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National Land Committee

If you do not receive any page/s of this transmission, please call the above number immediately, and speak to Maureen.

To: OF THE PLANNING COMMITTEE Fax Number: 397-2211
Attention: OF TECHNICAL COMMITTEE Date: 19/8/93
From: BRENDAN PEARCE Number of Pages: 4
(including this one)

Message: PLEASE NOTE! There are two letters
addressed to two different committees

Thank you

The National Land Committee comprises:

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National Land Committee

19 August

For the attention of the Planning Committee, Multi-Party Negotiating Forum

Property Clause in the Interim Bill of Rights

The National Land Committee and its affiliates, together with more than seventy landless communities, would like to communicate our concern about the property clause which is being proposed for the Interim Bill of Rights.

We are currently involved in a campaign, the Back To The Land Campaign, to have land restored to people who were forcibly removed. However, we are concerned that effected communities have not been given an opportunity to make an input into the process of the drawing up the interim Bill of Rights. And the property rights clause, we believe, will have a crucial affect on restoration and redistribution. We feel, therefore that a thorough process is needed before a final version is agreed on.

We would greatly appreciate an opportunity to present our views on this issue to the multi-party negotiators and we are requesting that time is put aside for this to happen.

As part of the campaign, communities are staging a peaceful demonstration at the World Trade Centre on Monday, 23 August to express their feelings about the issue of the property clause. Please also find enclosed an open letter to the negotiating forum, which appeared in The Star newspaper on Thursday 19 1993.

We hope to hear from you soon.

Yours sincerely



Brendan Pearce

On behalf of the Back To The Land Campaign

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The National Land Committee comprises:

Association for Rural Advancement (AFRA, Natal), Border Rural Committee (BRC), Eastern Cape Land Committee (ECLC), Farmworkers' Resource and Research Project (FRRP), Orange Free State Rural Committee (OFSRUC), Southern Cape Land Committee (SCLC), Surplus People Project (SPP, Western Cape), Transvaal Rural Action Committee (TRAC), Transkei Land Service Organisation (TRALSO).

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National Land Committee

19 August 1993

For the attention of the Technical Committee responsible for drafting the property clause,
Multi-Party Negotiating Forum

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Open Letter to the Multi-party Negotiators



A Call for More Discussion on a Property Clause in the Bill of Rights

We, the rural and landless communities participating in the Back to the Land Campaign, have borne the brunt of discriminatory land policies. Together with the service organisations we work with and other supporters, we bring the following message to the negotiators at the World Trade Centre.

Back to the land

We say that:

- We strongly object to the inclusion of a property clause in the transitional bill of rights. Property rights are too important to be rushed through the inaccessible processes at the World Trade Centre. Instead, they should be dealt with by all South Africans after an election. It is not clear how long transitional property rights will last but they will prevent any restoration or redistribution of land from taking place during that time. We believe that land restoration needs to be tackled urgently, and we demand that it is completed within the next five years.
- Because of the discriminating laws and policies in South Africa, our country is now owned by white people. The Land and Group Areas Acts prohibited us, as blacks, from owning land up until 1991, and our property rights were flagrantly disregarded through the policy of forced removals. The proposed clause sets out that black rights to land that was stolen from them are "dependent on feasibility". A property clause in this context will protect white power and privilege.

We note with deep concern that:

- If property rights for existing owners are guaranteed in the constitution, without sufficient provision for land restoration and redistribution, then a land claims court or a land reform policy will be vulnerable to challenge or review. It will enable whites to challenge any laws and policies aimed at restitution on the basis that they conflict with their constitutional rights.
- As affected communities, we have not been thoroughly consulted, and especially not by parties such as the National Party and the Democratic Party.
- Extra-parliamentary organisations and certain parliamentary organisations like the Progressive Federal Party (now the Democratic Party) have a proud history of resisting forced removals. Attempts to "de-constitutionalise" the restoration issue fly in the face of this history and could prevent the restoration of our land.

We hereby demand that:

- the proposed property clause, be either scrapped, or be drastically changed in order to ensure that those who have been unjustly deprived of their land have a right to restitution;
- all affected parties, particularly the landless and rural people, be given the time and opportunity to make submissions on the matter;
- thereafter, the issue be openly and thoroughly debated in the multi-party negotiating forum; and
- this debate should be broadcast in full on radio and television, for all South Africans to hear.

To each delegate at the forum, we say:

There can be no freedom without land, and there can be no peace until the emotional issue of land is settled. The multi-party forum needs to commit itself to restoration and land reform before a new constitution is drawn up.

We are concerned that the property clause, which is due to be finalised at the World Trade Centre, underplays the rights of people who were forcibly removed from their land and who have been denied access to land.

