ngema Committee would be processed in future.<sup>103</sup>

The Ngema Committee was also concerned about the activities of the Department of Water Affairs. In the construction of the Heyshope Dam, the Water Affairs Department employed unskilled workers to assist with the project. But instead of drawing from the pool of unskilled workers resident in KwaNgema and the neighbouring communities, the Water Affairs Department employed large numbers of workers from outside areas.<sup>104</sup> While the lawyers of the Ngema Committee felt that recruitment of employees for the dam project was basically a matter for the Department of Water Affairs, they also believed that the Magistrate of Wakkerstroom was equally involved in the case since he was the authority that issued work permits.<sup>105</sup> Thus even work seekers from outside Wakkerstroom received permits

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102. Legal Resources Centre, correspondence received : Messrs Bell, Dewar and Hall - M.J. Prinsloo, (Annexure W), 17 May 1984. Note that the application form for a Reference Book required either a chief or community leader of the applicant to append his signature before the application could be processed.

103. *Ibid.*

104. *Ibid.*

105. *Ibid.*

from him authorizing them to work within the district of Wakkerstroom. On that basis the Ngema Committee suggested that work permits should not be granted to outsiders while there was unemployed unskilled labour within the district.<sup>106</sup>

Addressing the problem of leadership, Commissioner Prinsloo reiterated the position as defined earlier by the Director-General that the Ngema Committee could not be recognized. He added that Gabriel's minor son had been appointed by the CC as the new leader of the Ngema family.<sup>107</sup> But in the interim, Gabriel's brother, Cuthbert Ngema, had been appointed as acting head of the family until such time that the minor son of the deceased could take over the leadership.<sup>108</sup> Concerning the request that the Ngema Committee should be recognised and that it should be granted power to administer Reference Books, the Commissioner stated categorically that:

"The Ngema Committee of which Moses Ngema was the Chairman was cancelled by the late Gabriel Ngema. The now acting head of the family, Cuthbert Ngema -does also not recognize the committee. You will appreciate that this office cannot deal with two bodies concerning the application of reference books etc. The Ngema Committee does not exist any more and therefore only applications signed by the head

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106. *Ibid.*

107. Legal Resources Centre, Johannesburg, Correspondence received : M.J. Prinsloo - Messrs Bell, Dewar and Hall (Annexure X), Ref. No. N2/10/3-2, 21 May 1984.

108. *Ibid.*

of the family will be accepted.<sup>109</sup>

The official cancellation of the Ngema Committee was also confirmed by Commissioner Griesel who informed the attorneys of the Ngema Committee that it was a foregone conclusion that resettlement would have to take place and that the construction of the dam was in progress.<sup>110</sup> Commissioner Griesel further advised that a Planning Committee would be formed which could incorporate Moses and some members of his committee. Such a committee would participate in the resettlement on the alternative land to be decided upon. The alternative land was, as a matter of policy, in the Homelands. A special meeting of Umndeni was therefore to be arranged to work on the formation of the proposed committee.<sup>111</sup>

It soon appeared, however, that there was confusion about the composition and functioning of that committee. The Ngema Committee and their legal representatives wished to know if the new committee would be incorporated under the Ngema Committee, that is, under the chairmanship of Moses, or whether it would operate independently under the leadership of Cuthbert

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109. Legal Resources Centre, Correspondence received : M.J. Prinsloo - Messrs Bell, Dewar and Hall (Annexure X), Ref. No. N2/10/3-2, 21 May 1984.

110. Legal Resources Centre, Correspondence received : Griesel - Messrs Bell, Dewar and Hall, (Annexure Y2), Telex No. 415/84, Ref. No. 28N2/10/3-2, 9 July 1984.

111. *Ibid.*

with Moses only as a subordinate of Cuthbert.<sup>112</sup> Further enquiries about the proposed meeting which would elect the new committee were:

- (a) Who would be attending the special meeting?
- (b) Who would be eligible to vote at that said meeting?
- (c) Who would be eligible for election to the Planning Committee?
- (d) When and where would such a meeting be held?<sup>113</sup>

It would seem that because of the long misunderstanding on this issue and the fact that the DCD, after all, preferred Cuthbert to head the proposed committee, the authorities unilaterally decided to form the Planning Committee. This appointment appears to have taken place before July 1984, since on 10 July the CC announced that the said committee "was formed quite some time ago".<sup>114</sup> The CC further disclosed that the newly formed committee consisted of Cuthbert and the "Umndeni".<sup>115</sup> He also

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112. Legal Resources Centre, Correspondence received : Messrs Bell, Dewar and Hall - Griesel, 6 July 1984.

113. Legal Resources Centre, Correspondence received : Messrs Bell, Dewar and Hall - Chief Commissioner Griesel (Annexure Y3), Telex No. 317, 9 July 1984.

114. Legal Resources Centre, Johannesburg, correspondence received : Chief Commissioner Griesel - Messrs Bell, Dewar and Hall (Annexure YS). Ref. No. 28, N2/10/3-2, 10 July 1984.

115. *Ibid.*

mentioned that Cuthbert had agreed to incorporate three or four members of the Ngema Committee who would be nominated and elected by the Ngema Committee themselves.<sup>116</sup> Commissioner Griesel reaffirmed that his office recognised Cuthbert as acting on behalf of the successor of the late Stuurman Ngema<sup>117</sup> (that is acting on behalf of Gabriel's son).

Three issues still caused confusion about the formation of the Planning Committee, however. Firstly, there was a misconception about the question of 'Umndeni' in terms of who constituted this body. This confusion emanated from the fact that both rivals (the Ngema Committee under Moses and Cuthbert and his group) were Ngemas who formed part of Umndeni. But to Moses and his supporters what counted most was not about who was part of Umndeni and who was not, rather it was **who had been elected by Umndeni** to run the community affairs. Secondly, whereas the Department regarded Cuthbert as the man who had the sole right to form a Planning Committee and to incorporate the existing Ngema Committee under such a committee, if he so wished, Moses felt that his committee was the only one that had the legitimacy to run the affairs of KwaNgema. Thirdly, Moses did not view the role of the Planning Committee to

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116. *Ibid.*

117. Legal Resources Centre, Correspondence received : Chief Commissioner Griesel - Messrs Bell, Dewar and Hall, (Annexure Y2), Telex No. 445/84, 9 July 1984.

mean talking about the relocation of the community to Homelands. Instead the duty of the new committee would be to consider the future position of the residents who lived in the dam area. It was this misunderstanding which led Moses to reject the idea of serving under Cuthbert - hence his exclusion.<sup>118</sup>

## **6. BREAKDOWN OF NEGOTIATIONS WITH PRINSLOO, KOORNHOF AND SERFONTEIN**

In view of the uncertain future of KwaNgema, the legal representatives of Moses requested senior officials of the DCD to convene a meeting with the Ngema Committee to investigate the dispute and try to reach common ground on the issue of negotiation. On 16 August 1984 Attorney Sutherland acting for the Ngema Committee, applied for permission from Commissioner Prinsloo (in terms of Proclamation R268 of 1968) to hold a meeting at KwaNgema on 1 September 1984.<sup>119</sup> The purpose of the proposed meeting was to inform the community as to what had transpired since the community meeting of 26 December 1983. The Ngema Committee wished to report back to the community about developments concerning the proposed removal

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118. Legal Resources Centre, Johannesburg, Correspondence received. Messrs Bell, Dewar and Hall - Chief Commissioner Griesel (Annexure Y6), Telex No. 337, 16 July 1984.

119. Legal Resources Centre, Johannesburg, Correspondence received : M.J. Prinsloo - Messrs Bell, Dewar and Hall (Annexure BB), Ref. No. N2/10/3-2, 21 August 1984.

and to reply to questions that might be raised by individual members. They hoped that such a meeting would clear the confusion that existed concerning many developments over the year.<sup>120</sup> Attorney Sutherland's request was, however, turned down by Prinsloo, who simply replied by saying:

"After consultation with officials of the Chief Commissioner's office, Pietersburg, it has been decided to refuse your client's application for the holding of a public meeting with the Ngema family."<sup>121</sup>

Failure to secure permission from Commissioner Prinsloo meant that the people of KwaNgema were being denied not only the right to have a leader of their choice, but even the opportunity to meet and get informed about the developments concerning their future.

The Ngema Committee once again faced a cul de sac.

This impasse was broken to some extent by Dr Koornhof. Although Minister Koornhof acknowledged that Gabriel had been recognized as the customary head of the Ngema family, he nevertheless promised that the Ngema family might now play a role in appointing a new community leader. Writing to the lawyers of the Ngema Committee he said:

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120. *Ibid.*

121. Legal Resources Centre, Johannesburg, Correspondence received : M.J. Prinsloo - Messrs Bell, Dewar and Hall (Annexure BB), Ref. No. N2/10/3-2, 21 August 1984.

"A representative will now have to be appointed by the Ngema family in accordance with custom which appointment will have to be sanctioned by the Department of Co-operation and Development. As soon as this has been finalised, negotiations will resume."<sup>122</sup>

Dr Koornhof's letter reflected on one hand a preparedness on the part of his Department to handle the matter "democratically" as he invited all interested parties to participate.<sup>123</sup> He further assured the lawyers of the Ngema Committee that in such negotiations as those pertaining to resettlement, no person was excluded from participating.<sup>124</sup> But on the other hand the DCD was not being democratic since they had unilaterally decided to appoint Cuthbert as the next leader after Gabriel. The Minister also contradicted himself when he promised that the Ngema family should appoint a new representative in accordance with custom. However, the custom had not been observed as the Ngema Committee that had been chosen by Umndeni and the community was being ignored by the Department.

Minister Koornhof also suggested that the lawyers of the Ngema Committee would meet, if they deemed it necessary, J.L. Serfontein, Chief Director for Urbanisation and Land Matters, to

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122. Legal Resources Centre, Johannesburg, Correspondence received : P.G.J. Koornhof - Messrs Bell, Dewar and Hall (Annexure CC), Ref. No. M3/4/4/4 (undated).

123. *Ibid.*

124. *Ibid.*

hold further discussions regarding the people of KwaNgema and their settlement.<sup>125</sup> He further suggested that such talks might serve to eliminate much misunderstanding.<sup>126</sup> The involvement of Serfontein could again have meant that Dr Koornhof was being democratic and wished to share the problem with more of his colleagues. But it may also have meant that he was being non-committal, wishing to shift the responsibility to someone else. Although he was the highest authority in his Department, he would not give a final say on the issue, but played tactics that appeared to be democratic.

In spite of his unclear stand, for the time-being, Dr Koornhof broke the deadlock. Subsequently a meeting was held in Pretoria on 6 September 1984, between Serfontein and other officials of the DCD and the legal representatives of the Ngema Committee.<sup>127</sup> This meeting appeared to clear the way for proper and constructive talks concerning pressing issues facing the community. The lawyers of the Ngema Committee described it optimistically as "a most satisfactory meeting which served to eliminate a great deal of misunderstanding."<sup>128</sup> The following

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125. Legal Resources Centre, Johannesburg, Correspondence received : P.G.J. Koornhof - Messrs Bell, Dewar and Hall (Annexure CC), Ref. No. M3/4/4/4 (undated).

126. *Ibid.*

127. Legal Resources Centre, Johannesburg, Correspondence received : Messrs Bell, Dewar and Hall - P.G.J. Koornhof (Annexure DD), 7 September 1984.

128. *Ibid.*

important agreements were reached in that meeting:

- (a) Umndeni of the Ngema family would, in accordance with custom, appoint a representative or representatives at a meeting of Umndeni scheduled for 29 September 1984.
- (b) Immediately after the meeting of Umndeni there would be a meeting of the entire community in which the new appointments would be announced.
- (c) At the second meeting the question of moving the ancestral graves to higher ground would also be addressed.
- (d) Serfontein would preside at both meetings.<sup>129</sup>

The Ngema Committee and their lawyers were confident that the proposed meeting would be decisive as it would help to resolve the issue of representation to the satisfaction of the entire community. Nevertheless they reminded Dr Koornhof to leave Gabriel in the pages of history as he was not only dead but had been deposed by Umndeni who favoured the Ngema Committee.<sup>130</sup>

However, the high expectations cherished by most residents about

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129. *Ibid.*

130. *Ibid.*

the big meeting of 29 September were never realised. Although the meeting did take place, it did not proceed in the manner anticipated by the majority of the people. What transpired on that occasion can be summarised as follows:

- (a) On 29 September 1984 at 10 a.m., the members of Umndeni, the Ngema Committee attorneys Sutherland and Lane and many residents of KwaNgema (some of whom having come all the way from the Reef where they were employed) assembled at the local school, which was the traditional venue for community meetings. Here they waited for the DCD officials to arrive, but they did not show up.
- (b) At the same hour another meeting was in progress at Cuthbert's home. Cuthbert and eight members of the community, five of whom were members of Gabriel's family, met with Serfontein and other DCD officials. Cuthbert's house had never been used for community meetings. Besides it was located out of the way and was too small to accommodate so many people.
- (c) When the lawyers of the Ngema Committee went to investigate the situation and to invite the officials to the school where a bigger part of Umndeni and the community

had converged, they were told by the officials that Cuthbert's place "was the proper venue for the meeting of the Umndeni, being the house of the head of the family."<sup>131</sup>

- (d) Serfontein refused to proceed to the school for the reason that the Umndeni had already met.
- (e) The meeting at the school eventually broke up and nothing positive came out of that day except perhaps more confusion and despair.<sup>132</sup>

The collapse of the talks of 29 September was a clear indication that Dr Koornhof and Serfontein had failed to honour their pledge that negotiations would take place with the entire community. It was also obvious that the government was one-sided in favour of Cuthbert. This became even clearer in the subsequent announcement by Commissioner Prinsloo that Cuthbert was now "die aangewese persoon" (meaning the obvious or proper or right person) to represent the KwaNgema community.<sup>133</sup>

The Ngema Committee and their lawyers, however, protested

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131. *Ibid.*

132. Legal Resources Centre, Johannesburg, Correspondence received : Messrs Bell, Dewar and Hall - J.L. Serfontein (Annexure FF), 5 October 1984.

133. *Ibid.* Attorneys Sutherland and Lane stated that this statement was made by Commissioner Prinsloo in the course of a telephone conversation they had with him on 2 October 1984.

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131. *Ibid.*

132. Legal Resources Centre, Johannesburg, Correspondence received : Messrs Bell, Dewar and Hall - J.L. Serfontein (Annexure FF), 5 October 1984.

133. *Ibid.* Attorneys Sutherland and Lane stated that this statement was made by Commissioner Prinsloo in the course of a telephone conversation they had with him on 2 October 1984.

against the decision of the DCD. They told the Department that the Minister's earlier assurance that "a proper meeting would be held in accordance with custom" had not been complied with.<sup>134</sup>

They also pointed out that if the proceedings at Cuthbert's house on 29 September had dealt in any way with the nomination of a representative of the KwaNgema community, the Ngema Committee and the whole of KwaNgema community could not accept the validity of any such proceedings.<sup>135</sup>

## **7. COMPLAINTS FROM SOME RESIDENTS ABOUT CUTHBERT NGEMA**

Apart from the leadership dispute tension mounted at KwaNgema when some residents reported that they were being harassed by Cuthbert Ngema. The latter had begun to "throw his weight around" with the residents, apparently to demand recognition from them as official leader. The points of conflict pertained to land, rentals and graves.

Aaron Mgabi, a resident of KwaNgema related his story as follows:<sup>136</sup> On 14 October 1984, Mgabi was summoned by the

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134. *Ibid.*

135. *Ibid.*

136. Legal Resources Centre, Johannesburg, affidavit of Aaron Mgabi in the Supreme Court of South Africa (Transvaal Provincial Division), (Annexure GG), sworn and signed before P.J. Galloway, Commissioner of Oaths on 22 November 1984.

police to report at the nearby Dirkiesdorp police station where he was told that Cuthbert had lodged a complaint to the effect that he, Mgabi, was refusing to move from KwaNgema. But the charges laid by Cuthbert against Mgabi were found by the police and the magistrate to be unclear and confusing and Mgabi was allowed to go home. On his return, Mgabi found that during his absence the police had given orders that the graves of his late wife and children be moved to another spot. This puzzled Mgabi as he had not granted permission to anyone to move the graves of his family. Although Cuthbert himself was not seen in the graveyard, Mgabi could only conclude that it was Cuthbert who had instructed the police to remove the graves since he had already indicated that he was deporting Mgabi from KwaNgema.<sup>137</sup>

Another incident involving Cuthbert was reported by Ben Mfaniseni Vilakazi, also a resident of KwaNgema.<sup>138</sup> Vilakazi had lived at KwaNgema as a tenant since 1966. A policeman from Dirkiesdorp police station told Vilakazi that Cuthbert together with two other unnamed residents were unwanted residents at KwaNgema. But Cuthbert could not advance reasons for demanding the deportation of these three residents. Vilakazi also reported that without prior notification some of his graves had

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137. *Ibid.*

138. Legal Resources Centre, Johannesburg, Affidavit of Ben Vilakazi in the Supreme Court of South Africa, (Transvaal Provincial Division) (Annexure HH) sworn and signed before A.J. Galloway, Commissioner of Oaths, on 22 November 1984.

been removed and he could not trace where they were.<sup>139</sup>

Ephraim Gule, a resident of KwaNgema, also quarreled with Cuthbert.<sup>140</sup> Gule had lived at KwaNgema since 1981 and had mistakenly built his homestead in the path of a run-off stream. Because of flood disturbances, in June 1984 he decided to build a new household nearby. Soon after settling on a new site Cuthbert demanded that Gule should pay him a sum of R200-00 as payment for having moved to a new site. But Gule refused to pay this money as he had already paid R580 to Gabriel for his site. Cuthbert also accused Gule of being the ringleader of the Ngema Committee and of inciting the community against him. The dispute between the two men lasted for some time until they fought physically. But even after this incident Gule could still not figure out why Cuthbert was harassing him especially because he (Gule) had not utilised additional land when he moved his home.<sup>141</sup>

Cuthbert also came into conflict with Rapson Ngema, a member of the Ngema family and also a duly elected member of the

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139. *Ibid.*

140. Legal Resources Centre, Affidavit of Ephraim Gule in the Supreme Court of South Africa (Transvaal Provincial Division) (Annexure II), sworn and signed before P.S. Galloway, Commissioner of Oaths on 22 November 1984.

141. *Ibid.*

Ngema Committee.<sup>142</sup> Rapson was employed in Johannesburg but had a home at KwaNgema. On 24 October 1984 he was called home as he had heard disturbing news that the moving of graves at KwaNgema was in progress. Back home Rapson reported that he witnessed the following:

On his way to the graveyard, Rapson, accompanied by Wilson Ngema, also a member of the Ngema Committee, met two White men who identified themselves as officials of the Water Affairs Department. One of these men was driving a Black combi carrying coffins. Cuthbert Ngema also appeared on the scene and the five men then held a discussion. Van Heerden, one of the officials, then explained that the government had bought the land and therefore had orders to remove the graves. The project had already started and a big excavating machine was being used for this purpose. Van Heerden also indicated that he had been granted permission by Cuthbert (whom he addressed as "Kaptein", meaning "Chief") to exhume the graves. Rapson and Wilson were upset by what they saw. They then warned van Heerden of the seriousness of the whole matter. They further told him that the KwaNgema people, though normally a peaceful community, might be provoked into desperate action if the removal of the graves

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142. Legal Resources Centre, Johannesburg, Affidavit of Rapson Ngema in the Supreme Court of South Africa (Transvaal Provincial Division), (Annexure BBB), sworn and signed before J. Weeber, Attorney and Commissioner of Oaths, 15 November 1984.

continued. For the time being, van Heerden withdrew his operations and gave Rapson and Wilson his telephone number so that he could be contacted to arrange a meeting for further discussions about the graves.<sup>143</sup>

Cuthbert also caused more hardships for some residents who had moved out of the dam area and erected new dwellings on higher ground. These residents had moved on the advice of the Ngema Committee which was in turn following the instructions of the Department of Water Affairs.<sup>144</sup> However, the people who had shifted were subsequently harassed by the police who took orders from Cuthbert.<sup>145</sup> Such residents were now being regarded as squatters who had occupied the new land illegally.<sup>146</sup>

It would seem that with government support, Cuthbert was using his new powers arbitrarily to impose his authority, to harass certain people and to undermine the leadership of the Ngema Committee. In the circumstances, the lawyers of the Ngema Committee took measures to protect their clients and the KwaNgema community at large against Cuthbert. They wrote to him and said:

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143. *Ibid.*

144. Legal Resources Centre, Johannesburg, Correspondence received : Bell, Dewar and Hall - J.L. Serfontein (Annexure NN), Telex No. J 8122/581, 22 October 1984.

145. *Ibid.*

146. *Ibid.*

"On the instructions of our clients, we accordingly warn you that, should you continue with this unlawful course of conduct and should you continue to purport to exercise any authority at KwaNgema, or to give any permission to any person or body whatsoever to interfere with the lawful activities of persons lawfully residing at KwaNgema, appropriate action will be taken to restrain you from doing so."<sup>147</sup>

But the effort to strip Cuthbert of his powers could not succeed because the government was fully behind him. Therefore the conflict remained unresolved.

#### **8. DISPUTES ABOUT GRAVES, PROPERTY VALUATIONS AND COMMUNITY MEETINGS**

It has been mentioned that Cuthbert was reportedly working with government officials in the removal of certain graves that lay in the course of the dam floods, but without prior permission or knowledge of families of those buried in the graves. In due course of time the removal of graves became a thorny issue as the DCD continued with reburials disregarding the feelings of the Ngema community. But what, exactly, was the legal and historical basis regarding the exhumation of graves?

In the Transvaal, Ordinance No. 7 of 1925 had been passed to regulate matters relating to the removal or disposal of dead

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147. Legal Resources Centre, Johannesburg, Correspondence received : Messrs Bell, Dewar and Hall - C. Ngema (Annexure ZZ), 30 October 1984.

bodies.<sup>148</sup> This law, generally known as the Removal of Dead Bodies Ordinance 1925, contained the following provisions:

"No person shall remove or cause to be removed or shall in any manner exhume or cause to be exhumed or disturb or cause to be disturbed a body or the remains of a body which may have been interred in a burial place without an authorization in writing under the hand of the Administrator nor unless such precautions be observed as may be prescribed by the Administrator or any medical practitioner appointed by him ..."<sup>149</sup>

In terms of the Act of 1925, except for the Administrator or any medical practitioner appointed by him, no other person, including the family members who owned the grave, was required to be part of the contract.<sup>150</sup> Legally, it meant that the government was under no obligation to seek the permission of the people of KwaNgema and Driefontein to exhume their graves. Rather the residents could only negotiate for alternative land where reburials could take place. But one should also point out that the law required the Administrator to authorize a reburial undertaking in writing. In October 1984 after some graves had been exhumed without prior notice, Serfontein informed the lawyers of the Ngema Committee that his Department would proceed with the

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148. Ordinances of the Province of Transvaal 1925, Vol. 346.1, p. 6.

149. *Ibid.* Note that the Provincial Administrator was the official head of the province. He was appointed under sub-section 1 of Section 68 of the South African Act, 1909 or any amendment thereof.

150. *Ibid.*

removal of graves likely to be flooded by the dam waters. He then advised the people who would be affected by the dam to move. Serfontein also made it clear that his Department could accept no responsibility for any loss which people might suffer as a result of their not moving.<sup>151</sup> He gave no indication, however, as to where the graves would be moved to.

In response the Ngema Committee objected to the decision on the following grounds:

- (a) There had been inadequate consultation with the members of the community. Arrangements to discuss the removal issues had miscarried (as with the meeting of 29 September).
- (b) The Ngema Committee were also not satisfied that the matter was of such urgency that it had to be dealt with without proper consultation.
- (c) The Ngema Committee were also not persuaded that the graves would, in any event, be covered by the waters if the dam was eventually filled up.<sup>152</sup>

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151. Legal Resources Centre, Johannesburg, Correspondence received : Messrs Bell, Dewar and Hall - J.L. Serfontein (Annexure KK), 17 October 1984.

152. *Ibid.*

The Ngema Committee further asked Serfontein to give clarification, about which graves had been moved and how interested relatives were to know where their individual ancestors had been reburied.<sup>153</sup> They also wished to know to which place it was proposed to move the grave of Stuurman Ngema and when this removal was to take place.<sup>154</sup>

Another contentious issue concerned property valuations. The Ngema Committee wished to get permission from the Commissioner at Wakkerstroom to have valuers of their choice to inspect their property and to give the necessary advice. To this effect on 3 July 1984, Moses wrote to Commissioner Prinsloo requesting for permission to survey KwaNgema.<sup>155</sup> Such survey would show exactly how much the area was worth in terms of soil, farming and other benefits.<sup>156</sup> The Ngema Committee wished to hire Reinhold Viljoen, a land surveyor and town planner from Johannesburg.<sup>157</sup> Viljoen being White and KwaNgema being a Black area, he had to get a permit from the local magistrate to

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153. Between 12-24 October 1984 a number of graves were reported to have been removed without prior arrangements with their owners.

154. Stuurman Ngema's grave also lay within the course of flood waters. As a beloved ancestor of the KwaNgema community, there was more concern about the removal of his grave.

155. Legal Resources Centre, Johannesburg, Correspondence received : M. Ngema - M.J. Prinsloo (Annexure EE), 3 July 1984.

156. *Ibid.*

157. *Ibid.*

enter KwaNgema.

Again the KwaNgema people met with another disappointing answer from government officials. Commissioner Prinsloo was inclined to believe that the Ngema Committee's interests would be taken care of by his Department which after all, was the owner of the property.<sup>158</sup> Serfontein had also informed the legal representatives of the Ngema Committee that the Department had already made the necessary valuations of the properties of the residents who lived in the dam area. He also felt that the question of access by advisors to the property could perhaps not be dealt with until the question of representation had been resolved.<sup>159</sup>

The Ngema Committee however, insisted that since valuable rights of the people were being taken away, it was their prerogative to get expert advice on the value of their properties. Besides, the Ngema Committee had no trust in the Department any more because of its apparent insensitivity to their problem. Writing to Serfontein, the lawyers of the Ngema Committee stated that:

"Not only has the Department displayed what appears to be

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158. Legal Resources Centre, Johannesburg, Correspondence received : Messrs Bell, Dewar and Hall - J.L. Serfontein (Annexure 182F), 17 October 1984.

159. *Ibid.*

a significant lack of concern for the interests of our clients, but in any event, and whatever the legal position may be, our clients are surely entitled to all the necessary facilities to obtain such advice and to have such present matters recorded as may ultimately prove necessary in their interest.<sup>160</sup>

In spite of their earnest pursuance of the matter, the lawyers of the Ngema Committee failed to win the co-operation of the Department in this regard and the valuers were not allowed at KwaNgema.

Moses Ngema's next move was to write to Dr Gerrit Viljoen (new Minister of the DCD after Dr Koornhof). He told the Minister about KwaNgema people's frustrated efforts to hold meetings with the Department in which their problems could be addressed.<sup>161</sup>

Moses also reported that the graves of the community were still being moved without proper consultation.<sup>162</sup> Another problem was that people who had moved up to higher ground to escape the floods were now being called squatters and harassed. Others near the dam area were given four days notice to leave their houses or be arrested. Moses also brought to the attention of the

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160. *Ibid.*

161. Legal Resources Centre, Johannesburg, Correspondence received : M. Ngema - G. Viljoen, (Annexure VV), 24 October 1984.

162. *Ibid.* Attorneys Sutherland and Lane queried that no written permission had authorized the DCD to remove the graves as required by Ordinance 7 of 1925. But in November 1984, B. Wilkens announced that the written permission from the Administrator had been obtained, that is, after some graves had already been removed.

