

The Cremin community, erecting an internal fence in December 2002 after the land was restored to them

more remote Ekuvukeni, and ties between the former landowners and the tenants were severed.

In 1990 the dramatic opening up of the political terrain sparked hopes of return among landowners. They established the “Mayibuye i-Cremin Association” and approached the Association for Rural Advancement (AFRA), a Non-governmental Organisation (NGO) involved in the national campaign for land reform, to help “plan their return”.

Getting their land back was a victory for the community of Cremin, the first land claim to be settled in KwaZulu-Natal. CHERRYL WALKER, who was intricately involved at the time, asks what may be learnt from their story.

## “WE ARE CONSOLED”

**J**une 1998 – a time of jubilation for the community of Cremin in KwaZulu-Natal. Twenty years after they had been forcibly removed under apartheid laws, they were finally awarded restoration of their land under the Restitution of Land Rights Act. This was the first land claim to be settled in the province.

The occasion was auspicious, marked by a rare joint appearance of President Nelson Mandela and Zulu King Goodwill Zwelethini, and was made festive by the beat of Ladysmith Black Mambazo and the Ladysmith South African Police Service dancers. For the community and anti-apartheid activists alike, the ceremony signalled the end of long years of struggle.

Now, after a decade of democracy, the Cremin claim provides an interesting case study for the land claims programme: one of the first but also one of the more successful projects to date. Why?

The story of Cremin begins in 1912, when a group of *amakholwa* (Christianised black landowners) pooled resources to buy a portion of the farm, Trekboer, some 25 kilometres from Ladysmith. They were an ethnically mixed

group, members of a new rural class of market-oriented producers engaging in new relationships with land and methods of farming.

Before World War Two the community prospered and built a school, church, two dipping tanks and a dam. They also had a strict set of rules and regulations – no liquor sales were allowed and meetings of ten or more people, without the consent of the Committee of Management, were forbidden.

Over time the number of landowners grew and conditions started to change. Agriculture became less important than waged work (including teaching) and land rentals. The number of tenants increased from the 1950s onwards, the result of the eviction of farm workers and labour tenants from white-owned farms.

In the 1960s the apartheid state’s programme of “black spot” removals got underway and in 1977 the Cremin land was expropriated. Some 2 856 people, both landowners and tenants, were removed.

Landowners were given very basic houses in a new township, Ezakheni, outside of Ladysmith. The tenants were allocated tin huts in another section of Ezakheni or the

The Association staged a symbolic reoccupation of the land and took part in various national demonstrations before 1994. The style of the leaders, though, even in protest, was one of old-fashioned formality and an aloofness towards popular mobilisation. They voiced suspicion of people who wanted them to “chant and talk of mass action” saying, “We don’t want all that”. Today the Cremin leaders consider their willingness to persevere through “the right channels” an important factor in their ultimate success.

In 1991 the De Klerk government repealed the Land Acts of 1913 and 1936 and appointed an Advisory Committee on Land Allocation (ACLA) to make recommendations on the disposal of state land, including restoration to dispossessed landowners. A number of communities had their land restored through this mechanism, but the Cremin farm, privately owned at the time, was not made available. At the time this appeared a major injustice, but in retrospect it was probably an advantage, given the difficulties ACLA beneficiaries have experienced.

In 1992 one of the original Cremin landowners, Andries Radebe, lodged a Supreme



Court application challenging the validity of his 1977 expropriation. His case was dismissed but he was given leave to appeal. Instead, the landowners decided to test the land claims route, which was then under discussion at the constitutional negotiations. They were reassured that the new land reform institutions would be staffed by progressive officials from the land-rights sector after the elections.

In 1995 the Commission on Restitution of Land Rights opened its office in KwaZulu-Natal, with the minimum of resources and a huge caseload. The Cremin claimants were in a particularly favourable position as they were supported by AFRA and had relatively well-resourced leaders to push their claim.

Theirs was also a relatively straightforward claim. The former tenants never laid claim to their rights, although both the Cremin land-

### **The spontaneous reaction of one elderly woman symbolised the momentousness of the occasion – she hobbled forward with her walking stick and hugged and kissed him**

owners and the Land Claims Commission encouraged them to lodge a separate claim for restitution, in the form of either alternative land or money. The farm owner had also died and his heirs, who were not living on the farm, were ready to sell for the right price. Negotiations with the state were successful and in 1996 the executors of the estate approved the sale of Cremin to the state, for restoration to the claimants.