We fully support the protection of security of tenure. However, the clause which the negotiators are proposing legitimises rights that were obtained through statutory discrimination of the past. It prejudices those who have already lost their security of tenure and works in favour of those who now own land.

The Bill of Rights is an important document with far reaching implications for all South Africans. We expect it to guarantee the return of our land, or the granting of access to the land. If it does not do that, it will have no legitimacy in the eyes of landless and rural communities. We will then have no option but to return to our land by force, whatever the consequences.

Submitted on behalf of the Back to the Land Campaign. A campaign of over 70 rural and landless communities, supported by the National Land Committee and affiliates.

The following communities and National Land Committee affiliates are involved in the campaign:

Communities: Amahlebi, Alcockspuit, Canaan, Compensation, Crammond, Orlam, Baynesfield, Weenen, Chertown, (Rings), Zwelodonga, Cinton, Morgan's Bay, Potlamo, Mopane, Mponga/Macleanston, Nceda Camp, Kwazidonga, Kwelela, Newlands/Norham, Tsumbiri/Merino Walk, Tyolonga, Ngweni, Mkhong/Tsitsikama, Somers East, Hantkey, Magogane, Doornkop, Baburung, Bopharing, Barolong, Daphane, Mogopa, Welverdiend, Mampuru, Elendkraal, Mankhela, Mamba, Dinkwanyane, Botshabelo, Driefontein, Daggakraal, Kwabonana, Dicksonkop labour tenants, Walkesteroom labour tenants, Drakensburg Farmers Union, Tsepe, Molodi, Mashilane, Magare and Molokole, Mhangweni, Zikuba, Cwabhe, Mendwane, Mt. Ayliff, Mthunziyane, Mfeca/Masakhana, Masowane Community Project, Lushaka, Kwa-Mwana, Bolepius, Riemvuesmak, Elendkraal, Bojchong, Mopang, Dikushong, Gushose, Khapi, Schwidtsdri, Kani, Loppag, Motel-Makale, Skyfontein, Buthany, Boshokfontein, Herschel.

National Land Committee Affiliates: Association for Rural Advancement, Border Rural Committee, East Cape Land Committee, Farmworkers Research and Resource Project, Orange Free State Rural Committee, Southern Cape Land Committee, Surplus People Project, Transkei Land Service Organisation and the Transvaal Rural Action Committee.

Supported by the following individuals...

Rev. Frank Chikane (South African Council of Churches), Dr Beyers Naude, Ina Fichtman (Operation Hunger), Peter Storey (Bishop of the Methodist Church of Southern Africa), Bule Ndimande (Deputy-chairperson African National Congress Regional Executive Committee), Njabulo Ntshole (Rector University of the North), Geoff Budlender (Director Legal Resource Centre), Bill Jardine (National Olympic Sports Congress), Felix Mungai (Director of Independent Mediation Services of South Africa), Rob Dyer (Rural Advice Centre - Natal manager), Stan Singweni (African National Congress spokesperson on environmental affairs and Director School of Rural Community Development), Peter Korchhoff (co-ordinator Pietermaritzburg Agency for Christian Social Awareness), Tessa Cousins (Chair Natal Midlands Rural Development Network), Mboneni Ngema, Marie Kleintjens, Fieda Fouché, Marie Dyer, Joanne Fedler, Pat Merret (all Black Sash Natal Midlands), Phumani Buthelezi (Black Sash Eastern Cape), Robin Ford (Coastal Natal), Cobi Pillay (Numb Education), Mphahlele (Coastal), Gurch Onlemann (Coastal), AS Chetty (Chairperson ANC PMB Branch), Alf Kurrin (Natal Forum secretary), Jeffrey Vilane (Natal Forum chairperson), Mike Mubuyakulu (Coastal Northern Natal), Sam Zwane (Coastal Northern Natal), John Mubuyakulu (acting regional secretary Coastal Northern Natal), Phiso Zibane (Coastal Northern Natal), Mphahlele Hlatshwayo (Numb Southern Natal regional secretary), Raul Alcock (Church Agricultural project), Mphahlele Maseko (Church Agricultural project), Solomon Zuma (Summat Workers Cooperative), Randy Erasmus (Director Centre for Development Studies), Gurch Strachan (Director Education Resource Information Project).

... and organisations:

Lawyers for Human Rights, Legal Resources Centre Durban, Community Law Centre, Centre for Rural Legal Studies, Black Sash, Kagan Trust, Operation Mankhela for the Homeless, Farmers Support Group, Planact, Development Action Group, Centre for Adult Education University of Natal, Pietermaritzburg, Pietermaritzburg Agency for Christian Social

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