Minister that Cuthbert was still a source of unhappiness to the community. He rode around on horseback with the Dirkiesdorp police and pointed out graves to be moved without consulting the people concerned.<sup>163</sup> The people of KwaNgema were also concerned about reports that an emergency camp was being prepared for them at Oshoek and Lochiel. On 17 October 1984, Ben Wilkens the Deputy Minister of Development and Land Affairs, had written to P.G. Soal of the official opposition, reporting, *inter alia*, that:

"In order to compensate the KwaNgema community with land on the basis of equal agricultural or pastoral value, the compensatory land to be allocated to them in the Oshoek/Lochiel area is 11530 hectares in extent."<sup>164</sup>

The KwaNgema residents were thus anxious to have that report confirmed by the Minister. Accordingly they asked the Minister for the following:

- (a) A proper meeting of the whole Umndeni where the true leader could be chosen.
- (b) Extra land from the White farms next to KwaNgema which had been bought by the government to equal their land

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163. *Ibid.*

164. Legal Resources Centre, Johannesburg, Correspondence received : B. Wilkens - P.G. Soal (Annexure OO). Ref. No. M3/4/4/4, 17 October 1984.

which had been covered by the dam.

- (c) A promise that no people would be evicted or moved until issues stated in (a) and (b) had been discussed and settled.<sup>165</sup>

The Ngema Committee felt that the people of KwaNgema were entitled to their land and were justified in their opposition. They put their sentiments across telling Dr Viljoen that:

"There are no people in the world who would sit back and watch while land as beautiful as ours was being taken away from them."<sup>166</sup>

No answer came from Dr Viljoen to address the problems of KwaNgema. Officials of his Department continued to deny the community of KwaNgema the opportunity to meet and discuss their problems jointly and with the Department. By October 1984 the residents had been refused permission to meet for at least four occasions since the beginning of the year. This anti-Ngema Committee attitude hampered the process of discussing vital issues facing the community. In November 1984, the lawyers of the Ngema Committee again appealed to Dr Viljoen to intervene personally in the matter. They pointed out that they could not

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165. Legal Resources Centre, Johannesburg, Correspondence received : M. Ngema - G. Viljoen (Annexure VV), 24 October 1984.

166. *Ibid.*

comprehend how constructive negotiations would take place if members of the community were not afforded the opportunity to consult among themselves.<sup>167</sup>

KwaNgema's grievances to Dr Viljoen and his Department, however, proved of no avail. Instead the DCD took an unexpected move which further undermined the authority of the Ngema Committee. The officials decided to inaugurate Cuthbert Ngema, formally, as the acting chief of KwaNgema. As shown below that decision meant that the leadership dispute at KwaNgema was still a long way from getting resolved.

#### **9. THE NGEMA COMMITTEE'S OPPOSITION TO CUTHBERT NGEMA'S APPOINTMENT AS ACTING CHIEF OF KWANGEMA**

On 5 November 1984 the lawyers of the Ngema Committee received an official notification that Cuthbert Ngema was being appointed by the government as acting chief of KwaNgema. To this effect the Director-General of the DCD explained the position as follows:

"I wish to inform you that this Department does not doubt the Umndeni's renewed decision to nominate Cuthbert Ngema as temporary successor. The Chief Commissioner : Northern Areas, Pietersberg, has accordingly been instructed to officially appoint Cuthbert Ngema as acting chief of the

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167. Legal Resources Centre, Johannesburg, Correspondence received : Messrs Bell, Dewar and Hall - G. Viljoen (Annexure CCC), Telex No. 638, 9 November 1984.

Ngema tribe.<sup>168</sup>

On 15 November 1984 Deputy Minister Wilkens also announced that Cuthbert would become acting chief of KwaNgema. This information was relayed to the lawyers of the Ngema Committee. Wilkens, however, did not indicate when precisely the appointment would take place but merely stated that it would take place "as soon as possible."<sup>169</sup>

Even before his formal appointment, Cuthbert was authorized to take charge of KwaNgema affairs. Deputy Minister Wilkens stated that meetings would be "arranged through the acting chief" who would with the assistance of the Commissioner and the DCD, "make the date, time and place of any meetings known and also the matters that will be discussed."<sup>170</sup> Cuthbert's promotion also meant that the Ngema Committee and the entire community were now his subjects. In future if the Ngema Committee wished to hold meetings at KwaNgema, they would have to direct their request to the acting chief.<sup>171</sup> Writing to Moses Ngema, Wilkens explained the position as follows:

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168. Legal Resources Centre, Johannesburg, Correspondence received : Director-General (DCD) - Messrs Bell, Dewar and Hall (Annexure EEE), Ref. No. F54/1736/5, 5 November 1984.

169. Legal Resources Centre, Johannesburg, Correspondence received : B. Wilkens - Messrs Bell, Dewar and Hall (Annexure FFF), Ref. No. M3/4/4/4, 15 November 1984.

170. *Ibid.*

171. *Ibid.*

"I have to confirm that Cuthbert Ngema has been appointed as acting chief of the Ngema tribe and any request to hold public meetings at KwaNgema will in future have to be directed to him."<sup>172</sup>

Deputy Minister Wilkens pointed out that this arrangement included meetings in which the subject of resettlement might be discussed. Such a meeting would be chaired either by the acting chief or an official of the DCD if so requested by the acting chief.<sup>173</sup>

Like Dr Koornhof and Serfontein, Deputy Minister Wilkens also led the people of KwaNgema and their lawyers to believe that he was in favour of the principle of free participation by all residents in the negotiation process. Thus he advised the lawyers of the Ngema Committee that:

"It is the intention to hold a series of meetings at KwaNgema where all the aspects regarding the settlement of the people will be discussed and I wish to urge upon you to use your influence with your clients in an endeavour to persuade them to attend these meetings and participate in the discussions."<sup>174</sup>

But whilst encouraging the Ngema Committee to attend meetings

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172. Legal Resources Centre, Johannesburg, Correspondence received: B.H. Wilkens — M. Ngema, 7 December, 1984.

173. Legal Resources Centre, Johannesburg, Correspondence received: B.H. Wilkens — Messrs Bell, Dewar and Hall (Annexure FFF) Ref. No. M3/4/4/4, 15 November, 1984.

174. *Ibid.*

and participate in the discussions, Deputy Minister Wilkens was clearly unprepared to recognize them as the democratically elected leadership of KwaNgema. On 13 June 1984, he had argued in Parliament that it must be kept in mind that:

"In terms of the Black tribal system, there are elected chieftains with whom we also talk. That is the official way in which the government usually deals with those people. However, if one should go along and talk to anyone who pretends to have been elected by the people, one will find oneself in trouble."<sup>175</sup>

The Ngema Committee could, however, not accept the validity and correctness of any official appointment of Cuthbert as acting chief of the community. Through their lawyers they requested the DCD authorities to answer particularly the following questions:

- (a) Under what authority and in terms of which section of which law would the Chief Commissioner appoint Cuthbert.
- (b) Exactly when and how the people who had previously been called the Ngema family became the Ngema tribe.
- (c) How it came about that the family now was to have an acting chief when it never before had a chief.<sup>176</sup>

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175. House of Assembly - Questions and Replies, 27 January to 12 July, Vol. 117, 1984, p. 1607.

176. Legal Resources Centre, Johannesburg, Correspondence received : Messrs Bell, Dewar and Hall - J.A. van Niekerk (Annexure GGG), Telex No. 662, 21 November 1984.

The various questions and concerns of the lawyers and the Ngema Committee were never addressed by the DCD authorities in spite of Deputy Minister Wilken's assurance that a series of meetings would be held at KwaNgema to discuss all aspects regarding the settlement of the people. Instead the CC went ahead with the plan to officially install Cuthbert as acting chief without first holding a general meeting of the entire community to test the feelings of the people.

The inauguration of Cuthbert as acting chief took place on 1 December 1984 at his home, now referred to by the officials as the "Great Place".<sup>177</sup> But because the occasion was controversial and full of uncertainties, it was poorly attended. Wilson Gama, an eye witness, subsequently reported that the ceremony was attended by White government officials and only twenty-nine other people. (This number included Cuthbert and two guests from Driefontein).<sup>178</sup> Many residents had boycotted the event on the grounds that in their history, they had never had a chief as

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177. According to the affidavit of Wilson Gama, a teacher at Driefontein who knew the residents of both villages very well, and had been invited to act as interpreter, Cuthbert's home had never before been referred to in English or any other language as the 'Great Place'. But it is almost certain that the name was introduced by Cuthbert's employers and supporters to honour him for his newly elevated position of being acting chief of KwaNgema.

178. Legal Resources Centre, Johannesburg, affidavit of Wilson Gama submitted to the Supreme Court of South Africa (Transvaal Provincial Division), (Annexure KKK), signed and sworn before Pastor J.S. Matthews, on 13 December 1984.

KwaNgema was a family and not a tribe.<sup>179</sup> Thus they saw no reason why that tradition had to change. This position was categorically expressed by Moses in the affidavit he subsequently submitted to the Supreme Court of South Africa, through his lawyers. He declared that:

"The head of the community, whosoever he may be and however he may be styled, has no authority to act on behalf of the community in its relationships with outsiders such as the government without consultation with and approval of the Umndeni, the KwaNgema Committee and the community as a whole. Any action purportedly taken by him in relation to third parties without such consultation and authorisation, is null and void."<sup>180</sup>

In spite of the poor attendance, the officials went ahead with the day's proceedings. Commissioner Prinsloo and Chief Commissioner Badenhorst, (the new CC), were the main speakers of the occasion. In his speech Prinsloo was tactful, however, and did not mention any intention on the part of the government to move the Ngema people from their homes. On the contrary, he stressed that the government would always deal fairly with the community.<sup>181</sup> During his turn, Commissioner Badenhorst first read out at length the history of Stuurman, after which he pointed

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179. *Sunday Express*, Article by Marion Whitehead and Herbert Mabuza, 2 December 1984.

180. Legal Resources Centre, Johannesburg, Affidavit of Moses Ngema submitted to the Supreme Court of South Africa (Transvaal Provincial Division), 15 November 1984.

181. Legal Resources Centre, Johannesburg, Affidavit of Moses Ngema submitted to the Supreme Court of South Africa (Transvaal Provincial Division), 15 November 1984.

out that there was no doubt that the family constituted a tribe. He also stated that Cuthbert was the legitimate person to be installed as the acting chief in view of the fact that Lawrence Ngema (Gabriel's son) was not yet eligible for appointment as such. The CC also emphasized that a leader such as Cuthbert could only be born and not made.<sup>182</sup> Finally by way of "crowning" Cuthbert, Commissioner Badenhorst presented him with a special document which he described as the certificate conferring upon Cuthbert the powers as acting chief of the KwaNgema "tribe".<sup>183</sup>

In view of the unpreparedness of the government to reverse the appointment of Cuthbert and negotiate all resettlement-related issues properly with all parties, Moses and the Ngema Committee took further legal steps to have these problems reconsidered. On 21 December 1984, they brought an urgent application to the Pretoria Supreme Court against the Minister of the DCD, the Minister of Water Affairs, the CC : Northern Areas, the Commissioner/ Magistrate of Wakkerstroom and Cuthbert Ngema.<sup>184</sup> The application asked for a court order to interdict Cuthbert from acting as acting-chief of the community, the Minister of Water Affairs from allowing the level of the Heyshope Dam to rise, and the DCD from removing the remains of

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182. *Ibid.*

183. *Ibid.*

184. *Sunday Express*, 22 December 1984. (KwaNgema removal unlawful, court told).

Stuurman and the other deceased from their graves.<sup>185</sup> On 22 December the Ngema Committee made another application to allow a community meeting to discuss the problems they faced.<sup>186</sup> In particular they wished to inform the community about the meeting with Deputy Minister Wilkens, due to take place on 3 January 1985, and to look into various issues to be discussed at that meeting.<sup>187</sup>

The presiding judge, Justice H.J. Preiss, postponed the hearing to 19 February 1985, but agreement was reached on a number of points, namely: a compromise was made that those people below the flood level be paid compensation for their houses to enable them to rebuild on higher land within KwaNgema. To this effect the court recorded agreement laid down that:

"The 1st respondent (Minister of Cooperation and Development) undertakes forthwith to pay the compensation which has been determined by the Department of Public Works and Land Matters to all members of the KwaNgema community whose households are, or have been situated below the purchase line of the Heyshope Dam, such compensation to be paid for the sole purpose of enabling the affected members of the community to rebuild houses above the purchase line of KwaNgema should they choose."<sup>188</sup>

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185. *Ibid.*

186. Cooper *et al* (eds.) *Survey ...* 1984, p. 461.

187. Legal Resources Centre, Johannesburg, Correspondence received : Messrs Bell, Dewar and Hall - M.J. Prinsloo (Annexure 000), Telex No. 701, 10 December 1984.

188. Quoted in *Driefontein and KwaNgema : January 1985*, Newsletter of the Transvaal Rural Action Committee (TRAC) of the Black Sash, 8 January 1985.

Further points of agreement were as follows:

- (a) The government agreed not to recognise Cuthbert as the acting chief until the case was resolved.
- (b) The community of KwaNgema were given permission to hold their meeting.
- (c) The Ngema Committee undertook to inform the Minister of the Water Affairs Department within fourteen days about all the wishes of the community regarding how, when and where in KwaNgema above the 'purchase line' the graves of Stuurman and others were to be relocated.
- (d) The decision of those affected to move above the purchase line of the dam and their acceptance of compensation for their houses below the line were not to be construed as agreement to be resettled in any other place in the RSA or elsewhere.<sup>189</sup>

The legal action thus gave the people of KwaNgema a breathing space in a critical moment of negotiations.<sup>190</sup> Pending the outcome of the case they could continue with their normal lives.

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189. *Sunday Express*, 22 December 1984 (KwaNgema removal unlawful, court told).

190. Unterhalter : *Forced Removal*, p. 118.

In sum, from this chapter, it has transpired that until the end of 1984 the RSA government and the residents of KwaNgema and Driefontein were still two irreconcilable camps and could not resolve their differences about resettlement. The government was still committed to its original plan of evicting the two communities from their land. But state repression still failed to force the residents into submission. They showed tenacity and courage in their stand against forced removal.

The government also continued to apply its tactic of dividing the communities by siding with leaders who did not necessarily command support from the majority of the people. To a certain extent, this strategy was effective to weaken the people's resistance against resettlement. However, it did not break the resistance as such. The majority of the residents were against removal and had a strong and enlightened leadership. They therefore used the courts to redress their problem. The tactic of using the courts also helped to delay the removals and alert a wider public to the situation.<sup>191</sup>

One can also notice in this chapter as in the previous one that the bureaucratic nature of the government influenced the dispute under study one way another. Numerous government

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191. *Ibid.*

departments were involved in the issues of KwaNgema and Driefontein and a large number of officials (who did not necessarily work as a team) were part of decision-making. Under such circumstances, contradictions sometimes occurred. Whereas the Minister of the DCD would use his authority and decide and promise the residents one thing, the Director of Urbanisation and Land Matters or the Chief Commissioner or a Wat



• Beauty Mkhize, widowed wife of the late Saul Mkhize and leading figure of the Driefontein Council Board of Directors after Mkhize's death.

SOURCE: Rand Daily Mail, 7 June 1983 p. 7.



Four members (all Ngemas) of the Ngema Committee pictured as they left the Pretoria Supreme Court after the hearing of 21 December, 1984. From left to right: Robson, Wilson, Andries and Moses.  
SOURCE: City Press, 23 December 1984.

**CHAPTER 5****ANTI-RESETTLEMENT PROTESTS BY KWAZULU AND KANGWANE  
HOMELAND LEADERS, ANTI-APARTHEID ORGANISATIONS AND  
WHITE CRITICS, 1980 - 1984**

A major factor which gave the struggle for KwaNgema and Driefontein a national character was the sharp criticism launched by various figures and organisations throughout South Africa against the policy of forced removals. These critics included political, ecclesiastical and community leaders, academics and anti-apartheid organisations. This aspect has actually been discussed in Chapters 1 and 3, but only to a limited extent. In this chapter it will be examined more comprehensively.

**1. GENERAL DISCONTENT WITH REMOVALS IN KWAZULU AND  
KANGWANE HOMELANDS**

During the years 1980 - 1984 relations between the South African government and KwaZulu and KaNgwane Homeland authorities were particularly strained by two events or developments, viz.

- (a) The removal schemes in Natal and KaNgwane; and
- (b) The manoeuvres by the South African government to hand over Ingwavuma and KaNgwane territories to Swaziland.

These two events are of relevance to this study as they coincided with the land dispute of KwaNgema and Driefontein and had certain effects and implications on developments in these two settlements. In this section we shall deal with the resettlement schemes in Natal and KaNgwane and shall proceed with the Ingwavuma-KaNgwane land dispute in the next section.

Although Chief Buthelezi and Enos Mabuza had offered to serve under the Homeland system, it was not their policy to bring about the consolidation of their homelands by forcibly removing people into their territories. It would appear that the central government unilaterally resettled people into KwaZulu and KaNgwane. The government did not open any formal negotiations with the homelands before undertaking such removals. In 1980 Dr O.D. Dlomo, Minister of Education and Culture in the KwaZulu government, clarified KwaZulu's position with regard to this problem and stated that:

"The KwaZulu Government is neither consulted nor informed about such removals and in fact, has no statistics or other formal information relating to the numbers and circumstances of the people. In short, KwaZulu is neither involved in the planning of large scale resettlement of people in terms of the policy of separate development, nor does it collaborate in receiving the people removed under this policy."<sup>1</sup>

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1. O.D. Dlomo : *Speeches by O.D. Dlomo, Series 3, No. 2, 1980-1981*, uZulu Collection, Library of the University of Zululand, Kwa-Dlangezwa.

Dr Dlomo indicated that the population removals in Natal involved persons displaced or removed from 'Black spots' and a variety of other areas. Such people were then settled on land purchased by the SADT within the proposed boundaries of KwaZulu. But SADT land did not fall under the administration of KwaZulu and people would be resettled there before the area was handed to the homeland.<sup>2</sup>

In 1978, the KwaZulu Legislative Assembly had appointed a Select Committee to investigate living conditions of displaced citizens in twenty resettlement areas. Dlomo subsequently reported that this Committee found that people owning more than 20 morgen of land were given the option of compensatory land or monetary compensation. The squatters were as a rule not compensated at all. The families of squatters and landowners of less than 20 morgen from 'Black spots' were conveyed by the DCD in trucks to land owned by the SADT and destined to be included into KwaZulu when further consolidation took place. People who were forcibly removed were subjected, in most cases, to harsh treatment by government officials. Their huts were incinerated and in most cases the huts were demolished by the SAP at the request of farm owners. Small tin huts were provided for such people and because they were not given enough time to bring their old

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2. *Ibid.*

building materials, they could not build anything better than shacks. Besides they were usually settled in areas where building material was virtually unobtainable. Many families who were being removed, lost livestock without receiving adequate compensation; eviction orders failed to allow sufficient time for alternative arrangements to be made; and no meaningful consultation between the people being resettled and the authorities took place. The Committee further observed that the establishment of closer settlements led to health and welfare problems; raised the level of unemployment; and caused an influx of children into overcrowded KwaZulu schools, as insufficient schools were provided in resettled areas.<sup>3</sup>

Lack of consultation and the powerlessness of KwaZulu government to prevent removals was reiterated in 1984 by Ian Donald, organiser of the Association for Rural Advancement (AFRA) in Natal. Commenting on the removals due to take place in the Ladysmith district, Donald said that the government of KwaZulu had no control over the scheme and was powerless to limit the number of people being moved.<sup>4</sup>

Matters became so crucial at Ladysmith, that when the Black communities in that district resolved to defy removal orders by

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3. *Ibid.*

4. Cooper *et al* (eds.) : *Survey ... 1984*, p. 452.

the central government, the KwaZulu government sided with the people. Thus in the same year (1984), when Dr Dennis Madide, KwaZulu Minister of the Interior, delivered an address to the Ladysmith Inkatha branch, he assured the community that the KwaZulu cabinet had resolved to support their resistance to removal.<sup>5</sup>

The leadership of KaNgwane Homeland also objected to the resettlement of people within or close to their borders. Resettlements in KaNgwane had led to a rapid increase in the population of the homeland. According to the statistics released by the Bureau for Economic Research : Development, the population of KaNgwane increased by 200 percent between 1970 and 1978.<sup>6</sup> The Bureau further reported that the relocation of people from 'Black spots' in 'White' South Africa was continuing by 1980. KaNgwane authorities announced in 1980 that they had absorbed about 150 000 people from 'Black spots' and White-owned areas.<sup>7</sup> Some of the resettlement areas were Eerstehoek, Dundonald, Fanie and Lochiel.

It appears that this indiscriminate settling of people into KaNgwane, strained the resources of the Homeland causing its

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5. *Ibid.*

6. L. Gordon et al (eds.) : *Survey of Race Relations in South Africa 1980*, p. 395.

7. *Ibid.*

leadership to express discontent with the South African government. Raising his concerns Mabuza pointed out that areas in which people had been resettled had no amenities such as water, schools and clinics, and that the people who had been placed in them had no work opportunities. As time passed Mabuza could no longer suppress his anger and warned the government that further resettlement would be tantamount to a "political bomb".<sup>8</sup>

One can therefore realise that the resettlement schemes in KaNgwane and KwaZulu were causing misunderstandings and increasing tension between the central government and the leaders of the two homelands. These developments were not taking place unnoticed. There were many spectators. Through newspapers and the writings of anti-removal organisations, reports were spreading far and wide about communities that were being resettled against their will and under unfavourable conditions. Such reports dealt the resettlement policy a severe blow. People who were being removed from their lands on the promise that they would be offered a "resettlement package" like the communities of KwaNgema and Driefontein, ceased to trust the DCD. They saw it as suicidal to accept resettlement and

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8. *Ibid.*

resolved to reject whatever offers were being made by the government in this regard.

## **2. THE KANGWANE-INGWAVUMA LAND DISPUTE AND ITS IMPLICATIONS FOR KWANGEMA AND DRIEFONTEIN**

The KaNgwane-Ingwavuma land dispute fuelled tensions between the South African government and the KwaZulu and KaNgwane governments between 1981 - 1982. But the detailed chronology of this event is not necessary for this study. Only a synopsis of the episode will be provided as a basis towards understanding its implications for the consolidation policy and for the people of KwaNgema and Driefontein.

The Swazi Territorial Authority was launched in April 1976. This move was described by M.C. Botha, Minister of Bantu Administration and Development, as "an amalgamation of the Swazi tribes into one authoritative body for the nation and its territory."<sup>9</sup> Subsequently the KaNgwane Legislative Assembly was formed on 1 October 1977 in terms of the Bantu Homelands Constitution Act 21 of 1971.<sup>10</sup>

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9. Speech by the Hon. M.C. Botha, Minister of Bantu Administration and Development and of Bantu Education, on the occasion of the opening of the first meeting of the Swazi Territorial Authority on 23 April 1976, in *Speeches by Hon. M.C. Botha and Hon. P.W. Botha*, UZulu Collection, Library of the University of Zululand, Kwa-Dlangezwa.
  10. "The Swaziland South Africa Land Deal" SARS/DSG, Information Publication, p. 6.

Since the formation of KaNgwane the internal politics of the Homeland was characterised by sharp conflict between two factions. The first which became organised as Inyandza National Movement, was led by Enos Mabuza, the Chief Minister. Inyandza represented an alliance between an emerging intelligentsia and petty bourgeoisie in the Homeland on the one hand and the majority of chiefs on the other.<sup>11</sup> In general this group sought to win for itself as many as possible of the material benefits of collaboration with the central government whilst opposing independence and preferring to maintain its rights as South Africans.<sup>12</sup> The other faction known as Inyandza YeMswati, was led alternatively by David Lukhele and Chief Johannes Dlamini and drew support from a smaller group of more traditionally-minded chiefs. It identified its interests more closely with Sobhuza's Swazi Kingdom and emphasized a Swazi ethnic unity.<sup>13</sup>

Between January 1980 and April 1981 the KaNgwane Executive Council asked for self-government from the South African government stressing, however, that they were not interested in independence. This request was turned down by the central government. In due course of time the RSA government asked

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11. R. Davies *et al* : *The Struggle for South Africa*, p. 224.

12. *Ibid.*

13. *Ibid.*

the KaNgwane authorities to accept a new proposal to seek incorporation into the Kingdom of Swaziland. In November 1981 it turned out that Swaziland had laid claim to the territory occupied by KaNgwane and to Ingwavuma. Swaziland had made this claim in July 1980 during "border adjustment talks" with the South African government.<sup>14</sup> In claiming Ingwavuma the Swaziland government also wished to have access to the sea.<sup>15</sup> The Swazi rulers and especially King Sobhuza presented the issue as one of 'unification' rather than of 'incorporation', and of the restoration of lands stolen during the 19th century colonial history of Southern Africa.<sup>16</sup>

The land deal proposed by the government would have transferred virtually the whole of KaNgwane to Swaziland. Dr Koornhof indicated that his government was favourably considering King Sobhuza's request for border adjustments. To this effect he made the following statement:

"The process of the adjustment of the border between RSA and Swaziland is the fulfilment of a long cherished ideal of the Swazi people for so long deprived of Swazi citizenship by an accident of history, to be united as one nation, under one king in the country. Both governments approach the

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14. "The handing over of KaNgwane and Ingwavuma to Swaziland", Report of the Research Department of the SAIRR, Johannesburg, 6 July 1982, p. 1.
  15. *The Daily News*, 11 June 1982, p.3. (Government pushes ahead on Swaziland scheme)/
  16. "The Swaziland South Africa Land Deal", SARS/DSG, Information Publication, p. 3.

question of border adjustment in the traditional spirit of goodwill and long existing friendly relations between the two states and their peoples."<sup>17</sup>

Dr Koornhof also indicated that one of the primary conditions set by the South African government throughout the preliminary negotiations had been to ensure that the Swazi in the RSA who would become citizens of Swaziland would retain all rights, privileges and benefits which they enjoyed under the South African administration in areas such as justice, health, welfare, education and so forth. Similarly the tribal authorities would continue to function as before. The only change that would take place in the administration was that the powers formerly vested in the Legislative Assembly and Executive Council, would now be transferred to the Minister of the DCD.<sup>18</sup> Prime Minister Botha fully supported Dr Koornhof and in the midst of the uproar that followed this announcement, he stated that all that was taking place was discussion to determine whether the Swazi people could be reunited.<sup>19</sup> In spite of strong opposition from Mabuza and his supporters to the incorporation of KaNgwane into Swaziland, the central government proceeded with the land deal. Accordingly on 18 June 1982, the South African government made proclamations

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17. "Adjustment of Border between Swaziland and RSA", Annexure I in *Forced Removals in South Africa*. The SPP Reports, Vol. 5. (Transvaal).

18. *Ibid.*

19. "The handing over ...". Report of the Research Department of the SAIRR, Johannesburg, 6 July 1982, p. 1.

in the Government Gazette and formerly abolished the KaNgwane Legislative Assembly.<sup>20</sup>

Meanwhile similar plans were under way to remove the Ingwavuma area from KwaZulu Homeland and incorporate it under Swaziland. Lying north of Zululand between Mozambique, Swaziland and the Indian Ocean, Ingwavuma was historically known as Thongaland. The British had annexed Thongaland in 1897 (formerly under Portuguese control) and in the same year Thongaland and Zululand were incorporated under Natal. From the mid 16th century to the time of the dispute, the people inhabiting the area more or less from Delagoa Bay (present Maputo) to Lake St Lucia were one or other branch of the Thonga people mingled with smaller members of the Zulu and Swazi clan members.<sup>21</sup>

In May 1982 Chief Buthelezi met Dr Koornhof in Cape Town where he was informed of the government's plans to cede Ingwavuma to Swaziland. The land area claimed by Swaziland included Kosi and Sordwana Bays and the Ndumo Game Reserve. It totalled about 96 000 hectares.<sup>22</sup> As compensation, KwaZulu would

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20. "The Swaziland South Africa Land Deal", SARS/DSG, Information Publication, p. 5.

