

# Land use planning in Gongolo

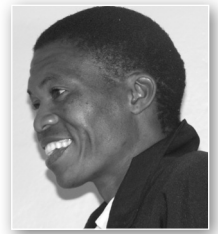
(Translated from *Ukwakhiwa kwe Land Use Plan emiphakathini* on page 1)

Initially the Department of Land Affairs informed us about playing a role in the formulation of the land use plan but later on, informed us about having contracted someone to assist us in achieving this, resulting in exclusion of the community's involvement in the process.

At completion of this plan, it was presented to our community's committee where community members discovered some statements to be unfounded and not true. The community then asked AFRA for assistance in formulation of their plan which they divided into three phases: previous, current and future.

This is where the whole community shared their views and ideas and were quite impressed by their contribution in formulating this plan. As the chairperson of Gongolo committee, I was impressed by full cooperation of all members of the community, as the government had previously excluded the community in this process,

which was about them as the people who reside and are affected by the plan in this area. Government had formulated a plan for the people but surprisingly excluded the very same people and their views in the process.



*Sthembiso Mahlaba*

It really hurts me to see our community being excluded and not invited to IDP (Integrated Development Plan) meetings which raises a question of how municipalities plan to develop communities if they exclude them and their land use plan they had formulated. The community is happy with their plan as it states exactly what they want to be done in their communities including the IDP, and AFRA gave them freedom to express their views while formulating this plan.

I would like to see government's full commitment to working together with communities in their own development and to avoid what happened in Gongolo community where government just went ahead and formulated the plan and excluding the community, which resulted in getting false information regarding crops and stock farming in the area. We would also like to see government adopting and honouring this land use plan because it presents the real needs of the community in Gongolo.

Phambili Ngomzabalazo!!

# Access to Legal Services

(Translated from *Sidinga ilungelo lokuvikeleka kwezomthetho* on page 2)



*Phillip M Shabalala – Vryheid*

It's been 14 years since the democratic government took rein in South Africa. Farm dwellers are still oppressed as their rights are violated by farm owners, even though current legislations protects them. This violation starts from the police stations up to the courts of law.

One of the biggest challenges is access to free legal assistance from the state to protect farm dwellers from illegal evictions and abuse. Lack of this service in the current government has resulted in deterioration of this situation.

The Director General in the Department of Justice and Constitutional Development has indicated that there has been no budget from the state to offer these services to farm dwellers, while this service is offered to those standing trial in courts of law.

We are being evicted from farms by farm owners and even by the Land Claims Courts. We have nowhere to go, we were born here and bred here, we were shepherds to farm owners' stock from as early as the tender age of six years. We were denied education.

All we want is our rights to be protected too, like any other citizen in South Africa, and access to free legal assistance as farm dwellers. Is the South African legal system protecting only the elite, as is the case in South African courts?

From 1990 to June 1994, it was extremely difficult for a farm dweller to access free legal assistance from legal aid board and this is where most illegal evictions and farm dwellers rights were violated and still are at this present stage. This led to establishment of two legislations, namely the Labour Tenants Act in 1996 and Extension of Security of Tenure Act of 1997 to prevent these illegal evictions and exploitation of farm dwellers.

There are a few people who were lucky enough to get legal assistance from legal aid board before it was closed in September 1999.

These are some of the cases successfully defended.

1. James Masondo & Others vs Van Der Walt.
2. Zulu & others vs Van Rensburg.
3. Khoza & Others vs Gerust farm
4. Simelane & Others vs Potgieter

Government is turning a blind eye to this need by farm dwellers. Being unable to get skilled and experienced attorneys has resulted in closure of the KZN Legal Land Cluster which was initiated by AFRA as the Department of Land Affairs has failed farm dwellers with their empty promises.

AMANDLA!!

## **Notice: Accessing legal services**

*If you are struggling to get legal services, contact AFRA. We may be able to help you get these services.*

# Community Restructuring in Amajuba district

(Translated from *Uhlelo lokuhlela komphakathi esifundeni Amajuba* on page 3)

I wish to express my views about the work AFRA does with farm dwellers at Amajuba District. Current plans to improve our living conditions are still discriminating even under the democratic government.

Firstly as farm dwellers, we are discriminated again by the local government structures which sideline us because we reside on privately owned land and that raises a question of what is democracy all about? This discrimination means that our lives are at other people's mercy when it comes to development. My example is that of Amajuba District's IDP and AFLED structures where all government departments meet to discuss community development issues including those of farm dwellers, without informing them. The only thing they then get is what the farm dwellers bill says, but they were never consulted or invited to make submissions by government and municipalities.

This programme we are embarking on in association with AFRA, contribute to improving our lives as farm dwellers and we are delighted to know that we have NGO's like AFRA who are able to listen to us as farm dwellers. I am confident that if farm dwellers



Somnandi J. Hadebe

are given the opportunity to say their views, the government will recognise and respect us as citizens in South Africa.

This is why we are currently establishing our community development plan in the Amajuba District because we are fed up with all those people speaking on our behalf.

Most of the time, we engage in talks with the municipality to state our views. We have been involved in the IDP's (Integrated Development Plans) for years and things are still the same. What we have suggested is the key for farm dwellers to access services to different government departments. I hope meeting reports of all the meetings we have had with AFRA since 2007 reach the people and that they are aware of our views as farm dwellers and we do not want to be clustered in Agri villages

We also want local government to listen to our views as our struggle continues. We want to be developed like other citizens we see on media reaching farm dwellers.

Aluta!!

## We also need development, just like everybody else

(Translated from *Nathi siyayidinga intuthuko nje njengawo wonke umuntu* on page 4)

Previously, we were living under the oppression of the apartheid system from the white people and we had no land of our own and could not use our rights.

As time went on, we got our freedom in the democratic government, which lead to training and educating black communities about their rights by different organisations especially those dealing with farm dwellers.

These programmes have empowered us to lodge applications with the Department of Land Affairs to buy land for us. Even though the government has bought us this land, it is not enough and we don't see how this land could be developed.

In our community, the level of education is very low and this has resulted in government representatives and employees doing as they please to this community. While we expect them to protect this community, they are the ones who exploit them.

Our elders were asked to sign land agreements they did not understand by DLA (Department of Land Affairs) which resulted in loss of land ownership and rights to live in this land as this depart-

ment does not consult with the community regarding their plans to develop the land.

This has divided the community into two factions. One of these factions is working with government which raises the questions around government principles of Batho Pele (people first) working in this department. They have very good promises on paper, which are just empty and not implemented. We have waited enough!

As the farm dwellers, we would also like to benefit in the new South Africa, be developed and not simply hear about developments happening around our community in the media, while we are left out.

In our community, we still share water with livestock as the municipality truck comes one a month with water, or twice if we are lucky. We have also voted for this government and we deserve the same treatment as other citizens of this country.

Amandla!!



Thokozile Mhlanzi  
(Greytown Forum)