

A CASE STUDY IN LAND RIGHTS/TENURE PROBLEMS:

To illustrate some of the problems I have raised with respect to the question of acquisition and ownership of land let us consider the following situation in one community in the Border Corridor:

Lesseyton is one of the so-called black spots that were threatened with forced removal in the 1970s and early 1980s. It is an historic mission settlement of more than 6 000 people. It is situated 12 kilometres northwest of Queenstown.

The Methodist Church had always been the biggest landowner here. All the land and properties were surveyed, titled and handed over officially on March 24, 1876 to the Church (Glebe) and 32 individuals. The Church then had 119 morgen, 474 sq. roods. In 1948 it sold 100 morgen to the SA Native Trust. The Trust now owns by far the most land in Lesseyton.

The second main group on the land, most of the 32 quitrent titleholders are represented by their direct descendants who own the properties. Most of them own 3 of 4 morgen, and one has 10 morgen. All of these landowners have well-established homes, own significant numbers of livestock and cultivate farmlands to some profit.

The third group emerged after the big sale of Church land. These families had used the land for years. Once the main glebe was handed over to the Trust the Church could no longer accommodate them. It kept only enough land for the church building, the school, etc. These old church tenants - 40 households in all - were given certificates of occupation on smallish area of land (0.5 morgen minimum) by the South African government. This group seems, on the whole, to be self-supporting. Most have well-developed fruit and vegetable gardens and access to grazing land. However, their rights to own livestock were taken away from them. To keep livestock, they have now to register their livestock in the name of a landowner.

The fourth and last group is the landless "squatters". For years the Village Management Board had stemmed the tide into its area, but after the Trust gained most of the land things changed. The Trust took over decisions from 1960 and opened the doors to thousands who flocked Lesseyton, most from white-owned farms nearby. "Squatters" with livestock have also arranged for free grazing.

In recent years more people flocked the area leading to excessive overcrowding and also pressure on grazing land. Because of the untenable conditions and exploitation by the landowners from whom they rented places to live, the "squatters" started occupying some parts of the commonage. Initially, during the times of the headmen, they would be allocated sites. However, the system of allocation proved itself to be corrupt: nepotism and favouritism became rife.

The occupation of land by the "squatters" was later supported by a residents' association that has been formed about two years ago. The 32 landowners were up in arms against what they perceived as a violation of their land rights. However, the residents' association negotiated and

consulted with the Department of Development Aid which through the pressure from the association started surveying and allocating sites to the "squatters". The landowners, in an attempt to stop this, have taken legal action against the residents' association. The case is still pending. Interestingly, among the "land invaders" are family members of the landowners and the holders of the certificates of occupation who had to leave their homes as their families expanded.

This situation which has a potential for physical conflict raises a number of questions on land rights that the African people have:

- (1) Among the conflicting groups, whose actions are justified?
- (2) Do the quitrent titleholders have any recourse to law when the government decides to allocate their commonage to the landless?
- (3) What about the evictions from the white farms? Where should these farmworkers and their families find a place to live?, and most importantly
- (4) How will a future government ensure that there is enough land to resolve such disputes short of a radical land redistribution process?