21. *Ibid*, p. 18.

22. "The handing over ...", Report of the Research Department of the SAIRR, Johannesburg, 6 July 1982, p. 2.

receive the Hluhluwe and Umfolozi Game Reserves, the Jozini dam and irrigation scheme and 300,000 hectares of land.<sup>23</sup> Chief Buthelezi, however, rejected these proposals. He and the KwaZulu Legislative Assembly rejected the land offered as compensation on the grounds that it was theirs in the first place.

In spite of KwaZulu's categorical rejection of Dr Koornhof's new land proposals, the government went ahead with the plan. Accordingly the day when KaNgwane Legislative Assembly was being dissolved, that is, 18 June 1982, Ingwavuma was also being excised from KwaZulu by proclamation in the Government Gazette. This proclamation issued under Section 25(1) of the Native Administration Act of 1927 placed both territories under the direct control of the DCD.<sup>24</sup> Accordingly one million hectares of land and as many as 816 000 South Africans were to be transferred to Swaziland.<sup>25</sup>

Mabuza and Buthelezi were strongly determined to reverse the land deal between South Africa and Swaziland. Mabuza and his followers felt that the land deal might result in loss of employment, reduction of salaries and a general reduction of status and benefits under the royalist form of rule in the Swazi

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23. *Ibid.*, p. 1.

24. *Ibid.*

25. *Ibid.*

Kingdom.<sup>26</sup> The KaNgwane leader could not conceive how the South African government could go out of its way to please Swaziland at the expense of a huge number of South Africans.<sup>27</sup>

Chief Buthelezi warned the government that if they went ahead with the Ingwavuma plan the consequences would be a permanent rift between Afrikaners and Zulus, and a rift between the Zulus and Swazis that would endure for generations.<sup>28</sup> He also felt that such a move might cause a radicalisation of Black-White politics.<sup>29</sup>

But opposition to the Ingwavuma plan came not only from Buthelezi and his cabinet but from the Ingwavuma residents themselves. At Ingwavuma four chiefs namely, Mzimba Tembe, Mangonta Mngomezulu, Mordecai Nyawo and M.B. Mathenjwa, whose lands were to be excised to become a part of Swaziland, strongly protested that they would never join the Swazi nation to which they had never belonged.<sup>30</sup>

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26. Davies *et al* : *The Struggle ...*, p. 225.

27. Address delivered by Enos Mabuza, Chief Executive Councillor of KaNgwane at the Johannesburg City Hall, 14 July 1982, *Miscellaneous Speeches*, M. Series 6, No. 1, UZulu Collection, Library of the University of Zululand, Kwa Dlangezwa, p. 6.

28. *The Daily News*, 15 June 1982, p.1. (Afrikanerdom cannot survive — angry Buthelezi)

29. *Ibid.*

30. *The Daily News*, 15 June 1982, p.1. (We won't be slaves to the Swazis — Chiefs)

In political circles, including some Nationalist ones, misgivings were expressed about the apparent lack of consultation with the inhabitants of the two areas.<sup>31</sup> In February 1982, George Botha, former National Party M.P. and Senator, resigned his post as Commissioner General of KaNgwane because of his opposition to the land deal.<sup>32</sup> Dr Frederick van Zyl Slabbert, leader of the Opposition and Vause Raw, leader of the New Republican Party, also condemned the move and the manner in which the government had handled the situation. They both demanded that the government should have either elections or a referendum in the two areas before ceding any land to Swaziland.<sup>33</sup>

In retaliation, Mabuza and Buthelezi instituted legal action against the government to invalidate the transfer of their territories to Swaziland. However, the two leaders undertook their court action separately. Whereas Mabuza's case was heard in the Pretoria Supreme Court, Buthelezi's was handled by the Natal Supreme Court. In November 1982, after protracted litigation, the KaNgwane-Swaziland dispute was settled through an out-of-court agreement. Accordingly, Proclamation 108 was withdrawn and control of the territory handed back to the KaNgwane

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31. "Govt's decision over land for Swazi final", *South African Outlook*, Vol. 112 - 113, 1982 - 1983, p. 147.

32. *Forced Removals in South Africa*, The SPP Reports, Vol. 5 (Transvaal), p. 79.

33. *The Daily News*, 15 June 1982 p.1. (Swazi land deal widely condemned)

Legislative Assembly.<sup>34</sup> In the case of Ingwavuma Justice Shearer of the Natal Supreme Court, declared the excision of Ingwavuma to have been illegal as there had been insufficient consultation with the KwaZulu cabinet as required by the Black States Constitution Act of 1971.<sup>35</sup> The judge ordered that Ingwavuma revert to KwaZulu's control until the dispute was heard again on 2 August 1982. In September 1982 the matter was finally settled at the Appeal Court in KwaZulu's favour. Ingwavuma was reinstated to KwaZulu.<sup>36</sup> In December of the same year the Rumpff Commission was set up under Mr Justice F.L.H. Rumpff to make recommendations about the proposed incorporation of Ingwavuma and KaNgwane into Swaziland. But this Commission did nothing significant to resolve the dispute and was subsequently dissolved in 1984. In essence the decision of the Courts remained unchanged.

The failure of the KaNgwane/Ingwavuma land deal had special implications and significant results for the homeland consolidation policy in general and KwaNgema and Driefontein in particular. In the first place, the manner in which the RSA government handled the dispute, displayed the arbitrary manner in which the government implemented its land policies towards Blacks. By

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34. P. Randall *et al* (eds.) : *Survey of Race Relations in South Africa 1982*, p.

35. *Ibid.*

36. *Ibid.*

depriving the two Homelands of their territories (KaNgwane standing to lose all her political rights in the process), the government was contradicting and undermining the very principle of homeland consolidation which it claimed it sought to promote.

In a sense, the government was destroying what it had been trying for some years to build. Besides the government now seemed to be more concerned with the consolidation of Swaziland and the unity of the Swazis than the future and welfare of its own inhabitants. Commenting about the land deal, the Research Department of the South African Institute of Race Relations accused the government of being inconsistent in its land policy.

They said:

"This accurately reflects the way in which land deals have been conducted from the outset - ambiguous misleading statements from the government and a complete disregard for the wishes of the people concerned."<sup>37</sup>

Under such circumstances Black communities under threat of removal like those of KwaNgema and Driefontein had more reason to feel insecure because of the government's erratic policies.

Secondly, the struggle for the KaNgwane and Ingwavuma took place at a time when the people of KwaNgema and Driefontein had begun with their own struggle against resettlement. As

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37. *The handing over...*, Report of the Research Department of SAIRR, Johannesburg, 6 July 1981, p. 1.

explained, KaNgwane or its neighbourhood had been earmarked as the new home for the Swazi-speaking sections of the two communities. The logical outcome of such a move was that if the two communities were unable to prevent their removal, and if the plans to hand KaNgwane over to Swaziland were not finally blocked, KwaNgema and Driefontein people consigned to KaNgwane, would have been swept not only out of the 'White' area, but also into a foreign country.

It would seem that apart from being interested in KaNgwane as a whole Swaziland had certain territorial designs over Driefontein and possibly KwaNgema as well. In a letter of 9 July 1982, Saul Mkhize wrote to a government Minister of Swaziland (whose name and Department was, however, not mentioned).<sup>38</sup> In that communication, Mkhize pointed out that a Swaziland representative had requested the people of Driefontein to send delegates representing standholders to attend a meeting. However, since the object and agenda of that meeting was not specified, Mkhize could not accept the invitation. Besides, as Mkhize further stated, the said meeting had not been officially authorized by the Minister of the DCD, Dr Koornhof. But in spite of his lack of co-operation, Mkhize treated the issue at hand with some caution by assuring the Swaziland government of his

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38. Legal Resources Centre, Johannesburg, Correspondence received : S. Mkhize - Minister of Swaziland, 9 July 1982.

community's support of the Swazi monarch. Mkhize also asked for the Swazi king's assistance. He said:

"We wish to point out to you that we support the king of Swaziland and he must help us as we still require his support."<sup>39</sup>

The Swazi initiative having taken place in July 1982 at the height of the KaNgwane -Ingwavuma land dispute, it is likely that Swaziland wished to 'strike a deal' with the people of Driefontein and wanted them to support their effort to get KaNgwane. It is almost certain therefore that had Mabuza lost KaNgwane to Swaziland, KwaNgema and Driefontein would have been 'swallowed up' by Swaziland.

Thirdly, the court victory of Chief Buthelezi and Mabuza became a powerful psychological boost for communities who faced eviction from their land. The trial and its outcome had set a precedent for Blacks that the government was not above the law, but was also subject to the law. On this point Moses Ngema has said:

"The decision by the Supreme Court to return Ingwavuma and KaNgwane to KwaZulu and KaNgwane respectively made us to realise that we could also do the same and fight the government through the lawyers and the courts."<sup>40</sup>

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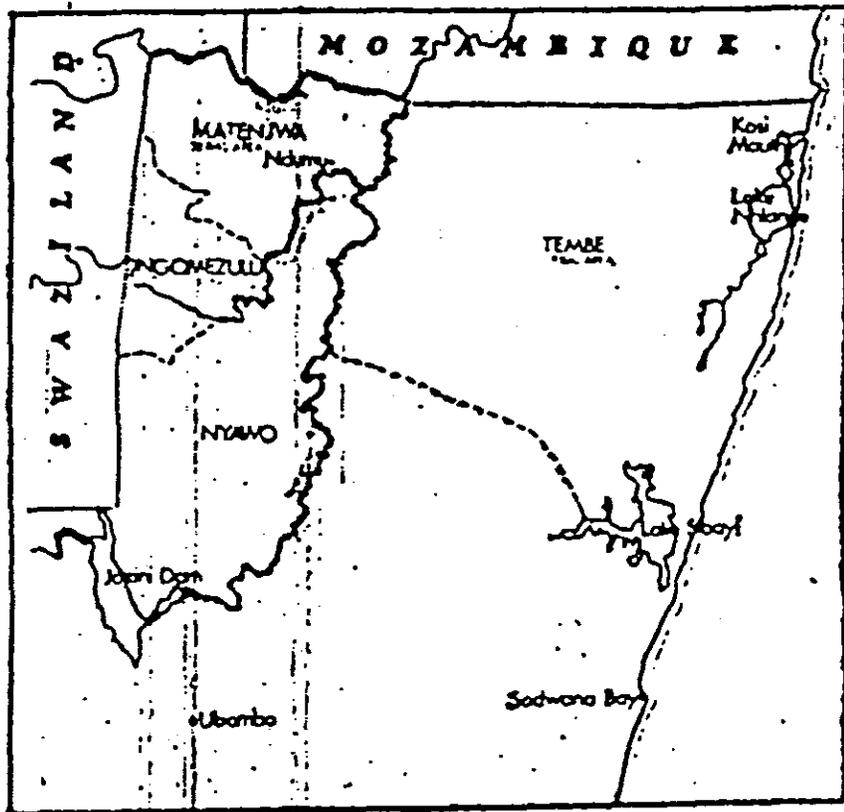
39. *Ibid.*

40. M. Ngema : KwaNgema, 14 November 1997.

As shown in the section below, when Mabuza was later drawn into the dispute of KwaNgema and Driefontein, he was still prepared to follow legal channels, if necessary, to get the resettlement scheme of the government reversed. In that way he was still demonstrating the point that the higher courts of law could be a 'salvation' for those people who were being unjustly robbed of their rights by the government.

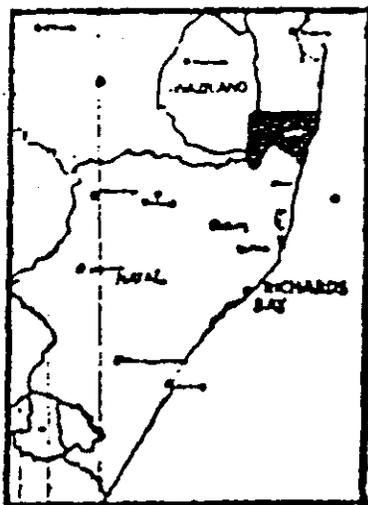
### **3. PROTEST BY MABUZA AND CHIEF BUTHELEZI AGAINST THE RESETTLEMENT OF KWANGEMA AND DRIEFONTEIN**

Between 1984-1985, shortly after the KaNgwane/Ingwavuma land dispute had been laid to rest, Enos Mabuza and Chief Buthelezi were once again embroiled in an argument with the government, this time over the future of KwaNgema and Driefontein. But as mentioned, the DCD had not engaged the two leaders in any formal deliberations over the future of the two communities. Buthelezi and Mabuza only became involved in the talks after the decision had been taken by the central government. Their involvement was primarily a result of the concerns of the two communities that they were being uprooted from their lands to be settled in the Homelands of KaNgwane and KwaZulu, probably with the co-operation or consent of the two leaders.



Map of the northern tip of the Natal province where it borders Swaziland and Mozambique, showing four tribal areas that might be excised from KwaZulu and given to Swaziland, giving that land-locked country a route to the Indian Ocean.

SOURCE: The Daily News, 15 June 1982 p.1.



 Ingwavuma area of Zululand to be excised and given to Swaziland.

SOURCE: The Daily News, 15 June, 1982. p.1.

As mentioned, before his death, Saul Mkhize had foreseen many difficulties in the transfer of his people to KaNgwane. Mkhize's pessimism was not without justification as Mabuza himself had expressed concern about his Homeland being overpopulated largely because of resettled populations. He had even gone to the extent of declaring that any further resettlement in his Homeland would cause a 'political bomb' - a statement which meant that political relations between the two governments were again on the brink of breaking down. So how was Mabuza going to respond to the proposed removal of KwaNgema and Driefontein communities to his Homeland?

Initially Mabuza was made to understand that the people of KwaNgema and Driefontein were in favour of being resettled in KaNgwane. But he soon met the residents personally so that he and the KaNgwane cabinet could appraise for themselves the people's feelings, and put across the KaNgwane government's views.<sup>41</sup>

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41. Legal Resources Centre, Johannesburg, Correspondence received : E.J. Mabuza - T.N.H. Janson, 22 November 1984. Janson was at that time Chief Commissioner of the Swazi Territorial Unit.

After getting proof that the people were actually being forced out of their land, Mabuza took a decisive decision that he would not assist in the implementation of removal.<sup>42</sup>

In August 1984 Mabuza held a meeting in Pretoria with Dr Koornhof and some of his officials in which the removal of KwaNgema and Driefontein was discussed.<sup>43</sup> In that meeting Mabuza took a tough stand and told the Minister that KaNgwane was opposed to the government's plan.<sup>44</sup> Subsequently Mabuza informed Budlender, the LRC attorney, that he and his government identified with and supported the people of KwaNgema and Driefontein in their decision against being removed from their land.<sup>45</sup> Mabuza further pointed out that in so far as productivity was concerned, the land occupied by the two communities was richer and more productive than Lochiel and Oshoek.<sup>46</sup> He then assured the attorney that he and his cabinet would go out of their way to pressure the South African

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42. Claassens : "Rural Land Struggles ...," in Murray and O'Regan (eds.) : *No Place to Rest ...* pp. 37 - 38.

43. Legal Resources Centre, Johannesburg, Correspondence received : E.J. Mabuza - G.M. Budlender, 17 August 1984.

44. *Ibid.*

45. *Ibid.*

46. *Ibid.*

government to abandon the KwaNgema/Driefontein forced removal scheme.<sup>47</sup>

In an interview with Hermann Giliomee, Mabuza emphatically stated that:

"The government of KaNgwane opposes resettlement and in particular, that of the communities of Driefontein and KwaNgema. We will not accept political and administrative responsibility for them if they are relocated in KaNgwane."<sup>48</sup>

A further statement by Mabuza reflected his conviction in the potential effectiveness of legal action, particularly on the basis of the success he and Chief Buthelezi had made to prevent the central government from giving away KaNgwane and Ingwavuma territories to Swaziland. Still discussing the issue with Giliomee, Mabuza declared:

"I feel as strongly about the issue of these two communities being resettled in or near KaNgwane as I felt about the recent attempt to incorporate KaNgwane and Ingwavuma in Swaziland. I shall do as much as I did on that occasion to oppose it."<sup>49</sup>

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47. Legal Resources Centre, Johannesburg, Correspondence received : E.J. Mabuza - G.M. Budlender, 4 October 1984.

48. As quoted by Hermann Giliomee in the *Sunday Times*, 2 December 1984 (Dilemma in the bush over two Black communities).

49. *Ibid.*

But Mabuza knew that the government might still implement its proposals despite all opposition to its plans. Thus he suggested that in the event of the communities of KwaNgema and Driefontein being forced to move, then they had to be resettled in a common area in 'White' South Africa and not in KaNgwane.<sup>50</sup> To Mabuza this was non-negotiable, and would entail the absurdity of the destruction of the 'Black spots' of KwaNgema and Driefontein and the creation of new 'Black spots'.<sup>51</sup>

Mabuza also felt that the problem of KwaNgema and Driefontein was of such magnitude, that it required joint effort from various people of influence. He therefore suggested that the leaders of the two communities should, with the assistance of Budlender and his legal team, continue to pile on national and international pressure through publicity.<sup>52</sup> He was also of the view that Chief Buthelezi should be approached and requested to take a very strong stand against the proposed resettlement of the two communities, in KwaZulu.<sup>53</sup> He believed that Buthelezi's voice would carry more weight than his, both with Dr Koornhof and the

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50. Legal Resources Centre, Johannesburg : Correspondence received : E.J. Mabuza - G.M. Budlender, 17 August 1984.

51. *Ibid.*

52. *Ibid.*

53. *Ibid.*

South African government.<sup>54</sup> Mabuza's suggestion subsequently led to the involvement of Chief Buthelezi in the dispute.

Apart from being invited by Mabuza, Chief Buthelezi entered the discussions also because, as mentioned, the Zulu-speaking sections of the two communities were destined to become KwaZulu citizens once they were relocated in Babanango. It should be remembered, however, that Dr Koornhof had subsequently offered not to split the people of Driefontein on ethnic lines, as previously planned.

In August 1984, after being requested by Moses Ngema to intervene on behalf of the two communities, Chief Buthelezi responded by saying he and the KwaZulu government were totally opposed to forced removals and had never participated in the setting up of resettlement schemes.<sup>55</sup> He therefore assured Moses that he and his government would not cooperate in any way with the resettlement of the two communities. Chief Buthelezi also condemned the killing of Mkhize and supported the KwaNgema leader for leading the resistance. He wrote to Moses as follows:

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54. Legal Resources Centre, Johannesburg, Correspondence received : E.J. Mabuza - M.G. Buthelezi, 22 November 1984.

55. Legal Resources Centre, Johannesburg, Correspondence received : M.G. Buthelezi - M. Ngema, 2 August 1984.

"We all felt outraged by the murder of Mr Mkhize and we are totally opposed to removals, which are carried out for ideological reasons. We have made our point on this again and again. We will not co-operate with the regime in carrying out their inhuman plans of dispossessing you and removing you from your ancestral homes where you have title to land and dumping you in the middle of nowhere. ... I have great respect for the resistance that you are putting up against being removed as proposed by the Government."<sup>56</sup>

Chief Buthelezi's protest created yet another setback for the DCD. The government was certainly not getting any co-operation from the people who were supposed to be its key allies in the scheme. Mabuza was also pleased with the unity he, Buthelezi and Budlender had forged to support the two communities. His satisfaction with their alliance was reflected in the letter he wrote to Budlender soon after securing Buthelezi's co-operation. He stated:

"I am pleased with the co-ordination that we have established. It can only strengthen our cause and position."<sup>57</sup>

Subsequently Mabuza declared that he would never administer any resettlement camp which the South African government deposited on his doorstep.<sup>58</sup> He further warned that he would

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56. *Ibid.*

57. Legal Resources Centre, Johannesburg : Correspondence received : E.J. Mabuza - G.M. Budlender, 26 November 1984.

58. Cooper *et al* (eds.) : *Survey ... 1985*, p. 342.

ban from his territory any truck carrying displaced people or their possessions.<sup>59</sup>

Mabuza's stand of non co-operation left the DCD with the embarrassing prospect of a resettlement camp adjoining KaNgwane with no infrastructure like schools, clinics and the structures of local government.<sup>60</sup> His opposition meant that the resettlement site at Oshoek, then being constructed for both communities, became a White elephant and the South African government was left with nowhere to put the people.<sup>61</sup>

Mabuza and Buthelezi were nevertheless well aware that they might be fighting a losing battle as the DCD might decide to settle the two communities on SADT land. Chief Buthelezi acknowledged that it might be quite possible for the government to dump the people in some of the trust land farms which technically were not yet a part of KwaZulu and therefore out of the control of his Homeland.<sup>62</sup> The strategy appeared to be to give the Homelands the additional land they wanted, but only

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59. *Ibid.*

60. Claassens : "Rural Land Struggles ...", in Murray and O'Regan (eds.) : *No Place to Rest ...*, p. 37.

61. *Ibid.*

62. Legal Resources Centre, Johannesburg, Correspondence received : M.G. Buthelezi - M. Ngema, 2 August 1984.

after having packed it with people that the government did not want in certain areas.<sup>63</sup>

In spite of the technical difficulties involved, the non co-operation of Mabuza and Chief Buthelezi had clearly upset the plans of the government. Their co-ordinated stand had not only undermined the DCD's authority, but also marked an important milestone for the people of KwaNgema and Driefontein in their struggle for the land. It provided them with more courage to intensify the resistance knowing that the KaNgwane and KwaZulu governments were fully behind them.

#### **4. PROTEST ACTIVITIES OF VARIOUS CHURCHES AND ANTI-REMOVAL ORGANISATIONS**

Apart from seeking legal protection from lawyers in Johannesburg and trying to win the support of Mabuza and Chief Buthelezi, Moses Ngema also forged links with national and anti-removal organisations. He and other people of 'Black spots' who faced removal, worked together to overcome their isolation.<sup>64</sup>

Church organisations and anti-apartheid groups inside South Africa helped to build up support against removal. During the

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63. *Rand Daily Mail*, 10 February 1983, p. 7, (A dorp under sentence of death).

64. Unterhalter : *Forced Removal*, p. 119.

period of dispute, Bishop Tutu, Anglican Bishop of Johannesburg, went to Driefontein to give support to Saul Mkhize and the Driefontein community.<sup>65</sup> And when Bishop Tutu met President Reagan of the USA in Washington on 7 December 1984, the KwaNgema matter was one of the issues about which he briefed the American leader.<sup>66</sup> Bishop Tutu also used the occasion to ask President Reagan's support for, inter alia, a general amnesty for all political prisoners, and an end to forced exile of Blacks and an end to the forced removal of the Black population from their living areas.<sup>67</sup>

Speaking to the UN, Bishop Tutu also endorsed a resolution of the UN Security Council that rejected the new tricameral constitution and demanded its replacement with one based on universal adult suffrage.<sup>68</sup> The resolution demanded an end to resettlements and the entire Homeland system, the abrogation of all political bans and restrictions and the unimpeded return of all exiles.<sup>69</sup>

Rev. Peter Storey of the Methodist Church in South Africa also called on the government to stop forced removals, abandon the

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65. Personal correspondence : Arch-Bishop D. Tutu - D.J. Ndaba, 30 June 1994.

66. *The Natal Mercury*, 18 December 1984, p. 10, (Another shocker : resettlement will cast long shadows).

67. *The Natal Mercury*, 8 December 1984, p. 1. (Forget sanctions Reagan tells Tutu).

68. *The Natal Mercury*, 24 October 1984, p. 15. (Help us, Bishop Tutu pleads to UN).

69. *Ibid.*

pass laws and create an equal educational system.<sup>70</sup> He also urged the government to unban the ANC and the PAC and allow them back into the country to talk instead of fight.<sup>71</sup>

Moses Ngema came into the spotlight in June 1984 when he and Rev Frank Chikane of the UDF addressed a meeting in Johannesburg organised by the Witwatersrand Council of Churches.<sup>72</sup> In that meeting more than three hundred people pledged to resist removals and support those who did not wish to be forcibly removed.<sup>73</sup> The rally also demanded that the government cancel all further removals and appoint an independent commission to plan for a rapid rate of urbanisation, a termination of influx control and acquisition of land outside the Bantustans for Black people who were homeless and landless.<sup>74</sup> This meeting was a significant demonstration of the links being established between rural and urban struggles.<sup>75</sup>

The Southern African Catholic Bishop's Conference (SACBC) and the South African Council of Churches (SACC) also voiced their

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70. *The Natal Mercury*, 22 October 1984, p. 2 (Unban ANC and PAC, says Storey).

71. *Ibid.*

72. Unterhalter : *Forced Removal*, p. 119.

73. *Ibid.*

74. *Ibid.*

75. *Ibid.*

opposition against removals. In March 1984 they sent a delegation of South African church leaders, led by Rev. Peter Storey, to the United Nations.<sup>76</sup> On this occasion they handed a report to the UN entitled : "Relocations : The Churches' Report on Forced Removals."<sup>77</sup> This report, which gave a general picture of removals in South Africa, was presented by the delegation to a number of countries abroad.

In June 1984 delegates of the SACC's national conference called on church leaders to observe 24 August 1984, as a day of prayer and fasting for people in relocated areas and on member churches to organise ceremonies on 26 August to highlight forced removals.<sup>78</sup> The SACC unanimously called for countrywide mobilisation of Christians under church leadership to gather at places where a community was threatened to show solidarity and if possible to prevent removal.<sup>79</sup>

Most churches in South Africa therefore supported the campaign against forced removals and in their protest the church leadership were opposed not only to population resettlements, but to the

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76. Cooper *et al* (eds.) : *Survey ... 1984*, p. 441.

77. *Ibid.*

78. *Ibid.*

79. *Ibid*, p. 442.

entire political system of South Africa of which removals were only a component.

The Nederduitsch Hervormde Kerk (NHK), however, supported the government's policy of removing people. In January 1984 the NHK said that the resettlement of people was unavoidable if there was to be any progress with the policy and ideal of independent homelands.<sup>80</sup> They pointed out, however, that the process should be undertaken with great understanding by officials so as to restrict disruption and hardship to the minimum.<sup>81</sup>

Another effort to consolidate the struggle against removals took place with the formation in 1984 of a National Committee Against Removals (NCAR).<sup>82</sup> This committee incorporated four of the organisations that had worked to help publicise the stand of people against removals, namely:

- (i) the Association for Rural Advancement (based in Pietermaritzburg);
- (ii) the Grahamstown Rural Committee;
- (iii) the Surplus People Project based in Cape Town; and

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80. *Ibid*, p. 443.

81. *Ibid*.

82. Unterhalter : *Forced Removal*, p. 120.

(iv) the Transvaal Rural Action Committee.<sup>83</sup>

The coordinator of the NCAR was Laurine Platzky.<sup>84</sup> By 1984 Platzky had become one of the prominent anti-removal activists. Under the auspices of the NCAR leaders from communities threatened with removal met together and planned common coordinated strategies transforming local threats into national and international issues.<sup>85</sup> Continuous publicity kept the issue of removals in the news so as to arouse public awareness.<sup>86</sup> Articles and photographs dealt with removals at Khayelitsha, Driefontein, Mgwali and Mogopa, while TRAC, the Grahamstown settlement committee and AFRA circulated regular newsletters on removals.<sup>87</sup> The Transvaal branch also focused attention on KwaNgema.<sup>88</sup> The map on removals was also updated.<sup>89</sup>

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83. L. Platzky : 'Relocation in South Africa : A Review; *South African Journal on Human Rights, Vol. I, 1985*, p. 270.