This agreement was signed in June 1996. The community packed into a plain cement-floored church in Ezakheni in tense anticipation, to watch “that white man” sign the document. The spontaneous reaction of one elderly woman symbolised the momentousness of the occasion – she hobbled forward with her walking stick and hugged and kissed him.

Today the reconstruction of Cremin is proceeding slowly. What has contributed to its relative success? The limited contribution of the state has probably been less significant than the nature of the community, who have demonstrated the importance of social cohesion (strong leadership and social networks) and enough material resources to invest in the

land and institutions independently of the state.

Although the larger community of landowners sometimes thought their Association was “blooming mad” in the struggle phase, there were no debilitating power struggles within the leadership, competing visions for the outcome, or any doubts about the moral authority of their claim.

The current leadership is also determined that sub-letting should not be allowed on the land again. Thus the resettlement of Cremin has not followed the path of some other historically prominent “black spot” claims, including Roosboom and Alcockspruit (in KwaZulu-Natal) and Doornkop (in Mpumalanga). Here tenants have moved onto the land in substantial numbers, making for tensions between different categories of rights holders.

Yet the Cremin community faces many challenges. Only 17 out of a possible 85 households had returned by 2004, and most are “straddling” farming and formal employment or running small businesses for a living. The likelihood of informal occupation or tenancy relationships developing on non-utilised plots is real.

Most landowners are still in Ezakheni. They attribute this to the absence of piped water and electricity at Cremin. This lack of services has been a major bone of contention with state officials responsible for “post-settlement support”. For the younger generation at Ezakheni, Cremin is valued as a place of “traditional” rural values, a place to visit, but for most, not a place to make their permanent home. This means that the prospects for recreating the agrarian community aspired to by the first generation of Cremin landowners look less certain for following generations.

The land claims programme has a dual purpose: redress and poverty reduction. At Cremin, whatever economic benefits have accrued to the claimants from their restored land have been essentially of their own making. Nevertheless, to the chairman of the Cremin Trust, the community is “victorious”.

What does that mean to him? His reply is wonderfully suggestive of the multi-faceted nature of restitution: “It does not mean that we are back on our feet, but we are consoled.” •

*Dr Cheryl Walker is a Chief Research Specialist in the Integrated Rural and Regional Development Research Programme. This is a summary of a paper presented at the conference on Ten Years of Democracy in Southern Africa, Queens University, Canada, May 2004, which is published in South African Historical Journal, 51, 2004.*

... continued from page 3

and HIV education, testing, and treatment.

It makes sense to integrate family planning and HIV in South Africa for many reasons. The most obvious of these are to provide those women who have limited resources and access to clinics, with family planning and HIV support services in the same settings.

The daily, intimate contact NGOs have with the communities they serve, also make them better equipped to identify the multiple experiences of their clients. An NGO serving abused women and children must focus not only on abuse, but also on poverty, lack of access to health care, discrimination, and the lack of education clients may experience. Similarly, many NGOs that provide education on women's health care, STI and HIV, and other family planning services, cannot afford to refuse women information on and access to safe abortion services.

The effectiveness of the NGOs' work is usually limited by a lack of adequate funding in South Africa. During the last year, both the Women's Health Project and the Reproductive and Sexual Health division of the Gender Advocacy Programme – and presumably other NGOs – were forced to dissolve because of severe funding restrictions.

Countless others inevitably limit the extent to which their programmes operate because of a lack of adequate staff and resources. It is important for the government and international community to recognise the role that NGOs play – as “bridges to at-risk communities” and as agents capable of addressing the specific needs of communities – and for them to help NGOs work to their fullest capacities.