84. Cooper *et al* (eds.) : *Survey ... 1985*, p. 308.

85. Unterhalter : *Forced Removal*, p. 120.

86. M. Spies : 'What did the Black Sash do in 1984?' in *Sash, Vol. 28, 1 May 1985*, p. 30.

87. *Ibid.* For Khayelitsha refer to chapter 4, footnote 7. Mgwali was a Black village in the Eastern Cape situated in the 'White' corridor between the Ciskei and the Transkei near Stutterheim. Its 7489 residents were earmarked for resettlement to Frankfurt in the Ciskei. Mogopa was situated near Ventersdorp and its people, the Bakwena were forcibly removed to Bophuthatswana early in 1984. (The Bakwena case is also mentioned in Chapter 6).

88. *Ibid.*

89. *Ibid.*

As an outcome of all the developments explained above, the government's ability to implement its plans for the countryside was challenged.<sup>90</sup> Furthermore, the opposition to resettlements became increasingly linked to demands for full political rights and for national liberation.<sup>91</sup>

## **5. OPPOSITION TO THE RESETTLEMENT POLICY BY THE PROGRESSIVE FEDERAL PARTY**

As indicated, after the death of Saul Mkhize, criticism against the government's policy of forced removals came from, among others, members of the Progressive Federal Party in the persons of Helen Suzman and Peter Gastrow.

Throughout its existence the PFP had made its voice heard in Parliament in protest against various apartheid laws. As a political party it had its origins in 1959, when twelve United Party (UP) MPS broke away over the NP's increasing abandonment of earlier commitments with regard to land for Blacks.<sup>92</sup> Led by Dr Jan Steytler, they formed themselves into the Progressive Party. The Progs argued that the mass national liberation struggles under the leadership of the ANC could best be diffused through

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90. Unterhalter : *Forced Removal*, p. 120.

91. *Ibid.*

92. Davies et al : *The Struggle ...*, p. 146.

state policy to encourage the development of a Black middle class committed to free enterprise.<sup>93</sup> They advocated respect for certain bourgeois democratic rights undermined by the Nationalist government.

In the period 1961-74, the Progs remained a small party drawing support from a minority of liberal wealthy Whites. The party generally rallied around Helen Suzman MP for Houghton, who since 1953, had used the forum of Parliament to fight for equal justice for all South Africans. In 1979, the party then calling itself the Progressive Federal Party, elected the young Dr Frederick van Zyl Slabbert, a former UCT Sociology Professor, as its leader. Dr van Zyl Slabbert succeeded Colin Eglin, who became the party's national chairman. Dr Slabbert was a strong proponent of the view that the PFP should seek wider support amongst the White electorate. He also believed that the PFP's most important task was to persuade both Black and White that negotiation was preferable to confrontation and that an acceptable constitutional solution could be negotiated at a national convention.<sup>94</sup> He also warned the government that its homeland policies, denial of South African citizenship to Blacks, the division

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93. *Ibid.*

94. *Ibid.*

of Blacks into 'rural' and 'urban' and influx control would not solve the country's problems.<sup>95</sup>

The PFP also criticised the government for removing certain communities by force and condemned the DCD over the clearance of 'Black spots' and Black squatter areas in various parts of the country. At its Transvaal Congress in November 1982 the PFP adopted a unanimous resolution condemning forced removals. The resolution read as follows:

"Congress places on record its strongest objection to the removal of people from Black spots and other areas from which settled communities are ruthlessly uprooted against their will to be dumped in distant places where there is little chance of a livelihood or of maintaining family life."<sup>96</sup>

In May 1984 Ray Swart, MP and PFP spokesman on justice, said in Parliament that it was time for the government to call a halt to enforced population removals motivated by political ideology.<sup>97</sup> He said that such a step would bring relief to hundreds of thousands of South Africans and restore some measure of security to those concerned.<sup>98</sup> Swart believed that the end of forced removals would go a long way to relieving racial tensions in the

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95. Cooper *et al* (eds.) : *Survey ... 1984*, p. 54.

96. Quoted by P. Randall *et al* (eds) : *Survey - - - 1982*, p.449.

97. Debates of Standing Committees (Hansard) Column 18, Vol. 116, 1984.

98. *Ibid.*

country.<sup>99</sup> He also accused Dr Koornhof of having failed to change the unfavourable image of his Department.<sup>100</sup>

Helen Suzman brought the attention of Parliament to the problems faced by the people of KwaNgema and Driefontein and on numerous occasions she raised her objections against their removal. At Driefontein Mkhize took the initiative to gain support from the PFP leadership. Before he met his death, he had visited Suzman at her home several times and the two had come to know each other quite closely.<sup>101</sup> In December 1982 Suzman in turn visited Driefontein on Mkhize's invitation.<sup>102</sup> From this trip she gained first hand knowledge about the situation at Driefontein on the basis of which she was able to fight the issue with the government.

In June 1984, Mrs Suzman argued in Parliament that since two thirds of the Driefontein community was not going to be in any way affected by the dam, the Minister of the DCD had to make a positive statement that he would not go ahead with the removal of the community, except for that area where land was to be

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99. *Ibid.*

100. *Ibid.*

101. Suzman : *In No Uncertain Terms*, p. 206.

102. *Sowetan*, 5 April 1983 (Suzman to seek Mkhize' death probe).

flooded by the dam.<sup>103</sup> Suzman insisted that the same procedure should be followed at KwaNgema.

By siding with the Blacks, the PFP generated much debate between themselves and the government. The government apportioned part of the blame to the PFP for the resistance of the communities due to be removed. The Nationalists also accused the PFP of misrepresenting the facts concerning removals. Dr Morrison, a Nationalist MP, said that the story of forced removals was being exaggerated to such an extent that it negated the truth.<sup>104</sup> He further blamed the PFP and organisations such as the Black Sash and UDF for making it difficult for the government to resettle people in an orderly manner.<sup>105</sup> Similar accusations were made by Dr Koornhof against the LRC and the Black Sash. Minister Koornhof said that the policy of removals had been distorted by people of political persuasion masquerading as philanthropists.<sup>106</sup> He also maintained that where force had been used, it was used often to persuade minorities within communities who did not wish to go along with majorities.<sup>107</sup> J.H.W. Mentz another MP of the National Party, who sat on the Commission for

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103. Debates of Parliament, Vol. 116, 1984, p. 184.

104. Cooper *et al* (eds.) : *Survey ... 1984*, p. 443.

105. *Ibid.*

106. *The Daily News*, 16 May 1984, p. 13. (Removals : Koornhof lashes back).

107. *Ibid.*

Cooperation and Development, also saw the PFP as a barrier against the process of resettlement. In 1984 while debating the issue in Parliament, he remarked:

"Hon members of the PFP have discovered another way of trying to put an end to the NP's ethnic policy, and that is to encourage the Black people not to move at all. Today, I ask ... how we can carry the 1936 legislation into effect if people are not moved."<sup>108</sup>

Another controversial aspect concerned the impression created by the Nationalists that the resettlement policy applied equally to all race groups in the country. Mentz argued that:

"Whites and Blacks must move."<sup>109</sup>

Earlier on, in 1982, a similar argument had been presented by Dr Koornhof as he tried to convince the residents of Driefontein to move. He told Mkhize that he and his people were expected to cooperate with the government as it was a matter of principle that all South Africans, Black and White, had to make sacrifices, in terms of land, for the sake of development.<sup>110</sup> But such argument was unacceptable to the PFP, the Blacks and other critics of the removals policy, all of whom saw racial inequality to

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108. Debates of Parliament, 30 April – 8 June 1984, Vol. 114, p. 8450.

109. *Ibid.*

110. Legal Resources Centre, Johannesburg, Correspondence received : P.G.J. Koornhof – S. Mkhize, 13 October 1982.

be a fundamental principle of the resettlement policy. As mentioned earlier, for economic and historic reasons, Whites were, in general, reluctant to sacrifice their land for consolidation purposes. Dr Koornhof himself acknowledged that he was personally aware of the reluctance of rural Black and White communities to leave the graves of their ancestors.<sup>111</sup> But whenever Whites were compelled to abandon their lands, they were compensated by the government for their properties in a manner that would not turn them into losers. As the "Daily News" once commented:

The big difference between White and Black relocations is that Whites are handsomely compensated and are not dumped on bareveld.<sup>112</sup>

Errol Moorcroft, PFP member and MP for Albany, after personally making a close study of Black removals in the Eastern Cape, told Parliament that, in practice, the policy of homeland consolidation and removals indeed favoured Whites and was prejudiced against Blacks. He repudiated the argument made by Mentz, on the grounds that when Whites had to move, they could resettle anywhere in the country. In addition Whites were privileged to buy land anywhere on freehold and wherever they chose to live they retained their South African citizenship. Yet such

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111. *The Daily News*, 16 May 1984, p. 13 (Removals : Koornhof lashes back).

112. *The Daily News*, 16 May 1984 (Dept. of Heartbreak).

opportunities, said Moorcroft, were denied to Blacks who were being moved. To this effect, he presented a detailed picture of Black-White disparities in removal procedures and debated the issue as follows:

"... we are opposed to removals and for very good reasons. In the first instance, it has been alleged that Whites have also had to be removed and that they also had to suffer, so why should we only be concerned about Black removals. There are certain very important differences as far as certain removal procedures are concerned. If I as a White man am forced to move, if my farm is to be taken over for consolidation purposes, I am free to go and live wherever I please. If I am sick and tired of farming and I decide that I do not want to continue farming, I can go to town. I can go to any place in the Republic of South Africa that I wish, to choose and settle there. However a Black person cannot do that. If a Black person does not have section 10(1) rights, he cannot go to town. Then again as a White, if my farm is bought by the government, I can acquire more land. I can buy a farm in whatever part of the country I choose and re-establish there. However, a Black farmer who has freehold title to his land, and is bought out, may not acquire more freehold land. He loses his title. He is sent into a homeland area where he cannot acquire freehold title either ... The third important difference is that Whites can remain in South Africa as South African citizens while Black people are forced to go and live in an independent country which is not South Africa."<sup>113</sup>

To a large extent Moorcroft's argument exposed the reality of the policy of removals. It undermined the theory that Whites also sacrificed their land for, in practice, the real burden and suffering

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113. Debates of Parliament 1984, Vol. 114, pp 8454—8455.

resulting from forced removals was borne by the Blacks than by the Whites.

The opposition of the PFP to forced removals shows that the people of KwaNgema and Driefontein and many others threatened with removal, were enjoying support even in the South African Parliament. Although the MPs of the PFP were outnumbered by the Nationalists, they nevertheless tried to represent the interests of those who had no access to Parliament. The PFP did what it could to make the government realise the limitations of its resettlement policy and the harm it was doing to the Blacks.

**6. ARGUMENTS OF HAMMOND-TOOKE AGAINST THE VIEW THAT KWANGEMA PEOPLE FORMED A TRIBE**

The question whether the people of KwaNgema formed a tribe or not, remained unresolved for almost the entire period of the land dispute.

As mentioned in Chapter 3, Malan, the ethnologist, had been invited by the government to determine the lawfulness of Gabriel Ngema's leadership. But as the matter had not been resolved to the satisfaction of the Ngema Committee and their legal representatives, in November 1984, the government decided to appoint yet another authority in Black cultural affairs to assess

the tribal status of KwaNgema community. This expert was W.D. Hammond-Tooke, Social Anthropology Professor, Ethnologist and prolific author. At the time of his appointment to investigate the case of KwaNgema, Hammond-Tooke was attached to the University of Witwatersrand.

Hammond-Tooke was assigned to comment on the contention that KwaNgema were in fact a tribe in terms of the Native Administration Act of 1927.<sup>114</sup> It would seem that the decision to resettle the community of KwaNgema would in part be influenced by the outcome of Hammond-Tooke's judgement.

In attempting to resolve the impasse of KwaNgema, Hammond-Tooke based his analysis on previous related experiences. Between 1954 and 1958 he had served as government ethnologist in the then Department of Native Affairs, first at the Department's Head Office in Pretoria, and later at Umtata. During those years he acted as advisor to the Chief Magistrates of both the Transkei and Ciskei, his major responsibility being to investigate cases of succession of chieftaincy. This became an important preoccupation during the establishment of Bantu authorities in the area when numerous groups without chiefs applied for chiefs to be recognised. Between 1961 and 1964 he made a special study of

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114. Legal Resources Centre, Johannesburg : Memorandum of W.D. Hammond-Tooke, 30 November 1984, p. 1.

the development of chieftainship in the Transkei, a research that was subsequently published. He had also published six papers on aspects of Southern Bantu chieftainship in international journals and in chapters in books.<sup>115</sup>

Before passing judgment on KwaNgema, Hammond-Tooke acknowledged that the term 'tribe' in anthropological literature had been found to be so vague and ill-defined that it was no longer used in the theoretical literature. This was so because of the extreme difficulty of defining the concept in any acceptable way and in applying it meaningfully to the varying groups that occurred in reality. Hammond-Tooke went on to say that some scholars claimed that the modern use of the term dated from colonial times and that so many so-called 'tribes' had no organic origin but were products of administrative expediency.<sup>116</sup>

In spite of the confusion prevalent in the use of the term for so long in South Africa in administrative circles, Hammond-Tooke maintained that an attempt had to be made to give the term substance. He agreed with Isaac Schapera, the distinguished South African anthropologist, who saw the tribe as "a political community" and added:

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115. *Ibid.*

116. *Ibid.*

"A tribe is a group of people, occupying a defined territory and owing allegiance to an independent chief, although of course, today this independence has been lost and all tribes in Southern Africa operate as local authorities, under the overarching control of their central governments."<sup>117</sup>

The definition above appears to be in accord with the one provided by SANAC, 1903 - 1905, who defined the tribe as:

"A community or collection of Natives forming a political and social organisation under the government, control and leadership of a chief who is the centre of the national or tribal life."<sup>118</sup>

It appears that the common element in both definitions above is that a tribe must have a chief if it is to be recognised as a tribe.

To this effect, SANAC stated that:

"It is through the existence of a Chief that the tribe is conscious of its unity. As the father is to the family, so is the Chief to the tribe."<sup>119</sup>

As mentioned, Hammond-Tooke acknowledged the fact that with time, chiefs lost their independence and were forced to operate under the control of the White government administrators. This factor was also recognised by SANAC. Nevertheless chiefs still played an important role in the administration of Black affairs in

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117. *Ibid.* pp. 1-2.

118. Report of the South African Native Affairs Commission, 1930-1905, Vol 1, p. 41.

119. *Ibid.*

rural areas. In 1955 the Tomlinson Commission also acknowledged that chiefs and headmen formed an integral part of the administrative organisation of the Department of Native Affairs.<sup>120</sup> The Commission further pointed out that for many years government policy in South Africa had aimed at building up and strengthening the powers of chiefs in accordance with their capabilities and traditions.<sup>121</sup> This meant that though they had lost their autonomy, chiefs were always part and parcel of the tribal system.

Defining a tribe further, Hammond-Tooke pointed out that the essence of political or administrative authority was that it was territorial and exercised over all who lived within its jurisdiction. This position was also true of traditional chieftainship. Always tribes were also composed of individuals, families and larger groups, some very large, that had originated in other tribes and had subsequently joined their present political unit. Thus tribes were kinship groupings and were always heterogenous.<sup>122</sup>

Additional characteristics of a tribe listed by Hammond-Tooke included that chieftainship was vested in a royal lineage and

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120. Summary of the Tomlinson Report, UG 61/1955, p. 66.

121. *Ibid.*

122. Legal Resources Centre, Johannesburg : Memorandum of W.D. Hammond-Tooker, 30 November 1984, p. 2.

accession to the office of chief, depended on the following three main criteria:

- (i) membership of the royal lineage;
- (ii) being heir to the previous chief (typically, in the past, being senior son in the 'Great House'); and
- (iii) acceptance by the tribe.<sup>123</sup>

For the purpose of this study, it is important to highlight the last criterion, that is, "acceptance by the tribe", since the question of having an accepted leader was, as we have seen, a crucial issue at KwaNgema. A chief should be accepted by his tribe, that is, he must enjoy power with the consent of the people he leads. Hammond-Tooke maintained that this characteristic was often overlooked by those who adopted a simplistic model of traditional custom. Yet, he said, the tribal histories show much evidence whereby the royal line becomes switched to junior sub-lineages of the royal lineage. The unpopularity of a chief would, in many cases, cause dissatisfaction which would lead to him being no longer accepted by the tribe. Often tribal divisions would occur as a result.<sup>124</sup>

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123. *Ibid.*

124. *Ibid.*

A tribal division was thus usually the outcome of the personal unsuitability of the heir or with how a chief discharged his leadership role. Often genealogies were adjusted to legitimate a change *ex post facto*. The large number of tribes today is, according to Hammond-Tooke, to a large extent, the result of continual fission brought about by succession disputes.<sup>125</sup>

Having defined the term 'tribe', Hammond-Tooke then proceeded to relate his analysis specifically to KwaNgema. Firstly he explained the concept 'Umndeni' and defined it as:

"a group of kinsmen descended in the male line from a common grandfather or great grandfather. The term itself is imprecise, and used loosely for such a group, irrespective of genealogical time-depth."<sup>126</sup>

In the traditional setting, explained Hammond-Tooke, 'Umndeni' operated as a wider family group, although its members did not all live together in the same local area. It carried out two main functions, namely:

- (i) it sought to settle differences between its members. If a case between Umndeni members came before the tribal courts, the litigants were first asked whether arbitration had

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125. *Ibid.*

126. *Ibid.*

been attempted by the Umndeni court. If not, it was referred back; and

- (ii) it was the active group in the ancestor cult. Members of the Umndeni were expected to be present at all rituals involving members, and the deceased members of the group form the body of worshipped ancestors.<sup>127</sup>

The leadership of Umndeni was vested in the senior male who acted as "Chairman" of the Umndeni court, and officiated at the ancestor ritual. But this leader had no authority to impose his will on members, apart from the (supernatural) threat of a curse.<sup>128</sup>

All members of a tribe belonged to their specific Umndeni defined by descent. The chief was head of the royal family, which discussed intimate matters concerning the royal family like marriages, and worshipped the royal ancestors. The royal Umndeni, as such, was not an administrative body and operated independently of the administrative system. The exception was that the more prominent of a chief's fellow 'Umndeni' members formed an inner council, led by the most genealogically senior

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127. *Ibid* pp. 2-3.

128. *Ibid*, p. 3.

surviving member of the 'Umndeni', usually the chief's father's eldest living brother.<sup>129</sup>

Traditionally the chief could not do anything without the consent of this council, called "isigungu" in Zulu, and there were occasions when the chief was fined by his council. Ideally, chiefs and their councils had to govern together, but much depended on a chief's personality. A strong chief could sometimes behave autocratically. Hammond-Tooke pointed out, however, that with the exception of a few tyrannical figures like Shaka, traditional chieftainships were always basically democratic.<sup>130</sup>

As explained, on many occasions autocratic rulers risked being deserted by their followers, this resulting in splits in the tribe. On this point Stevenson Hamilton seems to be in full accord with Hammond-Tooke and goes further to say that chiefs who failed to comply with democratic principles, usually met with a downfall. Also citing Shaka to show what happened to undemocratic rulers, Stevenson-Hamilton provides the following explanation about the relationship between chief and tribe:

"The tribal is really a communal system; the chief, though he has, or rather had, autocratic power over the lives and property of the members of the tribe which he rules, is

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129. *Ibid.*

130. *Ibid.*

nevertheless, looked on by them as the embodiment of the tribe, and must himself, conform to the iron law of custom and public opinion - which are the real forces controlling the body politic ... it is only exceptional men, such as was Shaka, the Zulu Napoleon, who are able for a time, to raise themselves above the law, and their end, like Shaka's own is always a violent one."<sup>131</sup>

Frances Kendall seems to share the views expressed above. She points out that in the African setting, leaders at every level had to uphold the principle of government by discussion and consent.

She writes:

"All African tribal societies stressed the principle of government by discussion and consent (the Zulu term is indaba). Every official, whether paramount chief or headman, was answerable to his people or their representatives through his council, and legislation was introduced only after consultation - either in private, with close advisors and headmen, or in public, with the people's assembly or general all adult men participated. For important decisions the entire public might be called in.

No proposed measure ever became law without the council's approval. If a ruler acted despotically, he was called to account by his council and publicly criticised, or even disinherited or replaced."<sup>132</sup>

As regards to KwaNgema, Hammond-Tooke pointed out that there was clear evidence showing that this community had never formed a tribe. The intention of the original donors of the farm

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131. J. Stevenson-Hamilton : *The Lowveld : Its Wildlife and its People*, p. 206.

132. F. Kendall : *The Heart of the Nation*, pp. 10-11.

to Stuurman (a commoner with no connections with the Zulu royal family) was clearly to pay him for services rendered. To do this, they utilised a typical western custom based on concepts of individual ownership, a concept alien to traditional norms. This pertained to the original farm, subsequently sold by Stuurman in 1867. But the second grant of the farm was more cautiously phrased. It was awarded to "Stuurman and his people" (volk), a term which would seem to cover both descendants and others. Hammond-Tooke admitted though that the phrasing was also ambiguous and probably intentionally.<sup>133</sup>

Hammond-Tooke acknowledged that over the years the KwaNgema family grew in size and the area was also settled by strangers from other areas. Subsequently, the community underwent some transformation and began to exhibit attributes of a 'tribe', particularly its heterogenous composition.

Hammond-Tooke argued, however, that KwaNgema failed to achieve that status, for the following reasons:

- (a) the founder had no claim whatsoever to chieftainship. It was common cause that he was a commoner;

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133. Legal Resources Centre, Johannesburg : Memorandum of W.D. Hammond-Tooke, 30 November 1984, pp. 3-4.

- (b) at no stage were the descendants in the direct line from Stuurman recognised as chiefs by the Administration; and
- (c) the refusal by the people to use the term 'chief' (inkosi) for the head of the community was highly significant. The term consistently used, 'eye', was a common term for someone placed over an administrative area by a chief to oversee it for him. An 'eye' was appointed 'vice' by someone else; in the case of KwaNgema, it could refer to the community as a whole.<sup>134</sup>

Hammond-Tooke thus saw KwaNgema as a unique type of community that had emerged from twentieth century social developments. To this effect he stated:

"The fact of the matter is that we have here to do with a new type of community, one that has developed *de novo* in the swiftly-changing conditions of the 20<sup>th</sup> century. What began as a single, western-conceived, grant of land to a family has, over time, seen the development of a large community that has some, but not the essential characteristics of a traditional tribe. That the people themselves have perceived this, and persistently refused to attempt to change the status quo, either by appeals to the Administration or by the use of appropriate nomenclature is highly significant."<sup>135</sup>

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134. *Ibid*, p. 4.

135. *Ibid*.

Hammond-Tooke was of the view that the community of KwaNgema, represented by 'Umndeni', had developed over the years a form of collective government that stood mid-way between the chieftainship and an elected council. He maintained that this system had to be accepted as it was an outcome of social change and further pointed out that as the processes of social change continued, there would be more and more such "ambiguous" communities. Therefore great care would have to be taken to avoid forcing such communities into the 'Procrustean bed' of traditional structures.<sup>136</sup> In Hammond-Tooke's view, the new scenario, as represented by KwaNgema, was a shift from obsolete autocratic rulership. As such it was more responsive to felt needs and avoided problems of incompetent and or autocratic traditional rulers who were becoming increasingly anachronistic in the modern world.<sup>137</sup>

In sum, this chapter has established that in the 1980's the campaign against forced removals broadened countrywide as a result of the overwhelming support given to communities under threat of removal by various personalities and organisations. Consequently even rural communities like KwaNgema and Driefontein ceased to feel isolated and their fight against land

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136. *Ibid.*

137. *Ibid.*

dispossession was no longer a hidden struggle. As Unterhalter has stated:

"The political atmosphere in which removals took place was changing. It was no longer possible for isolated communities to be treated as helpless victims and their land taken without the whole world paying attention."<sup>138</sup>

In a sense through their concern and opposition, the prominent figures and members of the anti-resettlement movement, had all made themselves 'allies' of the people of KwaNgema and Driefontein and other communities in similar circumstances. They provided these communities with the assistance and moral support they so desperately needed at that critical period in their history. Such support gave people facing removal more courage to intensify their struggle, believing that they were fighting a just course. Besides, it also gave them some hope that the DCD might eventually give the matter a re-think and allow them to stay on their land. But was there any chance that the government might succumb to such pressure and reconsider its decision?

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138. Unterhalter :*Forced Removal*, p. 118.

**CHAPTER 6****INTERNATIONAL REACTIONS TO THE CRISIS, 1983-1984**

In their struggle against land dispossession, the people of KwaNgema and Driefontein and other communities under threat of removal also received the support of some countries abroad. This support was actually part of a broader campaign by foreign governments and organisations to end apartheid in South Africa. Two events brought the crisis of KwaNgema and Driefontein to world attention, namely: the sensational murder of Saul Mkhize of Driefontein in 1983 and South African Prime Minister P.W. Botha's historic tour of European states in 1984. Let us study these events.

**1. REACTIONS OF THE UNITED STATES TO MKHIZE'S MURDER**

In 1983 the Reagan administration in the United States joined those who condemned the assassination of Mkhize. They deplored the killing of Mkhize and again declared their distaste for South Africa's ethnic homeland policy.<sup>1</sup> In the statement issued on 6 April 1983, John Hughes, a spokesman for the US State Department, said the US government had consistently made clear its views that South Africa's problems were not being constructively addressed by the arbitrary relocation of people on

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1. *The Daily News*, 6 April 1983, p. 3. (Mkhize's death : US demand full probe).

an ethnic basis.<sup>2</sup> The State Department further pointed out that Washington expected its policy of constructive engagement in South Africa to be a two-way traffic.<sup>3</sup> The US government also joined organisations calling for a special probe by South African authorities into circumstances surrounding Mkhize's death.

The "Washington Post" also condemned the killing of Mkhize. It described the system of relocating Blacks in South Africa by forcible means as a sinister policy that had to be changed.<sup>4</sup> The "Post" also accused the South African government of publicly talking about reform whilst behind the scenes, they continued with the system of forced removals. It declared:

"... the hauling away of Blacks, in trucks from places where they may have been living for years, to desolate camps where they may not want to go at all, is proceeding without cease in South Africa. You hear a lot from the government and its defenders about the relatively small-step ameliorations it is making in the condition of some urban Blacks. You do not hear from it about this casting of whole populations to barren, so-called homelands — "homelands" where they probably have never lived. That is apartheid in action. It is what the system is all about, and it is what must be changed before anyone can talk, with a straight face, of reform in South Africa."<sup>5</sup>

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2. *Ibid.*

3. *Ibid.*

4. *The Guardian Weekly – The Washington Post*, Vol, 128, No 16, Week ending 17 April 1983, p. 128, (A continuing outrage).

5. *Ibid.*

## 2. PRIME MINISTER BOTHA'S PLANS TO VISIT EUROPE AND THE NGEMA COMMITTEE'S LETTERS TO QUEEN ELIZABETH II AND PRIME MINISTER THATCHER

In 1984 Her Majesty Queen Elizabeth II, Prime Minister Thatcher and critics of the apartheid policy in Britain became involved in talks pertaining to South Africa's removals policy in general and the intended removal of the KwaNgema community in particular.

The involvement of the British people was actually sparked off by Prime Minister P.W. Botha's visit to Europe between May and June 1984.

Prime Minister Botha's two-weeks official tour of European states was historic. It represented the first time in over twenty years that a South African head of government had paid any official visit to Europe, and was the most extensive such trip since the National Party came to power – some thirty seven years earlier.<sup>6</sup> Botha was invited to meet government leaders in Portugal, Switzerland, Britain, Germany, Belgium, Austria and Italy. He would also visit France. His itinerary began in Portugal on 30 May. In Britain Margaret Thatcher had especially invited Botha as her guest on 2 June.<sup>7</sup> Botha would also join the

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6. R.M. Price : *The Apartheid State in Crisis : Political Transformation in South Africa 1975 - 1990*, p. 221.

7. M. Thatcher : *The Downing Street Years*, p. 514.

celebrations by European nations of the fortieth anniversary of the Normandy Landings<sup>8</sup> (the historic D-Day). In France, Botha would not be a guest of the government, but would lay the foundation stone of a six million rand commemorative museum honouring South Africans who died in wartime action at Delville Wood.<sup>9</sup>

It is noteworthy that at this time a new scenario had just emerged in South Africa which influenced Botha's trip to Europe. Since the beginning of 1984, the South African government had started to pursue regional peace initiatives. It sought increased economic and technical co-operation with neighbouring countries and also wished to restrict the position of ANC insurgents in neighbouring states.<sup>10</sup> Botha also wished to see the nations of Southern Africa forming a constellation of states and working together for the benefit of all. As a first step to realise these objectives in February 1984, South Africa signed a cease-fire agreement with Angola followed by the Nkomati Accord between South Africa and Mozambique the following month.<sup>11</sup> To many European states the agreement with Mozambique seemed to be "a promising

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8. *Ibid.*

9. *The Daily News*, 28 May 1984, p. 1 (P.W. aims high on European mission).

10. Cooper *et al* (eds.) : *Survey ... 1984*, p. 48.

11. D. Geldenhuys : "The head of government and South Africa's foreign relations," in R. Schrire (ed.) : *Leadership in the Apartheid State - from Malan to De Klerk*, p. 282.

development".<sup>12</sup> The Nkomati Accord came shortly after the White referendum that overwhelmingly approved the introduction of the new tricameral constitution and brought for the first time Coloured and Indians into the political process of the country (but excluded Blacks). With those achievements, Botha could project himself abroad as a regional peacemaker and domestic reformer.<sup>13</sup> Already in 1983 Gus Constantine, veteran American foreign correspondent, had said in the "Washington Times" that Botha had emerged as the first post-war Afrikaner leader seeking to bend the colour bar in politics.<sup>14</sup> The tour was thus seen as a recognition by European leaders of South Africa's role in regional affairs.<sup>15</sup> The US also supported Botha's European tour and saw it as one way of encouraging the "positive dynamic" that was emerging in Southern Africa.<sup>16</sup> However, at that stage the Americans had no plans themselves to hold talks with Botha.

Within South Africa there were mixed reactions to Botha's reform policy and his European tour.. Whereas supporters of the National Party were optimistic, opponents of the government

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12. Thatcher : *The Downing Street Years*, p. 514.

13. Geldenhuys : "The head of government and South Africa's foreign relations" in R. Schrire (ed.) : *Leadership ...*, p. 282.

14. *The Daily News*, 4 May 1983, p.6. (Botha seen as leader bending rules on colour)

15. *The Daily News*, 28 May 1984, p. 1 (P.W. aims high on European mission).

16. *The Daily News*, 31 May 1984, p. 5. (US visit by P.W. a long way off).

remained openly critical about the Prime Minister's efforts. Marais Steyn, outgoing South African ambassador to London, who at this time was being appointed in the same capacity in Transkei, claimed that South Africa was reaching a turning point and that "the West had noted South Africa's achievements and seemed willing to give credence to Mr Botha."<sup>17</sup> C.R.E. Rencken M.P. and member of the NP, saw the Nkomati Accord and the subsequent invitation of Botha by prominent Western leaders as "an indication of the appreciation that is felt for the way in which the Hon the Prime Minister is acting with courage and faith in the interests of South Africa, Southern Africa and the Western World."<sup>18</sup> Even the PFP, though critical of the government's domestic policies, supported Botha's new foreign policy and his European tour. PFP national chairman, Colin Eglin, said in Parliament, in May 1984, that the first six months of 1984 were proving to be "the most fascinating and significant period, in the history of South Africa's international relationships."<sup>19</sup> However, the PFP hoped that Botha's visit to Europe would benefit all the people of South Africa, including the Blacks.

Blacks opposed to apartheid in South Africa were least impressed

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17. *Ibid*, p. 7 (It's a turning point for us claims Steyn).

18. Debates of Parliament (Hansard) 30 April to 8 June, 1984 Vol. 114, Cols. 5397 - 8480, p. 6065.

19. *Ibid*, p. 6046.

by Botha's sensational visit to Europe. The "Ilanga" stated that to Black South Africans Botha's grand European tour was a non event because there were no prospects that it would bring real political reform in South Africa.<sup>20</sup> Among other things "Ilanga" condemned the homelands policy which it said was rejected by the majority of Black South Africans. It stated:

"We know that one of the things the Prime Minister, Mr P.W. Botha will tell his overseas hosts and other listeners is that his government has gone a long way towards giving the Blacks of this country their "freedom." . . . Apparently Mr Botha and his cabinet colleagues and other supporters believe with all their hearts that the homeland policy is the best thing that would have been designed for the millions and millions of Black South Africans whose country this is too . . . If members of the ruling regime base this belief on their own understanding and interpretation of Black aspirations, then we want them to know they are terribly mistaken and wide of the mark. If on the other hand, their assertions emanate from feedback they might be receiving from certain Blacks, then we want them to know they are talking to the wrong people. For the truth of the matter, . . . is that the homelands policy stands rejected by the majority of right-thinking Blacks. It is rejected because it is a government imposition on powerless, voiceless Blacks; it is based not on the will of the majority but on the whimsical dreams of a minority of Whites, the Afrikaners; it is immoral and cannot be justified in human terms; it strips millions of Blacks of their God-given rights as the children of the soil of this southernmost part of Africa; it is wasteful and the misery it has created in many instances is too

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20. *Ilanga*, April 18—21, 1984 p.6.

sickening to recount."<sup>21</sup>

"Ilanga" further stated that they expected Prime Minister Thatcher to ask Botha to explain about the removal of Black communities in his country. It asked:

"Will the Iron Lady, . . . ask Mr Botha to explain . . . Will she ask him about the mass removals of hundreds of thousands of our (Black) people which go on unabated, uprooting settled communities and dumping them all over the place for no sensible reason other than to satisfy the needs of a political ideology gone crazy?"<sup>22</sup>

Despite Black concerns and the lack of support from some of his compatriots, when Botha went abroad he was full of optimism and saw prospects of re-establishing diplomatic relations with the foreign powers he visited. The "Daily News" saw this trip as "the most ambitious official tour by a South African Prime Minister for many years."<sup>23</sup> Deon Geldenhuys has recorded that the trip was "Botha's finest diplomatic hour."<sup>24</sup>

Meanwhile President Botha was not aware that behind the scenes

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21. *Ilanga*, 30 May — 2 June, 1984 p.6. (Can P.W. fool the world?)

22. *Ilanga*, 10—12 May, 1984 p.6. (On the Thatcher pow-wow).

23. *The Daily News*, 28 May 1984, p. 1, (P.W. aims high on European mission).

24. Geldenhuys : "The head of government and South Africa's foreign relations," in R. Schrire (ed.) : *Leadership ...*, p. 282.

in the quiet corner of Wakkerstroom, a plan was under way which, once implemented, would make a mockery of his reform policy to those he was visiting. The Ngema Committee were busy entertaining certain ideas about Botha's trip to Europe by which they thought they might probably have their predicament resolved. They decided to take advantage of Botha's visit to England to have their problem addressed. They wanted to request the British leaders to use their influence and ask Botha to reverse the decision to evict the community of KwaNgema from their land and they saw the meeting arranged between Botha and Thatcher to be an appropriate opportunity for that kind of discussion. Accordingly on 23 May, that is ten days before Botha could meet Thatcher, the Ngema Committee wrote letters to Queen Elizabeth and the British Premier asking them to intercede with Botha when he visited the UK on 2 June.<sup>25</sup> For fear that the South African Special (Security) Branch might prevent these letters from reaching their destination, the Ngema Committee decided to "smuggle" them to Britain through the British Embassy in Pretoria.<sup>26</sup>

The letter to the Queen reminded her that KwaNgema farm had been granted to the community in 1904 by the then Lieutenant-

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25. *KwaNgema*, Newsletter of the Transvaal Rural Action Committee (TRAC) of the Black Sash (undated).

26. M Ngema, *KwaNgema*, 13 November, 1997.

Governor of the Transvaal acting on behalf of King Edward VII who was the Queen's great grandfather.<sup>27</sup> The people of KwaNgema also told the Queen that they were deeply attached to their land, particularly because of its economic value and for cultural reasons. The following statement reflects their sentiments:

"We love this land of ours. It has two rivers and very good rich soil. We own tractors and we plough maize and beans and often sell our surplus. We also own large herds of cattle, and they are fat and healthy. Our ancestors are buried here and we are able to tend their graves."<sup>28</sup>

The leaders of KwaNgema also told the Queen that they were uncertain about their new place of abode. The government of South Africa had not indicated precisely whether they would be moved to Oshoek or Lochiel on the Swaziland border, or to Babanango in the Homeland of KwaZulu. But either way, they said, had one or more disadvantages. Lochiel was said to be rocky and was already inhabited by other people that they, the Ngemas, did not wish to disturb.<sup>29</sup> Oshoek they argued, was far worse, as it was being carved out of the rocky mountainside and

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27. Attorneys Bell, Dewar and Hall, Johannesburg, Correspondence received : M. Ngema - Her Majesty Queen Elizabeth II, 23 May 1984.

28. *Ibid.*

29. *Ibid.*

was without proper soil.<sup>30</sup>

The residents of KwaNgema also queried the sincerity of legal contracts. They maintained that if the government of South Africa failed to honour the written agreements of the past, Blacks would have no faith in the 99-year leasehold system. They saw the proposed removal to be discrediting those in power, as it proved that even governments could be inconsistent in their policies by violating past agreements. They expressed their disenchantment to Botha, through the Queen and pleaded for mercy in the following words:

"We are learning that even the title deeds and letters from presidents are not enough to secure our land - what good is leasehold in such a situation? ... We are landowners who have built up our lives and history at KwaNgema - we beg you not to make us landless squatters in some impoverished homeland area."<sup>31</sup>

In their plea, the community of KwaNgema also mentioned the leadership dispute that had split their community and they blamed the RSA government for being behind it. They claimed that the government refused to deal with their elected leaders negotiating instead with a 'sell out' (Gabriel), after whose death it had ignored

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30. *Ibid.*

31. *Ibid.*

them altogether.<sup>32</sup> Under this climate of uncertainty, the Ngema Committee appealed to Queen Elizabeth to help them with all speed in any way she could.<sup>33</sup>

The letter to Margaret Thatcher implored her to intercede on the community's behalf and tell Botha to leave them to continue their peaceful, productive life in KwaNgema, and to stop all the forced removals of Black people from their homes.<sup>34</sup>

### **3. REACTIONS OF THE BRITISH PEOPLE TO BOTHA'S VISIT AND THE KWANGEMA CRISIS**

Despite the positive attitude with which P.W. Botha was being received by European governments, critics abroad of South Africa's internal policies could not applaud the South African leader for his reforms and were therefore opposed to his European trip. Objections to Botha's tour came from the Anti-Apartheid Movement, the Organisation of African Unity, the United Nations and even senior politicians in the nations which were to host him.<sup>35</sup> These objections were being raised because, in the opinion of many observers, there were still a number of key areas

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32. *Ibid.*

33. *Ibid.*

34. Correspondence received: M. Ngema — M. Thatcher, 23 May 1984.

35. *The Daily News*, 28 May 1984, p. 1. (P.W. aims high on European mission).

in which Botha's government had not delivered as expected.

In the UK, Botha's visit had been preceded by a wave of media attention on the negative aspects of the South African government's internal policies, its alleged undercover activities in Britain and its continued occupation of South West Africa in defiance of international law.<sup>36</sup> Thatcher's decision to invite Botha had provoked some accusations from certain opponents of apartheid who felt that she was 'too soft' in criticizing apartheid.<sup>37</sup>

Among the high-ranking personalities in Britain who raised objections to Botha's visit was Neil Kinnock, leader of the opposition Labour Party. Kinnock, who was strongly anti-apartheid, had met Oliver Tambo, leader of the banned ANC, in March 1984, and pledged his party's support to the ANC. He promised that a Labour government would strengthen ties with the ANC and give financial and material support to Southern African liberation movements.<sup>38</sup> Concerning Thatcher's plans to meet Botha, Kinnock wanted to know what advantages there could be for the British people, or for the advancement of human rights in South Africa in inviting Botha to Britain.<sup>39</sup> In Kinnock's

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36. *The Natal Mercury*, 2 June 1984, p. 7, (P.W. faces the Iron Lady Today).

37. Thatcher, *The Downing Street Years*, p. 514.

38. Cooper *et al* eds. : *Survey ... 1984*, p. 868.

39. *The Daily News*, 9 May 1984, p. 28, (Thatcher defends decision to invite P.W.).

view Thatcher was allowing herself to be used for no other purpose than the support of South Africa's effort to prop up apartheid.<sup>40</sup>

Bishop Trevor Huddleston, the prominent British spiritual leader and humanitarian who had lived in South Africa from 1943 - 1956 and became a staunch opponent of apartheid, was also opposed to Botha's coming to Britain. On 30 May Huddleston went to Downing Street to put his case against Thatcher's plans to meet Botha.<sup>41</sup> His argument was that the South African leader should not be accorded the credibility of being a man of peace and that South Africa should not be allowed to re-enter the international community until it changed its internal policies.<sup>42</sup> Huddleston therefore felt that the British leader's decision to meet Botha was "a grave mistake."<sup>43</sup>

Still in Britain, Dr David Owen, leader of the Social Democratic Party, spoke on the eve of Botha's visit to Britain and asked the British Premier to make clear to Botha how offensive apartheid was to most British people.<sup>44</sup> He said he hoped Botha's talks with

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40. *Ibid.*

41. Thatcher : *The Downing Street Years*, p. 514.

42. *Ibid.*

43. *The Daily News*, 31 May 1984, p. 1 (P.W. now in Switzerland).

44. *The Daily News*, 1 June 1984, p. 11. (Botha tough, warns Owen).

British leaders would deal with substantive issues such as why 3.5 million Black people were being moved out of their homes into different parts of the country and why a further two million were planned to be moved.<sup>45</sup> He further pointed out that though the deportation of individuals was not quite on the same scale as the Nazi's, it was certainly on the same scale as that of what the Soviet Union had done.<sup>46</sup>

Botha's visit to Europe was also queried and ridiculed by Donald Woods.<sup>47</sup> Woods wrote an open letter to Botha shortly after the latter's visit to Britain and France. In the letter he accused the South African leader, among other things, of his government's policy of forcibly removing Blacks from their homes. He made the following statement:

"How ironic that you visited Britain and France last week during commemoration of the Normandy D-Day landings which ensured the Allied victory in World War II - during which conflict you and your colleagues in the Afrikaner Nationalist Party fervently hoped that victory would go to the Third Reich ... Since you became Prime Minister six years ago, things have gotten worse for Black South Africans, forced removals of Black communities from White-zoned areas have increased. Penalties under Pass Laws have been made more severe. Squatters' shelters have been bulldozed

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45. Cooper et al (eds.) : *Survey ... 1984*, p. 441.

46. *Ibid.*

47. Donald Woods was editor of the "Daily Dispatch," an East London newspaper, until his arrest in 1977 for reporting the details of Steve Biko's death in detention. Biko was a political activist and founder of the Black Consciousness Movement. At the time of writing this letter, Woods was in exile in England.

and burned, and more Blacks than ever before are being stripped of citizenship and consigned to the 'homelands'.<sup>48</sup>

It appears that the letters from KwaNgema had received much publicity, causing a stir among the British people. The week before Botha's visit the focus had switched to the policy of forced removals in South Africa and the efforts at that time to resettle the inhabitants of KwaNgema.<sup>49</sup> The KwaNgema issue had received extensive coverage in the press and on the BBC television news broadcast.<sup>50</sup> This was followed by a demonstration by some members of the public outside Downing Street in protest against apartheid and the proposed removal of the people of KwaNgema.<sup>51</sup>

Clearly the voice of critics of apartheid in Britain inside and outside Parliament, was loud and clear — they were strongly opposed to South Africa's removal and other apartheid policies, they sympathised with and supported the people of KwaNgema, and Botha was not worthy to be received with open arms by Margaret Thatcher and her government.

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48. *New York Times*, 10 June 1984. (Letter to the editor). An extract of this letter is also published by A. Seidmann : *The Roots of Crisis in Southern Africa*, pp. 36 — 37.

49. *The Natal Mercury*, 2 June 1984, p. 7 (P.W. faces Iron Lady today).

50. *Ibid.*

51. Unterhalter : *Forced Removal*, p. 114.

#### 4. THATCHER'S ATTITUDE AND RESPONSES TOWARDS BOTHA, SOUTH AFRICA'S POLICIES AND THE KWANGEMA SITUATION

Despite the strong amount of pressure against Thatcher's meeting with Botha the Iron Lady did not waiver, but was determined to go ahead with her plans. She saw more wisdom in receiving the South African Premier than in shutting him out.

In defending her position Thatcher was of the view that South Africa's isolation was the very factor which slowed down the process of reform in South Africa.<sup>52</sup> Though she did not condone South Africa's apartheid policies, she was nevertheless of the opinion that contact and dialogue with Botha was essential so as "to expose him as much as possible to our views."<sup>53</sup> Thatcher held the view that the arguments in favour of dialogue with the Soviet Union applied with at least as much force to the need to maintain contacts of this kind with South Africa.<sup>54</sup> Besides, South Africa had been helpful when the British Premier and her Foreign Secretary, Lord Carrington, had been trying to reach a settlement of the Rhodesian situation.<sup>55</sup> South Africa's co-operation was also

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52. Thatcher : *The Downing Street Years*, p. 514.

53. *Ibid.*

54. *Ibid.*

55. Cooper et al (eds) : *Survey ... 1984*, p. 825.

necessary to resolve the Namibian and Angolan problems. Therefore to Thatcher her reception of Botha was part of the process through which countries could press for change in Southern Africa.

Prime Minister Thatcher's willingness to talk with South Africa at this time was closely connected with the USA's policy of constructive engagement which was another method of promoting internal change in South Africa. Thus President Reagan and his administration felt at this time that maintaining regular contact with South Africa on most levels was probably the best approach under the circumstances.<sup>56</sup> But from the outset the USA government made clear that this policy did not in any way imply support for the South African domestic policy of separate development.<sup>57</sup> The mood in Europe and in the USA was therefore generally in favour of opening lines of communication with South Africa without attempting to sidestep or minimize the differences that existed.

Thus, as scheduled, on 2 June Thatcher and Botha held talks at Chequers, Thatcher's country home, and the two had the opportunity to exchange views freely and frankly on a number of

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56. P.W. Liebenberg : "The Reagan Policy of Constructive Engagement" in P.H. Kapp and G.C. Olivier (eds) : *United States South African Relations - Past, Present and Future*, p. 94.

57. *Ibid.*

issues.<sup>58</sup> P.W. Botha was accompanied by Foreign Affairs Minister Pik Botha, whose Department had worked for some months to arrange the tour.<sup>59</sup> The Director-General of Foreign Affairs, Hans van Dalsen, and several government officials were also on the tour. Premier Thatcher, on the other hand, was in the company of James Callaghan, former British Prime Minister, Malcolm Rifkind, the British Foreign Secretary and a few other top British politicians.

In the meeting the South African Prime Minister pointed out that his country never received any credit from the outside world for the improvements that had been made in the conditions of the Blacks.<sup>60</sup> Although Thatcher acknowledged Botha's concerns, she brought into the agenda issues that discredited South Africa in the eyes of the world. Among these was the subject of forced removals of Black South Africans in general and that of KwaNgema community in particular. Thatcher then produced the letter of KwaNgema sent to the Queen (the latter had asked the British Prime Minister to raise the matter of KwaNgema with Botha on her behalf). But it should be noted that until they arrived in Switzerland, neither P.W. Botha nor Pik Botha had prior knowledge about the move taken by the KwaNgema leaders regarding the

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58. Cooper *et al* (eds) : *Survey ... 1984*, p. 869.

59. *The Daily News* 28 May 1984, p. 1. (P.W. aims high on European mission).

60. Thatcher : *The Downing Street Years*, p. 514.

letters to the Queen and British Minister.<sup>61</sup> The Bothas only learnt of this communication at a press conference in Berne, Switzerland, when a media representative asked a question based on it.<sup>62</sup>

Following the Queen's request, Prime Minister Thatcher read out the letter from KwaNgema for Botha. She then spoke out very strongly on enforced removals saying they created a deplorable impression.<sup>63</sup> To this question both Bothas responded. Taking a defensive position, Pik Botha gave Thatcher his government's side of the story about the position of KwaNgema. He explained in broad terms the background regarding the removal of KwaNgema community.<sup>64</sup> He indicated that further details would be furnished to the British government on the issue.<sup>65</sup> Although as a matter of principle his government did not acknowledge interference in its internal affairs, Pik Botha felt that it would be in South Africa's interest to give the facts to foreign governments genuinely interested in the actual circumstances.<sup>66</sup> For his part P.W. Botha gave assurances that the people of KwaNgema would be fairly

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61. House of Assembly Questions and Replies, 27 January to 12 July 1984, Vol. 117, p. 1605.

62. *Ibid.*

63. *The Natal Mercury*, 4 June 1984, p. 1. (P.W. triumphs on London day trip).

64. House of Assembly Questions and Replies, 27 January to 12 July 1984, Vol. 117, p. 1605.

65. *Ibid.*

66. *Ibid.*

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Prime Minister Thatcher also talked about Nelson Mandela, jailed ANC leader who was serving a life sentence at Robben Island prison, and whose release the British and the international world had persistently asked for. She told Botha that in her view no lasting solution would be achieved for South Africa without Mandela's co-operation.<sup>68</sup>

On a less confrontational note Thatcher and Botha discussed a wide range of issues concerning developments in South Africa. The talks also covered South Africa's constitutional system with special reference to the new cabinet committee created to investigate the political future of Blacks outside the Homelands and aid to South Africa's neighbours.<sup>69</sup> It would thus seem that on certain issues the two leaders reached mutual understanding. To this effect the "Natal Mercury" reported subsequently that for all the tough talking from the British leader as regards the handling of the community of KwaNgema, there was little doubt that the British government believed that Botha was the only man who could offer South Africa a stable future.<sup>70</sup>

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67. Claassens : "Rural Land Struggles ..." in Murray and O'Regan (eds) : *No place to rest ...*, p. 36.

68. Thatcher : *The Downing Street Years*, p. 514.

69. Cooper et al (eds) : *Survey ... 1984*, p. 869.

70. *The Natal Mercury*, 4 June 1984, p. 1. (P.W. triumphs on London day-trip).

Apart from requesting Prime Minister Thatcher to discuss the issue of KwaNgema with Botha on her behalf, the Queen responded to the letter from KwaNgema through E.A.J. Fergusson, Britain's ambassador to South Africa. Fergusson was instructed to write a letter to KwaNgema on the Queen's behalf. This letter was dispatched on 22 June 1984.<sup>71</sup> The letter said that the Queen was concerned to learn of the difficulties faced by the community of KwaNgema.<sup>72</sup> She nevertheless expressed the hope that the problems facing the small village could be resolved satisfactorily.<sup>73</sup> Fergusson also assured Moses that having asked Prime Minister Thatcher to intercede with Botha when she met him, among other issues, the question of forced removals in South Africa had been discussed between the two Prime Ministers. The British ambassador further stated that Margaret Thatcher had expressed concerns about the problem and took the opportunity to raise the specific case of KwaNgema.<sup>74</sup>

## **5. CRITICISM AGAINST SOUTH AFRICA'S REMOVALS POLICY BY THE UNITED STATES AND EUROPEAN LEADERS**

The sensational letters from KwaNgema to the British authorities

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71. Correspondence received: E.A.J. Ferguson – Ngema Committee, 22 June, 1984.

72. *Ibid.*

73. *Ibid.*

74. *Ibid.*

arrived at the time when the policy of removals commanded considerable international attention.

The US government had, as indicated, already condemned the removals policy in 1983 after the assassination of Saul Mkhize at Driefontein. Since then the US government continued to oppose forced resettlements. In 1984 the US ambassador to South Africa, Herman Nickel, said that forced removals marred the favourable image conveyed by the strides in South Africa's regional and international relations.<sup>75</sup> Nickel's view was that regional accommodation in Southern Africa should go hand in hand with internal reform in South Africa.<sup>76</sup> Nickel's statement was echoed by the Africa Sub-Committee of the United States House of Representatives Foreign Affairs Committee. In April 1984 this committee called on South Africa to stop forced removals of communities from 'Black spots'.<sup>77</sup>

The US President, Ronald Reagan, also called on South Africa to end forced removals. In a speech marking international human rights on 10 December 1984 Reagan issued his Human Rights Day Proclamation. On that occasion the US leader included South

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75. Cooper *et al* (eds) : *Survey ... 1984*, p. 440.

76. *Ibid*, pp 440 - 441.

77. *Ibid*, p. 441.

Africa in his list of some of the worst human rights violaters.<sup>78</sup>

South Africa was listed with countries like the Soviet Union, Poland, Iran, Chile, Paraguay, Nicaragua, Cuba and Vietnam.<sup>79</sup>

On the same day Reagan issued another statement asking South Africa to end the harassment of Blacks through forced removals and the detention without trial of Black leaders. He stated:

"There are occasions when quiet diplomacy is not enough ... The United States has said on many occasions that we view racism with repugnance. We feel a moral responsibility to speak out on this matter; to emphasize our concerns and our grief over the human and spiritual costs of apartheid in South Africa; to call upon the Government of South Africa to reach out to its Black majority by ending the forced removal of Blacks from their communities and the detention without trial and lengthy imprisonment of Black leaders."<sup>80</sup>

Across the European continent, a number of European leaders also expressed their condemnation of forced removals in South Africa.

The West German Chancellor Helmut Kohl, appealed to Botha for an end to violations of human rights such as forced removals.<sup>81</sup>

Pope John Paul II reaffirmed the Vatican's stand against apartheid and attacked the policy of forced removals as a grave violation of

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78. *United States Information Service*, 10 December 1984, p. 1. (President Ronald Reagan asks South Africa to end harassment of Blacks).

79. *Ibid.*

80. *Ibid.*

81. Cooper *et al* (eds) : *Survey ... 1984*, p. 440.

human rights.<sup>82</sup> The Italian Prime Minister Bettino Craxi, also criticized forced removals. On 12 June he told Botha in Rome that the Italian government reiterated its position of condemning the apartheid system and the forced resettlement of communities which clearly violated the charter of the United Nations.<sup>83</sup>

Despite so much criticism from world leaders against forced removals, P.W. Botha adopted a defensive attitude and denied that his government forced people to new settlements. He maintained that the people were persuaded to move and the whole exercise was in their own interest. Thus while attending a press conference in Berne, Switzerland, Botha was asked about forced removals and on the same occasion, he was also asked to explain why his government was forcibly removing the inhabitants of KwaNgema. In reply Botha simply said:

"It is not true that we forcibly move people to more desolate lands. It is always better."<sup>84</sup>

However, this statement was challenged in South Africa by various critics of apartheid who cited examples where authorities had compelled Black people to move from White designated areas to homelands.