The Mexico City Policy poses misguided and counterproductive restrictions on the groups that need the most support. As the Bush administration enters a second term, it is important to recognise the negative impact of policies based on partisan ideals and not on facts. •

*Ms Elizabeth Doggett did an internship programme in the Democracy and Governance Research Programme in 2004, and is now working in Washington, DC, USA.*



# HSRC review

www.hsrc.ac.za **3** VOLUME No. | MAR  
01 2005

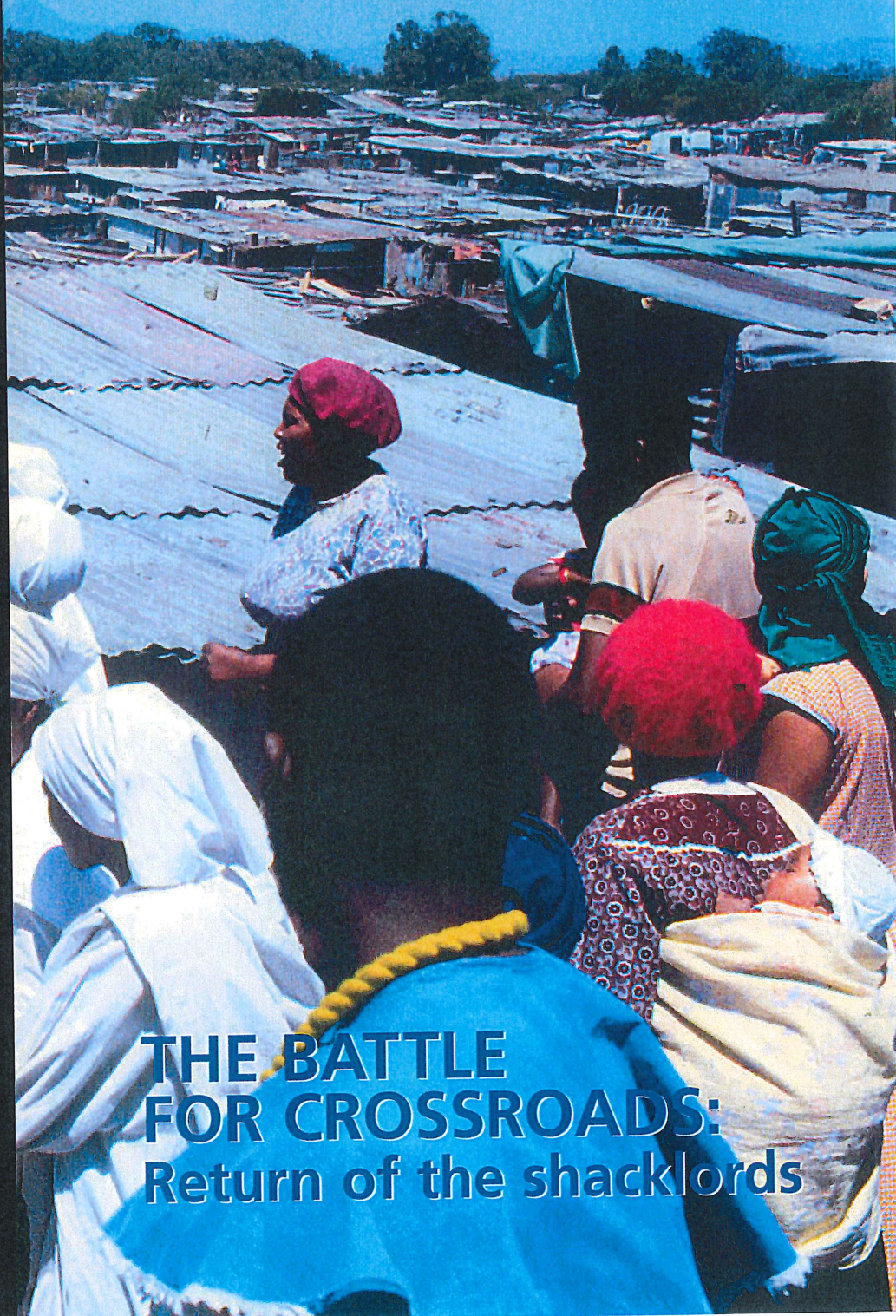
# review



Human Sciences Research Council

## IN THIS ISSUE

- PAGE 1 – 2 NEWS ROUNDUP
- PAGE 3 BUSH'S GLOBAL GAG RULE
- PAGE 4 – 5 CREMIN:  
WE ARE CONSOLED
- PAGE 6 – 7 CROSSROADS –  
10 YEARS ON
- PAGE 8 – 9 SCHOOLS IN KZN:  
WHY DOES IT HURT  
SO MUCH?
- PAGE 10 – 11 NATIONAL SKILLS SURVEY:  
TRAINING FOR  
PRIVATE ENTERPRISE
- PAGE 12 – 13 PROFILE:  
DR ANDRE KRAAK



## THE BATTLE FOR CROSSROADS: Return of the shacklords