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82. *Ibid.*

83. *Ibid.*

84. Quoted by *The Natal Mercury*, 4 June 1984, p. 1. (P.W. triumphs on London day trip).

**6. DID INTERNATIONAL CONDEMNATION OF SOUTH AFRICA'S POLICY OF RESETTLEMENT IN ANY WAY ALLEVIATE THE PROBLEM FACED BY THE PEOPLE OF KWANGEMA AND DRIEFONTEIN?**

Having given an account of the attitude of the international community towards South Africa's policy of forced removals, two crucial questions should now be addressed, namely:

- (a) To what extent did the Ngema Committee's letters to the British authorities help resolve their problem?
- (b) Did international criticism of the policy of removals in any way help the people of KwaNgema and Driefontein?

The questions posed above have partly been answered, given the fact that until the end of 1984, there was no indication that the RSA government was planning to reverse its policy of removals. The government was still committed to its policy of Homeland consolidation including its plan to send the people of KwaNgema and Driefontein to KaNgwane and KwaZulu.

It has also been shown that in the wake of local and overseas criticism of the resettlement policy, government officials in general tended to be defensive, arguing that their policy was development-orientated and in the interest of Black people involved.

There were, however, a few signs showing that overseas pressure against removals was having a certain effect on the RSA's government thinking. A few Nationalists appeared to show sensitivity to world attack against forced removals. Dr Koornhof himself was beginning to express his concerns about the way overseas countries were critical about his Department's policies. On 3 May 1984, that is shortly before Prime Minister Botha undertook his trip to Europe, Minister Koornhof appeared to empathise with critics of his government's policy when he declared in Parliament that:

"We must try to arrive at something about these removals ... We are really giving serious attention to this question. We realize that it harms us very badly internationally. I do not get pleasure from moving anybody. We do not want to do it unnecessarily."<sup>85</sup>

But though Dr Koornhof gave some hope that he and his Department were reaching a turning point and might reverse their policy, his statement was ambiguous. While the Minister acknowledged the necessity to reconsider or do away with the policy of removals, because of international pressure, his Department still had to carry out removals "if necessary". Dr Koornhof therefore could not simply declare a "death sentence" on the removals policy, but left room for its implementation if the

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85. Debates of Parliament (Hansard), Vol. 116, 1984, pp. 158-159.

government deemed it necessary. To this effect Dr Koorhof subsequently told Parliament that he wished to speed up the removal programme so as to get the whole process completed by 1988.<sup>86</sup>

Such contradictory statements, typical of Dr Koornhof and officials of his Department, therefore make it doubtful if international pressure was making any serious impact on the government's thinking concerning the possible reversal of its resettlement policy.

As for the KwaNgema people's decision to seek intervention and assistance from the British authorities, it does not seem it yielded any concrete and immediate solution to their problem. This is understandable considering that neither the Queen nor Prime Minister Thatcher could interfere in the internal affairs of South Africa. As the British Foreign Secretary, Malcolm Rifkind once remarked, it was not for the British government to produce a constitutional blueprint for South Africa.<sup>87</sup> Thus in spite of protests from the British community and the international world, and in spite of the fact that historically the British had some connections with KwaNgema, the future of KwaNgema could only be decided by the South African government. This was soon confirmed by the straightforward statement that was made by

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86. *Ibid.*

87. *The Daily News*, 2 June 1984, p. 1. (P.W. and Thatcher set for crucial talks).

Louis Nel, the Deputy Minister of Foreign Affairs. In June 1984 shortly after Botha's return from Europe, Nel said that there was no likelihood of a change of heart on the part of the government regarding KwaNgema.<sup>88</sup> He reiterated the government's position that the removal of the area was planned before it was known that the dam would flood part of the farm.<sup>89</sup> Nel's statement clearly showed that the decision to evict the residents of KwaNgema from their land was primarily an ideological matter, and that world opinion did not really count.

But in spite of the seemingly intransigent attitude of the RSA government towards the issues related to homeland consolidation, the international factor could not be entirely ignored. Incidents of removing Black communities by force from their lands had already discredited South Africa in the eyes of the world. One of the communities whose removal had caused sensation was the Bakwena people of Mogopa near Ventersdorp. The Bakwena had been forcibly removed from their land in February 1984 and resettled in Pachsdraai under unfavourable circumstances.<sup>90</sup>

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88. Cooper *et al* (eds) : *Survey ... 1984*, p. 460.

89. *Ibid.*

90. The case of Mogopa is set out in several documents including the following: R. Omond : *The Apartheid Handbook*, pp. 117-118; D. Smuts and S. Westcott (eds) : *The Purple Shall Govern*, pp. 115-117. C. Albertyn : 'Forced Removals and the Law' in *South African Journal on Human Rights*, Vol. 2, 1986, pp. 91-99, and N. Haysom : *Rural Land Struggles : Practising Law Democratically* in C. Murray and C. O'Regan (eds) : *No Place to Rest — Forced Removals and the Law*, pp. 108-110, both discuss the Mogopa episode from a legal perspective.

Pachsdraai was due to be incorporated under the Homeland of Bophuthatswana. This event had been widely publicized and condemned in South Africa and abroad.

The explosive and sensational nature of such incidents as the Mkhize murder and the Mogopa case, turned out to be to the advantage of numerous communities still under threat of removal.

The government had now to exercise caution to avoid incidents that would draw too much publicity and criticism against it. As Claassens has stated:

"The state could not afford another murder, nor another forced removal like Mogopa. Both had been too recent, too publicized and had cost the Department of Foreign Affairs too dearly."<sup>91</sup>

Under such circumstances the job of the DCD officials was to persuade the people to move.<sup>92</sup> Yet getting people to move voluntarily proved to be a difficult task because of the unfavourable conditions under which the government was proposing to settle them and because they had too much to lose.

World condemnation of South Africa's domestic policies therefore had a positive, though limited, influence on the South African

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91. Claassens : "Rural Land Struggles ..." in Murray and O'Regan (eds) : *No Place to Rest ...*, p. 35.

92. *Ibid.*

government. Margaret Thatcher has pointed out that the most important result of her meeting with P.W. Botha was that from that time onward, she was able to send him private messages on delicate matters about South Africa which probably constituted almost the only helpful contact that Botha had with Western governments.<sup>93</sup>

KwaNgema's letters seem to have created a sensation that had psychological effects on both the RSA government and KwaNgema people themselves. In the final analysis this sensation was to the advantage of KwaNgema. Claassens has pointed out that the assurances made by Botha that the Ngemas would be fairly treated, and the fact that the conversation was publicized, provided KwaNgema with a protectively high profile.<sup>94</sup> Botha probably faced the humiliating experience of having to account for KwaNgema, especially at the time when he and his government were confidently talking about reform. As a result he and a few other Nationalists were upset by the confrontation. Subsequently in August 1984, Val Volker, NP member and MP for Klip River, said at the provincial congress of the NP that he hated forced removals and pointed to overseas criticism during the Prime Minister's

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93. Thatcher : *The Downing Street Years*, p. 515.

94. Claassens : "Rural Land Struggles ..." in Murray and O'Regan (eds) : *No Place to Rest ...*, p. 36.

tour.<sup>95</sup> A similar remark was subsequently made by P.W. Botha himself whilst delivering a speech at the Cape NP congress in September 1984. Botha pointed out that the free western world had become sensitive to large-scale removals of people, merely because someone wanted them to be moved.<sup>96</sup> He also said that in South Africa as well, there was a growing sensitivity in that regard, which the government had to heed.<sup>97</sup>

In conclusion, from this chapter it is evident that during 1983—1984 enlightened international opinion continued to be a factor in opposing South Africa's apartheid policies, including the removals policy. The killing of Saul Mkhize caused the world to pay more attention to Driefontein and the removal policy in general. The removals policy came under the spotlight again internationally when the Ngemas themselves informed the British leaders about their predicament. But though the people of KwaNgema were primarily concerned about their own problem, by their initiative they indirectly educated the outside world about the nature and magnitude of the problem faced by some Black communities threatened with removals in South Africa. They made the world increasingly aware that the harassment of Black people through forced removals was still part and parcel of South

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95. Cooper et al (eds) : *Survey ... 1984*, p. 442.

96. *Ibid*, p. 443.

97. *Ibid*.

Africa's apartheid scenario. Their case alone therefore had the effect of raising doubts about the sincerity of Botha's reform policy. As Dr André du Toit subsequently remarked:

"KwaNgema is rapidly becoming an international symbol of what is wrong with South Africa."<sup>98</sup>

KwaNgema's move was therefore well-timed and well strategised to make news which discredited Botha and his government. It damaged the image that the world was beginning to have about Botha.

Also discernable in this chapter is that within the National Party, while the majority of the members were still 'trapped in the web' of their conservative party ideology, a few others were beginning to show sensitivity to world criticism of South Africa's policies and to talk about reform. Botha's 1984 September speech that his government might put a stop to forced removals, was particularly important. He had apparently seen the need to break away from his party's traditional principles, if reform was to have any meaning. Clearly world opinion was having a certain effect on his thinking.

But Botha's speech did not in any way guarantee that the

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98. A. du Toit : *The Natal Mercury*, 18 December, 1984, p. 10 (Another shocker? Resettlement will cast long shadows).

resettlement of the people of KwaNgema and Driefontein would be reversed. There was still much uncertainty about the destiny of these inhabitants, especially in view of the fact that the matter had fallen into the hands of the Supreme Courts. Thus in spite of world pressure, the fact remained that the dispute was a domestic issue and the solution to the problem rested squarely on the shoulders of the South African authorities. The outcome could not be predicted and only time was going to tell.

**CHAPTER 7****REPRIEVE FOR KWANGEMA AND DRIEFONTEIN COMMUNITIES  
AND THE SETTLEMENT OF THE DISPUTE, 1985**

This chapter marks the climax of this study. It shows how the resettlement crisis and the various problems associated with it were ultimately resolved between the government and the communities of KwaNgema and Driefontein. It will be remembered that in November and December 1984 the residents of Driefontein and KwaNgema respectively had launched an interdict in the Supreme Court to prevent the government from implementing its removal scheme and to suspend the filling of the Heyshope dam until alternative arrangements had been made for flood victims. Court action by KwaNgema people also aimed at nullifying the appointment of Cuthbert Ngema as acting chief of the community.

The early part of 1985 saw the continuation of the dispute and the legal battle between the government and the two antagonistic groups. But at the same time, the political climate in the country was changing and, as indicated, the government was showing signs of being sensitive to domestic and foreign pressure, calling for the scrapping of the policy of removals. In due course of time, tensions cooled as the government and the people of KwaNgema and Driefontein reached a common

understanding towards finding a satisfactory solution to resolve the crisis.

In the light of the above, this chapter traces the developments in 1985 leading to the dramatic turn of events according to which the proposed resettlement and consolidation of KwaNgema and Driefontein people to the KaNgwane and KwaZulu Homelands was reversed.

## **1. PROMISE BY GOVERNMENT TO REVIEW ITS REMOVALS POLICY**

Despite many misunderstandings between the people of KwaNgema and Driefontein and the government up to the end of 1984, early in 1985 a few important developments took place in the country influencing events in favour of the two communities. The year started on a positive note when the government promised to implement certain changes that would mark a shift in its apartheid policies. This change was reflected in a number of important statements of intent, officially announced by the State President P.W. Botha and other cabinet ministers.<sup>1</sup> Such statements of intent referred to, among other things, freehold title to property for Blacks, resolving the issue of citizenship, the suspension of forced removals of people, de-emphasising negative influx control measures in favour of a positive urbanisation

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1. *The Daily News*, 14 March 1985, p. 3. (P.W. statements of intent welcomed).

strategy, reaffirmation of the government's commitment to attaining equal education and training opportunities for all South Africans.<sup>2</sup>

The statements of intent listed above, were welcomed and endorsed by six South African employer bodies.<sup>3</sup> However, the support promised by these bodies would depend mainly on the commitment shown by Dr Gerrit Viljoen's Department. The DCD had the responsibility for the practical implementation of the reforms announced and the generation of concrete results.<sup>4</sup>

As shown in the previous chapter, the move towards adopting the reform policy in the country was also influenced by international pressure on South Africa. International condemnation of South Africa's racial policies was growing. Thus, for instance, Ted Pavitt, President of the influential South Africa Foundation in the US, stated in March 1985 that:

"Until such time as policies and laws based on racial discrimination are abandoned, or at least substantially

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2. *Ibid.*

3. *Ibid.* These employer bodies were the Afrikaanse Handels-Instituut, the Association of Chambers of Commerce of South Africa, the Chamber of Mines of South Africa, the National African Federation of Chambers and Commerce, the South African Federated Chamber of Industries, and the Steel and Engineering Industries Federation of South Africa.

4. *Ibid.*

modified, pressures to force change by isolation in every possible way will continue to escalate."<sup>5</sup>

Again in March 1985 international pressure against South Africa increased after police killings of Blacks at Crossroad squatter camp near Cape Town and the arrest of a member of the UDF.<sup>6</sup> Subsequent to this event, the Reagan administration in the US added its voice to a UN Security Council resolution condemning South Africa for its domestic policies.<sup>7</sup>

In January 1985, the South African Institute of Race Relations had said that the government should make 1985 the year in which it abandoned forever the policy of forced removals.<sup>8</sup> They further pointed out that forced removals were the single most injurious aspects of apartheid and the one that besmirched the name of South Africa abroad more than anything else.<sup>9</sup> The "Daily News" also warned that "South Africa is under international pressure probably as never before"<sup>10</sup> and also pointed out that the patience of the international world was "running out with the government's

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5. Quoted by *The Daily News*, 13 March 1985, p. 3 (International condemnation growing, says South Africa Foundation).
  6. *The Daily News*, 13 March 1985, p. 1. (US adds voice to anti-South Africa vote).
  7. *Ibid.*
  8. C. Cooper *et al* : *Survey ... 1985*, p. 330.
  9. *Ibid.*
  10. *The Daily News*, 14 March 1985, p. 18 (The heat is on).

failure to match words with deeds."<sup>11</sup> In the circumstances, the "Daily News" advised that "all that is required is for the government to screw up its courage."<sup>12</sup>

Once again President Botha acknowledged the fact that international criticisms of South Africa's policies could not be entirely ignored. In March 1985, he reiterated this view when he told Parliament that:

"... South Africa is not an island. South Africa is a country which deals with imports as well as exports. South Africa has contact with people abroad in connection with security matters as well as in the field of research, and therefore we would take cognisance of a responsible world opinion."<sup>13</sup>

But Botha also made it clear that as a government, South Africa would not permit international world opinion to prescribe to them how they should solve their problems.<sup>14</sup>

On the aspect of population removals, in the six weeks since Parliament opened in 1985, Dr Viljoen piloted the radical approach to Black affairs, including complete about turns on the issue of

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11. *Ibid.*

12. *Ibid.*

13. Debates of Parliament, 25 January to 21 March 1985, Vol. 2, Cols. 1 — 2664.

14. *Ibid.*

forced removals.<sup>15</sup> Speaking in Parliament on 28 January 1985, Dr Viljoen delivered the following statement:

"The government has understanding for the exceptional sensitiveness which exists in all quarters in regard to the resettlement of communities. At present the existing policy is being reviewed in depth with a view to ensuring that resettlement will be confined to only the most essential cases. Furthermore, that everything possible is done to obtain the co-operation and the consent of communities involved in regard to such resettlement, and also to ensure, through the preparation and development of the resettlement areas and the arrangements for the actual relocation, that any resettlement will be accompanied by a real improvement in the standard of life of the community concerned."<sup>16</sup>

On 1 February 1985, Dr Viljoen also told foreign correspondents at a briefing in Cape Town, that removal of Black communities was to be suspended after which a review of the policy of removals would be done.<sup>17</sup> He stated that this move was initiated because the government was sensitive to the general criticism toward resettlement.<sup>18</sup> He further pointed out that the review would examine twenty-five to thirty rural 'Black spot' villages in White areas and about the same number of urban Black townships earmarked for incorporation in the nation's ten Black homelands.<sup>19</sup>

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15. *The Natal Mercury*, 13 March 1985, p. 10. (Viljoen next leader?).

16. Debates of Parliament, 25 January to 21 March 1985, Vol. 2, pp. 51 - 52.

17. *Citizen*, 2 February 1985, p. 1, (Removals).

18. *Ibid.*

19. *Ibid.*

It does appear that even at that stage, there was still uncertainty about the number of Black areas threatened with removal. Minister Viljoen indicated on 26 February 1985, that as at 31 December 1984, 67 'Black spots' remained to be removed throughout the country.<sup>20</sup> Viljoen said that the government was already reconsidering the decision to remove them.<sup>21</sup> In his earlier statement, the Minister was also still uncertain as to how many people were involved, but he indicated that it was at least hundreds of thousands of people destined to be transferred to the Black tribal homelands.<sup>22</sup> The Minister promised that the removal policy would be drastically reviewed so as to limit it to the absolute minimum and to ensure that in so far as was humanly possible, it would be done with the consent of those affected.<sup>23</sup> He further stated that many of the 'Black spots' formed before 1913 had grown substantially over the years, making their removal more difficult.<sup>24</sup>

Dr Viljoen mentioned in particular, KwaNgema and Driefontein where planned removals were to be reconsidered.<sup>25</sup> In March,

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20. Debates of Parliament, 25 January to 19 June 1985, Vol. 5, p. 272.

21. *Ibid.*

22. *Citizen*, 2 February 1985, p. 1 (Removals).

23. *Citizen*, 2 February 1985, p. 2 (Forced removals suspended).

24. *Ibid.*

25. *Ibid.*

Deputy Minister Wilkens also met leaders of Driefontein, and sketched government plans to "save" the people.<sup>26</sup> He told the Board of Directors that the government was unlikely to go ahead with its plans to move the community, save for about 84 families in the area.<sup>27</sup> Resettlement remained inevitable, however, in respect of squatter groups such as urban squatting and the illegal occupation of farms.<sup>28</sup>

Again international criticism of forced removals had influenced the decision on policy review in Dr Viljoen's Department, as he himself acknowledged that foreign pressure had also had an effect on the government's thinking.<sup>29</sup> But the practical effects of Dr Viljoen's pledge remained unclear because of his qualification that removals would go ahead if the people agreed. This ambiguity caused critics like Helen Suzman to remain dissatisfied with the Minister's promise. Suzman described the policy of resettlement and forced removals as "another burning problem" in South African politics.<sup>30</sup> Accordingly she urged the Minister to give a categorical assurance that such people as those of KwaNgema

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26. *City Press*, 31 March 1985, p. 4 (Driefontein : there's hope they'll be left alone).

27. *Ibid.*

28. Debates of Parliament, 25 January to 21 March 1985, Vol. 2, pp. 51 - 52.

29. *The Citizen*, 2 February 1985, p. 2. (Forced removals suspended).

30. Debates of Parliament, 25 January to 21 March 1985, Vol. 2, p. 132.

would not be removed.<sup>31</sup> Suzman further suggested that KwaNgema inhabitants could be moved to higher ground because there was plenty of land available in spite of the disturbance caused by the dam.<sup>32</sup> The previous year she had suggested that similar arrangements be made for the dam victims of Driefontein.

Whilst the resettlement problem of KwaNgema and Driefontein was being debated, the Heyshope dam was causing various problems for some residents. In May 1985 Attorney Budlender reported that as the water table rose, subsided and rose again, considerable structural damage was being done to houses in the vicinity of the dam.<sup>33</sup> Certain walls were in danger of collapse.<sup>34</sup> The owners of buildings had attempted to repair the damage but with limited success.<sup>35</sup> The lawyer even went to the extent of taking photographs showing the internal and external damage caused by the dam to buildings at Driefontein. He sent these to the Deputy Minister of Development and Land Affairs and asked for government's advice with regard to that problem.<sup>36</sup> But it would seem as if the DCD either ignored the facts of the situation

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31. *Ibid.*

32. *Ibid.*

33. Legal Resource Centre, Johannesburg, Correspondence received : G.M. Budlender — B. Wilkens, 28 May 1985.

34. *Ibid.*

35. *Ibid.*

36. *Ibid.*

concerning the dam or did not wish to tell Parliament about the disaster their policy had caused at KwaNgema and Driefontein. On 1 April 1985, Minister Viljoen reported in Parliament that the dam had 86,7 million cubic metres of water in storage which figure represented 19 percent of its full storage capacity.<sup>37</sup> He further stated that it was impossible to predict when the dam would reach its highest level, since it depended entirely on rainfall and the subsequent inflow into the dam.<sup>38</sup> Therefore, as far as Minister Viljoen was concerned, the dam floods had not started to affect houses and graves at KwaNgema and Driefontein.<sup>39</sup> Such information was misleading, however, since there were various reports from KwaNgema people as well that the dam had begun to cause problems for some residents.

In spite of the various problems that still existed, there was an apparent willingness on the part of the government to consider halting the eviction of the people of KwaNgema and Driefontein. However, at KwaNgema closer cooperation was delayed by court intervention. Deputy Minister Wilkens reported in Parliament that negotiations with the KwaNgema community and other parties concerned in connection with various matters, were to

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37. Debates of Parliament, 25 January to 19 June 1985, Vol. 5, p. 949.

38. *Ibid.*

39. *Ibid.*

have been conducted on 3 January 1985.<sup>40</sup> But because legal action had been instituted, the meeting had been postponed and the matter was therefore sub judice.<sup>41</sup>

## **2. APPROVAL OF CUTHBERT NGEMA'S CHIEFTAINSHIP BY THE SUPREME COURT**

The effort by the Ngema Committee to have Cuthbert legally removed from his position as acting-chief and to prevent him from acting independently on the issue of resettlement continued early in 1985.

On 6 March, the Pretoria Supreme Judge, Justice T.T. Spoelstra put it to the legal representatives of the Minister of the DCD and the Ngema Committee that the leadership dispute could be best settled out of court.<sup>42</sup> The judge warned that the court could achieve limited results if it interfered in the matter. According to Judge Spoelstra, the court might, possibly after referring the case for evidence and after long delays, depose the State-approved leader, Cuthbert, a solution which in the judge's opinion, would not contribute to peace in the community. Judge Spoelstra,

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40. *Ibid.*

41. *Ibid.*

42. *Star*, 7 March 1985. (Minister declines to settle with Ngemas).

however, suggested that the alternative course of allowing the community to select its own leader be followed.<sup>43</sup>

Appearing for the Ngema Committee, Jack Unterholter SC, argued that the papers filed by the respondents revealed that the appointing of an acting chief related to the question of resettlement not to the administration of the community.<sup>44</sup> The appointment of Cuthbert was thus seen as a step towards the removal which residents opposed.<sup>45</sup> In response to the judge's proposal, the Ngema Committee agreed immediately to any fair canvassing of the entire community's views. But the Minister's lawyers refused to settle on terms that would allow the community to choose their leader.<sup>46</sup>

Even at that stage there was still much disagreement and confusion with regard to the interpretation of the position of leadership at KwaNgema. Minister Viljoen had just been questioned in Parliament on 26 February by P.G. Soal of the opposition whether his Department (the DCD) had devised a procedure determining representative leaders of Black

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43. *Ibid.*

44. *Ibid.*

45. *Ibid.*

46. *Ibid.*

communities.<sup>47</sup> Viljoen's version was that in cases of communities with traditional leadership, the successor was determined by means of genealogical tables and in consultation with the elders concerned.<sup>48</sup> In cases of communities without traditional leadership, election or appointment took place by ballot, the showing of hands or in a manner determined by the community itself.<sup>49</sup> However, in the case of KwaNgema, Dr Viljoen's criteria was never applied, since the elders, that is 'Umndeni', were not being given the opportunity to cast their vote by ballot. The DCD witnesses at the hearing claimed that Cuthbert was proved by genealogical studies to be the legitimate chief and that his rival, Moses, had no such claim.<sup>50</sup> So it was now for the court to make the final decision.

On 13 March 1985, the final judgement was passed. KwaNgema residents lost their application for an interim interdict barring Cuthbert from acting as chief and government officials from recognising him as such. Justice Spoelstra ruled that anthropological evidence to the effect that the community did not regard itself as a tribe was irrelevant.<sup>51</sup> According to the judge

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47. Debates of Parliament, 1985, Vol. 5.

48. *Ibid.*

49. *Ibid.*

50. Cooper *et al* : *Survey ... 1985*, p. 343.

51. *Ibid.*

the people of KwaNgema were a tribe in terms of the Oxford English Dictionary definition, as they were a group of people having a common ancestry.<sup>52</sup> He pointed out that in every day usage, the word 'tribe' held good for almost any group bound by common ancestry, including probably the Ngema family.<sup>53</sup> In supporting the appointment of Cuthbert, the Court also ruled that in terms of Section 2(7) of the Native Administration Act of 1927, the State President could appoint whomever he wished as a chief.<sup>54</sup> (As explained in Chapter 2). The judge, however, said that it had not been shown that the community would suffer irreparable harm if Cuthbert continued in office, as he would not be able to negotiate the removal on his own, but would be bound to consult the "Umndeni".<sup>55</sup> Judge Spoelstra also accepted that the government fully intended discussing the removal with all interested parties.<sup>56</sup> Claassens has also pointed out that the judge ruled that the Ngema Committee's fears that Cuthbert Ngema would agree to their removal were unfounded, as the government policy was to negotiate with the entire community.<sup>57</sup>

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52. L. Platzky : "Relocation in South Africa : A Review", *South African Journal on Human Rights*, Vol. I, 1985, p. 271.
53. Cooper *et al* : *Survey ... 1985*, p. 343.
54. Platzky : "Relocation in South Africa : A Review", *South African Journal ... Vol I, 1985*, p. 271.
55. Cooper *et al* : *Survey ... 1985*, p. 343.
56. *Ibid.*
57. Claassens : Report of the TRAC on Driefontein and KwaNgema, 19 March 1985.

### 3. TOWARDS CLOSER CO-OPERATION

The next few weeks were crucial for the future of KwaNgema and Driefontein and because of the precedent that might be established in the two areas, they were crucial for all the other areas under threat of removal. The central issues were:

- (i) That the South African government reply to the Driefontein people urgently about their proposals of adjacent land for the people affected by the dam.
- (ii) That the South African government guarantee that notwithstanding its appointment of Cuthbert Ngema as Chief, it would negotiate the removal issue with the representative Ngema Committee.<sup>58</sup>

At the community's request, a meeting was held at Driefontein on 4 February 1985 with Deputy Minister Wilkens. At that meeting there was a good deal of discussion about the dam. It was clear that because of the history of threats of removal for ideological reasons, and because of the long historical association of the community with their land, there was a great deal of suspicion

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58. *Ibid.*

about and resistance to the dam.<sup>59</sup> It also became clear that, whether that suspicion and resistance would be overcome would be determined by what alternative land would be made available.<sup>60</sup> The initial response of the Deputy Minister was that because the government was now opposed to forced removals, it would simply pay compensation to those people living within the dam purchase line. Once compensated, the people could then decide where to go and what to do with the money.<sup>61</sup> This offer was extended to the people of KwaNgema as well. In response, the two communities turned down the offer of a straight financial settlement, because they said the money was useless to them as long as they could not use it to buy land.<sup>62</sup> They insisted that they wanted compensatory land as had been promised by Dr Koornhof.

In due course of time, Deputy Minister Wilkens changed his mind and agreed to adhere to the promise of "land for land". But the problem was whether agreement could be reached as to what land could be made available. For both policy and practical reasons, the Deputy Minister explained that it was unlikely that land could

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59. Legal Resources Centre, Johannesburg, Minutes of the Council Board of Directors of Driefontein entitled "Driefontein : Proposals of the Council Board of Directors as to compensatory land for the plots affected by the Heyshope Dam", 25 February, 1985.

60. *Ibid.*

61. *Ibid.*

62. *The Weekly Mail*, 30 August to 5 September 1985, p. 7 (Seven decades later, Black rights outside 'homelands').

be obtained near Driefontein. He then suggested that the community representatives should make firm proposals about alternative land for the plots which fell within the purchase line.<sup>63</sup>

Extensive research was subsequently carried out on the availability of alternative land in the vicinity. The two communities established that adjacent to Driefontein were two pieces of land which had been expropriated for the purposes of the dam, but were not actually needed for the dam. These plots of land, which were ideally situated, were of sufficient size to accommodate the residents of Driefontein whose land would be affected by the dam.<sup>64</sup>

On 25 February comprehensive proposals were put forward to the government on behalf of the community, to the effect that the adjacent vacant state-owned land should be made available as compensation for the Driefontein community. The Deputy Minister, however, stated that the problem was that the neighbouring KwaNgema community also had a moral claim to the state-owned land. He emphasised that sufficient state-owned land was not available to be offered as compensatory land.<sup>65</sup>

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63. Budlender : "Driefontein : a community reprieved (and removals on the way out?)", *Race Relations News*, December 1985, p. 7.

64. *Ibid.*

65. Legal Resources Centre, Johannesburg, Correspondence received : B.H. Wilkens — G.M. Budlender, 20 May, 1985.

It was at this point that Lotzaba Forest Limited came into the picture as a possible solution to the land problem facing the government and the two communities.

#### **4. LAND PROPOSALS OF BARLOW RAND AND THEIR IMPLICATION**

Lotzaba Forests Ltd, a subsidiary of Barlow Rand, owned land near Driefontein which they offered to sell to the government in May 1985. This offer facilitated the settlement that was being sought to satisfy the territorial needs of both communities. But before discussing Barlow Rand's involvement in the land deal in question, one should perhaps first look at their record as a business company in general, but more particularly as a force against the forcible removal of Black people.

##### **(a) Barlow Rand's call for the scrapping of the policy of population removals**

In 1981 Barlow Rand was reported to be the biggest industrial conglomerate in South Africa with substantial mining interests as well. In the same year, the company consisted of some 300 operating companies organised into fourteen broad divisions. The group employed over 200 000 people and controlled total assets of R6 685.6

million. Important take-overs of three large food companies by Barlow Rand in early 1982 significantly increased these assets. Barlow's interests were concentrated in heavy industry, food products and mining; its various subsidiaries tended to dominate most of the sectors in which the group was involved. While most of its undertakings were based in South Africa, Barlow Rand also operated in the UK, USA, Belgium, Australia, Israel, Japan, Namibia, Zimbabwe, Botswana, Swaziland and Mozambique.<sup>66</sup>

Over the years Barlow Rand adopted a progressive attitude towards South Africa's racial policies. The group proclaimed its intention to eliminate discriminatory practices and introduce equality of service conditions, opportunities and rewards for all employees.<sup>67</sup>

Barlow Rand's chairman, Mike Rosholt and his Company were also opposed to population removals. In various speeches, he criticized the policy of forced removals. In a speech of November 1984 Rosholt said he believed there were a number of issues which if resolved, would build bridges of confidence between the

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66. R. Davies *et al* : *The Struggle for South Africa*, pp. 75 - 76.

67. *Ibid*, p. 78.

government and the Black community and its leaders.<sup>68</sup> These included the immediate termination of removals based on ideological premises.<sup>69</sup> He saw forced removals as probably one single issue likely to ensure the success of the US disinvestment lobby and therefore urged the government to reconsider forced removals and laws depriving Blacks of South African citizenship.<sup>70</sup>

**(b) Barlow Rand's proposal to compensate Driefontein with part of Roodekraal**

In line with Barlow Rand's stated policy, Lotzaba Forest Ltd became involved in the land deal for the benefit of the people of Driefontein. In their research, the two communities had discovered that Lotzaba owned a farm called Roodekraal in the neighbourhood of Driefontein.<sup>71</sup> They then suggested that Lotzaba should be approached to see if they would not make this farm available for expropriation so that it could be offered to the people of Driefontein. Subsequent to this proposal, lengthy negotiations took place between Budlender, the

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68. 'The businessman's role in the changing circumstances of South Africa.' Speech by A.M. Rosholt, Executive Chairman of Barlow Rand Ltd at Sandton, 12 November 1984.

69. *Ibid.*

70. *Ibid.*

71. *The Daily News*, 28 August 1985, p. 3 (State halts two 'Black spot' removals after deal).

government, Lotzaba Forests and the Urban Foundation<sup>72</sup> to have Roodekraal transferred to Driefontein.

On 14 May 1985 there was a breakthrough in the negotiations when Lotzaba Forests agreed to the expropriation of a portion of the farm Roodekraal 21 HT.<sup>73</sup>

The land in question measured approximately 500 hectares and consisted of two strips of land running along the eastern and northern boundaries of Roodekraal respectively.<sup>74</sup> (See diagram). The conditions on which Lotzaba Forests agreed to the expropriation of the land were the following:

- (i) The Driefontein community had to undertake that there would be no encroachment onto the land which would be retained by Lotzaba Forests Ltd.
- (ii) Satisfactory arrangements would have to be made with the company's tenant, a Mr Greyling, who had

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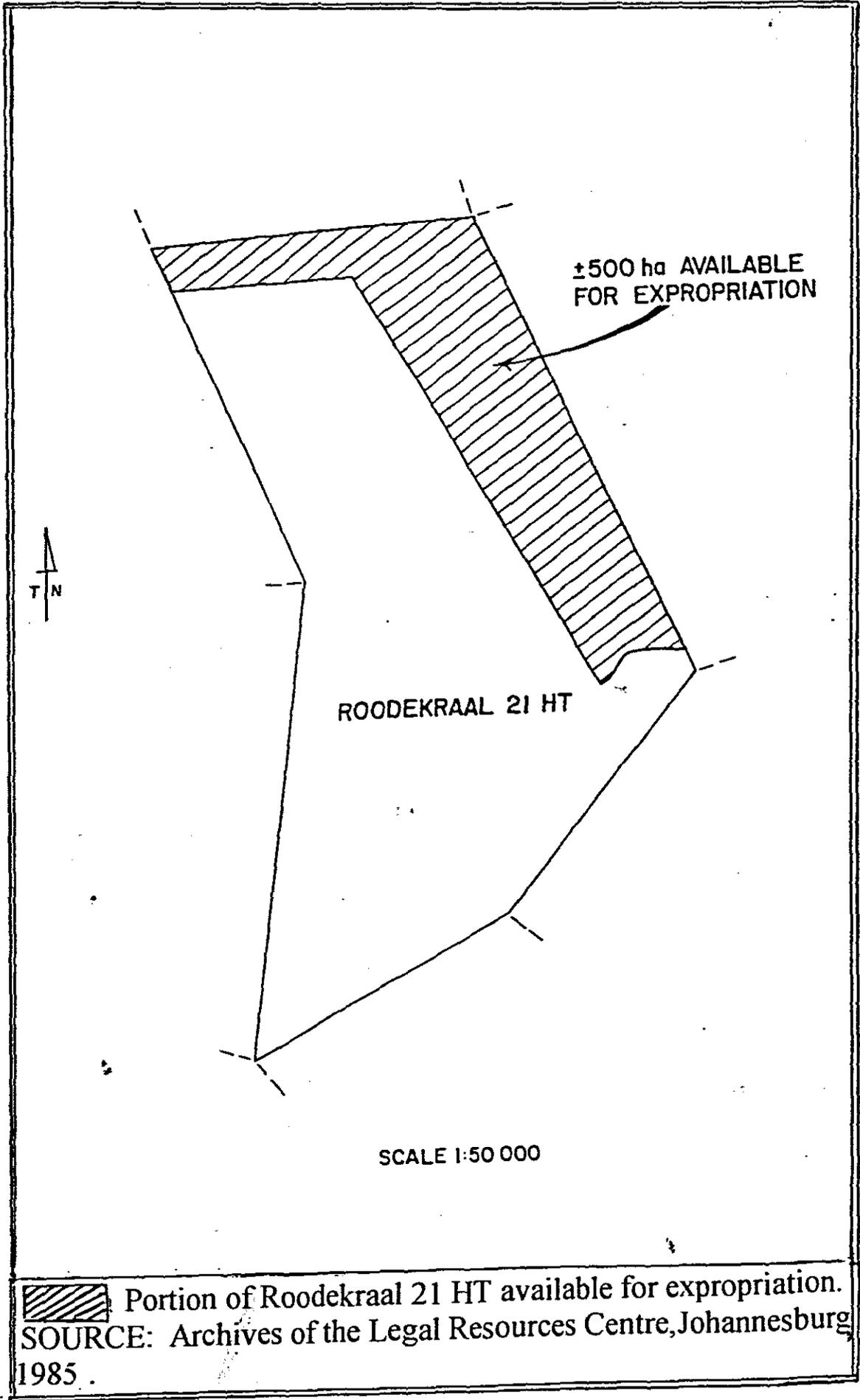
72. Dominated by monopoly capitalists, this organisation was established in March 1977 to mobilize the resources of the capitalist class in the project to create a Black middle class. It sought to make its particular contribution to the common strategic objectives of the ruling class by financing and initiating projects aimed at improving the quality of life in Black townships. It gave priority to housing (and initiated a number of housing projects throughout the country) and education. In the latter field, it involved itself in training schemes, literacy work and other types of pre-school and adult education.

73. Legal Resources Centre, Johannesburg, Correspondence received : J.C. Willemse - Director-General (DCD), 21 May 1985. Also G.M. Budlender - D.H. Watt, 12 April 1985.

74. *Ibid.*

a lease in respect of a large piece of land which included the approximately 500 hectares in question. This lease expired on 31 January 1987. Lotzaba Forests Ltd did not wish to become involved in a dispute with Mr Greyling about this arrangement, but might agree to assist in persuading him to agree to the proposals.

- (iii) A proper survey of the land would have to be carried out. The officials of Lotzaba would point out the beacons prior to a formal survey.
- (iv) Consent would have to be obtained to the subdivision of agricultural land in respect of the land to be occupied by the Driefontein community.
- (v) Boundary fences would have to be erected at no cost to the company or its tenant (Mr Greyling).
- (vi) Care would have to be taken that access to the road which ran through the land would not be interfered with. The road would have to be fenced off, at no cost to the company, so as to preclude any persons or animals from straying onto the company's coal reserve area.



 Portion of Roodekraal 21 HT available for expropriation.  
SOURCE: Archives of the Legal Resources Centre, Johannesburg, 1985.

- (vii) The Driefontein community would not have any servitudes in respect of land retained by the company.
- (viii) The company wished to be indemnified by the Driefontein community against damage to property caused by blasting activities.
- (ix) The mining activities might cause some temporary inconvenience to persons living on the land in question, particularly on the northern strip of the land. The company would want to be sure that there would not be any claims against the company arising out of the temporary nuisance caused by the mining.
- (x) With regard to the cost to the State of the land, the company's attitude was that compensation would have to be determined in accordance with the usual formulae applied on expropriation.<sup>75</sup>

It is noteworthy that at this point the people of KwaNgema and Driefontein had decided for the first time to work together for a common purpose. As a result they conducted the search for compensatory land. For its part, the

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75. *Ibid.*

government was not in a position to give the residents adjacent land since most of it was White-owned and therefore not available for compensating Blacks. In the circumstances, the KwaNgema and Driefontein communities made the undertaking to search for vacant land themselves.<sup>76</sup> In the course of the search they identified various pieces of land around their farms which had been expropriated or were empty or were State-owned.<sup>77</sup> Together the two communities also searched in the Deeds Office to verify the information they had, and that office confirmed the knowledge they had gathered. This united effort also helped to dispose of the question of possible conflicting claims to the State land.<sup>78</sup>

Lotzaba Forests Ltd having made a generous offer to alleviate the land problem facing the two communities, meant that the onus was then on the South African government. It had to show if it was really committed to its promise of granting the two communities land in their neighbourhood.

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76. Murray and O'Regan : *No Place to Rest*, p. 39.

77. *Ibid.*

78. *Ibid.*

## 5. REVERSAL BY GOVERNMENT OF RESETTLEMENT PLANS AND THE COMPENSATION PACKAGE

Months passed before the government announced its final decision concerning the destiny of the KwaNgema and Driefontein people. Meanwhile at Driefontein there was indication that the government was prepared to heal the wounds of the past. Saul Mkhize's family had instituted civil action against the Minister of Law and Order, Louis Le Grange, for the murder of Mkhize. On 6 June 1985 in an out of court settlement, Minister Le Grange paid R38 500-00 as compensation to Mkhize's common-law wives, Beauty Khuluse and Angeline Xaba for support for their children.<sup>79</sup> But Winifred Mkhize, Saul's wife according to civil rites, was excluded from the settlement as she had no children.<sup>80</sup> This compensation was paid out by the State in spite of the fact that Constable Nienaber had been acquitted for the murder of Saul Mkhize.

On 26 August 1985 the KwaNgema and Driefontein communities were formally reprieved from resettlement by the government.<sup>81</sup>

The deal was struck between community representatives of

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79. Cooper *et al* : *Survey ... 1985*, p. 343.

80. *Ibid.*

81. Legal Resources Centre, Johannesburg : Minutes of the meeting held at the Heyshope Dam office between Deputy Minister B.H. Wilkens and Driefontein leaders, 26 August, 1985.

KwaNgema and Driefontein and Deputy Minister Wilkens at two separate meetings held at the Heyshope Dam offices.<sup>82</sup>

KwaNgema's delegation was led by Cuthbert and Moses and Driefontein was represented by Pickson Mkhize, Beauty Mkhize and Stephen Msibi. In a press statement issued in Pretoria the following day, that is, on 27 August, Wilkens said:

"After negotiations with a delegation of the KwaNgema Black community, the government resolved, this community will not be resettled, but will remain permanently on the land which they occupy ... After similar negotiations with a delegation of the Black community of Driefontein ... the government decided that this community must not be settled either, but will also remain permanently on the land which they occupy."<sup>83</sup>

The community of KwaNgema agreed to accept 1112 hectares of State-owned land adjacent to their land as partial compensation for the 1889 hectares of their land which would be flooded by the dam.<sup>84</sup> The remaining land would be compensated for in cash.<sup>85</sup> Driefontein was to receive 212 hectares of adjacent State land called Grootspuit, and 403 hectares of the farm Roodekraal which

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82. Ibid.

83. Quoted by Cooper *et al* : *Survey ... 1985*, p. 341. Also quoted by *The Daily News*, 28 August 1985, p. 3. (State halts two 'Black spot' removals after deal).

84. Cooper *et al* : *Survey ... 1985*, p. 342.

85. *Ibid.*

Lotzaba Forest agreed to sell to the State for this purpose.<sup>86</sup> A total of 615 hectares of adjacent land was therefore transferred to Driefontein.

The reprieves were subject to various conditions. The communities were required to prohibit illegal squatting, maintain border fences, observe proper methods of farming and ensure that the land was not over-utilized.<sup>87</sup> The Deputy Minister added that White farmers in the area had been consulted about the decision.<sup>88</sup>

## **6. THE HISTORIC SIGNIFICANCE OF THE LAND DEAL**

The reversal of the decision to relocate the residents of KwaNgema and Driefontein was of historic importance for the following reasons:

Firstly, as demonstrated, the whole event, especially since 1983, had generated much sensation and public curiosity, locally and abroad. The nature of the decision to be adopted by the government eventually to resolve the crisis was therefore a subject of public interest.

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86. Legal Resources Centre, Johannesburg : Minutes of the meeting held at the Heyshope Dam office between Deputy Minister B.H. Wilkens and Driefontein leaders, 26 August 1985.

87. *Ibid.*

88. *Ibid.*

Secondly, the government seldom reversed resettlement plans, especially those that involved 'Black spots'. As stated, it was government policy not to allow 'badly situated areas' to remain 'landlocked' in White areas and in the case of KwaNgema and Driefontein, this point had been repeatedly emphasized by various government officials concerned. The government had therefore given up or sacrificed one of the key principles in its homeland consolidation policy. Responding to the move taken by the government the Black Sash described it as an unprecedented reversal of the removals policy.<sup>89</sup> Although the action of the government benefited only these two communities out of many who were in similar circumstances, it represented a departure from the old rigid and uncompromising policy of apartheid.

Thirdly, not only did the government waive its resettlement policy, but the effect of the decision was to recognize on a permanent basis the freehold title of the two communities outside the Homelands. The land deal was also significant in that further land outside the Homelands was carved out of a White area by the government for transfer to the two communities, again on a freehold basis. Attorney Budlender subsequently pointed out that in living memory, it was the first time that an arrangement of that nature took place since the enactment of the Natives Land Act of

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89. *The Weekly Mail*, 30 August to 5 September 1985, p. 7, (Seven decades later, Black rights outside 'homelands').

1913.<sup>90</sup> Writing about the same event, Cooper *et al* have also recorded that:

"As far as could be recalled, this was the first time that the State had allowed Africans to attain freehold title to supplementary land outside the homelands since the enactment of the Black Land Act."<sup>91</sup>

The "Weekly Mail" also pointed out that it was believed to be the first time in seventy-two years, that is, between 1913-1985, that the South African government had given White-owned land to Blacks and officially allowed Blacks to own land in such an area.<sup>92</sup>

Lastly, the significance of the government's decision lay in the fact that the two removals were particularly difficult ones for the communities and support groups to oppose.<sup>93</sup> That they had succeeded set an important precedent for other areas opposing forced removal.<sup>94</sup>

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90. Budlender : "Driefontein ...", *Race Relations News*, December 1985, p. 7.

91. Cooper *et al* : *Survey ... 1985*, p. 342.

92. *The Weekly Mail*, 30 August to 5 September 1985, p. 7 (Seven decades later, Black rights outside 'homelands').

93. *Ibid.*

94. *Ibid.*

## 7. RESPONSES OF THE RESIDENTS AND VARIOUS LEADERS TO THE REPRIEVE

The residents of KwaNgema and Driefontein who were against resettlement and various leaders who had supported them responded jubilantly to the reprieve. Pickson Mkhize said after the official announcement of the reprieve:

"This is what my brother was fighting for. In fact he always said he was prepared to die for our land ... . This is a wonderful day for us but it is also sad. Our leader was killed when in the end all that is needed is sitting down and talking like responsible people."<sup>95</sup>

For many people at Driefontein the reprieve was a breakthrough and an historic event, and in September of the same year they held a feast to celebrate their victory.<sup>96</sup> Ephraim Gule of KwaNgema reported that his community was overjoyed with the government's decision to reverse the resettlement plan and they gave Moses credit for preventing the removal.<sup>97</sup>

Simon Ngema, a member of the Ngema Committee, said about the event:

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95. Quoted by C. Cooper *et al* : *Race Relations Survey 1985*, p. 342.

96. B.J. Khumalo-Vilakazi (Mrs) : Driefontein, 16 November 1997.

97. E. Gule : KwaNgema, 14 November 1997.

"It was a hard period for us. We could not even plough our fields those days for fear that we might be removed. We spent sleepless nights fearing that the police might come and drive us out of our homes. So when the news came that the removal had been withdrawn, we were indeed more than excited."<sup>98</sup>

Enos Mabuza, the KaNgwane Homeland leader, was extremely pleased to learn of the official reprieve of the two communities.<sup>99</sup>

He wrote to Moses shortly after receiving the news and said he and his government congratulated the people of KwaNgema on their stand against forced removal and that he rejoiced with them on their success.<sup>100</sup> Mabuza attributed the reprieve largely to the leaders of KwaNgema and Driefontein for their "persistent resistance and resilience" as well as to Attorney Budlender for his "calm and yet uncompromising legal representation."<sup>101</sup>

Although Mabuza was of the opinion that his contribution to the success had been a modest share, he, however, acknowledged that the South African government would have gone ahead with its monstrous plans had it found a willing ally at the helm of the KaNgwane government.<sup>102</sup>

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98. S. Ngema : KwaNgema, 13 November 1997.

99. Legal Resources Centre, Johannesburg, Correspondence received: E.J. Mabuza — M. Ngema, 6 September 1985.

100. *Ibid.*

101. Legal Resources Centre, Johannesburg, Correspondence received E.J. Mabuza — G.M. Budlender, 4 September 1985.

102. *Ibid.*

Attorney Budlender also congratulated the two communities on their victory. He also thanked all the people who had supported the residents. He particularly thanked Mabuza for the role he had played in the affair. Writing to him, he said:

"I have appreciated and respected the enormous contribution you have made in the Driefontein and KwaNgema matters. For me, one of the most satisfying aspects of the issue — besides of course the outcome — has been the way in which different people and organisations have cooperated to support the communities in their resistance to forced removal."<sup>103</sup>

Budlender was also convinced that Mabuza's non-co-operation with the RSA government's removal scheme, had made it abundantly clear that the attitude taken by people in his (Mabuza's) position could be decisive in assisting a threatened community to remain where it was.<sup>104</sup> Thus he could only hope that the lesson had not been lost on other people in similar positions.<sup>105</sup> Budlender also thanked the DCD for the "very constructive attitude they had taken to a very difficult problem."<sup>106</sup>

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103. Legal Resources Centre, Johannesburg, Correspondence received: G.M. Budlender — E.J. Mabuza, 30 August, 1985.

104. *Ibid.*

105. *Ibid.*

106. Legal Resources Centre, Johannesburg, Minutes of the meeting held at the Heyshope Dam office between Deputy Minister B.H. Wilkens and Driefontein leaders, 26 August 1985.

Helen Suzman, having done so much to use the platform of Parliament to oppose the removal plan, was also happy to learn that KwaNgema and Driefontein had been reprieved.<sup>107</sup> But she said it was a shame that Saul Mkhize had not lived to see the results of his efforts to save the community.<sup>108</sup>

Charles P. Lipp of Barlow Rand Limited, also welcomed the government's decision not to remove the two communities from their lands. Lipp described the part played by Lotzaba Forests in the KwaNgema—Driefontein matter, as "one of the most important actions taken within Barlow Rand in the social responsibility field."<sup>109</sup> He, however, acknowledged that victory was unlikely to have been achieved without the active involvement of Attorney Budlender and the LRC.<sup>110</sup>

Chief Buthelezi of KwaZulu, also joined the people who congratulated the KwaNgema and Driefontein communities on their victory. He wrote to Moses and expressed his sentiments in the following words:

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107. Legal Resources Centre, Johannesburg, Correspondence received: H. Suzman — G.M. Budlender, 3 September, 1985.

108. *Ibid.*

109. Legal Resources Centre, Johannesburg, Correspondence received: C.P. Lipp — F. Kentridge (Mrs), 20 September 1985.

110. *Ibid.*

"We must all sing songs of jubilation and praise because God has been good to us in softening Pharaoh's heart. I was so pleased, I cannot express it in words. Last month when I was in London I had a private meeting with Prince Charles, the Prince of Wales and believe it or not, he mentioned the KwaNgema affair on his own. I spent the whole hour with him so you see that the matter had to be settled somehow since it had caused concern even in those quarters. ... I hope one day we will visit KwaNgema and sing songs of joy with the people there for God is great".<sup>111</sup>

For his part Moses acknowledged that the struggle for the land had been a difficult one for both communities. He attributed their success to Stuurman Ngema whose spirit, he believed, had made it possible for them to win.<sup>112</sup> He also thanked everyone who had played a part towards the reprieve — the lawyers, Chief Buthelezi and Enos Mabuza, the various anti-apartheid organisations and the international community.<sup>113</sup>

The land settlement of August 26 therefore marked the end of the long dispute between the government and the people of KwaNgema and Driefontein. Although the dam caused major inconvenience by separating sections of the community and causing the rivers to have lower flows, the right to remain on their

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111. Legal Resources Centre, Johannesburg, Correspondence received: G.M. Buthelezi — M. Ngema, 19 September, 1985.

112. M. Ngema : KwaNgema, 13 November, 1997.

113. *Ibid.*

land was a dramatic victory.<sup>114</sup> Furthermore, notwithstanding the hardships that the two communities had experienced, the residents secured their land and on terms they had long been clamouring for. To them the settlement was a triumph over apartheid laws and the end of a 'crusade'. It certainly marked a new beginning.

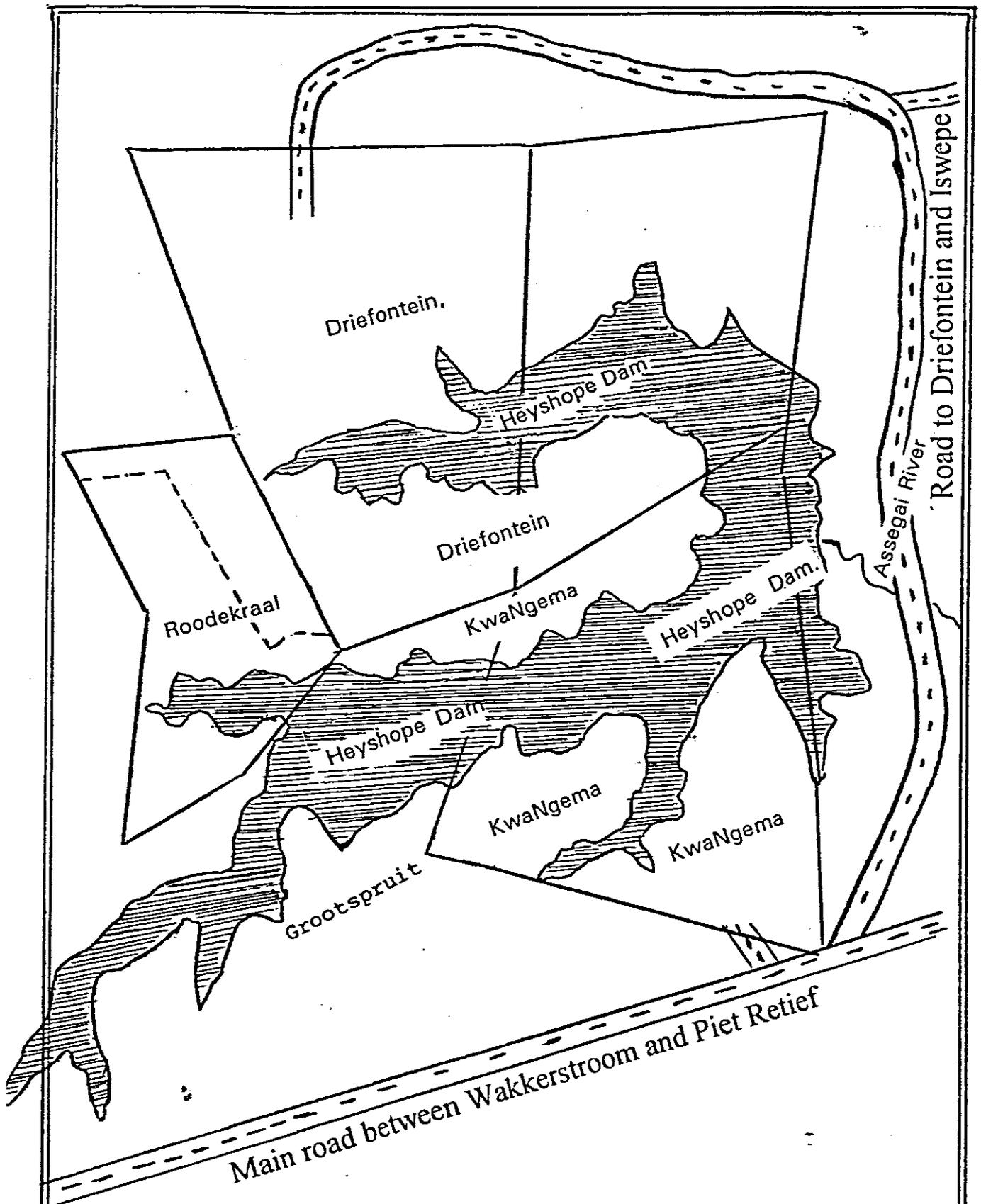
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114. *Driefontien: Transvaal Rural Action Committee South Eastern Transvaal Case Studies Vol I*, p.6.



Celebrating Driefontein's reprieve in 1985.

SOURCE: A Claassens: Rural Land Struggles in the Transvaal in the '80s, p. 9.



KwaNgema and Driefontein after the construction of the Heyshope Dam.  
 SOURCE: Legal Resources Centre, Johannesburg.  
 Based on the map drawn by Korsman and van Wyk,  
 Town and Regional Planners, Witbank (1985)

**CHAPTER 8****CONCLUDING ASSESSMENT AND RECOMMENDATIONS****a) Overview and assessment**

The history of KwaNgema and Driefontein epitomises the dilemmas experienced by many Black communities in South Africa during Nationalist Party rule as a result of the policy of Homeland consolidation. The event is a microcosm of the realities of the numerous struggles that took place mostly behind scenes, carried out by rural communities who resisted removal. In addition the study also reflects the predicaments that the Nationalists themselves experienced in the course of implementing their apartheid policies.

Placing the event in its broader historical context, it may be concluded that the experience of KwaNgema and Driefontein was a product of a combination of interconnected factors - historical, political, ideological, legal, anthropological, social and economic.

Firstly, the inhabitants of KwaNgema and Driefontein were **victims of history**. Although the policy of territorial segregation was vigorously put into operation after 1948, it was essentially a product of history. The annals of history show that the culture of driving out Blacks from lands they inhabited in order to satisfy

White interests, was actually a colonial legacy. It was a process which started in the period of early White settlement in South Africa. The early period of South African history thus laid the foundation for subsequent political and social developments. To this effect, Davies *et al* stated in 1984 that:

"The present day social conflict in South Africa is derived from the way in which the country was colonised and from the social pressures initiated by colonialism."<sup>1</sup>

The view that the past has played a major role in shaping post-1948 land policies in general and the removal of Blacks in particular, is also shared by Platzky and Walker in the following statement:

"The roots of the programme of population and relocation developed by the Nationalists stretch back into the past. The late 19th and early 20th centuries were especially important in this regard. The 'Native policies' that were developed by the White ruling group during this time helped shape the society that the Nationalists came to rule in 1948 ... The system of land-ownership and occupation that developed during this time among the Africans living outside the reserves, were also carried out over into the apartheid period. They too have affected the implementation of the Bantustan policy and shaped the relationship between White and Black, employer and employee, ruler and ruled in modern South Africa. In order to understand the policies of the present, one had to go back in time."<sup>2</sup>

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1. Davies *et al* : *The Struggle ...*, p. 3.

2. Platzky and Walker : *The Surplus People ...*, p. 71.

To substantiate the point above, Platzky and Walker have pointed out that when Jan van Riebeeck arrived at the Cape in 1652 to establish a refreshment station for the Dutch East India Company, one of the first things he did was to drive out the local Khoi cattle from their grazing land below Table Mountain.<sup>3</sup> Only those Khoi Khoi who were prepared to work for the company or the first White settlers were allowed to remain on their former grazing lands.<sup>4</sup> As the station was transformed into a settlement so the White settlers' search for land frequently brought them into contact with the Khoi-Khoi and to a lesser extent with the San.<sup>5</sup>

The extension of the White settlement brought conflict of a serious kind between the Khoikhoi and the settlers during the 17th century as a result of which the Khoikhoi lost control of much of their land to the colonists.<sup>6</sup> During the second half of the 18th century conflict between the Trekboers and the San hunters of the Karoo took place and reached a climax in the 1770s as Whites with claims to loan farms penetrated into the Nieuweveld hunting grounds of the San.<sup>7</sup> Thus, as McLean has

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3. *Ibid*, p. 70.

4. *Ibid*, p. 71.

5. I.H. McLean : *The Evolution of Native Policy in South Africa Prior to 1948*, p. 4.

6. T.R.H. Davenport: "Some reflections on the history of land tenure in South Africa, seen in the light of attempts by the state to impose political and economic control. In T.W. Bennet *et al* : *Land Ownership - Changing Concepts*, p. 56.

7. *Ibid*.

stated, White expansion and the search for land brought what was to be the perennial problem of rights over land.<sup>8</sup> The resultant clash between the White settlers and the Blacks was to be a feature of South African history for the next two hundred and fifty years.<sup>9</sup>

Since the early 19th century the process of incorporation began in the Xhosa-populated frontier region of what later became the Eastern Cape. Incorporation took place after a series of frontier wars fought primarily for livestock and for the control of the land. Black kingdoms were subjugated one by one until by the second half of the 19th century when Black political structures had been weakened considerably.<sup>10</sup> By the late 19th century the Whites had conquered the whole of South Africa and taken possession of the greater part of the land.<sup>11</sup>

It is noteworthy that some historians maintain that the conquest of Blacks in South Africa by White settlers was not as severe as it was in other parts of the world where colonizers wished to eliminate the indigenous people altogether. Gann and Duignan write:

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8. McLean : *The Evolution of Native Policy ...*, p. 4.

9. *Ibid.*

10. Odendaal : *Vukani Bantu ...*, p. 2.

11. M. Lipton : *Capitalism and Apartheid South Africa, 1910-1986*, p. 85.

"The settlers' relations with their African neighbours were double edged. The frontiersmen fought bitter battles against the Black peoples. But lack of numbers and resources forced the White pioneers into political — and sometimes even martial and marital — alliances with African chiefs. . . . The Africans were a flexible, adaptable people. Unlike the Red Indian tribes on the North American and Argentinian frontiers, the Bantu-speaking communities of South Africa were not destroyed."<sup>12</sup>

Characteristics of formalized territorial segregation and population removals emerged in Natal from the mid 1840s with the formation by the British colonial government of special areas scheduled for Black occupation and development. These areas, then called Native Locations or Reserves, were consolidated by Sir Theophilus Shepstone, Secretary for Native Affairs, 1845 - 1875. Shepstone laid the foundation for the policy of segregation, based on race.

The historian, M.S. Geen, has pointed out that Shepstone believed in two fundamental principles of segregation and racial differentiation.<sup>13</sup> While he remained opposed to the policy of repression advocated by the majority of Natal colonists, Shepstone rejected the policy of equality favoured by the early missionaries.<sup>14</sup> In setting up and consolidating locations, he employed the method of moving Black communities, some against their will, into the Locations. In those Reserves the Blacks were

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12. L.H. Gann and P. Duignan : *Why South Africa Will Survive*, p.9.

13. M.S. Geen : *The Making of South Africa*, p. 128.

14. *Ibid.*

collected and governed by their laws through the medium of their chiefs. In essence this was the start of separate development as a policy in administration.<sup>15</sup> From Shepstone, future governments of South Africa also inherited the system of appointing leaders or chiefs for Black communities. The imposition of chiefs on tribes by the State, (especially those leaders who appeared to be loyal to the government, as witnessed at KwaNgema and Driefontein) was therefore a procedure which had its roots in the colonial system.

The system of territorial segregation was later adopted by the Union of South Africa in 1910 and was the basis of land allocation to the Zulus in Natal long after the Shepstone era had elapsed - hence the fragmented nature of the KwaZulu territory.<sup>16</sup>

Territorial segregation was practised after 1910 by passing the Natives Land Act of 1913. This legislation marked the permanent division of South Africa into areas of exclusive White or Black land ownership, and the total rejection of the ideal of a common society, as the ultimate goal of social development in the country.<sup>17</sup> The implementation of the Act of 1913 had a profound socio-economic effect on various Black communities. It has been

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15. D. Welsh : *The Roots of Segregation 1845 - 1910*, p. 36.

16. S.Z. Mbokazi : *The Localization of the KwaZulu Government Service*, p. 24.

17. Omer-Cooper : *History of Southern Africa*, p. 163.

described as "one of the most dramatic forced removals of Africans from the land in South African history."<sup>18</sup> A few other laws such as the Black Administration Act of 1927, the Land Act of 1936 and the Betterment Act of 1939, were legislated by the Union governments to uphold the policy of segregation and, where necessary, to remove Black communities from certain areas.

Glenda Webster has also affirmed that much of the law that authorised removals was originally promulgated by other governments before the Nationalists came to power in 1948.<sup>19</sup> But she argues that it was the Nationalists who used and nurtured the seeds that were there and added to them to bring the policy of separate development into fruition.<sup>20</sup> The DCD which replaced the Department of Bantu Administration and Development in 1977 was founded on the principle of separate control and differentiation.<sup>21</sup> The past therefore had a profound impact on later policies and developments.

Secondly, the people of KwaNgema and Driefontein were also **victims of the National Party's unwavering apartheid**

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18. *New Nation New History* Vol. 1, p. 56.

19. G. Webster : "The law that devastates," *Sash*, Vol. 28, No. 2 August 1985, p. 24.

20. *Ibid.*

21. Mbokazi : *The Localization ...*, p. 26.

**ideology.** Although influenced by historical forces, the policy of homeland consolidation emanated from the apartheid policy which in turn was based on the philosophy of "White supremacy" and the 'divine right' of the Afrikaner nation to lead other national groups of the country. Obsessed by their conviction that territorial segregation and the ethnic partitioning of Blacks was the key to South Africa's socio-political problems, the Nationalists could not entertain any idea to the contrary. Rather their policy was more rigid and less flexible. Because their actions were driven by ideology, the government always justified its position and paid little consideration to the negative effects their policy had on the lives of the people they meant to serve.

Had it not been for ideological reasons, the problem of KwaNgema and Driefontein would have been minimised by focusing only on the number of people who would be affected by the Heyshope Dam. Being an infrastructural project the dam would have been seen in a positive light as part of the economic development of the region from which all inhabitants would derive benefit. The government would therefore have sought alternative land in the neighbourhood for those few residents affected by the dam (as the DCD finally did). After all, resettlements of this kind, also called "forced planned mobility" by sociologists, are a world-wide phenomenon and not unique to South Africa. In Egypt, for

example, about 250,000 people were removed and resettled elsewhere in order to construct the Aswan Dam.<sup>22</sup>

Typical examples of major population removals in recent world history that exceed the South African forced removals under apartheid, are:

- Millions of Germans from the East Block countries were moved mainly to West Germany immediately after the Second World War.<sup>23</sup>
- Millions of Cambodians were forced from urban to rural areas by the Khmer Rouge three decades later.<sup>24</sup>
- The best example for comparative purposes would be the forced removals of hundred thousands of American Indians from fertile agricultural and mining areas in the U.S.A. to semi-arid regions by the U.S. Government during the nineteenth century.<sup>25</sup>

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22. R.C. Nann (ed) : *Uprooting and Surviving-Adaptation and resettlement of migrant families and children*, p. xv.

23. M.J. Glassner and H.J. de Blij : *Systematic Political Geography*, p. 560. During the Second World War millions of people were forced back and forth across Europe by the Nazis and the dazed survivors were called "displaced persons".

24. A.R. Isaacs et al : *Pawns of War*, p. 99.

25. Colin F. Taylor in his book *The Plains Indians*, Chapter 8 : "The Winds of Change" (pp 209—248) gives a detailed account of how, between 1860—1896, the various Indian tribes of North America were forcibly removed from their territories by the American government armed forces. The Indians resisted being forced out of their lands to  
(continued...)

Thirdly, one major weakness that characterised the resettlement policy was the absence of a viable land reform programme. Although the government talked about reform and development in Homelands and in resettlement areas, there was no real land reform and resettlement camps in particular left much to be desired. But to understand this point let us first examine the meaning of the words "reform" and "resettlement" and then look at the developments in South Africa against that meaning. As a verb the word reform means "to improve by correction of error or removal of defects" and as a noun, it means "an act, process or example of reforming; an improvement."<sup>26</sup> The word "resettle" means "to help to settle again in a new country."<sup>27</sup> It is normally applied in the case of refugees.

Following the definitions above, land reform would refer to any system by which land is redistributed by the State equitably to citizens, then improved and developed in the interest of those who live on it and indeed for the economic upliftment of the State as a whole. Any proper resettlement scheme would thus entail measures designed to assist those who are being resettled to improve their way of life. M. Nash seems to perceive land reform.

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25. (...continued)  
live in Reservations. The Americans wanted Indian territory chiefly for mineral exploitation and for farming purposes.
26. Based on the *American Heritage Desk Dictionary*.
27. *Ibid.*

in the light of the definitions provided above and points out that:

"In principle, the land will have to be restored to the people, via their representative government, in order that it may be shared more equitably, used more effectively to provide sustenance for all and a reasonable surplus; and handed on to future generations as an asset that is improved rather than deteriorating."<sup>28</sup>

Nash therefore particularly objects to the use of the term "resettlement" as applied in the South African context. To Nash "resettlement" seems to imply an orderly and reasonable scheme for moving persons from one locality to another. Helen Suzman was also of the view that the word "resettlement" as used by the DCD, was a total misnomer, as what the policy actually meant, in the majority of cases, was the destruction of family life, of the communities and the opportunities of earning a living."<sup>29</sup>

Glassner and de Blij have also pointed out that land reform has been an essential prelude to or component of every important economic and social programme in recent history.<sup>30</sup> They maintain that it has been fundamental in the programme of the communist and many democratic governments of the world.<sup>31</sup>

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28. M. Nash : *Black uprooting from White South Africa*, p. 70.

29. Suzman : *In No Uncertain Terms*, p. 206.

30. Glassner and de Blij : *Systematic - - -*, p. 578.

31. *Ibid.*

Among the examples cited by the two authors is that of Japan where, before the beginning of industrialization, land reform generated a doubling of agricultural production between 1870 and 1914.<sup>32</sup> Similar increases both in agricultural production and farmers' incomes followed the revolutions of 1910 in Mexico and 1952 in Bolivia.<sup>33</sup>

The points made above seem to suggest that a policy of agrarian reform and rural development should receive top priority in land reform. However, in the South African situation the resettlement areas to which Blacks were sent failed to meet these standards. Rather the Blacks were simply driven from areas where they were not wanted and relocated (**dumped** is perhaps a more appropriate word) elsewhere without any attempt being made to improve their socio-economic lives. One may well agree with Davenport who has stated:

"It is difficult to resist the conclusion that the careful, untrammelled thinking which ought to have gone into the preparation of resettlement villages was not carried out perhaps because the whole concept was not viable."<sup>34</sup>

Fourthly, this study has also demonstrated **the astuteness of**

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32. *Ibid.*

33. *Ibid.*

34. Davenport: "Some Reflections ..." in T.W. Bennet *et al* : *Land Ownership ...*, p. 70.

**some Black leaders and their use of the legal process to fight the injustices of the apartheid system.** Because of the hardships facing their communities, community leaders like Saul Mkhize and Moses Ngema emerged and made a positive impact on their communities. Such leaders, as we have seen, were able to unite and mobilize their fellow-rural people to oppose resettlement. They were also able to follow proper legal channels to fight the government. They further established links with and gained support from more prominent and influential leaders locally and abroad. Through all these methods, ordinary people were enabled to challenge the policies of the government and as people scored certain victories they were inspired to intensify their struggle against the government. The successes that the people made can in part be attributed to the quality of leadership they had.

Still on Black leaders, the part played by Chief Buthelezi and Enos Mabuza leads to another dimension, that is, Homeland leaders did not necessarily agree with the central government on all policy issues. Though Buthelezi and Mabuza were serving under the apartheid framework and were expected to promote the interests of the National Party, they refused to be manipulated anyhow and became openly critical of government policies that jeopardized the lives of their Black followers. Taking that position, the two

leaders were able to prevent the hand-over of Ingwavuma and KaNgwane to Swaziland. Similarly they took a firm stand to oppose the resettlement of KwaNgema and Driefontein. By resorting to courts Buthelezi and Mabuza had clearly demonstrated how the legal process could be used as a mechanism to protect those who were politically voiceless - the Blacks.

This study has also highlighted an important anthropological development or phenomenon, namely, **the existence on the South African scene of Black rural communities without any form of traditional or hereditary chieftainship.** Generally speaking, Black communities in South Africa are known to have evolved historically mainly along the following broad trends or categories:

- (i) Rural and tribal communities in Locations or Reserves under the authority of chiefs.
- (ii) Christian communities on mission stations (or Mission Reserves as in Natal) under missionary control with chiefs only as figureheads or without.
- (iii) Urban Blacks under White urban local authorities.
- (iv) Detribalized farm dwellers, that is, labour tenants or

squatters under White farm-owners.

But the people of KwaNgema and Driefontein belonged to none of the categories listed above. Instead they had become a special "enclave" of their own governed by 'Umndeni' at KwaNgema and elected Councils at Driefontein, each community upholding the principles of individual freedom and the equality of all citizens. This study therefore is an example not only of Black societies that had evolved along Western democratic lines, but also reflects a departure from the traditional system of tribal land ownership. The freehold system adopted from Whites has given rise to autonomous Black land-owners in certain parts of South Africa.

The story of KwaNgema and Driefontein has also illustrated the **complexity of the political experiment of dismantling and tailoring Black populations on ethnic lines.** Though such divisions were justified by the National Party government on historical, linguistic and cultural grounds, not all Black communities wished to be split on an ethnic basis. Rather because of their socio-historical backgrounds some communities like those of KwaNgema and Driefontein preferred to remain multi-ethnic entities. After all, this had been their way of life for several decades. Besides, as in the case of KwaNgema and Driefontein, the inhabitants were bound by a common language and a history of intermarriage across ethnic lines. The idea of

the National Party of partitioning Black people into rigid ethnic entities thus proved to be counter-productive in some cases, as this study has clearly indicated.

Another striking feature of this study is the moderate and patient manner in which the government handled the problem of the two communities. Notwithstanding the killing of Mkhize and the serious disagreements and deadlocks that sometimes occurred, the government officials **kept channels of communication open about the KwaNgema and Driefontein matters.** They held talks from time to time, with the residents, with their lawyers and MPs in the opposition. The DCD did not rush to resort to force as it normally did in a number of cases of a similar nature, but allowed some communication and debate between themselves and various parties concerned. Even neutral parties like Prof Hammond-Tooke, participated in the debate at the invitation of the government. In that way the government was making some effort to apply democratic principles to some extent.

Also important about this study is the way the KwaNgema/Driefontein communities won the support of various people — Black and White. Although the dispute arose out of Black discontent with the land policies of the government, and though the protest was initiated and led by the Blacks themselves, *it was not a 'Blacks versus the White government'*

*affair.* Whites also intervened on behalf of the Blacks and actually took an active role in assisting the two communities. This was so because some Whites were just as opposed to apartheid as their Black compatriots and were equally committed to working towards its dismantlement.

Testimony in this study has shown that apart from domestic and external pressure, **the need for reform came from the National Party itself.** Although most Nationalists remained loyal to their party and all it stood for, in due course of time, some of them came to acknowledge that not all was right with their policy. It was especially during the premiership of P.W. Botha that the costs and difficulties of consolidating and developing Homelands became clearer. Among senior Nationalists who voiced their concerns about government policy were Gerhard de Kock, Governor of the Reserve Bank, the members of the Constellation Commission and Hennie van der Walt M.P. and Chairman of the Commission on Land Consolidation. Van der Walt acknowledged the failure of Homeland consolidation and the futility of achieving greater geographic and economic viability for them. To this effect he issued the warning that:

"The time is past in South Africa to speak about consolidation

in terms of drawing lines and borders ...<sup>35</sup>

Van der Walt also saw Homeland consolidation as a project that was not only costly, but one that would barely promote the economic growth of Homelands. Thus he suggested that:

"The addition of land is not the answer. Economic development is the answer and economic development that is not necessarily based on the policy of separate development."<sup>36</sup>

Concerning the subject of moving Black people, van der Walt came to realise the demerits of their policy and the harm it had caused the Blacks. To this effect, in June 1983, he made the following statement:

"I readily admit that we made mistakes in the past. So much so that Black communities had to be removed by force and often resettled in critical circumstances. Our biggest mistake was that we did not undertake these resettlement actions in co-operation with the Black communities. A lack of consultation between the government and the Black people concerned led to numerous unfortunate incidents."<sup>37</sup>

This new attitude of the National Party of openly admitting failure of certain aspects of their policy, although it did not bring about

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35. Quoted by Lipton : *Capitalism and Apartheid ...*, p. 79.

36. *Ibid.*

37. Quoted in *The Myth of Voluntary Removals*, Newsletter of the Transvaal Rural Action Committee (TRAC), a Black Sash Project, 1984, p. 1.

any immediate and radical changes in their policy and was a concern of only a few party members, was an important move towards reform. It led to a 'Renaissance' in National Party thinking which ultimately changed the course of events in the country in general and at KwaNgema and Driefontein in particular.

A major conclusion to be drawn from this study is that **land is indeed one of the most vital resources for human survival and is an economic asset to which all of a country's inhabitants are entitled.** Land is the core of national life and development. In the words of Karl Marx:

"Land is a great laboratory, an arsenal which provides both the means of labor as well as the material for labor, and the place for habitation; in other words, it is the foundation of the human collective."<sup>38</sup>

This research has illustrated that the hunger for land and the freedom that goes with land ownership, is a natural, inherent characteristic of all human beings. D.J. van der Post has pointed out that the desire of individuals and social and political groups for the ownership of land is probably one of the greatest drives in

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38. Quoted by C. Osakwe : "General principles of land law : ownership and use of land in the Soviet Union," in T.W. Bennet *et al* : *Land Ownership ...*, p. 147.

human history.<sup>39</sup> This desire by man to have a living space, is what Glassner and de Blij call "human territoriality" or "territorial behaviour".<sup>40</sup> Glassner and de Blij substantiate their point by citing Robert Ardrey who has pointed out that "the territorial nature of man is genetic and ineradicable".<sup>41</sup> Thus any attempt to undermine and frustrate peoples' territorial needs usually leads to conflict, usually of a protracted nature, as people will defend what they consider to be an exclusive preserve. It is for this reason that in many parts of the world, wars have taken place and are still taking place, as people strive to extend or defend their territorial boundaries.

In a country like South Africa, where the majority of Blacks had never had access to land at all, it was natural for those few who were privileged to own it, to resist any policy that would deprive them of land. To such people, land was life itself and allowing the government to take it away would be tantamount to committing suicide.

As mentioned at the beginning of this chapter the history of South Africa is loaded with lengthy accounts of Black-White conflict over

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39. D.J. van der Post : "Land law and registration in some of the Black rural areas of Southern Africa," in T.W. Bennet *et al* : *Land Ownership ...*, p. 213.

40. Glassner and de Blij : *Systematic - - -*, p. 11.

41. *Ibid.*

land. So profound was this conflict that some Black activists have come to regard land as the root cause of all racial tensions in the country. As far back as 1942, for example, Rev. J.A. Calata, a Black activist, declared that land was on the centre-stage of politics in South Africa and had ruined relations between Black and White. To Calata land would remain a source of trouble until it was properly addressed. To this effect he told the Smuts government as follows:

"I fear the government does not realize that unless the question of land is properly settled in South Africa, there is no hope for an adjustment of Race Relations. There is no Native problem, but there is a problem of Race Relations, and it centres around the land problem."<sup>42</sup>

## **b) Recommendations**

Firstly, the institution of forced removals in South Africa although a politically sensitive aspect of the country's past, is academically fascinating and calls for more research in this field. Although various individuals, scholars and research groups, including those cited in this study, have explored this area and made an important contribution to our knowledge of the subject, much is still outstanding bearing in mind that there are still many parts of the country which have been under researched or totally ignored.

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42. "Warning to Government," Document No. 18 in Karis and Carter : *From Protest to Challenge*, Vol. II, pp. 151-152.

The fact that resettlements occurred country-wide and sometimes behind scenes, makes it even more necessary to pursue more research and delve deeper into this topic. On account of their remoteness and isolation rural communities have been mostly overlooked by researchers and their role in history and in the struggle for justice has perhaps been undermined. But the case of KwaNgema and Driefontein has proved that rural or isolated communities also have the capacity to shape the course of events. Writing about KwaNgema Dr André du Toit said to support this point:

"The most telling events of political history do not always occur centre-stage. Sometimes it is an incident in an obscure and distant corner - Sarajevo or Little Rock, Slagtersnek or Bulhoek - that reverberates across the land and casts long shadows for generations to come".<sup>43</sup>

Therefore through continuous research, the problems, aspirations, experiences and achievements of small rural communities may be brought to light to show the world and posterity the role this section of the population has played in the affairs of their communities and their country as a whole.

Secondly, there is a need to undertake further research on KwaNgema and Driefontein in particular, in order to trace the

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43. A. du Toit; *The Natal Mercury*, 18 December 1984, p. 10. (Another shocker? Resettlement will cast long shadows).

dynamics and various developments that have taken place in these areas since August 1985. Such research may show, among other things, that even though the resettlement of KwaNgema was prevented in 1985, the community has continued to face various problems. To cite one example, the leadership dispute has continued even after the Pretoria Supreme Court approved Cuthbert Ngema's chieftainship in March 1985, as related. Divisions and misunderstandings within the Ngema family have occurred. By November 1997 Moses Ngema still maintained that KwaNgema people were not a tribe.<sup>44</sup> He also indicated that he and many members of Umndeni did not recognise Lawrence Ngema (Gabriel Ngema's son who succeeded Cuthbert Ngema) as chief.<sup>45</sup> Such divisions have resulted, among other things, in the failure of the community to work together to develop their village. Up until 1997, for instance, there was no modern infrastructure in the area like electricity, tarred roads, modern schools and clinics. Therefore an enthusiastic researcher may have to find out more about KwaNgema and why even after the launching of a democratic government in South Africa in 1994 KwaNgema people have still experienced leadership and development-related problems.

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44. M. Ngema : KwaNgema, 14 November 1997.

45. Ibid.

At Driefontein, while forced removal was halted, the government's attempt to put pressure on the community was not. The rest of the 1980s and even subsequent to the April 1994 elections still found Driefontein under pressure. There were repeated attempts to have Driefontein put under the authority of the Homeland of KwaZulu.<sup>46</sup> Although this effort failed, Inkatha was established in the area and conflict between Inkatha and the ANC became a problem in the lead to the elections.<sup>47</sup> Several attempts were also made by the government to get a chief installed.<sup>48</sup> A study of this political tension at Driefontein should therefore be of interest particularly to scholars of contemporary history and political science. It may show that Driefontein has been a 'battleground' of various interest groups and that since the early 1980s its community has been subjected to a series of enormous and complex problems. .

Lastly, one may also recommend that the study of problems arising from the policy of forced removals should not be undertaken solely as an academic exercise. Governments should also take interest in such history so as to get the necessary facts on the basis of which they may shape their land policies. South

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46. *Driefontein : Transvaal Rural Action Committee South Eastern Transvaal Case Studies, Vol I, p.6.*

47. Ibid.

48. Ibid.

Africa in particular stands to gain pertinent and vital lessons from the experience of KwaNgema and Driefontein. As the new democratic government continues with the arduous task of shaping a new society, policy-makers and social engineers should take cognisance of the fact that access to land is a fundamental right of all citizens of the land. Therefore among the pressing challenges that face the nation, the territorial needs and aspirations of various sections of the population should be regarded as prerequisite to the process of reconstruction, development and nation-building. Once this fundamental principle is realised and implemented by government and those who have a stake in the country, such research, though past-orientated, shall probably have made a positive and worthy contribution towards resolving the problems of the present in the interests of human progress in general and that of the people of South Africa in particular. In the words of Dr Roy H. du Pre:

"To understand why we are in the mess we are in, is half the battle won, and to decide to tackle the problem is to be well on the road towards winning,"<sup>49</sup>

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49. R.H. du Pre : *The Making of Racial Conflict in South Arica*, p.4. (Under "Acknowledgements")

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